



## Session Report

*Please know you may design the structure of this report to better suit the session. It's important to capture the key outcomes and solutions proposed for the future.*

**Session Title:** Climate Crimes and Strategies to Combat Them in Latin America and the Caribbean

**Date & Time:** Wednesday, 07.12.2022, 8:30 am – 10:00 am GMT -5

**Report prepared by:** Mario Blanco, Project coordinator, Transparencia por Colombia

**Moderated by:** Mauricio Alarcon, Executive Director, Fundación Ciudadanía Desarrollo, Ecuador

### Panelists:

- Magaly Avila - Head of the Climate Governance Program, Proetica, Ecuador
- Sandra Martínez - Programmes Director, Transparencia por Colombia
- Joachim Stassart - Researcher, Socio-environmental Integrity Program, Transparency International Brazil
- Maria Cristina Mundin - Senior Projects Manager, International Lawyers Project

### Share the thematic focus of the session, its purpose, and corruption risks.

The panelists addressed the relationship between corruption and crimes such as illegal mining and logging, wildlife trafficking, and money laundering, having into account that corruption has a symbiotic relationship with these practices.

They also presented the initiatives, challenges, and opportunities to fight against corruption associated with environmental crime in each one of the countries they work in.

## Summary of panelists contributions & discussion points (please be as detailed as possible)

### **Mauricio Alarcon, Executive Director, Fundación Ciudadanía Desarrollo, Ecuador**

Mauricio, as moderator of the panel, presented the importance of fighting corruption related to climate change and highlighted the work done by the organizations that the panelist work for.

### **Sandra Martínez - Programmes Director, Transparencia por Colombia**

Sandra introduced the audience to the Colombian context, high rates of deforestation, forests covering a great part of the national territory (60%), organized crime, and institutional weaknesses.

The *Monitor Ciudadano* (press tracking initiative of *Transparencia por Colombia*) identified 967 corruption events, between 2016 and 2020. 30 of those events were related to environmental crimes through revision of local and national media. Monitor identified that most of the cases were related to corruption within the administrative entities at the local level, including discretionary decision-making and undue influence in environmental procedures and licenses, illicit adjudication of public contracts, and changes in public decisions to benefit specific companies or allowing the deforestation of areas with the excuse of developing regional infrastructure and roads

It's important to explore and understand the local context of environmental crimes, In the case of Colombia, they are related to criminal organizations, and also affect the implementation of the peace agreement.

For Civil Society Organizations there are some challenges:

- There is a lack of understanding of how these two phenomena (corruption and environmental crimes) are related. Organizations like *Transparencia por Colombia* should share their experience and knowledge with the state and civil society.
- There has to be a call to “make visible the invisible”, the ones who are behind all the corruption.
- Usually, the action to fight environmental crimes has to be with the local leaders. So, it's important to protect them.
- There is a lack of understanding of public entities and their institutional weaknesses, and their capacities to control and sanction.
- There is difficulty to implement regulatory frames, In Colombia, control entities say that it is really difficult to link, in terms of law, corruption to different crimes, also there is a lack of coordination between the entities, not only at the national level but also between the national and local levels.
- There is invisibility of victims and consequences. E.g., the inhabitants of these areas including indigenous communities, are the ones experiencing in their day-to-day life insecurity, poverty, limited access to essential public services, low levels of schooling, high rates of unemployment, and informality.

In Latin America there are numerous laws related to transparency and the fight against corruption, the same happens with environmental laws. There are institutional challenges on how to implement them.

Finally, Colombia is one of the countries with higher murder rates of environmental activists, so, it's important to identify the victims, protect them, and repair any damage caused.

**Joachim Stassart - Researcher, Socio-environmental Integrity Program, Transparency International Brazil**

Joachim presented some of the data related to environmental crimes in Brazil.

- 13.038 hectares of deforestation in 2021, this is a “Fifteen-year record”.
- 99% of illegality in deforestation.
- 38% Percentage of illegality in logging activities.
- 5X growth in illegal mining, and 3X in conservation over the last decade.

After the presentation of this context, which shows the relevance of this issue in Brazil, Joachim presented how corruption impacts the climate agenda in the country based on TI Brazil's Atlas of Climate and Corruption which identified 5 impacts of corruption on the climate agenda with case studies across Brazil. He highlighted 2 impacts that are particularly relevant for the fight against environmental crimes.

Probably the most important issue to address is undue influence and policy capture that distort norms and regulation related to the climate agenda. An example of this is that the minister of the environment quitted because of an investigation on influence peddling to facilitate illegal logging. The Ex-Minister tried to remove export requirement to check the origin of so that illegal wood could be exported to the U.S. This occurred just after a meeting with logging companies whose shipments were seized by custom agencies.

The second impact is that corruption is promoting deforestation, forest degradation, and violence against environmental defenders. Frauds in control systems of environmental assets such as timber, cattle, wildlife, gold are common to hide the illicit origin and launder those goods. Regarding land grabbing, similar frauds occur in land cadastres and records. Bribery and collusion with public and private actors such as officers of environmental agencies, forestry engineers, surveyors and lawyers can help consolidate those frauds.

Just to conclude, this is a critical time in Brazil. After the collapse of environmental governance under Bolsonaro's administration, the incoming government is making commitments to rebuild environmental institutions. We need to take advantage of this window of opportunity to put integrity, anti-corruption, transparency and social participation at the heart of the new governance.

**Magaly Avila - Head of the Climate Governance Program, Proetica, Ecuador**

Corruption has a multidimensional aspect that affects not only democracy but also rule of law and the Human Rights exercise. The study of corruption has changed

from a perspective where an isolated public server aimed to obtain public benefits, to a more complex phenomenon.

Environmental crimes are related to corruption, murder, weakening of governance, and state of right. 60% of Peru's land is forest, so in that territory, there are numerous crimes such as illegal mining, illegal logging, wildlife trafficking, etc). So, in Peru, there is a context that promotes those practices and their effects.

This problem is also affected by the recent instability of the national government in Perú, there have been 5 presidents in 6 years, and 70 ministers, in a year and a half.

*Proetica*, the Peruvian chapter of Transparency International, led a survey to address in 2022 where the principal problem is corruption, (the methodology is based on the Global Barometer of Corruption).

In this survey, two variables related to environmental issues were included. 50% of people consider that corruption is related to environmental crimes, and 8 out of 10 Peruvians consider that The state has not done enough to combat corruption.

Although the results of the survey show the importance of the problem, high tolerance for corruption persists. The new authorities of Amazonas are being investigated for criminal processes of corruption. These processes are related to the misuse of natural resources, land grabbing, and money laundering. Sometimes there is ambiguity, the public entities could commit what seems like legal activities, that are illegal (the illegal activities are presented as legal).

*Proetica* also conducted a research project on how environmental crimes work in the country. Through information requests to the Environmental office of Ombudsman (*Procuraduría Especializada en Delitos Ambientales del Perú*), the research found that there are 24362 criminal complaints, and 50% of them are related to environmental crimes such as deforestation, illegal logging, and illegal mining.

There are also crimes related to Illicit international flows that originated in Amazonas. These cross-border crimes usually are carried out through false documentation.

In conclusion, corruption has to enter the environmental agenda, and one of the principal topics to address is the traceability of Criminal Activities in the Amazonas forest.

**Maria Cristina Mundin - Senior Projects Manager, International Lawyers Project**  
International lawyers Project is a UK-based charity that mobilizes legal volunteers to advance economic and environmental justice, and rule of law through the provision of pro-bono expertise to civil society, Parliamentarians and grassroots communities.

The thematic areas are anti-corruption and governance, access to information, tax and fiscal reform, environment and sustainable development.

The environmental program works on promoting better natural resources governance, tackling environmental crimes by holding actors to account for environmental degradation and using fiscal policy tools to create greener and more sustainable economies, among others.

The organization supports NGOs using different legal tools and strategies on all levels.

### **1. Capacity building**

We provided training to members of the Law Society of Zimbabwe on financial crimes. We have also provided training for environmental and anti-corruption NGOs to combat corruption. We also provide training to communities on their environmental and land rights, thus empowering them.

### **2. Legal Review and Analysis**

We conducted a legal review of a Mineral Exploration Agreement of a West Africa country to ensure that there are no loopholes that encourage illicit financial flows, tax abuses, or Human Rights abuses and making sure it's transparent.

Also, we conducted a review of Extractive sector legislation in Zimbabwe to also help ensure there are no loopholes for illicit financial flows.

### **3. Strategic litigation**

We provide legal advice on the use of criminal laws and civil laws to address environmental crimes.

Currently, we are advising an organization on holding a company from the Global North, which is involved in illegal fishing, accountable (that involves the Global South). We also provide legal analysis based on international best practices.

### **4. Sanctions**

We also conduct work on Sanctions, which is a policy tool for governments. Sanctions imposes penalties such as assets freeze and travel ban on targeted individuals, which severely restricts their ability to conduct business in different countries.

Although there are some legal remedies that we have been able to provide, it is not enough. For the strategy to work, it needs to be NGO or community-driven, and all stakeholders working together, not in silos, to achieve environmental justice.

**Main outcomes of the session (include quotes/highlights and interesting questions from the floor)**

**QUESTIONS FROM ATTENDANTS:**

**How have you worked on the issue of repairing victims of environmental crimes? What are the things that you are aiming for? It is possible to use the law?**

**Maria Cristina Munding**

It depends on the laws and restrictions of each country. In the Philippines, there are a whole set of rules of procedures for environmental cases that seek to address the difficulties in proving evidence, establishing facts, and demanding compensation and damages; in some cases, restitution is not possible. Unfortunately, most environmental laws do not provide sufficient penalties and civil laws are not enough to address the problem, so we also look at criminal laws.

**Magaly Ávila**

The activists must state their problems to the authorities directly, the organizations could talk with them to bring support but not to talk in their name.

We were supporting a process with the Interamerican Court of Human Rights where activists were threatened by illegal actors, they faced violence and even some people were murdered in their territories.

For the first time, it was stated the link between corruption and human rights, in that process involved environmental rights activists.

Also, it was created a multisectoral forum to work for Human Rights protection, where anticorruption is frequently a topic of discussion.

We have had a serious problem in the Dominican Republic fighting environmental degradation, the Ministry of Environmental Issues was murdered by his friend because he declined legal authorizations for mining.

**¿Do you think if you check criminal laws, the fight against environmental crimes would be more effective?**

**Maria Cristina Munding**

That's not always the case so we look at all the laws. Criminal laws do have more severe penalties, which helps, but what's important to know is which law would deter environmental criminals from committing the same crime. There are also legal remedies that can be found in international courts, not just in domestic courts.

## Key recommendations for the future and concrete follow-up actions

- More articulation between public entities is needed.
- Organizations should combine the expertise of different stakeholders to address the complexity of environmental crimes.
- It's needed to include anti-corruption as a key issue of environmental policies.
- There has to be more understanding of how corruption supports environmental crime.



**MODERATOR QUESTION: ¿WHAT ARE THE BIGGEST CHALLENGES YOU FACE IN YOUR COUNTRIES, AND HOW YOU FACED THEM? ¿WHAT ARE THE BEST PRACTICES YOU RECOMMEND?**

**Joachim Stassart**

- The political context is very challenging, with Bolsonaro's Government, the environmental governance has been dismantled.
- The incoming government has made commitments to re-establish a strong environmental governance but, at the subnational level especially in the Amazon Region, environmental offenders are still very powerful economically and well-connected politically.
- It is essential to monitor the integrity of environmental institutions at the federal and subnational level and report abuses.
- We need to work with anti-corruption institutions in Brazil to address the issue of environmental crimes, such as internal control bodies, and anti-money laundering institutions.

**Magaly Avila**

- There is a challenge of articulation between stakeholders (civil society, indigenous people, journalists, and other relevant actors).
- Proetica has an observatory of legal logging that can be found on the site [maderalegal.pe](http://maderalegal.pe)
- Through 1.200 requests of information to public entities, we identified false information related to wood trading.
- There is a section on this website with the involved people, and an interactive map. The site is also in English.

**Maria Cristina Mundin**

- There are three challenges. First is lack of capacity and resources. For environmental conservation NGOs, they sometimes lack the knowledge and resources to combat anti-corruption. Anti-corruption is just one tool in their basket to achieve their goals.
- Should be a good idea to have different kinds of expertise to address the corruption (environmental, technical experts). This helps build the capacity of civil organizations.
- The next challenge is time. It takes time and patience to implement legal strategies because the problem is not going to go away in a year. It can last years.
- The third challenge is lack of political will. This is crucial to make the necessary changes to improve the laws and policies and to ensure the enforcement and implementation of laws.
- For best practice, we worked with the Kenya Forest Working Group. The Kenyan Parliament proposed to repeal a core role of the Kenya Forest Service under the Forest and Conservation Act. This would have opened Kenya's forest to large-scale industrial and commercial destruction. There were 35 Kenyan organizations that combined media campaigns and legal strategies to make this campaign a success. In the end, the Parliamentarians decided not to pass the

amendment and now the bill is dead in the water, unless someone decides to re-introduce it.

**Sandra Martínez**

- It's important to understand the relationship between corruption and criminal actions.
- Enforce access to information and citizens participation.
- Implementation of Escazu Agreement.
- We have to work fast to address the advance of environmental crimes.
- It's crucial to take advantage of technology to follow up environmental issues.
- Advances in anti-corruption efforts such as disclosing final beneficiaries will help to shift the efforts from the weakest links e.g. poor peasants involved in illegal mining, into the real actors moving and profiting behind the curtain.
- Coordinate efforts of public entities and international actors.
- We have to make visible the good things that we are doing

**Is there a specific call to action to key stakeholders, such as governments, businesses, funders, civil society, young people, journalists, or any other stakeholder that should be noted?  
Please specify if relevant.**

**Governments**

- To understand the complexity of corruption and its effects on environmental crimes. Causes, consequences, and ways to prevent and fight against it.
- To assign resources, and people and being will work with civil society to prevent and combat corruption.

**Businesses**

- To be more accountable for its activities, and being able to collaborate with government and civil society organizations.

**Civil society**

- To take benefit of different expertise of stakeholders.
- To strengthen capacities to address corruption and environmental crimes.
- To adopt a regional approach for the Amazon basin

**Rapporteur's name and date submitted**

**Mario Blanco, 8.12.2022**