



“For, in the final analysis, our most basic common link is that we all inhabit this small planet. We all breathe the same air. We all cherish our children's futures. And we are all mortal.” - John F. Kennedy, Speech at The American University, Washington, D.C., June 10, 1963¹

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: Corruption in an Era of Climate Change: An Ever-Closing Circle

Date & Time: Thursday, 08.12.2022, 8:00 am – 10.30 am GMT -5

Report prepared by: Megan Osadzinski, Schuette Clinical Fellow in Health and Human Rights at Northwestern University Pritzker School of Law

Moderated by: Juliet Sorensen, Clinical Professor of Law at Northwestern University Pritzker School of Law, associated with its Center for International Human Rights.

Panelists:

- Julian Newman - Campaigns Director, Environmental Investigation Agency (EIA)
- Stephen M. Gardiner - Professor of Human Dimensions of the Environment University of Washington
- James Anderson (Jim) - Lead Governance Specialist for the Governance Global Practice

¹ Full transcript available at: <https://www.jfklibrary.org/archives/other-resources/john-f-kennedy-speeches/american-university-19630610>

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

The session aimed to discuss the need for an comprehensive, anti-corruption approach to the climate crisis. Climactic shock, extreme weather patterns, and climate change-induced natural disasters are breeding grounds for corruption risks; in turn corruption fuels further environmental degradation and exploitation. Both the climate crisis and corruption engender a skewed and disparate impact on already vulnerable communities such as indigenous groups, racial and ethnic minorities, people living in the Global South, and people living in poverty. Corruption spurred by climate change exacerbates existing forms of structural violence, such as (neo)-colonialism, racism, sexism, and ableism. Without such an approach, the same patterns of abuse of power will continue in an ever-closing circle that tightens and replicates itself over time. The three main thematic areas of exploration of the session were (1) on the need for an intergenerational ethical framework to combat the climate crisis, (2) the importance of transparency as an anti-corruption strategy, and (3) the necessity of political will and the role of civil society, environmental defenders, and civilians in driving social change.

Summary of panellists' contributions & discussion points (please be as detailed as possible)

Stephen M. Gardiner - Professor of Human Dimensions of the Environment University of Washington

Professor Gardiner conceptualized the climate crisis as a fundamental ethical challenge that should analytically be understood as the “perfect moral storm.” He called for a justice-oriented approach that uses an ethical framework, rather than a purely scientific framework, to help create stronger institutions that are geared toward inter-generational justice. Specifically, Gardiner proposed a Global Constitutional Convention (GCC) to protect future generations from the “tyranny of the contemporary.” In this vein, Gardiner identified a status-quo bias in the current generation of global leaders and powerful economic actors. Initiatives around change given this bias are held to a higher benchmark than current policies, hindering any progress. The anti-corruption community has to fight back against these corrosive norms, and one strategy is to push for an ethic of transparency.

On the subject of political will, Gardiner advocates for a GCC. He argues that we as a society have a severe case of institutional denial if we think we already have institutions that can tackle climate change. He rejects the baseline assumption that nation-states are effective inter-generational stewards for our communities. Instead, a global framework that is distant from existing treaties and institutions will be the most effective.

Julian Newman - Campaigns Director, Environmental Investigation Agency (EIA)

Newman provided key case studies that shed insight into corruption in the context of environmental crime, including deforestation, timber trafficking, and illegal logging.

These practices also directly contribute to large-scale climate change. Newman described an EIA investigation in the Papua province in East Indonesia which illustrates how extractivist practices and climate crimes give rise to corruption. There, a local police sergeant ran an illegal logging operation, sourcing timber from protected areas and sending it to Java for processing and export. Ultimately, millions of dollars passed through his bank account, and while he was convicted of money laundering, he was never found guilty of corruption. In contrast, in cases where anti-corruption governmental agencies, such as the Indonesian Corruption Eradication Commission (Komisi Pemberantasan Korupsi, or KPK), become involved, there is a greater chance for convictions on corruption charges. Importantly, indigenous communities and environmental defenders are disproportionately impacted by corruption in this sector. Newman gave the example of activists and locals in Katapan, Indonesia, who documented environmental corruption and consequently were targeted with severe police repression in retaliation for their activism.

Press and civil society organizations can push for transparency by encouraging banks to conduct internal investigations into cash flows because environmental crimes have key financial patterns that can be readily identified.

Newman provided some hope in terms of political will, giving the example of import and customs due diligence in the European Union, and the adoption of the EU Timber Trafficking Regulations to combat corruption in this sector.

James Anderson (Jim) - Lead Governance Specialist for the Governance Global Practice

Anderson noted that corruption in the context of climate requires nuanced, context-specific responses. There are unique corruption risks in this area, particularly in land acquisition and alternative technologies like hydro-power and solar-power due to the complexity surrounding subsidies, rebates, tax incentives, and curtailment issues. In developing a climate change institutional assessment, Anderson recommended adopting policies aimed at open governance, transparency, accountability, and compliance with international treaty obligations. For example, in terms of the World Bank, any climate finance that goes through the WB is subject to internal transparency policies. Transparency is essential to reduce macro-risks, maximize efficiency upfront, and anticipate “**hidden liabilities.**”

Corruption favors the status quo, which re-entrenches corruption in places of extreme income inequality. However, one way to drum up political will is, again, transparency. Data and information sharing enables CSOs, defenders, and the public to hold officials and those in the private sector to account. Small steps foster political will and transparency.

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

Numerous audience members shed insight into how vulnerable groups experience climate corruption and face persecution in response to anti-corruption efforts. For

example, Simon Rafanomezantsoa works for the World Wildlife Fund (WWF) Madagascar and focuses on anti-corruption in wildlife trafficking. In his work, he sees that corruption is a driver of wildlife trafficking because states like Madagascar in the Global South are seeing the impact of global warming. He also gave the example of how new drought patterns have compelled climate migration to protected areas. People now pay bribes to local authorities to live in protected wildlife areas given the lack of socio-economic opportunities and institutional support.

Veerawit Tianchainan from WWF Greater Mekong suggested strengthening CSO engagement in government because political will cannot be generated on its own. He highlighted the structural violence experienced by vulnerable communities in the region who are already living with severe climate change. He also gave the example of profiteering in the wake of climate events and syphoning disaster relief funds.

There was an insightful comment from an Ecuadorian anti-corruption activist about disillusionment with international solutions in the sense that citizenship participation is not necessarily encouraged. These spaces are highly elitist and are “insider-based.” She asked, how do we influence institutions and have true access to the information at these conferences like the COP?

Key recommendations for the future and concrete follow-up actions

Newman called on the anti-corruption community to “follow the money” and involve anti-corruption agencies directly in advocacy to approach problems from a corruption lens.

Gardiner advocates for the creation of a new institutional, global framework in the form of a Global Constitution Convention.

Anderson, as well as all the speakers, are pushing for policy shifts aimed at transparency-centered governance. This in turn can drive up political will through citizen engagement and advocacy by CSOs.

What can be done to create opportunities for scaling up the solutions discussed in the session? And by whom?

Newman spoke to the logging law in the EU banning imports, possession use and sale of timber that was illegally logged overseas. The counterpart in the US is the Lacey Act. Countries must reduce the demand for illegally obtained natural resources but enacting similar laws, and also signing and ratifying CITES (the Convention on International Trade in Endangered Species of Wild Fauna and Flora).

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:** require beneficial ownership transparency; give youth a seat at the table.

- **Public international organizations like the UN and the World Bank:** make climate finance not just transparent but accessible.
- **All:** protect, support and incentivize whistleblowers and independent journalism.

Rapporteur's name and date submitted

Megan Osadzinski, 08.12.2022