

U4 Helpdesk Answer

U4 Helpdesk Answer 2020:

Corruption and environmental crime in Latin America

Latin America is a biodiversity powerhouse. The abundance of flora and fauna and mineral resources in the region makes it susceptible to environmental crime such as illegal logging, wildlife crime and illegal mining. The low risks and high profits associated with environmental crime have attracted organised criminal groups in Latin America that have traditionally engaged in illegal drug trafficking. Corruption plays a significant role in enabling and facilitating environmental crime in the region. This includes small-scale bribery of government bureaucrats, issuing of fraudulent permits, racketeering and grand corruption. Despite strong environmental laws and policies in Latin America, their implementation to curtail environmental crime remains poor in many countries. Evidence shows that corruption has undermined investigations, led to the selective application of laws and interference in police work, and to the disappearance of court evidence. Without effective law enforcement, criminals have inflicted physical violence on indigenous communities, environmental activists and human rights defenders who take a stand against environmental crime.

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AUTHOR

Jorum Duri (TI)

tihelpdesk@transparency.org

REVIEWED BY

Aled Williams (U4)

aled.williams@cmi.no

**Brice Böhmer (TI), Nicole Bieske and
Lisa Caripis (Accountable Mining, TI)**

tihelpdesk@transparency.org

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Query

Please provide an overview of corruption and environmental crime in Latin America, with an emphasis on wildlife crime, illegal trade in hazardous waste, and the impact of corruption on law enforcement bodies tasked with policing environmental crime.

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Caveat

This paper focuses on four types of environmental crime: illegal logging; wildlife crime; dumping and illegal trade in hazardous waste; and illegal mining.

Corruption and the environmental sector

Background

Latin America and the Caribbean region is a “biodiversity superpower”, with at least 40% of the Earth’s biodiversity (UNDP 2010). Six of the 17 most biodiverse countries in the world are from Latin America, namely Venezuela, Peru, Mexico, Ecuador, Colombia and Brazil (Pariona 2018). It is also home to 11 of the 14 terrestrial biomes, about half of global forests, and it has the second largest reef system (OECD 2018: 14).

MAIN POINTS

- The Amazon, which stretches across nine Latin American countries, is a primary target for environmental crime in the region.
- Widespread corruption, at different stages and levels in the environmental sector, enables the commission of environmental crime in the region.
- Organized criminal groups in Latin America that have traditionally engaged in illegal drug trafficking are now increasingly getting involved in the most lucrative activities of environmental crime. Lower risks and huge profits in the environmental sector attract criminal networks.
- Despite strong environmental laws and policies, their implementation to curtail environmental crime remains poor in many Latin American countries. Evidence shows that corruption undermines investigations, led to the selective application of laws and interference in police work, and the disappearance of court evidence.
- In 2018, Latin America recorded the highest number of deaths of environmental activists or defenders, who are targets of powerful environmental criminals.

The region's biodiversity is under threat from various factors, including deforestation, pollution, unsustainable exploitation of natural resources, intensive agriculture and animal rearing (Luque et al. 2011: 363). According to a report by the United Nations Environmental Programme's World Conservation Monitoring Centre, biodiversity loss continues in the region, and there is significant pressure on endemic and threatened species (UNEP-WCMC 2016: 14-15). The 2018 Living Planet Report pointed out that South and Central America have suffered an 89% loss of species population compared to 1970 (WWF 2018: 7).

Risks of corruption in public environmental administration

Government officials responsible for the administration and monitoring of environmental regulations are susceptible to corruption (Leitao 2016: 2; Damania 2002: 407). Environmentally important sectors vulnerable to corruption include forestry, water supply, the extractive industry, fisheries, wildlife and hazardous waste management (UNODC 2012).

Corruption occurs at different levels of government as legal and natural persons attempt to bypass or ignore environmental safeguards. It is the "door-opener" to illegalities in the environmental sector (Williams 2019: 2). Junior bureaucrats engage in small-scale corruption, usually in the form of bribery, to relax the implementation of existing environmental regulations (Leitao 2016: 2). Other corrupt practices include preferential treatment and rent-seeking practices by public officials (Sinha et al. 2019: 5). There is also a risk of corruption during environmental impact assessment processes (Williams and Dupuy 2017: 121), such as the bribery of assessors in environmental projects to downplay the negative impact of the project on the environment. For example, the Barro Blanco dam project in Panama was nearly completed allegedly due to corruption in the government and the construction company, despite not meeting legally required assessments and disregarding protests from local communities regarding the project's environmental and social impact (Giraldo 2016). In

Brazil, mining authorities are investigating Vale SA mining company over a possible cover-up regarding safety procedures. The investigation was triggered by the death of more than 300 people due to a dam burst at the Córrego do Feijão mine (Lima 2019).

At the grand level, corruption may influence laws or policies affecting environmental management. For instance, corrupt legislators or regulators may legalise or permit the exploitation and extraction of natural resources if they have vested interests while disregarding the severe effects of the approved activities on the environment (Kolstad and Søreide 2009: 219). For instance, in Peru, there is a significant risk of mining laws being drafted in favour of private over public interests (Rosana and Magaly 2019: 49).

Grand corruption in the environmental sector includes collusion by the elite in negotiations of bilateral environmental agreements; conflict of interests by senior officials driving environmental strategies; or political favours and arrangements in industrial or infrastructure projects with deleterious effects on the environment (Williams 2019: 2). Decisions to open areas for the extraction of resources may be influenced by corruption through lobbying, undue influence or conflict of interest (Caripis 2017). Politicians and senior public officials may also award some environmental projects for rent-seeking and other corrupt purposes, and not for environmental improvement (Lapatinas et al. 2019: 104). Hence, corruption in environment-related projects may worsen environmental degradation.

Environmental protection programmes are also prone to corruption. For instance, a mayor of the Mariscal Caceres province in Peru allegedly embezzled part of US\$1 million funded by the National Commission for Development and Life without Drugs (DEVIDA) for a reforestation project on 5,000 acres of land (Harrison 2013). Thus, problems of resource depletion and environmental stress remain unabated in a corrupt environment (Leitao 2016).

Corruption exacerbates environmental degradation and contributes to poverty and food insecurity in

local communities that are deprived of basic needs, such as access to clean water, adequate housing, good sanitation and basic healthcare (Martini 2012; Leitao 2016). In Honduras, indigenous people resisted the Agua Zarca hydroelectric project, which was allegedly awarded due to corruption, as it threatened their livelihoods (Banktrack 2017; Proceso Digital 2017).

In addition, corruption and related-criminality in the environmental sector divest much-needed revenues for the governments (Nellemann 2016: 7). The approximate economic losses to illegal logging, fishing and wildlife trade are between US\$1 trillion to \$2 trillion each year (World Bank 2019).

Overview of corruption and environmental crime in Latin America

Environmental crime refers to any illegal activity causing harm to the environment in contravention of any national or international law (Nellemann et al. 2016: 17).

Environmental crime is considered the fourth most lucrative illegal trade in the world after drug trafficking, counterfeit crimes and human trafficking (Nellemann 2016: 7). The transnational nature of environmental crime makes it highly profitable with low risk (Martini 2012: 1). In Latin America, transnational criminal networks are engaged in environmental crime due to the huge associated profits (Wagner 2016: 7; Bargent 2015). The transnational dimension compelled the United Nations General Assembly to adopt a resolution for cooperation between the UN Environment Programme and INTERPOL to tackle environmental crime as transnational crimes (United Nations 2016). It was the first time that the UN officially acknowledged environmental crime as part of transnational organised crime (UN Environment Programme 2017).

¹ <https://www.fws.gov/international/plants/current-cites-listings-of-tree-species.html>

Illegal logging

Illegal logging refers to the harvesting, transportation, processing, buying or selling of timber in violation of national or international law. The Convention on International Trade of Endangered Species (CITES), which came into force in 1975, also lists restricted and endangered wood species.¹ According to Global Financial Integrity, illegal logging “is the most profitable natural resources crime” valued between US\$52 billion and US\$157 billion per year (May 2017: 69).

Illegal logging is prevalent in most Latin American countries. In 2006, the World Bank estimated that 42% of timber in Colombia, 70% in Ecuador, and 80% in Bolivia and Peru were from illegal origins (Oksanen et al. 2006: 9). The International Union of Forest Research Organisations (IUFRO) pointed out that the total value of illegal roundwood and sawnwood exported from South America in 2014 alone was estimated at US\$387 million (Kleinschmit et al. 2016: 48). Global Financial Integrity also estimated that between 50% and 90% of timber from Southeast Asia and Latin America has illegal origins (May 2017).

The Amazon forest is a primary target for illegal logging (Wallace 2019). According to INTERPOL (2019: 12), 40% to 60% of Amazon loggings in Peru, and about 80% in the Brazilian state of Pará, are illegal. These high percentages indicate that illegal logging deprives counties of much-needed income. It is alleged that Peru loses approximately 1.5 times more to illegal logging than the total value of its legal timber export (INTERPOL 2019: 12).

A 2020 report by the Global Initiative against Transnational Organised Crime laid out the link between organised crime, particularly international drug trafficking organisations, and illegal logging in Chihuahua, Mexico (Wagner 2020: 2). Mexican drug traffickers engaged in illegal logging have also been associated with land grabs and deforestation, forcing the displacement of vulnerable people (Wagner 2020: 25). Resistance to illegal logging

from affected communities often results in violence. One of the best-known cases in Peru documented by the Environmental Investigation Agency (EIA) was the assassination of leader Edwin Chota and three other natives from Saweto by illegal loggers in 2014 (EIA 2014: 12). There are also cases of local communities in Peru being subjected to forced labour by mafia groups involved in illegal logging and sexual abuse of women (Urrunaga et al. 2012: 16).

Corruption risks

The global cost of corruption in forestry each year is approximately US\$29 billion (INTERPOL 2016: 7). Such high levels of illegal logging usually happen with the “explicit or implicit consent of those government officials in charge of protecting the forests” (Goncalves et al. 2012: 6). According to INTERPOL (2016a: 9), corruption occurs at every stage of the global timber supply chain, including:

- Issuing of a logging permit. For instance, government officials receive bribes to provide permits.
- Harvesting of timber. An example is bribery of inspectors or rangers to permit illegal logging.
- Transportation. For instance, the falsification of transport documents and bribery of checkpoint officials to let trucks through.
- Processing. For example, mills launder illegal timber by mixing it with legally sourced timber.
- Border controls. For instance, the use of falsified customs papers.
- Sale. Inspectors involved in corrupt networks that launder illegal timber or protected wood species.

The available literature indicates high risks of corruption in the Latin American forestry industry. One example is from Brazil, where top officials in the state environmental agency were implicated in an illegal logging scandal in the Amazon estimated to be worth around US\$500 million (Goncalves et al. 2012: 6). In Honduras, an EIA report detailed

the web of corruption involving politicians, forestry officials, timber companies, sawmills, transporters, loggers, mayors, police and other officials (EIA 2005: 7). The corrupt practices recorded included “rigged” timber auctions, manipulated stock assessment, permit fraud and abuse, bribery of police at checkpoints and curfew violations. For instance, employees from the Honduran Corporation for Forestry Development (Corporación Hondureña de Desarrollo Forestal) were engaged in corrupt activities to enable illegal logging (EIA 2005: 17).

The EIA investigative report, *The Laundering Machine: How Fraud and Corruption in Peru’s Concession System are Destroying the Future of its Forests*, detailed how corruption is the norm in the timber business and its key role in facilitating systematic illegal wood trafficking between Peru and the United States (Urrunaga et al. 2012). In 2017, Global Witness also released videos recorded undercover detailing systematic corruption in one of the biggest global timber scandals, the Yacu Kallpa (Global Witness, 2017a). The scandal involved the transportation of timber from Peru by the Yacu Kallpa ship, which was captured in Mexico. More than 96% of the timber was declared to be from illegal origins (Global Witness 2017b: 4). Another example is a mayor in Peru who was arrested for using his timber business to strategically establish a corrupt network that bribed officials to facilitate illegal timber trafficking and cocaine trafficking hidden in plywood shipments (INTERPOL 2016).

Illegal timber is laundered through fraudulent permits, and it is subsequently sold on the international market (Urrunaga et al. 2018: 10). In 2009, the Brazilian government exposed about 3,000 businesses in Pará state for running schemes to launder illegally cut wood (Olinger 2013: 114). According to InSight Crimes, the mafia in illegal timber trafficking and laundering involves a network of corrupt officials who issue permits that allow those practices to take place (Bargent 2019). Such corrupt network usually include actors in importing countries who play a role in illicit flows of illegal timber (Goncalves 2012: 7). For instance,

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officials in the consumer country may receive bribes to accept illegal timber without permits or with fraudulent permits.

It was reported that organised criminal networks engaged in corruption, violence and environmental degradation in the region have hijacked the lucrative eco-trafficking business (Bargent 2014). In Mexico, organised criminal groups use either corruption or violence to gain access to illegal logging (Wagner 2020: 26). They also extort or demand protection payments to entities, paid either in cash or in wood (Wagner 2020: 18).

Wildlife crime

Wildlife crime is defined as “any environment-related crime that involves the illegal trade, smuggling, poaching, capture or collection of endangered species, protected wildlife (including animals and plants that are subject to harvest quotas and regulated by permits), derivatives or products thereof” (WWF/ Dalberg 2012: 9). The international legal framework protecting wildlife is the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES).

Peru hosted the first High Level Conference on Illegal Wildlife Trade in the Americas in 2019. The delegates were alerted to the increasing levels of illegal wildlife trade in the Latin America region (Collyns 2019). As a result, the Lima Declaration on Illegal Wildlife Trade was adopted during the conference, and countries from the region committed to 21 measures aimed at curtailing wildlife crime (El Servicio Nacional Forestal y de Fauna Silvestre 2019). These include the classification of wildlife crime as a serious offence that attracts stiffer penalties and fines, and taking measures to identify and counter the risks of corruption in the illegal wildlife trade.

The rich biodiversity in Latin America makes it a prime target for wildlife crime (OECD 2018: 14; Reuter 2016). For example, Costa Rica registered about 354 confiscated animals within the first six months of 2019 (Ulate 2019). However, wildlife crime in the region has not received as much

international attention as in Africa and Asia, regardless of being home to thousands of endangered species (Bargent 2014). This lack of global attention for many years has created a perfect environment for wildlife crime to thrive in Latin America (Goyenechea and Indenbaum 2015: 7).

Large markets for illegal wildlife and wildlife products in the United States have made wildlife trafficking from the south more appealing (Deines 2017). According to a fact sheet prepared by the Defenders of Wildlife, the US Fish and Wildlife Service denied entry to 13,325 shipments of wildlife and wildlife products from Latin America at US ports of entry between 2005 to 2014, out of 49,334 worldwide (Defenders of Wildlife 2016: 1). The denied shipments consisted of 18,835 segments, contained 54,886 live animals, 620,014 individual specimens and 3 million pounds of wildlife and wildlife products (Defenders of Wildlife 2016: 1).

Jaguars, which hold cultural significance in Latin America, have become one of the most targeted animals for illegal trafficking (UN Environment Programme 2018). Between August 2014 and February 2015, Bolivian authorities seized eight shipments from Santa Cruz and Cochabamba departments destined for China, carrying 186 canine teeth, which implied the killing of at least 50 jaguars (Reuter et al. 2018: 7).

There is an overlap between wildlife crime and other organised crime, such as human, drug or arms trafficking, in the region (Bargent 2014). Wildlife trafficking requires connections to transportation, marketing, smuggling and finding international buyers, all of which organised groups in the region have already established (Elbein 2015). Criminal groups target international markets with huge profits, and to achieve this, they use similar techniques to those used in other organised crimes. For instance, they smuggle animals using similar methods for drug smuggling, such as stashing animals in luggage and strapping small animals or animal products on the smuggler (Bargent 2014).

Wildlife crime exacerbates the transfer of infectious diseases from wildlife to humans (Guy 2020). Though not originating from Latin America, China's Centre for Disease Control and Prevention has said that the deadly coronavirus pandemic, allegedly originating from Wuhan city in China, may have come from illegal wildlife trade and consumption of wild meat, which is common in the city (Fagan 2020).

Corruption risks

Corruption is a key factor facilitating wildlife crime at different stages, such as poaching, trafficking, trade, sale and supply (Martini 2012: 2; Wyatt and Cao 2015: 13). According to Yeater (2012: 17), the forms of corruption in wildlife crime include:

- bribery of government officials to issue licences
- government officials providing blank export permits to individuals
- public officials with conflicts of interest in wildlife trade for which they are responsible for regulating
- border officials demanding bribes to endorse or clear an export or import
- diplomats using diplomatic pouches to transport wildlife parts or products from one region to another

It has been argued that wildlife crime such as poaching thrives in countries with high levels of corruption, weak governance and few alternative economic opportunities (WWF/Dalberg 2012: 14). In 2015, state parties to CITES passed a resolution aimed at "prohibiting, preventing, detecting and countering corruption, which facilitates activities conducted in violation of the Convention" (CITES 2015). The resolution highlighted the significant role of corruption in wildlife crime at all points of the value chain and acknowledged the high degree of organised criminal groups and their frequent use of corrupt practices in wildlife crimes.

Corrupt networks are at the heart of wildlife trafficking in Latin America (Flahive 2015).

Organised criminal groups are increasingly involved in wildlife trafficking, and they bribe government officials to be able to run their illegal activities smoothly (WWF/Dalberg 2012: 17). There is also evidence of responsible officials in Mexico who allegedly received bribes from rangers to allow the illegal trapping of parrots (Guzman et al. 2007: 95). Large criminal groups in Mexico exercise control over all black markets, including wildlife trafficking (Barth 2017). The criminal networks usually use the same techniques and routes for drug and human trafficking, with varying levels of corruption. Wildlife crime generates huge criminal profits to fuel corrupt networks, and it poses significant money laundering challenges (INTERPOL 2018: 3).

Dumping and illegal transport of hazardous waste

Hazardous waste contains toxic substances produced from industrial, hospital or household waste, which is corrosive, inflammable, explosive or reactive when exposed to other materials (Saleh 2016:3). It may also pose a serious threat to the environment, including humans, animals and plants. The Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal came into force in 1992, and it regulates the movements of hazardous wastes across borders.

Big companies and multi-national companies are the main culprits in illegal dumping and transportation of hazardous waste in Latin America. In 2010, authorities in Brazil intercepted contaminated household waste, falsely declared as recyclable goods, from a cargo originating from Germany (Sheldrick 2010). Another example is a Swedish mining conglomerate Boligen, which exported toxic waste to Arica in northern Chile in a 1980s deal with a local company, Promel SA (Environmental Defender Law Center 2013). In 2013, about 707 claimants filed a civil suit alleging that they suffered health and environmental harm because of the negligent dumping and mismanagement of toxic waste (Business and Human Rights Centre 2013). Though the Swedish

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court ruled in favour of the Swedish company in 2018, the case exposed how Latin American companies become destinations for toxic waste from the developed world.

According to the UN Environmental Programme, the rapid growth in the electronic industry has seen an increase in electronic waste, with up to 90% of the waste, totalling about US\$19 billion, being illegally traded or dumped every year (Rucevska et al. 2015). In 2014, Latin America produced 9% of the world's e-waste, and the countries that were most responsible for this are Brazil, Mexico, Colombia, Argentina, Peru and Chile (Magalini et al. 2015: 6). To curb the problem, thirteen Latin American countries will soon establish national e-waste management strategies as part of an international project initiated by the UN Industrial Development Organization and the Global Environment Facility (Hervey 2019).

Corruption risks

The relationship between corruption and dumping or illegal transport of hazardous waste in Latin America is under-researched and there is very limited information on the link between the two crimes in the region.

Generally, the massive increase in profits associated with illegal waste disposal is an incentive for corruption to thrive in waste management (Terekhova 2012: 14). Waste criminals prefer countries with high levels of corruption and poor governance where they can illicitly dispose of waste with no accountability (Hägerdal 2019: 2).

The transnational nature of dumping and illegal transport of hazardous waste exposes both exporting and importing states to challenges of corruption. According to Terekhova (2012:14), corruption in the transnational movement of waste occurs at different stages, including:

- Issuance of exporting permits: bribery of government officials or abuse of power by politicians or senior government officials in issuing a permit to a non-complying exporter.
 - Consent to the shipment by the state of import: for example, payment of bribes by an importer who is not compliant with an import restriction on hazardous waste.
 - Border control stations between the exporting and importing states: corruption and bribery of border control agents to carry out fictitious cargo control or to accept fraudulent permits.
- Initiation of procedure for prior informed consent in the state of export: for instance, fraudulent issuance of the notification document).

Organised criminal networks from Europe that engage in waste disposal in developing countries use corrupt techniques to facilitate their illegal activities (Obradovic 2014: 796). This includes the corruption of government officials, production of false documentation and fictitious cargo controls (Obradovic 2014: 796). An example is the eco-mafia groups in Italy that engage in corrupt deals to facilitate their illegal trade in hazardous waste (Greyl et al. 2010).

Illegal mining

Illegal mining refers to any mining activity that is in contravention of mining laws. It is important to note that artisanal and small-scale mining is not the equivalent of illegal mining and it depends with applicable legislative provisions (Jorns and Levin-Nally 2020). This paper looks at mining which is explicitly prohibited by law.

The Amazon is a hotspot for illegal mining in Latin America (Brown 2018). An interactive online map released by the Amazon Georeferenced Socio-Environmental Information Network (RAISG), which is an association of organisations in Bolivia, Brazil, Colombia, Ecuador, Venezuela and Peru, indicates the extent of illegal mining across the

Amazon.² The map shows more than 2,300 mining sites, at least 200 illegal mining areas and 30 affected rivers in the six countries, depicting exponential growth “not comparable to any other period of its history” (RAISG 2018). Illegal miners have cleared large pieces of land and polluted many water bodies (Barba 2020).

According to the Global Initiative against Transnational Organised Crime, large percentages of each country’s national gold production figures are produced illegally, estimated to be 28% in Peru, 30% in Bolivia, 77% in Ecuador, 80% in Colombia and 91% in Venezuela (Wagner 2016: 8). The illegal gold mining sites have increased criminality, including sex trafficking and forced labour (Wagner 2016: 19). Furthermore, gold laundering is a common practice. Criminals groups use the proceeds from illicit gold to buy stakes in gold mines, to launder proceeds through bank accounts of gold companies or use illicitly obtained gold as currency (Bargent 2015: 17).

There is a strong link between illegal mining and organised criminal groups in Latin America. Organised groups in Latin America have turned to informal gold mining as a means of generating illicit wealth (Wagner 2016). The increased war on drugs in the region has sharply decreased profits in the drug trafficking business, and it has forced criminal groups to move into gold mining, which presents lower risks and larger profits than drug trafficking (Wagner 2016: 7). Mined gold is reportedly easier to launder than drug money, which makes the former more appealing than the latter (Glenn 2019). According to a report by Colombia’s Institute for the Study of Development and Peace, “illegal mining is the easiest and most profitable way to launder money in the history of Colombian drug trafficking” (Wagner 2016: 20).

The International Crisis Group has reported that organised criminal networks and illegal armed groups in southern Venezuela have seized mining towns and exercise control over a number of these towns (International Crisis Group 2019: 2). The

lucrative business of illegal mining has provided financial resources to reinforce their criminal activities and to extend their influence on local communities. For instance, the criminal groups levy taxes on mineral extraction and transport, and apply strict rules to local people (International Crisis Group 2019: 9). Anyone disobedient is met with extreme physical violence, or even death (International Crisis Group 2019: 9).

Research by the Igarapé Institute also showed that major illegal mining spots usually attract other forms of crime, including slave labour, forced prostitution and human trafficking (Abdenur et al. 2019). Furthermore, illegal miners in Colombia often clash with indigenous people and resist efforts by the government to stop deforestation (Bargent 2015: 16). These connections between illegal mining, organised criminal groups and physical violence threaten peace and security in communities.

Illegal mining has contributed to a sharp rise in deforestation and water pollution, causing irreversible harm to rivers in the Brazilian Amazon (Ionova 2019). The World Bank (2014) warned that illegal mining has raised levels of toxic mercury in Latin America, which pollutes clean water and has health risks for local communities. Emissions of mercury from artisanal mines, which are mostly unregulated and illegal, contribute about 37% of the atmospheric mercury emitted each year (Sieber and Brain 2014). In Colombia, illegal miners often use heavy machinery which also cause significant environmental damage (Semana 2017).

Corruption risks

Corruption and money laundering are some of the most common crimes associated with illegal mining activities in Latin America (Abdenur 2019: 7). For example, investigations by Peruvian customs officials, the financial crimes' unit and money laundering investigators revealed that 60 of 120 Peruvian gold exporters were involved in the illegal gold trade (Wagner 2016: 19). Three of the

² The interactive online map is available at <https://mineria.amazoniasocioambiental.org/>

companies were related to the same parent company, Axbridge Corporation, registered in the British Virgin Islands (Wagner 2016: 19). This makes it easier for proceeds of illegal gold mining to be moved and laundered abroad.

Politicians and senior public officials are involved in illegal mining. An example is a congressman from Madre de Dios, nicknamed Comeoro (the gold eater), who reportedly owned various illegal gold mines and backhoes through frontmen (El Comercio 2012a). In Venezuela, army officials allegedly use their influence to demand bribes from illegal miners in exchange for protection (International Crisis Group 2019:12). Failure to pay kickbacks has caused tensions between the army and organised groups as the army officials capture members of the group, which then retaliates. For example, three members of the Venezuelan National Guard were killed in retaliation for the capture of a guerrilla (Martinez 2018).

Corruption risks have also been manifested through conflicts of interest by environmental officials, which create opportunities for large-scale gold trafficking. For instance, the Director of Hydrocarbons for the Ministry of Energy and Mines in Peru owned a company which exported gold worth US\$900 million to Switzerland in 2011 (El Comercio 2011). The company allegedly financed illegal mining, and the proceeds were exported to international gold markets (El Comercio 2011).

Criminal groups launder proceeds from illicit gold to buy stakes in gold mines, they also launder proceeds through bank accounts of gold companies or through the use of illegal gold as currency (Bargent 2015: 17). Corrupt government officials are accomplices to the laundering and exportation of illicit gold (Verité 2015). In Colombia, criminal groups bribe or intimidate government officials to obtain legal documents for illicit gold (Massé and Camargo 2012: 41). Owners of legally registered mines may also be bribed or intimidated to declare that the gold was mined legally from their

concessions (Massé and Camargo 2012: 41). The former Colombian president, Juan Manuel Santos, pointed out that illegal mining had surpassed drug trafficking to become the main generator of violence and dirty money in the country (Rosser 2015).

Impact of corruption on law enforcement bodies

Latin America has adopted strong environmental laws and policies. Some countries have long-established comprehensive legal texts addressing environmental crime, such as Venezuela (the Environmental Criminal Law of 1992 that was repealed by a new law in 2012) and Brazil (the Environmental Crimes Act of 1998). In 2011, Bolivia enacted a historic law of the rights of mother earth, or Pachamama, which gave legal rights to nature (Ley 071 de Derechos de la Madre Tierra).³ Ecuador was the first country to recognise the constitutional rights of nature, and it added more-specific environmental crimes its penal code (Ungar 2017: 68).

Almost half of Latin American countries have established specialised environmental units in a bid to enhance law enforcement efforts in the sector (Ungar 2017: 67). One example is Peru, which established its first specialised courts on environmental crimes in 2018, with the country facing 20,000 pending complaints of environmental crimes (Praeli 2018).

The international community has also offered technical assistance in law enforcement. For instance, the UN-affiliated programme on reducing emissions from deforestation and forest degradation (REDD) has offered technical support to monitor forestry cover in Bolivia (UNDP 2016). In 2013, INTERPOL's first international operation against illegal logging in 12 Latin American countries led to about 200 arrests and seizure of 50,000m³ (INTERPOL 2013). Guatemala also established a

³ See http://www.ilo.org/dyn/natlex/natlex4.detail?p_lang

[=es&p_isn=92470&p_country=BOL&p_count=211&p_classification=01.06&p_classcount=11](http://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=&es&p_isn=92470&p_country=BOL&p_count=211&p_classification=01.06&p_classcount=11)

specialised court in 2015 to address ecocide, with assistance from USAID (Marsili 2015).

Nonetheless, most countries in Latin America still struggle with the enforcement of these strong environmental laws and policies (Ungar 2017). Corruption is one of the major culprits for poor environmental law enforcement in the region (Ungar 2017: 70, 88). It undermines legal enforcement efforts related to environmental protection and resource use (Goncalves et al. 2012: 6; Williams 2019). INTERPOL's head of forest crime for Latin America claimed that corruption was "the most disruptive element for our investigations in this region" (Collyns 2019).

In Bolivia, police officers receive bribes from illegal wood traffickers as part of a racketeering network (El Dia 2012). In Mexico, police collude with criminal groups in the illegal timber trade (Wagner 2020: 26). The EIA reported that police officials in Honduras receive bribes to participate in the illegal cutting and transportation of timber (EIA 2005). According to the chief of the Honduran Corporation for Forestry Development at that time, most illegal timber passed through police checkpoints, but "the penalty is zero. Our police are corrupt" (EIA 2005: 13).

The 2019 Global Corruption Barometer for Latin America and the Caribbean highlighted the problem of police corruption in Latin America. The police force was ranked as the fifth most corrupt institution (Transparency International 2019: 14). The report also indicated that the police ranked as the most likely public service to demand or receive a bribe (Transparency International 2019: 18). Only 33% of Latin Americans surveyed indicated trust and confidence in the police (Transparency International 2019: 11).

Corruption may also lead to the selective or biased enforcement of environmental laws, such as targeting low-level offenders over powerful offenders (Williams 2019:2). Wrongdoers with connections to officials enjoy impunity, and law enforcement agencies target the weak and the powerless. The Global Initiative against Transnational Organised Crime interviewed a small-scale landowner in Chihuahua, Mexico, who

was a victim of illegal logging. The landowner reported the illegal activities to the authorities, who took a year to respond, and then forced him to pay for reforestation instead of pursuing the wrongdoers (Wagner 2020: 37). The landowner suspected the impunity to be a result of corruption or intimidation.

Another form of corruption in environmental law enforcement is political interference or suppression of police or judicial work (Williams 2019: 3). For instance, an independent commission in Honduras in 2004 discovered that the assistant attorney general stopped investigations into illegal logging, and the relevant evidence mysteriously disappeared (EIA 2005: 28).

Judicial officers are also susceptible to corruption. In Bolivia, incriminating evidence against jaguar traffickers allegedly disappeared in the custody of judges and prosecutors (Navia 2018). Also, a Peruvian judge was investigated for accepting bribes in exchange for releasing a confiscated shipment of illegally mined gold headed for the United States (La Republica 2014).

In the absence of effective law enforcement as a result of corruption, environmental activists and human rights defenders become easy targets by corrupt and powerful criminals. According to a report by Global Witness, Latin America had the highest number of deaths of environmental activists or defenders in 2018 (Global Witness 2019: 8). Colombia had 24 killings, Brazil had 20, Guatemala had 16 and Mexico had 14. It is estimated that just over 10% of these murders result in a conviction globally, indicating a high level of impunity (Butt et al. 2019: 743).

Corruption within police departments and the judiciary results in improper investigations or trials; sometimes the police or government authorities carry out the violence, or they may have a financial and personal relationship with those responsible (Butt et al. 2019: 743). For instance, the police were pointed to as the primary suspects in the murder of 10 land activists in Pau D'Arco, Brazil (Business and Human Rights 2017).

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In some cases, environmental activists are branded as criminals. According to the UN Special Rapporteur on the Rights of Indigenous People (2018:10), there is increased criminalisation and attack of indigenous people who have filed legal petitions to demand protection of their rights in Guatemala. In Mexico, organised criminal groups engaged in environmental crimes are linked to violence against environmental and human rights defenders (Wagner 2020: 21).

There is a recent regional effort to protect environmental activists and to increase transparency and local buy-in. In 2018, countries adopted the Regional Agreement for the Access of Information, Public Participation and Access to Justice on Environmental Issues in Latin America and the Caribbean (Escazu Accord). Articles 5-9 of the Escazu Accord provide key measures, such as access to environmental information, public participation in the environmental decision-making process, access to justice and protection of human rights defenders in environmental matters. Article 22(1) of the accord requires 11 ratifications, acceptance, approval or accession to enter into force. At this moment, 22 countries have signed the agreement and there are eight ratifications.⁴

⁴ The ratification status of the agreement is available at <https://treaties.un.org/Pages/ViewDetails.aspx?src=>

[TREATY&mtdsg_no=XXVII-18&chapter=27&clang=_en](https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XXVII-18&chapter=27&clang=_en)

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The U4 Anti-Corruption Resource Centre shares research and evidence to help international development actors get sustainable results. The centre is part of Chr. Michelsen Institute (CMI) in Bergen, Norway – a research institute on global development and human rights.

www.U4.no
U4@cmi.no

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