

MEETING REPORT

Nairobi expert group

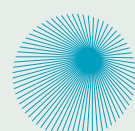
EXPOSING ELITE PROTECTION AND CORRUPTION IN ENVIRONMENTAL CRIME ACROSS AFRICA

MARCH 2024

**ECO
SOLVE**



GI-TOC



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ECO-SOLVE meeting reports include background briefs compiled in preparation for the event, as well as brief summaries of the main points and conclusions discussed. The reports reflect the views of the participants and the overall discussion, and do not necessarily reflect the views of the publisher. We would like to thank all participants for their attendance and insightful contributions, which made this event a success, as well as the European Union for its support of the ECO-SOLVE programme.

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Summary

In November 2023, a group of activists, investigative journalists and environmental defenders working in eastern and southern Africa met in Nairobi,¹ to discuss the role that corruption and elite protection play in driving environmental crime on the continent. Also on the agenda were the challenges and opportunities around exposure reporting.² The meeting was convened as part of the ECO-SOLVE project, a three-year global programme funded by the European Union, aimed at monitoring and disrupting environmental crime and strengthening resilience in communities that are exposed to it. This report provides a synthesis of research conducted as part of the project as well as a summary of the expert meeting, which was held under the Chatham House Rule.



INTRODUCTION

There is significant evidence that corruption is a systemic enabler of organized environmental crime by facilitating criminality along supply chains that exploit wildlife, fisheries, forests and other natural resources. Once corruption becomes entrenched in the operations of this illicit economy, those tasked with responding face great difficulty tackling criminality and enforcing regulations.³

Over the past decade, there has been growing awareness of the role corruption plays in perpetuating environmental crime. Since 2015, the UN General Assembly has adopted five resolutions on tackling wildlife trafficking, underscoring the need to counter corruption. In 2019 at the UNCAC Conference of States Parties, member states adopted resolution 8/12, which calls for the prevention and combating of corruption associated with crimes that have an impact on the environment. In 2021, the Financial Action Task Force, an intergovernmental organization, recognized the linkages between money laundering and environmental crime, indicating a mainstreaming of illicit flows in this area.⁴

Although these may appear to be positive steps towards raising awareness of the link between corruption and environmental crime, the focus tends to be on low-level corruption and petty bribery in law enforcement and other government agencies. The real culprits that need to be in the sights of any successful targeted policy and enforcement action are those who abuse their positions of political power and big businesses, both of whom profit from the illicit trade in environmental goods.

Patronage networks and elite protection in environmental crime

In his classic criminological monograph, Moisés Naím asks what it is that all forms of illicit trade have in common. Among his conclusions addressing this question is the fact transnational organized criminal enterprises could not have achieved the scale they have amassed today ‘without the active complicity of government, or without a solid business infrastructure that includes corporations that are often legal, large, and visible’. Naím concludes: ‘Illicit trade is deeply embedded in the private sector, in politics, and in governments.’¹⁵

Around the world, organized crime is indeed sustained by state, business and criminal elites colluding to protect their interests and influence over political functions, supply chains and resources. This complicity is by no means unique to environmental crime, but it is particularly prevalent in this category of organized crime, as the state is often the gatekeeper for environmental resources and governing elites sometimes view environmental commodities as an easily accessible reservoir of resources to dip into to fund political parties or for personal enrichment.

Environmental crimes have a particularly harmful impact in Africa, ranking among the most highly pervasive illicit economies on the continent. According to the Global Initiative Against Transnational Organized Crime’s (GI-TOC) 2023 Global Organized Crime Index, which assesses 15 global criminal markets, more than 81% of countries in Africa face a significant or severe influence of flora, fauna or non-renewable resource crimes. In the Index, almost a third of countries in Africa are allocated a high (i.e. poor) score in all three of these environmental sub-markets. On the continent, environmental crimes are facilitated and driven largely by state-embedded actors, which were found to be the most prevalent criminal actor category in Africa.⁶

There have been numerous exposés on the continent of organized crime and senior public figures or statesmen mutually benefiting from a crooked ecosystem. The common factor driving organized environmental crimes appears to be high-level corruption that enriches and protects those with access to power across the continent.

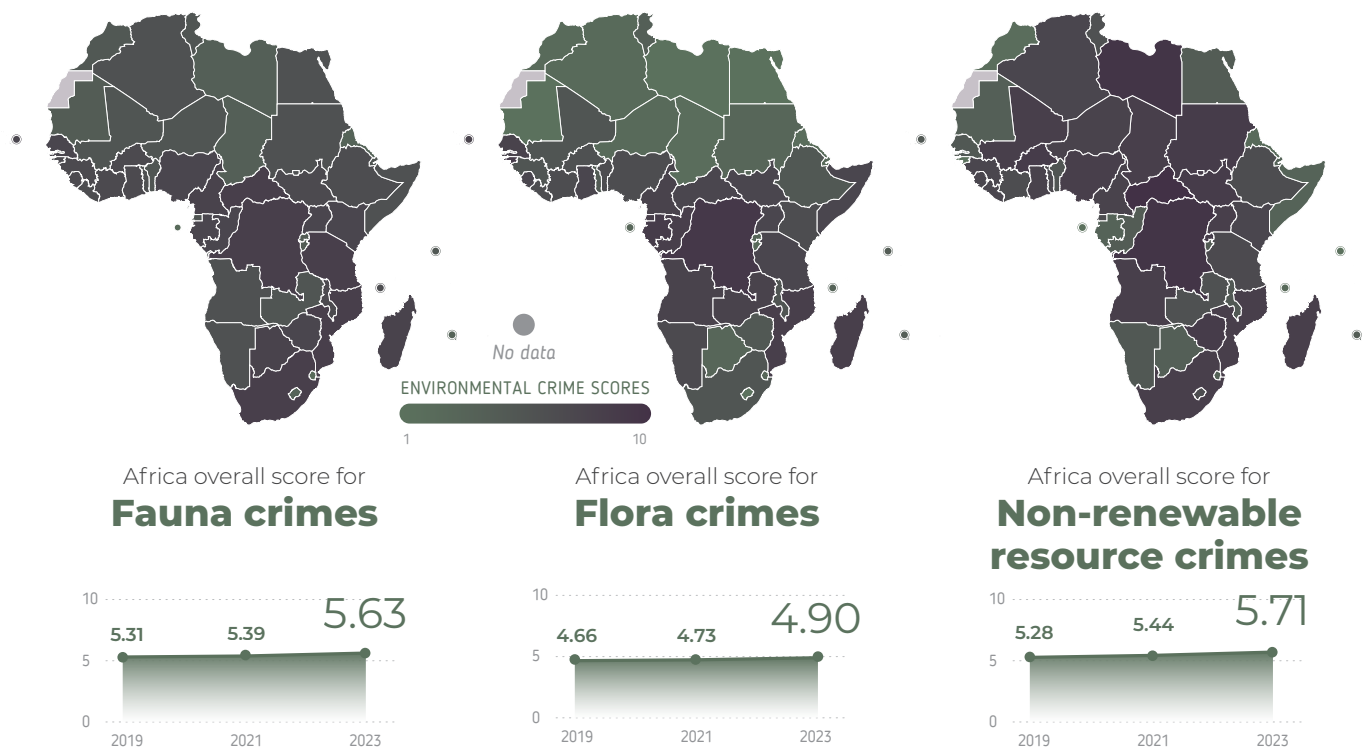


FIGURE 1 Scores for environmental crimes across Africa.

NOTE: In 2023, the scores for all three types of environmental crime in Africa were found to be above the global average.

SOURCE: Global Organized Crime Index, GI-TOC, www.ocindex.net

In Equatorial Guinea, Teodoro Nguema Obiang Mangue, son of President Obiang, who has been in power since 1979, is reported to have demanded kick-backs at his post at the ministry of forestry and this way was said to profit massively from the transport and export of timber.⁷ As the Minister of Agriculture and Forestry, Obiang Mangue reportedly sold the country's resources to private companies using a shell company linked to the ministry to charge fees for processing, loading and transporting timber.⁸ In another notorious case, Zimbabwe's former first lady Grace Mugabe ordered national park officials to release ivory from stockpiles. Media reports alleged that she smuggled the ivory under the pretext of giving diplomatic gifts and had requested permits to export millions of dollars' worth of ivory – even though a general ban on ivory trading has been in place in Zimbabwe since 1989.⁹


These kinds of examples show how corruption is the force that diverts state resources into monetizable commodities to enrich criminal networks, corroding the permit systems that are supposed to make the trade of environmental commodities sustainable.

Such environments also breed opportunities for criminals to seek out the most easily corruptible institutions to target for sourcing or trafficking of illicit commodities, especially in contexts where illegal environmental products can be laundered into legal markets with relative ease. For example, research has found that every government agency tasked with combating abalone poaching in South Africa has been compromised to some degree by corruption linked to the trade, ranging from bribes paid to low-level inspectors to serious allegations against senior officials.¹⁰ In another case, the Environmental Investigation Agency, an international NGO, uncovered massive discrepancies between import and export data in trade between Mozambique and China. The investigation revealed how senior politicians in Mozambique, in league with Chinese traders, illegally exported between 189 615 and 215 654 cubic metres of timber in 2012 – comprising a staggering 48% of China's imports from Mozambique.¹¹

Widespread corruption and support systems along supply lines have also allowed environmental crimes to converge with other types of organized crime, particularly around transport hubs and ports where wildlife products are trafficked using the same systems and supply lines as other illicit commodities. One example is the Kromah cartel, one of the most active wildlife-trafficking syndicates in Africa, which was found to be involved both in wildlife and heroin trafficking, with drug trafficking being an opportunistic add-on to the core business of illicit wildlife trafficking.¹²

There can also be a particularly serious relationship between environmental crime and corruption in countries with conflict or instability. For example, in Mozambique, in 2010 the seeds were sown for the ongoing Islamist insurgency that later would erupt in 2017, a conflict largely triggered by grievances over corruption, including cases of officials who took cuts of illegal profits from natural resources, such as ivory, rubies and timber. Other examples include conflict-torn Democratic Republic of Congo and Central African Republic, where flora, fauna and mineral crimes are rife, and South Sudan, whose gold is traded illicitly.¹³ The Organized Crime and Corruption Reporting Project, an investigative journalism initiative, found that more than 1 500 containers of wood, worth over US\$150 million in total, had been authorized for export in Madagascar between 2009 and 2010. Some of the traders became enormously rich and some are reported to have helped finance a military coup in 2009, creating close ties between business, political and criminal elites of the country.¹⁴

Examples of environmental crime such as these from across the continent underline the compromising, and often destabilizing, effects of corruption. In a sector that often suffers from a lack of law enforcement action, too little attention is paid to the fact that corruption is why laws are often not enforced, why cases are not opened, or why they never progress. It has become evident that not only is there little political appetite to address corruption in environmental crime, but in many cases it also prospers as political elites design policies with loopholes to protect those who do wrong. It is also worth noting the broader impact of corruption on society in areas that struggle with high levels of environmental crimes as well as low levels of resilience. For example, internal corruption was found to be the greatest threat facing the Kruger National Park in South Africa, as toxic politics, deep-seated inequality and embedded organized criminality have profoundly affected the park and the communities living on its periphery.¹⁵ More broadly, corruption threatens the effective and equitable application of the rule of law and facilitates cycles of entrenched poverty and structural inequality.

Rather than looking at corruption as a by-product of environmental crime, it is important to understand it instead as a mechanism deliberately constructed by powerful figures to enable them to act with impunity. Many of the drivers and enablers of corruption are policy choices that form the conditions for the illicit exploitation for profit of wildlife, fisheries, forests and other natural resources. 

UNCOVERING PROTECTIONISM

Being able to control the levers of the political system enriches those with access to power. One of the reasons perpetuating high-level protection by powerful individuals of the criminal economy of the kind we have seen in the examples above is the belief that their activities will not be exposed because endemic corruption in the system, and along the supply chains, inherently disguises their activities, while weak oversight shelters them. This is particularly evident in environmental crime, which is often seen as a low-risk, high-reward crime. It is therefore necessary to pierce this shield of impunity by heightening the risk associated with criminal activities. One way of doing this is to expose the individuals involved, and this is the role of exposure reporting.

Participants said an essential component of exposing elite corruption is independent and well-funded investigative media organizations that have the capacity and free rein to call out suspicious activity. The challenge, however, is that not only is the space for civil society – including NGOs, activists and journalists – shrinking in many parts of Africa,¹⁶ but the information ecosystem is also going through significant changes.

Key challenges include insufficient financial resources and competition, including between local, national and international media houses. Local news organizations generally have less funding and technological capacity than global media corporations. Journalists also emphasized how they often face significant restrictions when reporting on elite protection and corruption. Many reported being subjected to legal challenges, and physical and cyber-attacks; some shared their experience of how they had lost their jobs or how their organization had been shut down.

Another key challenge to uncovering elite protection is the transnational nature of organized environmental crime and geopolitical shifts, which have changed the flow of illicit proceeds. For example, participants noted the increasing role and influence of the Middle East and Asia in moving, hiding and laundering illicit proceeds, and that this requires new networks of collaboration, investigative methods and data to unveil corruption. Although financial centres in these regions may not be the final destination of illicit proceeds, participants noted the layers of complexity – bank accounts, middlemen, etc – inherent in these illicit flows.

The challenges are not insurmountable, and participants agreed that local media, with its in-depth understanding of the relevant context, has a key role to play in exposing elite

protection. Participants explained the need for a new media empowerment approach connecting local and global news channels and argued for new partnerships between local and international media and NGOs with a focus on sharing resources, knowledge and networks.

Through such collaboration, local and international organizations can combine their strengths, leading to more thorough, innovative and cross-border investigations.¹⁷ This can also help muster legal and logistical support for civil society researchers. Experience has shown that there is strength in numbers. For example, teams reporting both from within the country and outside can help to diffuse security concerns. If certain elements of a story cannot be published in a certain country because it is too risky, with a cross-border network a different angle can be published.

In addition, while many local African news organizations may be more constrained in what they can safely publish, access to data is global, which can open up new opportunities. International media can also bring global attention to local concerns, which can be crucial in cases where local authorities may be unresponsive to – or even complicit in – organized environmental crimes. This wider exposure can lead to increased public pressure and prompt action from local and international authorities.

After the exposé

It is widely recognized that improving the evidence base and sharing information on elite protection and corruption alone will not create change in the system. There are some success stories – for example, publications covering the Panama Papers and FinCen Files led to demands for accountability and investigations. Independent media reporting was also crucial in catalyzing a formal commission of inquiry into South Africa's agents of state capture, and the US sanctions designation referred to the work of civil society activists, investigative journalists and whistle-blowers in exposing the Gupta family's corruption.¹⁸ However, it is less clear why some exposure reporting worked and why in other cases it did not.

Indeed, one common theme among the expert discussion was that there is 'no shame any more'. Whereas naming and shaming was once an effective weapon, impunity appears to have developed a very thick skin, as elites appear increasingly able to dismiss allegations and keep going, seemingly emboldened by alleged wrongdoing.

One reason many media investigations appear to be ineffective is exposure fatigue. Participants cited an overload of reporting with too many corruption cases to keep track of, while at the same time few cases exposed in reporting seem to provoke change. Impunity may well prevail because many investigations treat 'elites' as vague and nebulous concepts, and in their reporting journalists may be unwilling to directly name implicated persons and the illicit activities in which they are involved.

Moreover, organized environmental crime is just one illicit market of many, and often not the top priority for governments and media organizations alike. Escalating environmental crime cases up the public agenda can prove challenging because analyses are often focused on the financial value of the exchange, rather than the broader conversation dimension, meaning there is often limited awareness of the real harms and impact this form of crime can have on societies. Participants therefore emphasized the need to engage with citizens to show them how organized environmental crime has a broader damaging effect, such as failing

infrastructure and health services, by reframing the message in a way that makes this kind of crime more relevant to communities' lived experience.

One way to make this happen is to name office-holders in government, state agencies and the private sector that support, protect and enable organized environmental crime. Participants said exposure reporting is more impactful if it reveals corrupt powerful figures and explains their operations and networks in a simple, accessible way. It is important that investigations shine a spotlight on how criminal cartels operate. In addition, reporting should include not only a focus on the highest level, but also expose those who make the system work – the middlemen, lawyers and accountants who provide services that oil the criminal supply chain. It was argued that it is important to expose the chain of production that links these actors, and show where the criminal justice system is failing to respond.

Exposure reporting is often also undermined by a lack of trust in the media and the perception that they do not report what matters to communities. The situation is exacerbated by fake news, and particularly the use of social media to spread mis- and disinformation. As one participant noted: 'Facts no longer shape the public debate. It even seems that sometimes influencers have more to say than journalists.' Nevertheless, participants agreed that there is significant value in sharing evidence and raising awareness on social media, as well as other non-traditional media channels, to spread the word. Multi-media materials should be used that cannot be questioned. For example, there appears to be particular value in undercover investigations that video-record elites confessing their crimes to people who seem to be accomplices, as this shows how the system works first-hand.

Going forward, it will be important to create consequences for those in power, to increase their risk of participation. Participants agreed that this can only be done through collaboration, sharing data and spreading the news through various channels and in several languages, local and international.

Closing the gaps


Elite protection and corruption are often facilitated by failures in the system whose function is to serve and protect society. Previous cases of elite corruption in environmental crime show that loopholes are deliberately created to protect and enrich those in power. For example, participants noted a pattern whereby funds and support are increased for law enforcement agencies, while the judicial and prosecutorial systems are deliberately weakened. Others reported overregulation, often resulting in legal confusion, which then allows for the manipulation of laws and regulations and opens the space for culprits to evade responsibilities and accountability.

In other cases, it is a lack of regulation that enables illicit proceeds to be generated, held and moved. Participants reported how livestock is used as a tool for money laundering, as the absence of comprehensive registers of livestock or land ownership makes the livestock market an ideal conduit for laundering illicit funds into the system.

It is not only lack of political will to close the loopholes and tackle elite protection and corruption. Even when formal investigations do go ahead, they can be hampered by lack of funding, capacity and know-how. Participants however emphasized that this should not be seen as lack of resources or capacity, but rather an intentional effort to preserve the status quo.

How should we hold elites accountable and increase political pressure? This is particularly important, as in 2024, 16 countries in Africa will go to the polls to vote in presidential, general or parliamentary elections. Yet, participants argued that elections have become an ineffective tool to exert real change, as power is often merely transferred among existing elites. Indeed, it appears as if corruption provides stability to the system and it is unlikely that those who benefit from the system will have an interest in challenging it. In this context, coups are often engineered to usher in change, with negative impacts on the rule of law, good governance, and transparency and accountability.

Participants agreed that changing the system will have to come from the community level. They emphasized it will require involving the youth, finding new ways to share news and information with young people, and re-engage them in political processes. Around the world, youth movements are standing up for environmental causes but the link between corruption and organized environmental crime is often not made. Participants agreed that youth work needs to be a core part of any long-term approach, particularly raising awareness of the connection between corruption and environmental crime, and supporting them to spread the message.

However, increasing awareness, demystifying the role of elite protection and corruption, and exposing those that enable and benefit from it is not only important when engaging youth but in fact needs to be part of any response to elite protection in environmental crime. Participants explained that people of any age or background will not get involved unless they understand the impact these criminal activities have on their lives. There is a need to close the knowledge gap, equip civil society with the tools to understand the nature of the criminal networks, and build a network of collaboration and support, where knowledge, good practices and experience can be shared. 



THE WAY FORWARD

There is no off-the-shelf or comprehensive solution to environmental crime economies in Africa that are protected and facilitated by corrupted power. Any attempt to create friction and change will need to be closely guided by the context. However, four broad, interlocking themes emerged from the regional consultation, which deserve particular attention going forward.

Firstly, organized environmental crime is a transborder issue and therefore requires international collaboration to track and expose those who protect and profit from it. Local and international media and civil society organizations have roles to play in exposing corruption and criminality. At the local and national level, media reporting, often in vernacular languages and online, is crucial for disseminating credible messages about elite corruption within local constituencies. Global media houses can link cross-country investigations and raise attention with international partners. Civil society organizations can help communities understand patterns and typologies. It is important that global media corporations collaborate with local media houses to share data and technical expertise to amplify impact and outreach, but also to diffuse safety and security risks.

Secondly, corruption is not limited to low-level protection and bribery within law enforcement and other government agencies but encompasses powerful political figures and business elites who profit from organized environmental crime. In a system where the state and corrupt actors are closely intertwined, there is little incentive to challenge the status quo. This has undermined trust and weakened morale between the state and private sector institutions on the one hand, and society on the other. It disincentivizes information sharing, collaboration and whistle-blowing, as there is little hope of an outcome or because of fear. This situation is compounded by rivalries and competition for finance within government institutions and civil society. While rebuilding trust is no easy endeavour and will need to be done slowly and carefully among trusted partners, participants were hopeful that strengthening transparent channels of communication could serve as a starting point to creating more opportunities to get together and exchange good practices.


Thirdly, demand for legal and police reform is common, but often what is needed goes beyond the legal and regulatory system given that – as explained above – overregulation itself has often contributed to confusion and gaps in the system. Experts suggested looking beyond the penal code and its toolbox of fines, arrests and other penalties, and instead argued for making

elite corruption part of the political narrative to draw attention to the environmental impact of elite protection.

Innovative solutions can also be found at community levels, particularly in dialogue with grass-root actors and youth. Community engagement can be included top-down, e.g. by government institutions, including community perspectives in anti-corruption strategies and activities, and bottom-up at the local level by creating momentum for change from within communities, so that corruption is demystified, the impact on day-to-day lives is understood and people are involved directly in the response. In addition, community activities should not only focus on what the community is opposed to – but also what it stands for: transparency, rule of law, good governance and the protection of the environment.

Local voices should be linked to the global multilateral system to help raise awareness about local concerns, make sure that civil society voices are heard and contribute to improved anti-corruption efforts at the international, national and local levels, not least because global flows of money are moving away from tax havens in the EU and US (although these remain important) to more permissive environments in the Middle East and Asia, where there is less civic space to speak out critically of these financial systems. It is important to include grass-roots civil society and communities in global anti-corruption efforts as well as provide them with an additional platform to connect and raise awareness on local concerns.

Finally, there is little information on the link between elite protection, corruption and organized environmental crime, and the topic is often not perceived as high priority by the public, civil society or government actors. One common theme emerging from the consultation is that corruption fights back with vigour and often has much deeper pockets than those who seek to expose it. However, given that one driver of elite protection is the belief held by individuals that their activities will not be exposed, there is a need for more evidence of their wrongdoing – under a revised approach.

A revised approach should focus specifically on naming those that are involved as well as explaining how the system works in order to raise the risk and cost for corrupt elites. It also requires stronger coordinated collaboration along the supply-demand chains, linking global forms of reporting with local networks of action. In addition, when reporting on environmental issues in the media, the focus tends to be more on the financial value than the conservation impacts, leading to a perception that losses are merely financial. Framing organized environmental crime as a biodiversity and conservation, and not merely economic, issue could help shift the narrative and foreground why the topic needs to be made a greater priority. Given the increased role of the Middle East and Asia in facilitating and enabling elite protection of organized environmental crime in Africa, it will be important to adapt the message and better tailor advocacy campaigns. 

NOTES

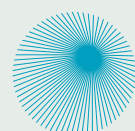
- 1 This was the first of three regional consultations organized as part of the ECO-SOLVE project. The others will take place in Bangkok, covering South East Asia and the Pacific Islands, and Rio de Janeiro, focusing on Latin America.
- 2 In this programme, exposure reporting refers to investigative research aimed at documenting and publicly calling out high-level actors, their networks and illicit activities.
- 3 See, for example, Simone Haysom and Mark Shaw, An analytical review of past responses to environmental crime and programming recommendations, GI-TOC, September 2022, <https://globalinitiative.net/analysis/responses-environmental-crime/>.
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- 15 Julian Rademeyer, Landscape of fear: Crime, corruption and murder in greater Kruger, Enact, January 2023, Issue 36, <https://enactafrica.org/research/research-papers/landscape-of-fear-crime-corruption-and-murder-in-greater-kruger>.
- 16 This is also confirmed by the Organized Crime Index 2023, which found that the score for non-state actors has decreased from 2021 to 2023; see oc.index.net.
- 17 The ECO-SOLVE project will seek to enhance and promote such collaborations, as it aims to work with civil society researchers to publish exposés on elite protection and corruption in environmental crime.
- 18 US Department of the Treasury, Press releases. Treasury Sanctions Members of a Significant Corruption Network in South Africa, 10 October 2019, <https://home.treasury.gov/news/press-releases/sm789>.
- 19 This was the first of three regional consultations organized as part of the ECOSOLVE project. The others will take place in Bangkok, Thailand covering South East Asia and the Pacific Islands as well as in Rio de Janeiro, Brazil focusing on Latin America.



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