

1st Africa Environment Partnership Platform
Dates: 20-21 September, 2018
Venue: United Nations Office at Nairobi, UN Avenue, Nairobi, Kenya

Theme: “50 years of Environmental Governance and Sustainability in Africa

Introduction

Environmental crime and corruption are some of the most serious challenges confronting Africa. Environmental crime typically refers to any breach of a national or international environmental law or convention that exists to ensure the conservation and sustainability of the world’s environment (Elliot, 2007). Environmental crimes often have transnational dimensions and involve organized criminal groups who engage in other crimes such as money laundering, corruption, and fraud, with a major influence on the global economy and security. Environmental crime, of which the illegal wildlife trade is a part, is the world's fourth largest crime sector¹, affecting many different wild animal and plant species. It involves organized crime groups benefitting from high profits, low risk of detection and low penalties. Wildlife crime is a development issue; it undermines the rule of law, threatens peace and security is facilitated by corruption.

Corruption, on the other hand is the abuse of entrusted power for private gains. It comes in different forms and complexities affecting a wide-range of sectors, including illegal trade in wildlife, illegal logging, illicit trade in ozone depleting substances, dumping and illegal transport of hazardous wastes and illegal and unreported fishing. It often includes a transnational dimension, which makes it highly profitable. It poses serious threats to the environment and human health, contributing to poverty, food insecurity and political instability. It can weaken the state apparatus by stifling of financial resources and paralysis of government machinery.

Corruption can be considered an enabler for environmental crime. It plays an important role in facilitating fraudulent trade, access agreements, concession licences or import/export certificates effectively legalizing illicit actions through ill-gotten paperwork. It facilitates clearing customs wrongly and illegal waste disposal, among others. Corruption in such instances may involve a variety of actors, including politicians, customs officials, landowners, organized crime groups, police, shipping firms, and exporters/importers and is often developed other illegal activities and low levels of governance.

In Africa, the problem of corruption has gained much interest in recent years due primarily to an increasing awareness of the cost of corruption and its impact – realised or potential

¹ Nellemann, C. (Editor in Chief); Henriksen, R., Kreilhuber, A., Stewart, D., Kotsovou, M., Raxter, P., Mrema, E., and Barrat, S. (Eds). 2016. The Rise of Environmental Crime – A Growing Threat To Natural Resources Peace, Development And Security. A UNEP-INTERPOL Rapid Response Assessment. United Nations Environment Programme and RHIPTO Rapid Response–Norwegian Centre for Global Analyses, www.rhipto.orgThe Rise of Environmental crime

– on the practical and economic reforms many countries are undergoing. In Africa, Corruption has been rightly equated with development as it impacts on democracy, education, prosperity, public health and justice. Corruption remains a major obstacle to achieving much needed progress in the wellbeing of Africans. It is therefore imperative that anti-corruption measures are taken seriously by African governments as part of Africa's development agenda to ensure growth and prosperity in the region.

The effects of bribery and corruption have multiplier impacts on service delivery in many sectors including education, water and healthcare. Thus, it is the poor and vulnerable who suffer most due to corruption as they are more reliant on Government services and public systems to satisfy their most basic needs. Furthermore, corruption results in the diversion of funds intended for development and undermines Government's ability to provide basic services, as well as undermining effective management natural renewable resources. It also undermines the rule of law and security, feeding inequality and injustice and discouraging foreign investment, with disastrous impacts on development.

At a point, one is forced to pose the question; Why the rise in environmental crime and corruption in Africa? There are many answers to this question. First, Africa, compared to many other parts of the world does not have stringent environmental laws. Where the laws exist, there is often the problem of enforcement. Second is the challenge of weak institutional capacity. The pre-requisite institutions structures and human, financial and technological capacities fulfil their mandate. The capacities to launch credible investigations and ensure successful prosecution is awfully limited in many countries. Third, lack of political will makes the enforcement of laws and regulations difficult. High levels of poverty and poor remuneration of officers dealing with precious natural resources create temptation and, combined with limited institutional capacity of relevant authorities, creates an enabling environment for misconduct and corruption of law enforcement officials. Many of the offenders have huge financial resources and a strong network of God-fathers to support them. Due to the emergence of technology, especially in the field of communication, there has been a spike in the rate of criminal gangs conniving with national agencies and authorities to carry out environmental crimes of serious consequences on Africa. These crimes range from:

- Indiscriminate logging of Africa's forests
- Illegal mining of Africa's mineral and petroleum and gas resources
- Illicit trade in Africa's fauna and flora
- Dumping of toxic wastes including electronic wastes
- Illegal fishing
- Destructive mining practices

The problems cited above are further compounded by the judiciary systems in many African countries which are time-consuming and complex. It is difficult to mount successful prosecutions of suspected offenders of environmental crimes and corruption. The legislatures in many countries are yet to come to terms with, and accept the severity and the destructive nature of environmental crimes and corruption. Penalties, whether in

terms of imprisonment or fines are not often commensurate with the nature of the crime committed. Considering what fines or how many years one should spend in the prison, should not just be based on the economic value of the resource. It should include also the intrinsic value, the cost and time it takes to replace these resources and above all, the ultimate price for extinction. Conviction rates are also low due to limited capacity of law enforcement agencies and the above mentioned issues of corruption and limited political will.

At the dawn of Africa's independence, much hope was placed on the continent's vast natural resources to serve as the engine of growth to propel industrialization and economic development. Fifty years down the line, Africa remains far from achieving these dreams as a result of corruption among other things. The natural resources of the continent unabatedly continued to be misappropriated and vandalized at the detriment of the people of Africa.

The negative economic impact of illicit trading in Africa's natural resources is not only about the direct revenue losses but also the indirect loss in opportunities from the entire economy through a multiplier effect. This effect is manifested in the form of loss in direct incomes, jobs, unpaid tax revenues, peace and security. The wider economic impact of illicit trading in natural resources is estimated at US\$120 billion per annum, which is 5% of Africa's GDP. An estimated 24 million jobs are lost, which is about 6% of overall employment in Africa. By curbing illicit activities in the natural resource sector, Africa could create 25 million more jobs annually. The loss in tax revenue is about US\$3.6 billion. Paradoxically, and as a result of criminality and corruption, our natural resources have become a curse, plaguing our development.

It is therefore a timely and welcoming development that African Heads of State and Government dedicated 2018 to fight and beat corruption in Africa. Winning the fight against corruption is a must if Africa wants to ensure economic prosperity, peace and stability for its people. It is an indispensable ingredient to achieve the noble visions of the Sustainable Development Goals and Africa's Agenda 2063. The achievement of all the Seven Aspirations of Agenda 2063 certainly requires Africa to tackle corruption seriously. Corruption, in its various forms has been responsible for keeping back the continent, depriving Africans the basic fundamental human, social and economic rights to live decent and peaceful lives. AU's decision on corruption, is by extension a crusade against all forms of environmental crimes that threaten Africa and its environment.

Governments must include anti-corruption measures in their development strategies and policies if progress is to be made in this field. However, Government action alone will not be enough. Key to fighting corruption is the inclusion of the private sector in the development and implementation of anti-corruption measures. Businesses must adhere to high moral standards and actively seek to eliminate corruption within their dealings, by not resorting to bribery and extortion during tendering and procurement processes.

Another crucial point is that public opinion must support anti-corruption drives to create an environment and culture in which corruption is not accepted or condoned. It is important to have mechanisms in place for citizens to hold their authorities accountable on matters of corruption. Furthermore, access to knowledge and information will empower communities to become part of the solution to the problem of corruption rather than remaining as victims.

Forestry sector

Illegal exploitation and trade in timber in the forestry sector is estimated at US\$13 billion (AfDB). This is not only costing Africa millions of dollars in revenue but it is also adding to the root cause of extreme poverty and social vulnerability. Illicit activities in the sector include the harvest, transportation, purchase and sale of timber in violation of national laws. The most prevalent forms of illicit and criminal activities in the forestry sector include (i) trees harvested without permission (e.g. from protected areas) and then traded illegally; (ii) trees harvested at volumes higher than those licensed; (iii) harvesting protected species; and (iv) gaining access to forests or licenses to fell trees through corrupt means or falsified permits (AfDB).

Deforestation and illegal forest exploitation have serious effects on structure, diversity, and floristic composition of natural forests. This, coupled with the impacts of climate change and population expansion, compromise the future of natural forest cover on the continent. This is amply demonstrated by the recent hikes in the trade in Rosewood (*Pterocarpus erinaceus*) in West Africa, leaving a devastating trail of environmental degradation in many of the countries (Guinea Bissau, The Gambia, Senegal, etc) in the region. Communities' livelihoods are being ruined due to food insecurity caused by deforestation, soil erosion and water shortage.

The governance of forest resources needs to be strengthened with local communities given substantive roles and enhanced access to benefit. The roles and responsibilities of the different government Departments and agencies need to be defined more precisely coupled with enhanced synergies between the different stakeholders. This harmonization is particularly required between forestry and wildlife sectors.

As a strategic approach, African countries should put emphasis on the development of forest industries to create jobs for the local populations. Strict limitation should be put on the exportation of logs. This will reduce the rate of illegal timber exploitation. Forest certification schemes should also be promoted to bring the area of forests under sustainable management increased.

The Forest Law Enforcement, Governance and Trade (FLEGT) Programme supported by the European Union and implemented by many west and central African countries needs to be promoted and up scaled to improve forest governance and trade in timber. Regional cooperation is one way of controlling the movement of timber and other forest products. Additionally, regional frameworks like the convergence plans of the Economic Community of West African States (ECOWAS) and the Central African Forestry Commission should

be implemented to promote sustainable forest management in the regions. These frameworks will be complemented by the soon to be finalized African Union's Regional Framework for Sustainable Forest Management.

Wildlife sector

Regarded by most as the third largest illegal business in the world and –after drug and arms trafficking –wild animal traffic raises a serious threat for Africa's wildlife and biodiversity. The most vulnerable species in Africa include the big cats, tropical birds and monkeys. Several actors are involved in this crime, but consumers are among the most important ones as this crime would not continue if the supply and high prices that people get to pay for them on the black market ceased to exist. According to the United Nations Environment Programme and World Economic Forum, the estimated value of illicit trading in wildlife globally is between US\$7 billion to US\$23 billion. Illicit wildlife trading activity is a global challenge, although much of the global attention is focused on Africa due to the dramatic increase in poaching and media coverage of elephants and rhinos. The current elephant poaching crisis costs African countries an annual loss of around US\$25 million from tourism (Journal Nature Communications, 2016).

The rise in poaching and trading in animal parts such as elephant tusks and rhinoceros horns illustrates the nature of the problem for wildlife management and protection policies. For example, in Tanzania, the elephant population dropped by 60% from 2009 to 2014. In South Africa, 13 rhinos were killed illegally for export of their horns in 2007. By 2014, that number had increased nearly 100-fold to 1,215 (UNEP). The scale of this illicit activity has been strongly linked to corruption. The only exception to the downward trend is in Botswana where the elephant population has increased since the government deployed the army to contain the practice.

It is disheartening that illegal wildlife trade in endangered species is flourishing in Africa in contravention of the Convention on International Trade in Endangered Species of Fauna and Flora (CITES), the Algiers Convention on Nature Conservation and the Brazzaville Declaration.

The implementation of the African Union Strategy on the Illicit Exploitation of Africa's Fauna and Flora with the huge coalition of partners presents a great opportunity in addressing the problem. It is also encouraging to note that many of the wildlife-resource rich countries in Africa are putting on measures to strengthen their capacities. The burning of huge piles of ivory in the Republic of Congo and Kenya for instance, are a clear demonstration of the political will to end poaching of Africa's conical animal species

In addressing the challenges of the illicit wildlife trade in Africa, focus must be put on engaging countries of destination of wildlife products. Massive sensitization is needed in consumer countries to raise their conscience on the impacts of the devastating trade in wildlife. We must also put in place, and implement appropriate policies that promote the sustainable utilization of wildlife resources. Community participation becomes fundamental in this respect. Managing human-wildlife conflict is another venue for

stemming the rise in illicit wildlife trade. Furthermore, institutional and human capacity development for national wildlife authorities or agencies is indispensable. Wildlife rangers in many countries are on war with the poachers so they should be adequately trained and equipped to respond appropriately and proportionately against criminals and poachers. Development of transboundary areas of forests and wildlife areas should be encouraged to promote collaboration among countries in the fight against organized crime. So should the reinforcement of legal frameworks in the natural resources at national levels to fill loopholes that enable the criminal to exploit national circumstances.

Fisheries sector

Another area of serious concern is the fisheries sector in Africa where the repercussions of stock depletion due to over-fishing on food security and the economy are being felt. It is estimated that West Africa loses over \$1 billion a year to illegal fishing. In this region alone, there are about seven million people who are part of the value chain and rely on fish for income and employment, while many more millions depend on fish as a source of animal protein. It is estimated that around 300,000 jobs have been lost in the artisanal sectors due to a lack of policies that protect both fisheries and livelihoods.

It is reported that around 40 percent of all fish caught in West African waters are caught illegally, and around 54 percent of the region's fish stocks are over-fished. The illegal exploitation of African fisheries by foreign fishing companies deprives African governments of a much needed revenue and contributes to Africa being the only region in the world where rates of fish consumption are declining. This certainly would have serious health implications for generations of Africans yet unborn. A 'Blue Economy' could be an engine of growth and development for the continent but we are losing the race against foreign fishing fleets emptying our shores. This is an alarming situation bearing in mind that about 200 million Africans eat fish regularly.

In many coastal regions of Africa, fisheries resources are being harvested literally, using undersized fishing nets that do not spare any species. There is a lot of poaching and "stealing" by international fishing vessels which operate with impunity as they are most of the time beyond the reaches of often poorly equipped and untrained national fishing authorities.

Criminality in the fisheries sector continues to expand through Illegal, Unreported and Unregulated (IUU) fishing in contravention of controls imposed by various regional fisheries management organizations and national laws and regulations. Illegal, unreported, and unregulated (IUU) fishing, with a global value of 26 million tons of fish caught annually, valued between USD10 to USD 23 billion remains one of the greatest threats to marine ecosystems due to its potent ability to undermine national and regional efforts to manage fisheries sustainably as well as endeavours to conserve marine biodiversity. IUU fishing takes advantage of corrupt administrations and exploits weak management regimes, in particular those of developing countries lacking the capacity and resources for effective monitoring, control, and surveillance (MCS). IUU fishing is found

in all levels of fisheries; high seas and in areas within national jurisdiction. It concerns all aspects and stages of the capture and utilization of fish, and it may sometimes be associated with organized crime. Fisheries resources available to local fishing communities are overfished by IUU fishing, which can lead to the collapse of local economies and livelihoods. Products derived from IUU fishing can find their way into overseas trade markets thus throttling local food supply. IUU fishing therefore threatens livelihoods, exacerbates poverty, and augments food insecurity in Africa in particular.

One way of dealing with the persistent problem of IUU is to strengthen regional collaboration in the area of surveillance, apprehension and prosecution of offenders. Individually, not many coastal African countries have the capacities to tackle the challenge alone. The technology and the craft needed are beyond the means of individual states. Law enforcement at national level would have to be definitely beefed up. National fisheries authorities should be made more transparent, accountable and efficient through adequate training and a set of incentives to discourage bribery and corruption. Surveillance capacities at the national level must also be enhanced.

Dumping of hazardous wastes including electronic wastes

Dumping and illicit trade in hazardous waste in contravention of the 1989 Basel Convention on the Control of Transboundary Movement of Hazardous Wastes and the Bamako Convention on the ban on the Import into Africa and the Control of Transboundary Movement and Management of Hazardous Wastes within Africa. The Bamako Convention came into force in 1998 with the sole objective of preventing Africa from becoming a dumping ground for toxic wastes. However, the reality on the ground speaks of a different situation. The continent continues to be targeted by criminals as a dumping ground for harmful materials.

Memories are still fresh when in August 2006, the cargo ship Probo Koala discharged several hundreds of tons of toxic waste in Abidjan killing many people and poisoning thousands more and leaving a trail of devastated environment which will take decades to repair.

Again, in 1988 thousands of barrels of hazardous waste disguised as building materials were discovered in the village of Koko, Nigeria. Several barrels were unsealed causing leakage and serious environmental and health effects to the residents.

The criminals are particularly interested in fragile states; countries in civil wars or just emerging from civil strifes as they have serious challenges in maintaining law and order. Lack of environmental regulations and standards, and absence of toxic waste disposal facilities, and the low level of implementation of existing policies are the norms in many countries in Africa.

Starting from the early 1980s and continuing into the civil war, the hazardous waste dumped along Somalia's coast included radioactive uranium waste, lead, cadmium,

mercury, industrial, hospital, chemical, leather treatment and other toxic waste according to ...(year) UNEP country report.

The situation is equally bad with regards electronic wastes dumping in Africa. It is estimated that up to 50 million tonnes of electronic waste are produced every year (refrigerators, computers, television sets, ovens, telephones, air conditioning units, lamps, toasters and other electric and electronic devices). And up to 75% of all these is estimated to leave the official circuit and a good deal of them to be illegally exported to Africa, China or India. It is the case of Ghana's rubbish dump, a large electronic waste dump coming from the West.

Destructive Mining Practices

Corporate mining permits issued by African governments are growing in numbers in the belief that large-scale mining tax revenues would spur economic growth. However, liberalizing the mining sector without adequate regulating policies can spell environmental disaster. Environmentalists blame mining companies for contributing to massive siltation of the rivers, poisoning of waterways and agricultural fields with toxic chemicals and rendering communities more vulnerable to flooding.

There are also serious social and cultural consequences for Africa. For example, diamond miners in Kono district in the east of Sierra Leone have left behind thousands of abandoned mine pits with the landscape ruined. Wild life has disappeared and soils made infertile, with what used to be viable pasture lands left devastated. The activities of industrial mining, especially those that are illegal, threaten the existing virgin forests in Africa and water sources in Africa. One sad example is the National Park of Kahuzi Biéga in the Democratic Republic of Congo, which has been devastated by illegal miners looking for precious minerals. Whether mining is legal or illegal, it is dangerous to the environment once undertaken without extreme care.

The acquisition of land for mining purposes is a perennial cause of conflict between miners, farmers and local communities. In some parts of Africa, entire communities have been moved or evicted from their ancestral land to other areas far from natural resources. This has led to a feeling of rootlessness, food insecurity, loss of access to public services and social break up which has further escalated the loss and deterioration of economic activity, leading to internal migration, breakup of social structures and internal inequality in many communities.

Wars are causing the displacement of communities and loss of life. The artisanal mine workers in West Africa are case in point. In many places, we are seeing an increase in youth violence and armed militias. These have sprung up because of the loss of links with their communities and the lack of the development from what they claim as "their" natural resources.