



European Union Action to
Fight Environmental Crime

Environmental Crime in an Authoritarian State

Conceptual and Research Challenges

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Overview of the case: Armenia

- 🌐 Post-Soviet country; ~3 million citizens
- 🌐 Semi-authoritarian regime, low repression
- 🌐 Widespread corruption and weak rule of law
- 🌐 Rich in natural resources, 50% of export revenues come from mining, FDI predominantly in mining area
- 🌐 Multiple mining sites all over the country

Map



Consequences of largely unregulated mining

- 🌐 Loss of arable land and forests
- 🌐 Loss of means of subsistence for farmers
- 🌐 Extinction of endangered species
- 🌐 Losses in tourism industry
- 🌐 Smelters and unsafe tailing ponds pollute water, air, and soil, severe health hazard
- 🌐 Transborder pollution threatens regional peace

(In)effectiveness of the law

- ⊕ RA's environmental laws are vague, convoluted, contradictory, and often outdated
- ⊕ Presidential decrees often override formal laws (unconstitutionally)
- ⊕ And environmental laws are weak:
 - No independent environmental impact assessments; outsourced to subsidiaries of mining companies
 - Natural resource extraction and environmental protection fees are extremely low, esp. for hazardous material
 - No criminal penalties for environmentally harmful behavior

Wanting enforcement

- 🌐 Ministry of Environmental Protection is understaffed and lacks technical expertise
- 🌐 Courts impose negligible fines on companies that violate even Armenia's weak environmental laws
- 🌐 Courts notoriously refuse to review cases involving environmental destruction

Causes of weak laws and enforcement

- ⊕ Clear lack of checks and balances; presidential apparatus with close ties to country's oligarchs writes laws and pressures courts
- ⊕ Widespread corruption at all levels of the state bureaucracy, esp. in legal system
- ⊕ Collusion between high-ranking officials and parliamentarians, on one hand, and mining companies, on the other. Merging of political power and economic resources undermine rule of law and cause environmental destruction

- 🌐 Environmental crime in Armenia starts at the law-making stage.
- 🌐 The underfunding of environmental protection agencies facilitates an environmental crime.
- 🌐 Corruption in law enforcement and courts provides fertile soil for actual violation of existing laws.

Role of the EU



Who fights environmental crime in Armenia?

- ⌚ Civil society (NGOs and increasingly social movements)
- ⌚ They monitor environmental destruction; name and shame; mobilize the public; and file lawsuits
- ⌚ Successful in a few cases (less so in mining sector - Save Teghut Civic Initiative has been able to delay major mining project though)

What role for the EU?

- 🌐 EU lost some political clout in Armenia due to country's recent U-turn towards Russia
- 🌐 Nevertheless, EU could strongly remind Armenian government of its international obligations (e.g., Aarhus Convention) to strengthen civil society.
- 🌐 Use ENP Action Plan for environmental projects, directly related to mining
- 🌐 Support local NGOs and grassroots movements
- 🌐 Put pressure on EU Member States and EU-based mining companies

So far...

- 🌐 International community, including the EU, turns **blind eye** on environmental crime committed in the mining sector
- 🌐 Does **not** push for stricter regulations.
- 🌐 Does **not** expose wrongdoings of foreign mining companies.
- 🌐 Does **not** support civil society's activities in the mining sector
- 🌐 Does **not** insist that Armenia fulfills its international treaty obligations