



European Union Action to
Fight Environmental Crime

Environmental Crime in an Authoritarian State

Conceptual and Research Challenges

Christoph H. Stefes, Ph.D.
Senior Fellow, Ecologic Institute
Associate Professor, Dept of Political Science
University of Colorado Denver

Brussels, 17 Feb 16

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- ⊕ RA's environmental laws are vague, convoluted, contradictory, and often outdated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