Targeting Natural Resource Corruption

Welcome! We will begin shortly.

This is a Zoom webinar. All participant videos are off and lines are muted.

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TNRC Learning Series

Lessons from the field: Assessing corruption risks that undermine law enforcement action against natural resource crimes

Manuel Medina Rendon
Basel Institute on Governance

Joel Segura Alania

Brighton Kalaembeni Kumchedwa
Liwonde National Park

Donnamarie O'Connell
Lilongwe Wildlife Trust

Juhani Grossman
Basel Institute on Governance
(Moderator)

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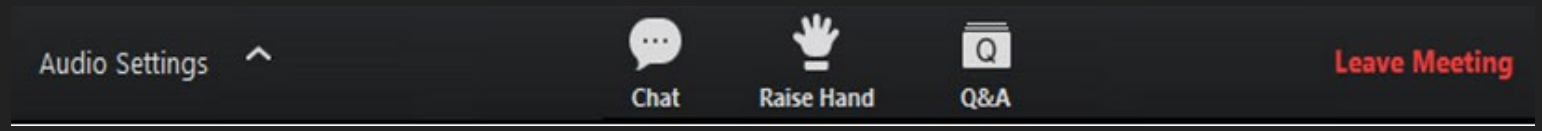
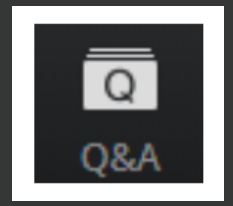
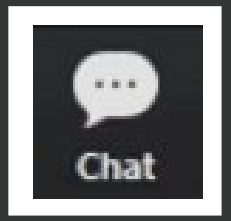
Get Engaged





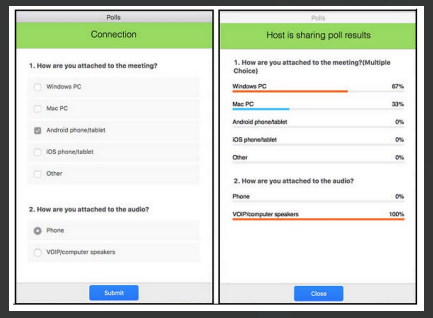
1. Pose questions at any time by clicking on the “Q&A” icon

Panelists will reply directly or answer live during the moderated discussion



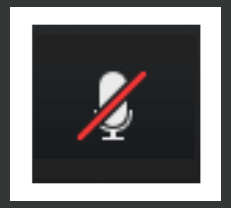
2. Introduce yourself to panelists via the chat

The chat box will only be visible to the panelists and is not public



3. Respond to polls as they are launched

Make your selections and remember to click “submit”!



4. All participants are muted

Given high attendance in this webinar, all lines will remain muted

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POLL

What would best describe your role in a potential Corruption Risk Analysis (CRA) for law enforcement?

a. External Donor/Funder
b. Law Enforcement Agent
c. Natural Resource Manager
d. Member of the Government (not law enforcement)
e. Other

POLL

How likely are you to suggest performing or supporting a CRA for law enforcement involved in NRM to your supervisors?

a. Definitely not
b. Unlikely
c. Likely
d. Certain

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Presenter

Manuel Medina Rendon

Intelligence Analyst IWT, Basel Institute on Governance

Manuel Medina Rendon joined the Basel Institute in March 2019 as an intelligence analyst within the Green Corruption team.

Prior to joining the Institute, Manuel worked for Colombia's Attorney General's Office (AGO) as an Expert Investigator and Criminal Analyst at the Strategic Center for Evidence Assessment. While at the AGO, Manuel had the chance to contribute to the implementation of new investigative techniques, data processing models and the design of a new model for criminal analysis. This included working on the deployment and execution of the institutional big data strategy regarding the extraction of criminal patterns from massive criminal data through specialised software.

Manuel is a regular speaker and trainer on organised crime and related topics for global audiences in law enforcement, intelligence, military and the judiciary. He is a member of the International Association of Crime Analysts (IACA) and the Translations Sub-Committee, as well as the Global Initiative Against Transnational Organised Crime Network. He is also a passionate amateur photographer.

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Manuel Medina Rendón – Green Corruption Programme | 25.08.2021

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This Webinar is part of a wider research effort:

Preventing corruption from undermining investigations and prosecutions of illegal wildlife trade

This project is funded by Targeting Natural Resource Corruption (TNRC) consortium, a USAID-funded project to improve biodiversity outcomes by helping practitioners address the threats posed by corruption to wildlife, fisheries, and forests. This engagement seeks to assess integrity risks in the criminal justice processes related to wildlife crimes in Malawi, Peru and Uganda.

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Project Team:

Donnamarie O'Connell • Joel Segura • Juhani Grossmann • Manuel Medina Rendón • Monica Guy • Taradhinta Suryandari • Tom Walugembe

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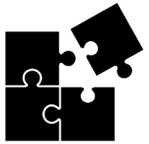
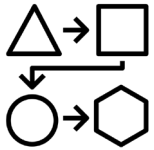
Background – Needs identified



The need to **complement existing IWT Corruption Risk Assessments** built from a supply chain perspective and focused on business narratives.



The need to **understand the processes and procedures behind the efforts** made by law enforcement and justice operators to enforce laws.

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Background – Needs identified

The need to **connect operational risks with broader NRM strategies** to strengthen law enforcement and justice operators involved in countering IWT by providing a tailor made approach to assess their corruption risks.

Comprehensive assessment of the criminal justice system involved in countering IWT to understand and base future anti-corruption programs to strengthen natural resource management.

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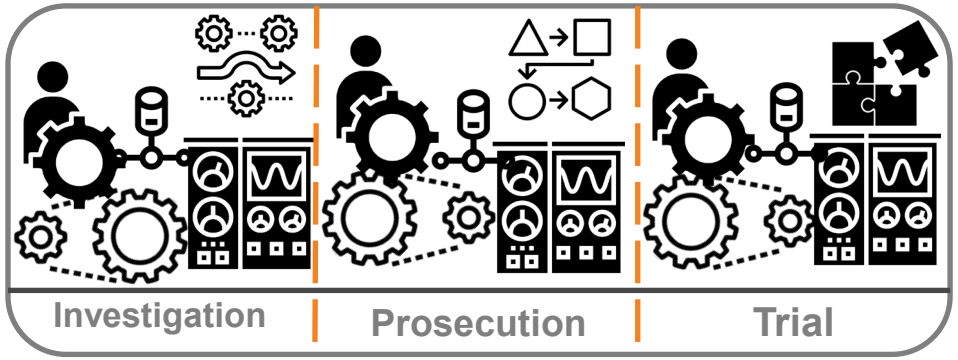
The system explained (simplified)

WILDLIFE CRIME

INPUT

- Seizures
- Cognizable offense
- Criminal complaints
- International Cooperation
- Submitted by another agency

PROCESS



OUTPUT

- Conviction
  - Prison sentence
  - Suspended sentence
  - Fine
  - Community service
  - Other measures
- Acquittal

WILDLIFE PROTECTION

Societal context

Political Economy Analysis - PEA

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Research questions

Where and **how severe** are the **main corruption risks in IWT investigation and prosecution** processes in the three case study countries?

What can be done to **mitigate these risks** to ensure the criminal justice process effectively addresses IWT?

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Corruption Risk

"A distinction should be made between what constitutes "corruption" and what constitutes a "corruption risk". While "corruption" refers to an act that has already occurred, a "corruption risk" is the potential for a corrupt act to occur. **Corruption risks are weaknesses within a system that may present opportunities for corruption to occur."** – Scaling Back Corruption (UNODC – 2020)

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Methodology Design

We set out to design a **structured analytical approach** to answer these questions.

Understandable • Prevention focused • Realistic to implement within a law enforcement agency • Applicable in a low resource setting • Tailored to the IWT criminal justice systems.

Ensure understanding.

Ultimate goal is to examine and address the underlying causes. Not assigning personal blame or responsibility.

It is not an audit!

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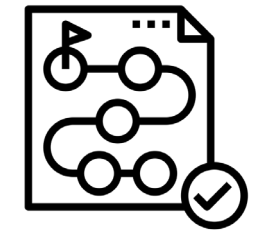
Methodology

Our answer was an a methodological approach to **Map** the examined process, **Characterize** the procedures, **Assess** the risk and **Recommend** possible mitigation.

MCAR



Map

Characterize

Assess

Recommend

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Differences with a traditional Corruption Risk Assessments

Traditional CRA	Present Research
Agency Specific	Process Specific
In-person, group exercise	Online meetings, individual exercises
Highly quantifiable (score-based)	Mixed: Map-based and two approaches to quantification (internal/external)
Continuous cycles	First stage only (up to risk treatment suggestions)
Range of businesses processes	Highly regulated criminal process
Limited external overview/scrutiny	Extensive scrutiny through criminal justice process

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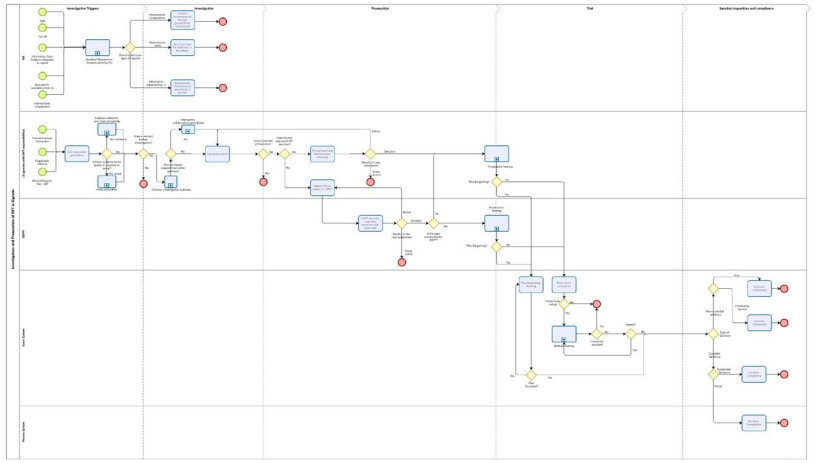
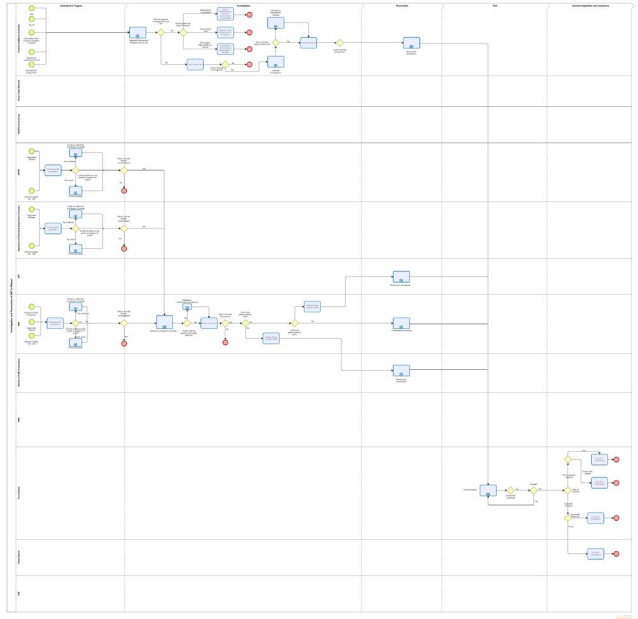
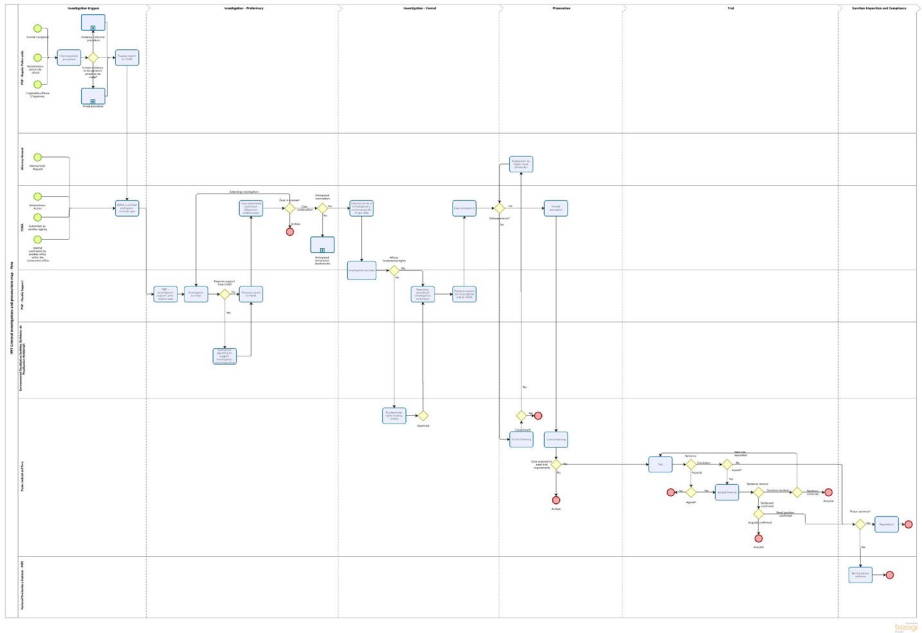
MAP

Business Process Model and Notation (BPMN) of IWT criminal justice process as a system. (Inputs, Processes, and Outputs)







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CHARACTERIZE

Stakeholder engagement through **semi-structured interviews (12-15/country)** in order to:

1. Understand the process and clarify roles of agencies and participants.
2. Identify risks.
3. Identify mitigation measures.

highlight operational / administrative / capacity-related weaknesses that combine with corruption risks to impair the functioning of the system as a whole.

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CHARACTERIZE

"Engages **relevant actors** and risk owners in **productive dialogue around corruption risks and solutions** which helps to build stronger, more open relationships and build mutual understanding - all of which are critical elements of a functioning enforcement system."

– Team Member.

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ASSESS

Extracting and **synthesising the risks** mentioned during the interviews.

- First extraction. (manual)
- Filter of elements that adhere to corruption risk definition. (excel)
- Assessment through: **number of mentions** and **prevalence** along the criminal justice system. (excel)
- Secondary assessment: Risk survey measuring **impact** and **likelihood** of risk categories. (google docs)

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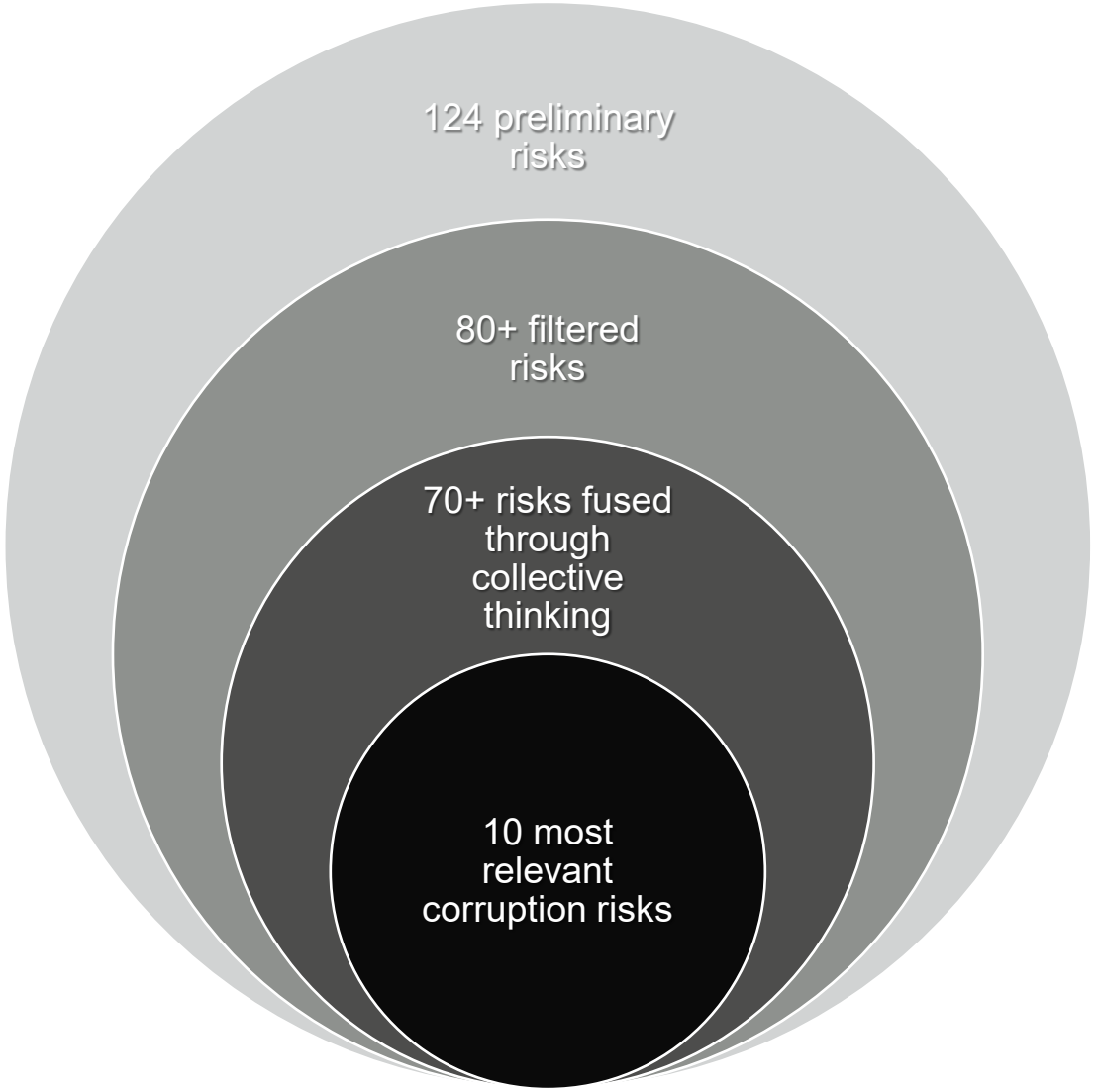
Distilling Corruption Risks: Malawi example



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RECOMMEND

Match risk categories with mitigation recommendation.

In-house ideas as catalyst + Expert contributions.

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Example of preliminary findings

Some of the risks categories identified (no specific country) so far include:

1. Case weakening
2. Deliberate delays
3. Tampering with the case file and physical evidence
4. Information leakage
5. External influence

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Lessons learned

1. The process benefits from **diverse thinking** produced by background differences: Law + Political Science + Conservation. This diversity also helps mitigate against inherent biases.

2. **Local expertise**, combined with **relatable international** experience works as trust builder, especially when reliant on online communication.

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Lessons learned

3. **Mapping is key to give "form" to the process** (unit of analysis) specially in contexts where A) there is no defined business process; B) Where the process is regulated but hidden among multiple other processes.

4. **Corruption risks and operational weaknesses are extremely intertwined.** Some corruption risks are not evident and might be materialized further down the chain due to vulnerabilities. How deep are you able to go?

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Lessons learned

5. **Assessment and improvement of operational procedures** for law enforcement agencies **can provide the structure** within which **to embed anti-corruption strategies** and formalises the identification and mitigation of corrupt practices.

6. **Members of a CRA team must feel comfortable with each other** in order to be able to openly discuss integrity risks. This can be facilitated by ensuring, where possible, team members already have a trust-based working relationship.

Confidentiality and a transparent attitude are vital in all of your interactions with those contributing information.

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Panelist

Brighton Kalaembeni Kumchedwa

Director, Department of National Parks and Wildlife, Malawi

Brighton graduated with Bachelor of Education from University of Malawi-Chancellor College in 1991. In 1995 he obtained Bachelor of Education (hon.) in Environmental Education from Rhodes University, South Africa and then proceeded to obtain MA: Environment & Socio – Economic Development from University of Natal, South Africa in 1998.

From 1991, Brighton has worked with Department of National Parks and Wildlife (DNPW) as Parks and Wildlife Officer and then as Parks and Wildlife Officer (Wildlife Management) at Liwonde National Park. From 1993-1995 he was assigned to work as Parks and Wildlife Officer responsible for Research & Planning at Lengwe National Park and then as Senior Parks and Wildlife Officer responsible for Education and Extension at head office.

In 2004 he ascended to the position of Division Manager responsible for Liwonde and Lake Malawi National Parks, in 2007 assumed the position of Assistant Director for Education and Extension and as Deputy Director in April 2013 before being appointed as Director of National Parks and Wildlife in September 2013 and the 2017 Tusk Conservation Award winner.

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Panelist

Donnamarie O'Connell

Senior Technical Advisor, Lilongwe Wildlife Trust

Donnamarie has worked in Malawi since 2008, working closely with government departments including the DNPW. She was appointed to the UK government's Illegal Wildlife Trade Challenge Fund Advisory Panel 2017-21.

She worked closely with the Director of DNPW in Malawi to initiate and establish the Inter-Agency Committee for Combating Wildlife Crime and led the UK Defra-funded 'Developing Law Enforcement Capability in Malawi to Combat Wildlife Crime' project 2015-17, which delivered a portfolio of training and legal tools to support national-level improvements in investigation and prosecution of wildlife crime.

As Operations Director (part time) at Stop Ivory/Elephant Protection Initiative 2016-18, Donna managed technical and financial support for developing National Elephant Action Plans and ivory stockpile inventories across 16 African states.

With Brighton Kumchedwa and others, she recently co-authored the report 'The Enabling Role of Corruption in Wildlife and Forest Crime in Malawi: Review and Recommendations'. She is currently the senior technical advisor to Lilongwe Wildlife Trust and Basel Institute of Governance's Malawi consultant on this project.

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Panelist

Joel Segura Alania

Lawyer, Peruvian criminal law

Joel Segura Alania is a Peruvian lawyer specialized in criminal law, criminal procedure, and asset recovery. His professional background involves corruption risk management, integrity, compliance, anti-bribery, and internal control systems.

He is a professor at the Law School of the Pontificia Universidad Católica del Perú and at the Academia de la Magistratura, visiting professor at the Master in Compliance at the UCLM, and the Specialized Course at the Escuela Libre México.

Joel has held professional roles including Senior Asset Recovery Specialist (ICAR) of the Basel Institute on Governance - Switzerland, Public Prosecutor Specialized in Corruption of Public Officials Crimes, Deputy Public Prosecutor, Secretary-General of the Supreme Court of Justice of the Republic of Peru. And advisory roles in the Cabinet of Advisors of the President of the Judiciary and Secretary of Confidence of the Criminal Chamber of the Supreme Court of Perú.

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TNRC Learning Series

Lessons from the field: Assessing corruption risks that undermine law enforcement action against natural resource crimes

Manuel Medina Rendon
Basel Institute on Governance

Joel Segura Alania

Brighton Kalaembeni Kumchedwa
Liwonde National Park

Donnamarie O'Connell
Lilongwe Wildlife Trust

Juhani Grossman
Basel Institute on Governance
(Moderator)

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POLL

How likely are you to suggest performing or supporting a CRA for law enforcement involved in NRM to your supervisors?

a. Definitely not
b. Unlikely
c. Likely
d. Certain

Targeting Natural Resource Corruption

Harnessing knowledge, generating evidence, and supporting innovative policy and practice for more effective anti-corruption programming

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