

# Saplings of hope: Addressing corruption that has an impact on the environment in line with UNCAC Resolution 8/12 and beyond

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“Various activities are taking place to tackle corruption that has an impact on the environment. The diversity of engagements is laudable, but it is far from the scale needed to make a systemic difference to both societal corruption and environmental challenges.”

Adopted in 2019, UNCAC Resolution 8/12 – *Preventing and combating corruption as it relates to crimes that have an impact on the environment* – urges States Parties to prevent, investigate and prosecute corruption offences where they may be linked to crimes that have an impact on the environment.

In 2023, the Basel Institute on Governance published its Working Paper 50, *Seedlings of hope*, providing a panorama of emerging and promising initiatives across the world since the adoption of Resolution 8/12. The purpose of the updated report *Saplings of hope* is to highlight what progress has been achieved since then.

## Corruption prevention measures

States have implemented a host of initiatives to strengthen integrity systems. Most commonly, this included the revision and adoption of internal control policies, more dedicated risk management efforts, including through the establishment of corruption prevention committees, and a range of capacity building efforts to strengthen environmental agencies' ability to mitigate their own corruption risks, such as workshops on ethics codes and other integrity measures. Whistleblower protection programmes were increasingly designed, implemented and promoted. Sectoral Corruption risk assessments were conducted in sectors such as wildlife management, forestry and fisheries.

Promising corruption prevention interventions include:

- **Conducting regular corruption perception and experience surveys among staff.** This can help assess both progress and the effectiveness of corruption prevention measures. It can also create baselines against which to measure progress. Not enough interventions and reform efforts start with such a baseline, which means they then struggle to assess progress.
- **Involving high-level management and leadership** at each stage of the corruption prevention approach. This can help develop ownership and accountability. Explaining how integrity efforts support the strategic and political priorities of the leadership is crucial to achieve this. It requires adapting technocratic approaches to be relevant to the institutional leadership.
- **Stipulating a mandatory budget for corruption prevention** across ministries, agencies and departments. This can help ensure that minimal investments in integrity and anti-corruption activities are effectively prioritised and implemented. Sanctions for not respecting the mandatory budget should be imposed.
- **Launching awareness-raising campaigns** to promote knowledge of anti-corruption measures. This is an important first step to their effective implementation.
- **Developing whistleblowing mechanisms.** They can help increase reporting and detection of corruption. To achieve their potential, whistleblower mechanisms require a strong system, reliable protections and an institutional culture that welcomes such feedback.
- **Peer-to-peer learning for government representatives from different countries and institutions to exchange** on corruption prevention actions. This can be surprisingly relevant, as anti-corruption officials often struggle with similar institutional challenges. Peer exchanges can help people and institutions to learn from each other's successes and challenges and jointly identify effective mitigation measures.

## Enforcement actions

Several countries have investigated and prosecuted corruption cases linked to crimes that have an impact on the environment. Financial investigations and money laundering legislation are more frequently used to tackle these crimes. The systematic seizure and confiscation of assets is still just beginning, as is the creation of multi-agency and interdisciplinary task forces, nationally and internationally. However, enforcement actions on *corruption* as it relates to crimes that have an impact on the environment are still limited.

Promising enforcement interventions include:

- **Assessing the economic, social and environmental losses** from cases of corruption linked to crimes that have an impact on the environment – and using these to calculate associated penalties and fines – can help compensate and restore some of the harm done. Combining calculations of losses due to corruption with those of losses due to the environmental crimes can result in stiffer sentences and penalties.
- **Seizing and confiscating proceeds and instrumentalities of crime** (bank accounts, real estate, vehicles, machineries, etc.) through the diverse legal instruments available in jurisdictions can help ensure that crime does not pay. It also removes the resources needed to continue activities that harm the environment, thereby halting ongoing destruction.
- **Exploring legal avenues outside the anti-corruption field** can help strengthen enforcement. These include legislation on money laundering and tax offences as well as the social re-use of seized and confiscation assets, sanctions and visa bans.

## Essential role of civil society and the media

Alongside States, civil society organisations and the media have played an essential role in increasing our understanding of the relationship between corruption and crimes that have an impact on the environment.

Their efforts span investigative reporting, publishing evidence-based research, capacity building, creating networks to bridge the gap between anti-corruption and environmental practitioners, as well as initiating strategic litigation cases. Their involvement is all the more commendable given that they are facing an increasingly repressive environment.

## The way forward

As this Working Paper highlights, various activities are taking place to tackle corruption linked to crimes that have an impact on the environment. The paper picks out those that show significant promise. The diversity of engagements is laudable, but it is far from the scale needed to make a systemic difference to both societal corruption and environmental challenges. States Parties need to adapt and scale up initiatives that are effective or look promising, by, among other things:

- **Ensuring more robust staffing and prioritisation of corruption prevention systems** in government and state-owned enterprises tasked with conserving, managing or trading natural resources.
- **Developing specialised knowledge and expertise** of governmental institutions and agencies to better address corruption that impacts the environment.
- **Incorporating anti-corruption measures into environmental and natural resource policies** and strengthening environmental governance structures to include anti-corruption internal controls and mechanisms.
- **Dedicating greater resources for specialised law enforcement** to pursue complex financial flows linked to corruption and crimes that have an impact on the environment.
- **Increasing inter-agency collaboration** and conducting joint operations on corruption that has an impact on the environment.
- **Making use of legal frameworks and testing new legal avenues** to hold individuals and legal persons accountable, including through asset recovery and remedies to repair the damage.
- **Engaging in platforms** for representatives from governments, civil society and other stakeholder groups to exchange experiences and know-how in tackling corruption that has an impact on the environment.
- **Sharing knowledge**, case law, success stories, etc.
- **Ensuring that this issue is integrated in all relevant United Nations processes** such as the ones related to climate and biodiversity.
- **Protecting and defending civil society space, press freedom and human rights defenders** working on the environment and corruption-related issues.

As these initiatives have now been conducted for six years, there is a sufficient body to scrutinise their effectiveness and efficiency. It is therefore essential to rigorously assess these measures, especially in an environment of increasingly scarce financial resources.

## **Addressing corruption that has an impact on the environment**

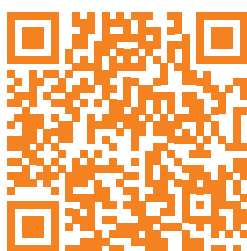
The Working Paper also makes a case for moving from the concept of “corruption as it relates to crimes that have an impact on the environment” to “corruption that has an impact on the environment”.

Focusing solely on corruption linked to crimes that have an impact on the environment overlooks situations where corruption causes environmental harm without an associated criminal offence. It does not take into consideration pressing issues such as corruption linked to climate finance, renewable energy and the exploitation of critical minerals.

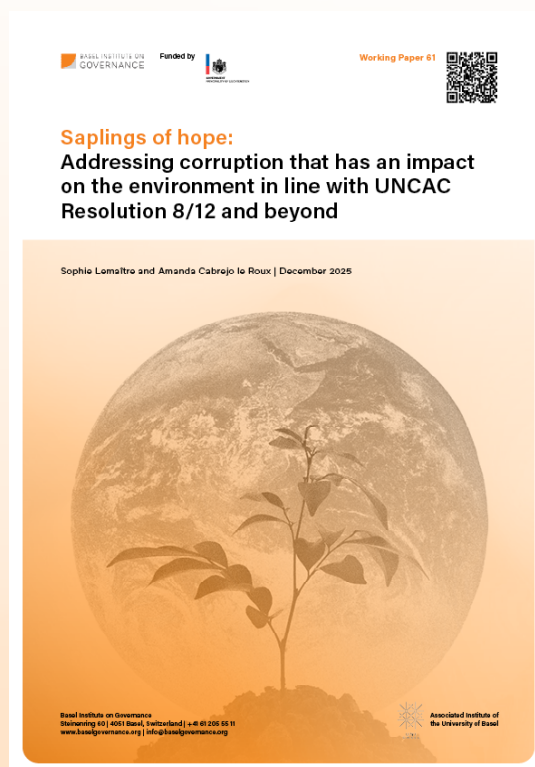
Adopting a holistic approach is crucial to address all forms of corruption that affect the environment, and thus to protect the environment and people.

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