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EXPERTISE  
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## Expertise France **Environmental Damage and Justice**



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**10**

projects with significant activities  
on the topic in 2023

**€85 M**

committed for projects related to  
environmental damage and justice

To address the acceleration of climate change and the collapse of biodiversity, there is an urgent need to strengthen public policies to tackle environmental damage. This action is based on three areas: prevent, sanction and repair.

**Know-how in Common**

# Environmental damage and justice

Expertise France helps its partners develop and implement effective environmental protection based on the three-pronged approach "Prevent, sanction, repair".

Every year, environmental damage causes losses of more than €200 billion and increases by more than 5%, accentuating the risk of harming people and biodiversity. In this respect, several warning signs oblige us to rethink an appropriate environmental justice system:

- **An environmental emergency:** the latest IPCC report tells us that human activities play a crucial role in curbing the acceleration of climate change and the collapse of biodiversity. We therefore need to rapidly adapt justice systems to ensure that they integrate this reality. Indeed, environmental damage comes with consequences and has far-reaching effects that go beyond the degradation of environments. It has a domino effect on human health and integrity, social and institutional stability, and market economies
- **Many victims:** they may be direct or indirect, visible or invisible. Local communities, indigenous peoples and, more generally, vulnerable people, are the most affected by activities related to environmental damage.
- **Trafficking between opacity and impunity:** environmental damage is the fourth most lucrative illegal activity worldwide, but continues to go relatively unpunished by the justice system in view of the small number of cases in which the judicial process leads to a conviction

Consequently, the crosscutting field of action, along with the multidisciplinary of the actors that have a role to play in ensuring the overall protection of the environment, justifies more than ever the essential need to step up cooperation between these different stakeholders.

Once incorporated in national law, the effective protection of the environment by justice systems requires training and a specialisation of the professionals. This training must enable police officers, gendarmes, customs officers, judges, prosecutors, notaries, bailiffs, lawyers, ministry personnel, and other professionals related to the protection of the environment to gain an understanding of the technical and specific aspects of these issues, so that they can fight more effectively against the associated abuses.

## Tackling environmental damage



Prevention



Sanction



Reparation

### 1. Prevent environmental damage

The development of standards for the protection of the environment contributes to the prevention of environmental damage against it. An effective dissemination of information is de facto essential to ensure that citizens are aware of their rights and obligations.

In addition to informing people about the decisions taken that affect the environment, there is also the need to **raise the awareness of companies in terms of compliance with social and environmental standards**, impose an obligation of vigilance on them regarding their operations, and protect informers and whistleblowers working to protect ecosystems. Environmental protection goes well beyond courtrooms: it requires decompartmentalising and strengthening all the administrative, judicial, security and civil society actors that contribute to the protection of the environment. Governments also need to be assisted with the development of public policies to hold private actors accountable and institute judicial proceedings against the most serious damages.

## 2. Sanction environmental damage

The transnational nature of environmental damage has been clearly demonstrated and implies the need for **good coordination between all the actors, at all the local, regional, national and international levels**. A territorial approach is essential to a good understanding of environmental damages.

As with other forms of damage, “South-South” and “triangular” cooperation between countries of origin, transit and destination (Latin America-Europe-Asia and Africa-Asia, for example) is critical for the effective conduct of investigations and the prosecution of the individuals and groups responsible for these environmental damages.

In addition, the technical nature of the protection of the environment requires a **specialisation on the part of actors** through the creation of specialised courts, enabling an appropriate response to the damages, but also through training and by strengthening the means of investigation.

## 3. Sustainably repair the environment

**Environmental damage is recognised in a number of legal systems and forms the basis to a right to reparation.** Yet for environmental damage to be compensated, the judge needs to have the tools to assess this damage.

Strengthening the protection of the environment also requires **developing legal mechanisms** to enable NGOs to take legal action. Indeed, in most cases, environmental damage is diffuse, with no direct victims, or with victims that do not have the means to take legal action. These cases can only be taken up by associations.

Finally, **developing negotiated procedures for the criminal justice response** that include an obligation to compensate for the damage, pursuant to the applicable sanctions, can be an effective tool for repairing the damage caused by companies or citizens.

# Expertise France's action

Expertise France assists its partners with the development and implementation of an effective protection of the environment based on the three-pronged approach: “Prevent, sanction, repair”.

**Prevent:** preservation of ecosystems; support for the creation, management and monitoring of protected areas; assistance with the development of a legal framework that protects the environment; prevention and awareness-raising campaigns; promotion of good governance, transparency, and the participation of citizens and their access to justice; development of alternative dispute resolution mechanisms (mediation, conciliation, arbitration); raising awareness among private actors of their social and environmental responsibility.

**Sanction:** specialisation of courts and actors; analysis of environmental threats; development of appropriate criminal policies; development of police and judicial cooperation between actors at the national, regional and international levels.

**Repair:** identification and assessment of environmental damage; arrangements for the compensation of victims and site remediation.

### *A pool of multifaceted expertise*

Expertise France has built up a pool of French, European and international expertise, both public and private, with competences in various specialities concerning the protection of the environment. This pre-identification of more than 130 experts allows a rapid mobilisation of specialised competences: researchers, magistrates, lawyers, law enforcement officials, civil protection officers, the administrative authorities of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), and civil society representatives.

# Our lines of action

#1

## Governance

Expertise France assists its partners with reforms to their judicial systems, the development of appropriate legal frameworks, and the monitoring of their implementation. The objective is to improve environmental protection.

The agency also works to promote democratic processes and fundamental rights in environmental matters, including those of vulnerable people. This includes promoting access to justice, information rights, and citizen involvement in decision-making that affects the environment.

In addition, the agency contributes to building the capacities of actors for their environmental specialisation, and to strengthening cooperation at the national and international levels.



#2

## Climate, biodiversity and sustainable development

Expertise France helps partner countries and cities mainstream climate and biodiversity issues into their policies and programmes.

The agency focuses its action on the following areas: climate strategies, biodiversity mainstreaming, the sustainable development of territories, and inclusive territorial governance. Defining and implementing strategies for agricultural development and natural resources management are among the major challenges of this century. They also pose economic, social and environmental challenges.

Expertise France thereby implements projects to strengthen the institutional capacities of its partners. The objective is to mainstream the “Forests, biodiversity and ecosystem” approach into public policies and national and regional action. Its activities benefit various development actors: governments, local authorities, civil society organisations, academia, and the private sector.



#3

## Peace, stability and security

Expertise France assists countries with the prevention and management of crises, the fight against cross-cutting threats, terrorism and organised damage, and promotes security and peacekeeping. For example, the agency provides technical assistance for the fight against organised transnational damage, maritime security, the fight against terrorism and money laundering, cybersecurity, and for strengthening defence and security forces.

In the field of environmental protection, the agency contributes to the fight against environmental damage and related damages such as drug trafficking, terrorism and arms trafficking. To this end, it puts together specialised multidisciplinary teams, supports investigations and police operations, helps put together joint investigation teams, and builds the institutional capacities of actors in the penal chain (police, justice) and from civil society. In addition, it has experience in how to conduct analyses of the threat posed by organised environmental damage, and in the implementation of specific measures to address it.

For example, the agency has implemented projects and initiatives to combat deforestation and the illegal trade of timber, arson, wildlife trafficking, illegal mining (gold mining), illegal fishing, and soil, water and sea pollution under the European Union's EMPACT platform, and with key partners such as Europol, Eurojust and INTERPOL.



# Our projects

## LATIN AMERICA

### HACIA ESCAZÚ

2022-2024 | €2 M | Agence française de développement

The project aims to improve the efficiency of justice and the exercise of citizenship in public policies on environmental and climate issues, on the basis of the principles of the Escazú Agreement. More specifically, the activities will:

- Strengthen the environmental and climate knowledge of justice officials and thereby improve law enforcement
- Promote public participation on these issues and the exercise of citizenship
- Support the institutional response to environmental activists in Costa Rica

## WEST AFRICA, CARIBBEAN, LATIN AMERICA

### SEACOP V – PORT COOPERATION PROJECT

2021-2023 | €5 M | European Union

The SEACOP V project aims to fight against transatlantic maritime trafficking between the Caribbean, Latin America and West Africa and thereby reduce the impact on security, public health and socioeconomic development.

More specifically, SEACOP is helping to set up Maritime Intelligence Units and Joint Maritime Control Units at national level. It also facilitates networking between these units to promote a regional and transregional approach to fighting this trafficking.

## LATIN AMERICA

### EL PACCTO - TECHNICAL ASSISTANCE PROGRAMME FOR THE FIGHT AGAINST TRANSNATIONAL ORGANISED DAMAGE

2017-2022 | €22,4 M | European Union

EL PACCTO is providing technical assistance to 18 countries to strengthen the rule of law, the security of citizens, and the fight against transnational organised damage.

More specifically, EL PACCTO aims to support the development of police and law enforcement bodies in Latin American countries, improve cooperation between the police and the judiciary, assist with the development of effective penitentiary systems that respect human rights, and strengthen regional and bi-regional cooperation on combating transnational organised damage, with a focus on the aspects of environmental damage.

## GULF OF GUINEA

### GOGIN - GULF OF GUINEA INTERREGIONAL NETWORK

2021-2023 | €13 M | European Union, Denmark

The GOGIN project aims to improve maritime security and safety and thereby promote the blue economy in the Gulf of Guinea.

More specifically, the project has developed a platform for information sharing and the monitoring and management of maritime incidents (illegal, unreported and unregulated fishing, pollution, piracy...).

Governance

Climate, biodiversity and sustainable development

Peace, stability and security

**EUROPE**

**COOPERATION FOR THE PROTECTION OF THE ENVIRONMENT BY JUSTICE INSPECTORATES**

2022-2024 | €0,3 M | European Union

The project is helping to improve the treatment of environmental damages by the criminal justice system through the contribution of national justice inspectorate services. The activities implemented include:

- The collection and analysis of criminal justice data regarding the environment at national level
- The development of recommendations and common tools to align the approaches of partner Member States

**ALGERIA**

**BLUE ECONOMY PROJECT – FISHERIES AND AQUACULTURE**

2021-2025 | €22 M | European Union

The project is contributing to the growth of Algeria's economy by sustainably developing its blue economy, with a focus on the fisheries and aquaculture sectors. It aims to:

- Support the creation of job and investment opportunities for coastal communities
- Improve the wage and working conditions of small-scale fishermen
- Provide equipment to the Algerian authorities to help control fisheries resources and tackle illegal, unreported and unregulated fishing

**KENYA**

**GO BLUE – PROJECT TO STRENGTHEN MARITIME SECURITY**

2020-2024 | €5 M | European Union

GO BLUE aims to strengthen Kenya's coast guard service and ensure coordination between national actors in maritime security and safety, and thereby protect the maritime domain and promote the blue economy. It also aims to improve regional cooperation on maritime security.

The project is conducted jointly with the United Nations Office on Drugs and Damage.

**MULTI- COUNTRY**

**POST-2020 BIODIVERSITY FRAMEWORK - EU SUPPORT**

2018-2024 | €8.5 M | European Union

The project aims to promote the adoption of ambitious commitments for biodiversity and their implementation in the context of the 15th United Nations Biodiversity Conference.

The first phase of the project, which reached completion in 2021, assisted more than 20 non-EU countries and the main stakeholders with the definition of their positions, political demands, and their objectives related to the various negotiation rounds of the Convention on Biological Diversity.

Its second phase is now focusing on the implementation of the future global agreement.

**MULTI-COUNTRY**

**BIODEV2030**

2019-2023 | €10 M | Agence Française de Développement

The BIODEV2030 project aims to help mainstream biodiversity into key economic sectors for the development of countries, sectors that are dependent on natural resources and have negative effects on them.

It is implemented in three stages: dialogue platforms, diagnostics and multi-stakeholder negotiations.



Expertise France is a public agency, the interministerial actor in international technical cooperation and a subsidiary of Agence Française de Développement Group (AFD Group). As the second largest agency in Europe, it designs and implements projects that sustainably strengthen public policies in developing and emerging countries. Governance, security, climate, health, education... It operates in key areas of development and contributes alongside its partners to the implementation of the Sustainable Development Goals (SDGs). Towards a world in common.

For more information: [www.expertisefrance.fr/en](http://www.expertisefrance.fr/en)



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