

## 10. THE ENVIRONMENTAL AND NATURAL RESOURCE CRIMES RISK ASSESSMENT

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### 10.1 Introduction

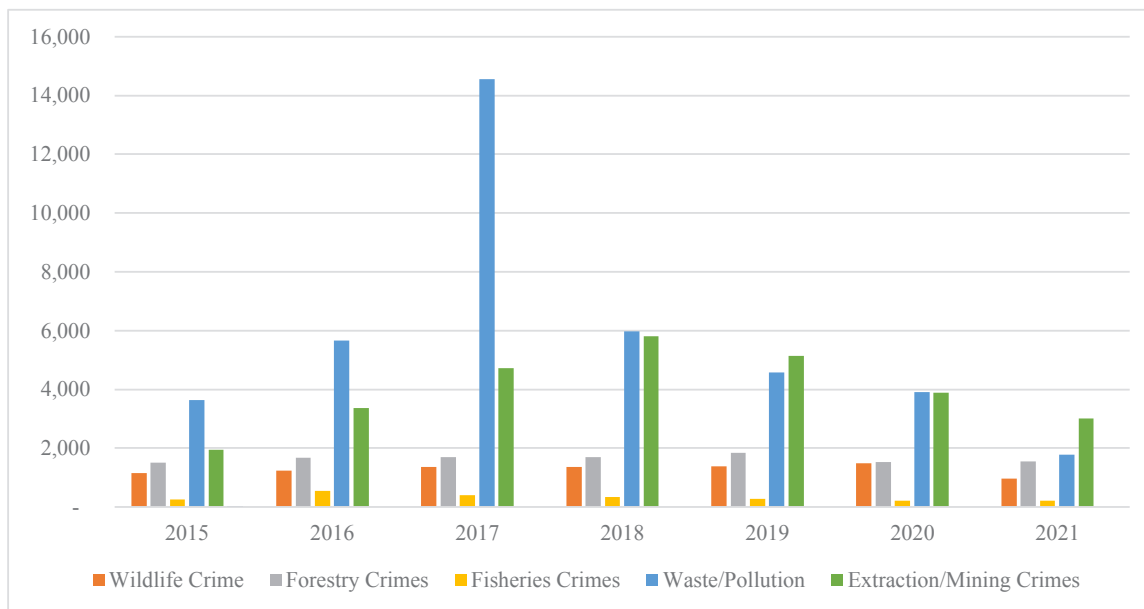
The ENV-NR Crimes Risk Assessment of the NRA focuses on identifying main ENV-NR crime threats in Sri Lankan context, assessing vulnerabilities to financial crimes in the ENV-NR sectors and developing recommendations to strengthen ENV-NR crime and related ML controls and to reduce vulnerabilities to ML in natural resource sectors.

Sri Lanka has a well-established legislative framework for ENV-NR sector. Further, an institutional framework has been established for each ENV-NR sector. Accordingly, legal framework is effectively implemented for ENV-NR crimes as preventive measures and controls. In addition, Sri Lanka is a signatory country of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES).

### 10.2 Threat and Vulnerability Assessments of Environmental and Natural Resource Sectors

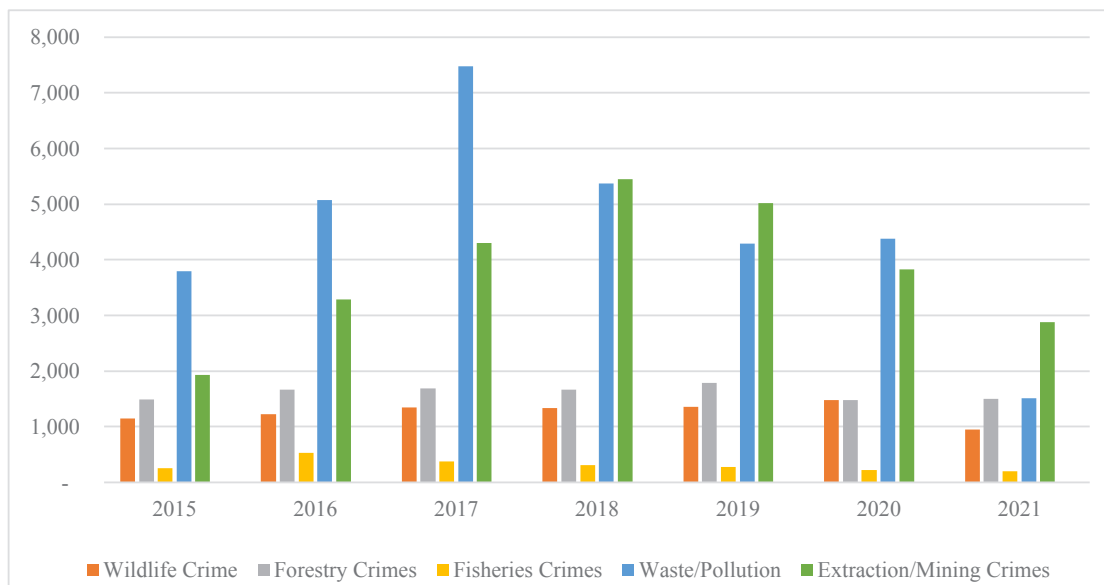
Administrative sanctions, investigations, prosecutions, and convictions have been executed for fauna crimes, flora crimes, fisheries crimes, extraction/mining crimes and waste/pollution offences under the related legislative enactments by the respective agencies in Sri Lanka. Accordingly, The Department of Wildlife Conservation is responsible for the protection of wildlife (fauna and flora) resources of the country and actively engaged in detecting wildlife offences. Department of Forest Conservation is responsible for forest resources of the country. Ministry of Fisheries formulates policies in relation to the subject of fisheries in conformity with the prescribed Laws and Acts, for the betterment of the fisheries industry. Sri Lanka has taken initiatives to make fisheries sector sustainable and to be in compliant with the international obligations. Central Environmental Authority deals with the waste/pollution related offences of the country. The Geological Survey and Mines Bureau is the authorized agency for the mineral development in Sri Lanka. Environmental Protection Division of Sri Lanka Police has also conducted investigations related to environmental offences within the applicable legislative provisions and in coordination with respective environmental enforcement agencies. Number of investigations, prosecutions, convictions and confiscations of environmental crimes are presented in the graphs below. However, no ML or TF cases were investigated within the ENV-NR sector.

**Figure 1: Number of Investigations (2015 – 2021)**



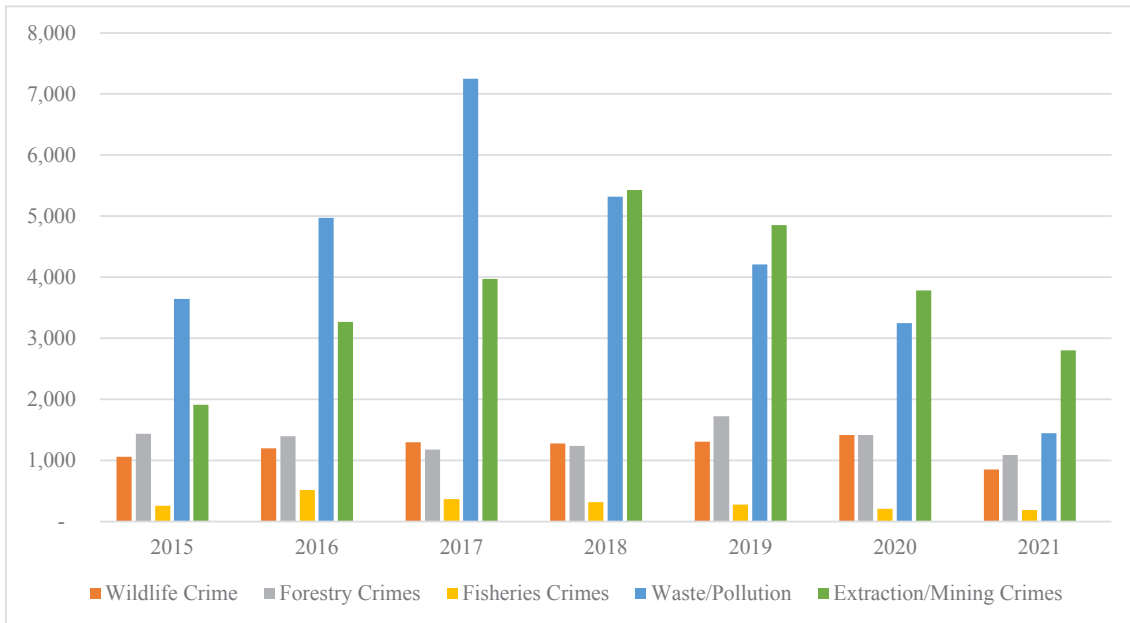
Source: Sri Lanka Police

**Figure 2: Number of Prosecutions (2015 – 2021)**



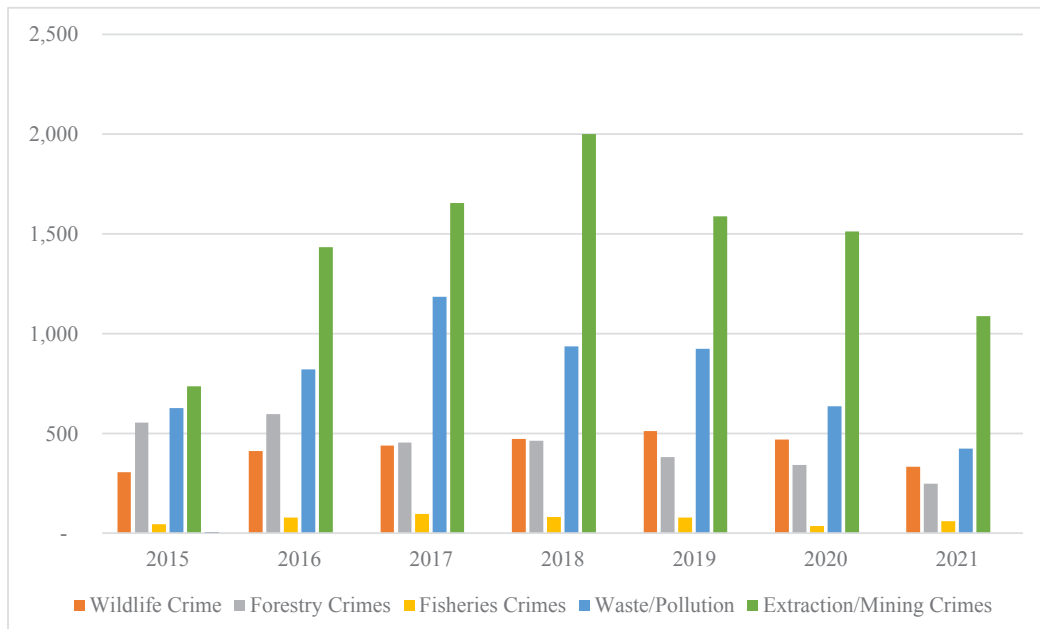
Source: Sri Lanka Police

Figure 3: Number of Convictions (2015 – 2021)



Source: Sri Lanka Police

Figure 4: Number of Seizures/ Confiscations (2015 – 2021)



Source: Sri Lanka Police

Based on the analysis of the quantitative and qualitative data related to wildlife offences, it is assessed that ENV-NR sector offences have a likelihood of occurring crimes in ENV-NR sector and moderate impact of crime to ENV-NR sector, environmental ecosystem, country's economy and criminal environment. Hence, the overall threat of ENV-NR sector is assessed as **Medium**.

In relation to vulnerability assessment of ENV-NR sector, the WG measured the strength of the legal provisions and the preventive measures and controls to ensure that the legal framework is effectively implemented, and control measures are effectively monitored in the Sri Lankan context.

Sri Lanka has established border controls for illegal wildlife trade by implementing licensing requirements governing the import and export of fauna and flora and related products and any other irregularities via Customs operations. The CIABOC has also conducted investigations, prosecutions and convictions relating to crimes of ENV-NR sector. A total of 104 NPOs are operating in ENV-NR sector with the main objectives of environment protection, disaster management, etc. NPOs intervene to protect environment via public interest litigations if enforcement of the law is violated or government institutions fail to enforce the law. e.g., sludge dumping, deforestation of Wilpattu National Park, Seeking Justice for Elephants, etc.

The vulnerability assessment shows the quality of the general environmental crime controls at Sri Lanka's national level and the ability of the country to combat criminal activity in the ENV-NR sector. Sri Lanka has strong legal framework of ENV-NR violations, preventive and criminal law enforcement, customs and border controls. However, conducting financial investigations on ENV-NR crimes are identified as inadequate in ML perspective. Accordingly, in the Sri Lankan context, overall ENV-NR sector ML combating ability and national vulnerability of ENV-NR crimes and related ML controls were assessed to be in a moderate level. Hence, overall ENV-NR sector ML risk is arrived at **Medium**.

The risk assessment has identified AML related gaps in ENV-NR sector such as non-inclusion of offences related to fauna, flora, fisheries, mining/extraction and other offences related to ENV-NR sector as unlawful activities for ML offence. Further, lack of capacity development and awareness of Law Enforcement Agencies, judiciary and relevant authorities/ institutions to follow the money behind each ENV-NR crime and the non-availability of database for ENV-NR crimes have inhibited effective combating of ML related to ENV-NR crimes. Furthermore, the less awareness among reporting institutions and the general public including employees of ENV-NR sector to identify suspicious activities has resulted in a very low level of reporting of STRs to the FIU. It was also revealed that there is moderate level of international coordination to establish preventive measures and controls on ENV-NR crimes since law level of MLA requests made on ENV-NR crimes. Even though Sri Lanka is a signatory to the CITES, it is yet to introduce national laws implementing all aspects of the CITES in the country.

Figure 5: Highlights of the Environmental and Natural Resource Crimes Risk Assessment

