

# Stop Crime

The Ninth United Nations Congress on  
*the Prevention of Crime and the Treatment of Offenders*

## Crime Against the Environment: UN Sets Out Legal Options

A United Nations six-continent study of criminal justice responses to attacks on the natural environment will guide policy discussion at an unprecedented interdisciplinary workshop in Cairo, May 1995.

"We hope that the workshop at the UN's Ninth World Crime Congress will come up with clear options for the consideration of national and international policy makers", said Herman Woltring, director of the Rome-based UN Interregional Crime and Justice Research Institute (UNICRI).

Among the conclusions of the two-year study:

- A key factor is the applicability of criminal sanctions to corporations. Although there are many different approaches to this principle, the international trend is towards liability of enterprises. "In cases of deliberate and knowing acts, such as dumping of hazardous wastes, businesses deserve to be placed under criminal sanctions", Mr. Woltring said. "As a corollary, the threat of criminal sanctions is a strong deterrent to such conduct. Corporations place great value on their goodwill, and this is adversely affected by the stigma of a criminal conviction."

- Classical criminal sanctions are insufficient to meet the challenges posed by environmental crimes. A broader spectrum of penalties is required, including sequestration of managers, audited compliance programmes and exclusion from government contracts. Some legal scholars envision the corporate equivalent of the death penalty: closure of the enterprise.

- The most effective countermeasures to cross-border pollution have been joint projects

such as bilateral treaties, multilateral conventions and dispute resolution. Criminal law has not been easily applied to this area, due to variations among national criminal law systems. "We are hoping that a result of the Crime Congress workshop will be further studies that will lead to greater harmonization among criminal codes", Mr. Woltring said.

- Difficulties in applying criminal law to organizations and across borders have hindered the fight against international organized crime syndicates in the same fashion that they have made it difficult to penalize environmental crimes. "It is now recognized that the same factors that have allowed the internationalization of lawful business activity have also allowed the spread of transnational organized crime, including transnational environmental crime", Mr. Woltring said. He noted that a report to be presented to the Crime Congress workshop by the Italian Carabinieri and the Legambiente, an Italian non-governmental organization, suggests that the Mafia is heavily involved in waste disposal businesses, and may be undermining recycling efforts. Mr. Woltring said that the Carabinieri/Legambiente investigation is expected to lead to other studies, which are likely to reveal cross-boundary activities.

- Some acts of aggression, such as the deliberate dumping of toxic or nuclear wastes in the oceans and environmental terrorism, should be treated as international crimes.

- There are important roles for the UN system, including technical assistance, research, education and stimulation of interaction between



Governments, non-governmental organizations and the private sector.

The UNICRI study correlates more than 90 case studies from 11 countries of divergent size, location, culture and legal systems — Australia, Brazil, Canada, China, Germany, Italy, Japan, Nigeria, Poland, Sweden and Tunisia.

The work of UNICRI, as well as that of five affiliated and four associated regional institutes, is coordinated by the UN Crime Prevention and Criminal Justice Branch. Several of these criminological institutes participated in the study.

The study will be discussed in a workshop called "Environmental Protection at National and International Levels: Potentials and Limits of Criminal Justice". Discussion will take place concurrently with the plenary meetings of the Ninth

United Nations World Congress on the Prevention of Crime and the Treatment of Offenders, taking place 29 April to 8 May 1995 in Cairo. The Congress is held under the auspices of the United Nations Commission on Crime Prevention and Criminal Justice, and organized by the UN's Crime Prevention and Criminal Justice Branch, both based in Vienna.

For more information on the environmental workshop or a copy of the study, contact Herman Woltring at the UN Interregional Crime and Justice Research Institute (UNICRI), Via Giulia 52, 00186, Rome, Italy; telephone 39-6-687-7437, fax 39-6-689-2638. The study will be available at, and after, the Congress.

This archiving project is a collaborative effort between United Nations Office on Drugs and Crime and American Society of Criminology, Division of International Criminology. Any comments or questions should be directed to Cindy J. Smith at [CJSmithphd@comcast.net](mailto:CJSmithphd@comcast.net) or Emil Wandzilak at [emil.wandzilak@unodc.org](mailto:emil.wandzilak@unodc.org).