



# Economic and Social Council

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## Commission on Crime Prevention and Criminal Justice

### Thirtieth session

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Agenda item 6 (d)

### **Integration and coordination of efforts by the United Nations Office on Drugs and Crime and by Member States in the field of crime prevention and criminal justice: other crime prevention and criminal justice matters**

#### **Albania, Andorra, France, Honduras, Mexico and Norway: revised draft resolution\***

The Commission on Crime Prevention and Criminal Justice recommends to the Economic and Social Council the approval of the following draft resolution for adoption by the General Assembly:

#### **Preventing and combating crimes that affect the environment**

*The General Assembly,*

*Recalling* its resolutions [67/189](#) of 20 December 2012, [68/193](#) of 18 December 2013, [69/197](#) of 18 December 2014, [70/178](#) of 17 December 2015, [71/209](#) of 19 December 2016, [72/196](#) of 19 December 2017, [73/186](#) of 17 December 2018, [74/177](#) of 18 December 2019 and [75/196](#) of 16 December 2020, entitled “Strengthening the United Nations crime prevention and criminal justice programme, in particular its technical cooperation capacity”, in which the Assembly expressed deep concern about crimes that affect the environment and emphasized the need to combat such crimes by strengthening international cooperation, capacity-building, criminal justice responses and law enforcement efforts, as well as its resolutions [69/314](#) of 30 July 2015, [70/301](#) of 9 September 2016, [71/326](#) of 11 September 2017 and [73/343](#) of 16 September 2019, entitled “Tackling illicit trafficking in wildlife”,

*Recalling also* Economic and Social Council resolutions 1989/62 of 24 May 1989, entitled “Concerted international action against the forms of crime identified in the Milan Plan of Action”, 1992/22 of 30 July 1992, entitled “Implementation of General Assembly resolution [46/152](#) concerning operational activities and coordination in the field of crime prevention and criminal justice”, 1993/28 of 27 July 1993, 1994/15 of 25 July 1994 and 1996/10 of 23 July 1996, entitled “The role of criminal law in the protection of the environment”, as well as resolutions 2001/12 of 24 July 2001, 2002/18 of 24 July 2002, 2003/27 of 22 July 2003, 2011/36 of 28 July 2011 and 2013/40 of 25 July 2013 on crime prevention and criminal justice responses

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\* Issued without formal editing.

to illicit trafficking in protected species of wild fauna and flora, resolution 2008/25 of 24 July 2008 on international cooperation in preventing and combating illicit international trafficking in forest products, including timber, wildlife and other forest biological resources, and resolutions 2013/38 of 25 July 2013 and 2019/23 of 23 July 2019 on combating illicit trafficking in precious metals and illegal mining,

*Recalling further* Commission on Crime Prevention and Criminal Justice resolutions 16/1 of 27 April 2007 and 23/1 of 16 May 2014 on trafficking in forest products, including timber, and resolution 28/3 of 24 May 2019 entitled “Strengthening regional and international cooperation in crime prevention and criminal justice responses to illicit trafficking in wildlife”,

*Recalling* resolutions 1/3 of 27 June 2014 and 2/14 of 27 May 2016 of the United Nations Environment Assembly of the United Nations Environment Programme on the illegal trade in wildlife and wildlife products,

*Welcoming* the Kyoto Declaration on Advancing Crime Prevention, Criminal Justice and the Rule of Law: towards the Achievement of the 2030 Agenda for Sustainable Development, adopted by the Fourteenth United Nations Congress on Crime Prevention and Criminal Justice, held in Kyoto, Japan, from 7 to 12 March 2021, in which Heads of State and Government, Ministers and Representatives of Member States expressed deep concern about the negative impact of crime on the environment and endeavoured to adopt effective measures to prevent and combat crimes that affect the environment, such as illicit trafficking in wildlife, including, inter alia, flora and fauna as protected by the Convention on International Trade in Endangered Species of Wild Fauna and Flora,<sup>1</sup> in timber and timber products, in hazardous wastes and other wastes and in precious metals, stones and other minerals, as well as, inter alia, poaching, by making the best possible use of relevant international instruments and by strengthening legislation, international cooperation, capacity-building, criminal justice responses and law enforcement efforts aimed at, inter alia, dealing with transnational organized crime, corruption and money-laundering linked to such crimes, and illicit financial flows derived from such crimes, while acknowledging the need to deprive criminals of proceeds of crime,

*Reaffirming* the central role of the Commission on Crime Prevention and Criminal Justice as the main policymaking body of the United Nations in the field of crime prevention and criminal justice, and recalling that in the Kyoto Declaration the Commission on Crime Prevention and Criminal Justice was called upon, in accordance with its mandate, to adopt the appropriate policy and operational measures for the follow-up to the Declaration and to identify innovative ways to make use of information on progress made in the implementation of the Declaration, and invited the Commission to engage with other relevant stakeholders, including the institutes of the United Nations crime prevention and criminal justice programme network, in order to strengthen global partnership in advancing crime prevention, criminal justice and the rule of law towards the achievement of the 2030 Agenda for Sustainable Development,<sup>2</sup>

*Reaffirming* that States are to carry out their obligations to combat transnational organized crime as well as corruption in a manner consistent with the purposes and principles set forth in the Charter of the United Nations, international law and with human rights and fundamental freedoms, and recalling in that regard that State Parties to the United Nations Convention against Transnational Organized Crime and the United Nations Convention against Corruption have also committed themselves to carry out their respective obligations to combat transnational organized crime as well as corruption in a manner consistent with all the provisions of those conventions, including the purposes and the principles stated in their articles 1 and 4,

<sup>1</sup> United Nations, *Treaty Series*, vol. 993, No. 14537.

<sup>2</sup> General Assembly resolution 70/1.

*Reaffirming* that every State has, and shall freely exercise, full and permanent sovereignty over all its natural resources,

*Recognizing* the primary role and responsibility of States in defining their policies and strategies to prevent and combat crimes that affect the environment and acknowledging the central role played by States in the prevention of and the fight against corruption as it relates to such crimes, and recalling the commitment of States Parties to the UNTOC and to the UNCAC to carry out these obligations in a manner consistent with article 4 of the UNTOC and UNCAC,

*Alarmed* by existing research indicating that crimes that affect the environment have become some of the most lucrative transnational criminal activities and are often closely interlinked with different forms of crime and corruption and that money-laundering and the illicit financial flows derived from them may contribute to the financing of other transnational organized crimes and terrorism,

*Taking note* of the existing research on the cost of crimes that affect the environment,

*Deeply concerned* about all those killed, injured, threatened or exploited by organized criminal groups involved in or benefiting from crimes that affect the environment and about those whose living environment, safety, health or livelihoods are endangered or put at risk by those crimes, and affirming its resolve to assist and protect those affected, in accordance with national law,

*Deeply concerned also* that activities of organized criminal groups that affect the environment hinder and undermine efforts undertaken by States to protect the environment, promote the rule of law and achieve sustainable development, including efforts to contribute to the implementation of the 2030 Agenda for Sustainable Development,

*Recognizing* that crimes that affect the environment may also have a negative impact on economies, public health, human safety, food security, livelihoods and habitats,

*Welcoming* Conference of the Parties to the United Nations Convention against Transnational Organized Crime resolution 10/6 of 16 October 2020 entitled “Preventing and combatting crimes that affect the environment falling within the scope of the United Nations Convention against Transnational Organized Crime”, in which the Conference urged States parties to implement the Organized Crime Convention, in accordance with fundamental principles of their domestic law, in order to effectively prevent, investigate, prosecute and punish crimes that affect the environment falling within the scope of the Convention, as well as related offences established under the Convention,

*Recognizes* the fundamental role of effective international cooperation in preventing and combating crime and to this end, underline the importance of addressing, tackling and effectively responding to international challenges and barriers, in particular measures, that hinder such cooperation, and which are not consistent with the Charter of the United Nations and obligations under international law, and in this regard urge States, consistent with their international obligations, to refrain from applying such measures,

*Welcoming also* Conference of the States Parties to the United Nations Convention against Corruption resolution 8/12 of 20 December 2019, entitled “Preventing and combating corruption as it relates to crimes that have an impact on the environment”, in which the Conference urged States parties to implement the United Nations Convention against Corruption,<sup>3</sup> in accordance with their domestic legislation, and to ensure respect for its provisions, with a view to making best use of the Convention to prevent and combat corruption as it relates to crimes that have an

<sup>3</sup> United Nations, *Treaty Series*, vol. 2349, No. 42146.

impact on the environment and the recovery and return of proceeds of such crimes, in accordance with the Convention,

*Recognizing* the legal framework provided by and the important role of the Convention on International Trade in Endangered Species of Wild Fauna and Flora as the primary mechanism for regulating international trade in species of wild fauna and flora listed in its appendices, as well as the importance of other multilateral environmental agreements, such as, among others, the Convention on Biological Diversity, the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal,

*Recognizing* the need for a balanced, integrated, comprehensive and multidisciplinary approach and response to address the complex and [multifaceted] challenges, related to crimes that affect the environment, and acknowledging that long-term comprehensive and sustainable development-oriented responses are required to address and overcome those challenges,

*Reaffirming* the role of the United Nations Office on Drugs and Crime as the leading entity of the United Nations supporting Member States in the field of crime prevention and criminal justice through the provision of technical assistance and capacity-building, as well as through its normative work, research and expertise, in cooperation with relevant stakeholders,

*Recalling also* the mandate of the United Nations Environment Programme as the leading global environmental authority that sets the global environmental agenda, promotes coherent implementation of the environmental dimension of sustainable development within the United Nations system and serves as an authoritative advocate for the global environment,

*Expressing appreciation* for the Environmental Security Programme established in 2010 by the International Criminal Police Organization (INTERPOL) to support Member States in investigations and coordinate transnational operations against crimes that affect the environment,

*Welcoming* the first and second editions of the *World Wildlife Crime Report*, published by the United Nations Office on Drugs and Crime in 2016 and 2020, and taking note of other reports and studies<sup>4</sup> on crimes that affect the environment published by the United Nations Office on Drugs and Crime, the United Nations Environment Programme, the International Criminal Police Organization (INTERPOL), the United Nations Interregional Crime and Justice Research Institute, the World Bank and other relevant international and regional organizations, which may serve as useful inputs,

*Acknowledging* the valuable contributions of the United Nations Office on Drugs and Crime, the United Nations Environment Programme, the International Criminal Police Organization (INTERPOL), the World Customs Organization, the United Nations Interregional Crime and Justice Research Institute, the World Bank, the International Union for Conservation of Nature, the secretariat of the Convention on International Trade in Endangered Species of Wild Fauna and Flora, the secretariat of the Convention on Biological Diversity, the secretariat of the Basel Convention on

<sup>4</sup> Reports and studies such as Nelleman and others (eds), *The Rise of Environmental Crime: A Growing Threat to Natural Resources, Peace, Development and Security – A UNEP-INTERPOL Rapid Development and Security* (Nairobi, 2016); United Nations Environment Programme and INTERPOL, *Strategic Report: Environment, Peace and Security: A Convergence of Threats* (2016); United Nations Interregional Crime and Justice Research Institute: *Strengthening the Security and Integrity of the Precious Metals Supply Chain: Technical Report* (Torino, Italy, 2016); United Nations Environment Programme, *The State of Knowledge of Crimes that Have Serious Impacts on the Environment* (Nairobi, 2018); INTERPOL, Norwegian Center for Global Analysis and Global Initiative against Transnational Organized Crime, *World Atlas of Illicit Flows* (2018); International Bank for Reconstruction and Development and World Bank, *Illegal Logging, Fishing, and Wildlife Trade: The Costs and How to Combat it* (Washington D.C., 2019); INTERPOL, *Strategic Analysis Report: Emerging Criminal Trends in the Global Plastic Waste Market since January 2018* (Lyon, France, 2020).

the Control of Transboundary Movements of Hazardous Wastes and their Disposal and other relevant international and regional organizations, within their respective mandates, in supporting States in their efforts to effectively prevent and combat crimes that affect the environment, including through inter-agency effective partnerships, such as the International Consortium on Combating Wildlife Crime and the Green Customs Initiative, and underscoring in this regard the crucial importance of further enhancing inter-agency cooperation and coordination on the matter, as appropriate,

*Acknowledging also* the important contributions of other relevant stakeholders, including the private sector, individuals and groups outside the public sector, non-governmental organizations, the media, academia and the scientific community, in preventing and combating crimes that affect the environment, as well as corruption as it relates to such crimes,

1. *Urges* Member States to adopt effective measures to prevent and combat crimes that affect the environment, such as illicit trafficking in wildlife, including, inter alia, flora and fauna as protected by the Convention on International Trade in Endangered Species of Wild Fauna and Flora, in timber and timber products, in hazardous wastes and other wastes and in precious metals, stones and other minerals, as well as, inter alia, poaching, by making the best possible use of relevant international instruments and by strengthening legislation, international cooperation, capacity-building, criminal justice responses and law enforcement efforts aimed at, inter alia, dealing with transnational organized crime, corruption and money-laundering linked to such crimes, and illicit financial flows derived from such crimes, while acknowledging the need to deprive criminals of proceeds of crime;

2. *Also urges* States, in this regard, to adopt concrete and effective measures to recover and return, in appropriate cases, the proceeds of such crimes, consistent with the UNTOC and the UNCAC, and emphasizes the importance of removing obstacles to applying measures for the recovery and return of those assets and proceeds;

3. *Affirms* that the United Nations Convention against Transnational Organized Crime and the United Nations Convention against Corruption constitute effective tools and an important part of the legal framework for respectively preventing and combating transnational organized crimes that affect the environment, as well as corruption as it relates to such crimes, and for strengthening international cooperation in this regard;

4. *Encourages* the States parties to the UNTOC and the UNCAC, to respectively take full advantage of Conference of the Parties to the United Nations Convention against Transnational Organized Crime resolution 10/6 of 16 October 2020 and Conference of the States Parties to the United Nations Convention against Corruption resolution 8/12 of 20 December 2019;

5. *Urges* all States that have not yet done so to consider ratifying or acceding to the UNTOC and the UNCAC;

6. *Calls upon* Member States to make crimes that affect the environment, in appropriate cases, serious crimes, as defined in article 2, subparagraph (b), of the Organized Crime Convention, in accordance with their national legislation, in order to ensure that, where the offence is transnational in nature and involves an organized criminal group, effective international cooperation can be afforded under the Convention;

7. *Also calls upon* Member States to develop or amend national legislation, as necessary and appropriate, in accordance with fundamental principles of their domestic law, so that crimes that affect the environment falling within the scope of the Organized Crime Convention are treated as predicate offences, as defined in the Convention and as mandated in its article 6, for the purposes of money-laundering offences and are actionable under domestic legislation on proceeds of crime, so that

assets derived from crimes that affect the environment can be seized, confiscated and disposed of;

8. *Urges* Member States consistent with the United Nations Convention against Transnational Organized Crime, to investigate and prosecute the laundering of proceeds of crime derived from transnational organized crimes that affect the environment, including by using financial investigation techniques, with a view to identifying, disrupting and dismantling the criminal groups involved, to strive to eliminate incentives for the transfer abroad of the proceeds of crime, thereby denying safe haven to those proceeds, and to recover the proceeds of such crimes;

9. *Also calls upon* Member States to strengthen, at the national level, in accordance with domestic legislation and their respective international legal obligations, crime prevention and criminal justice responses against crimes that affect the environment “as well as corruption and money-laundering related to such crimes, including by establishing or developing integrated and multidisciplinary responses, establishing the liability of legal persons for such serious crimes, as appropriate, and by reinforcing, where necessary and if appropriate, the capacities, training and specialization of relevant law enforcement and judicial authorities for effectively preventing, detecting, investigating, prosecuting and punishing crimes that affect the environment, as well as cooperation with relevant stakeholders from civil society;

10. *Calls upon* States, consistent with the UNTOC and in accordance with national legislation, to take all appropriate measures within their means to provide effective assistance to and protection for witnesses and for victims of crimes that affect the environment, and to establish appropriate procedures to provide access to compensation and restitution for victims of the offences covered by the UNTOC, and, in this regard, encourages States to consider providing access to civil compensation and habitat restoration for damage caused to the environment and to victims;

11. *Calls upon* States, in accordance with national legislation, to take all appropriate measures within their means to provide effective assistance and protection for those persons who contribute to combating crimes that affect the environment in a peaceful manner;

12. *Strongly encourages* Member States, in accordance with their national legislation, to improve and enhance the collection, quality availability and analysis of data on crimes that affect the environment, consider undertaking national statistical capacity building in this regard, and to share such data, on a voluntary basis, with the United Nations Office on Drugs and Crime, consistent with its mandate, in order to strengthen research and analysis on global trends and patterns in crimes that affect the environment and to improve the effectiveness of strategies aimed at preventing and combating them;

13. *Also strongly encourages* Member States to increase the exchange of information and knowledge on crimes that affect the environment among national authorities, as well as with other Member States and relevant international and regional organizations, including the United Nations Office on Drugs and Crime and the International Criminal Police Organization (INTERPOL), in accordance with domestic legislation and their respective international legal obligations;

14. *Requests* the United Nations Office on Drugs and Crime, within its mandate, subject to the availability of extrabudgetary resources, in close consultation and cooperation with Member States, and in close coordination with the United Nations Environment Programme, the International Criminal Police Organization (INTERPOL), the World Customs Organization, the United Nations Interregional Crime and Justice Research Institute, the World Bank and other relevant, competent intergovernmental organizations, such as the secretariats of multilateral environmental conventions and agreements, as appropriate, and within their mandates, including through inter-agency partnerships, such as the International Consortium on Combating Wildlife Crime, to strengthen the collection, analysis and dissemination of accurate and reliable data and information to enhance knowledge on

trends in crimes that affect the environment, , and to report to Members States thereon on a periodic basis;

15. *Calls upon* the Commission on Crime Prevention and Criminal Justice to hold, during the intersessional period, expert discussions on preventing and combating crimes that affect the environment to discuss concrete ways to improve strategies and responses to effectively prevent and combat these crimes and to strengthen international cooperation at the operational level on this matter, subject to the availability of extrabudgetary resources;

16. *Requests* the United Nations Office on Drugs and Crime, subject to the availability of extrabudgetary resources and within its mandate, to provide technical assistance and capacity-building to Member States, upon request, for the purposes of supporting their efforts to effectively prevent and combat crimes that affect the environment, as well as corruption and money-laundering related to such crimes;

17. *Also requests* the United Nations Office on Drugs and Crime, within its mandate to further enhance and expand its cooperation and coordination with the United Nations Environment Programme, the United Nations Interregional Crime and Justice Research Institute and in close consultation with Member States, enhance its cooperation with International Criminal Police Organization (INTERPOL), the World Customs Organization, the International Union for Conservation of Nature, the secretariat of the Convention on International Trade in Endangered Species of Wild Fauna and Flora, the secretariat of the Convention on Biological Diversity, the World Bank, the secretariat of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal and other relevant international and regional organizations, within their respective mandates, in supporting Member States, upon request, in their efforts to effectively prevent and combat crimes that affect the environment, including through inter-agency partnerships, such as the International Consortium on Combating Wildlife Crime and the Green Customs Initiative;

18. *Invites* Member States to consider initiatives such as Interpol's concept of National Environmental Security Task Forces (NESTs) in order to promote integrated and multidisciplinary responses to better address crimes that affect the environment;

19. *Invites* Member States and other donors to provide extrabudgetary resources for the purposes set out in the present resolution, in accordance with the rules and procedures of the United Nations;

20. *Requests* the Secretary-General to submit to the General Assembly at its seventy-seventh session a report on the implementation of the present resolution.