



Economic and Social Council

Distr.: General
2 May 2023

English only

Commission on Crime Prevention and Criminal Justice

Thirty-second session

Vienna, 22–26 May 2023

Item 8 of the provisional agenda*

**World crime trends and emerging issues and
responses in the field of crime prevention and
criminal justice**

Statement submitted by Stichting Wildlife Justice Commission, a non-governmental organization in special consultative status with the Economic and Social Council**

The Secretary-General has received the following paper, which is being circulated in accordance with paragraphs 36 and 37 of Economic and Social Council resolution 1996/31.

* [E/CN.15/2023/1](#).

** Issued without formal editing.



Strengthening criminal justice systems to combat crimes that affect the environment

Crimes that affect the environment are often serious and organized crimes, with a transnational component. They are estimated to generate a yearly revenue of USD 110 to 281 billion per year (Interpol, 2018). Contrary to other types of crime, many crimes that affect the environment entail the damaging and trafficking of finite resources. Effective action against crimes that affect the environment is thus necessary to ensure that present and future generations can benefit from a safe and clean environment and enjoy the Earth's biodiversity as we know it. Yet, the consequences of crimes that affect the environment go beyond biodiversity loss. Such crimes also hinder climate action, global health, security, the development of local communities, and the rule of law. They also constitute a lucrative revenue stream for organized criminal groups wanting to diversify their portfolio of illicit activities and to profit from the low-risk, high reward conditions they entail.

Despite their far-reaching consequences, crimes that affect the environment continue to be perceived as administrative offences in many jurisdictions and, consequently, addressed as such under administrative law with reactive investigations and the application of minor pecuniary penalties.

We must therefore stress the importance of the recognition of crimes that affect the environment as serious organized crimes under the UNTOC definition in order to leverage the available tools and resources. But these crimes do not stop with this recognition. We urge States to give continuous and increased prioritization to crimes that affect the environment and to put the tools provided by international legislation into practice at the domestic level. The Wildlife Justice Commission's work aims to disrupt and help dismantle these types of transnational criminal networks, specifically those committing wildlife crime. Focusing on this subset, this intervention seeks to highlight relevant findings that are more broadly applicable to crimes against the environment.

The Wildlife Justice Commission has studied the nexus between wildlife crime and other forms of organized crime and has identified that wildlife crime converges with trafficking in illicit drugs, human trafficking, migrant smuggling, fraud, trafficking in gold and precious stones, and other types of crimes that affect the environment. The frequent intersection of these crimes highlights that wildlife crime is a cross-cutting criminal activity that cannot be tackled in isolation from other crimes. However, the nexus between wildlife crime (and crimes that affect the environment more broadly) and other organized crimes is not fully understood due to lack of data and empirical evidence. The Wildlife Justice Commission therefore continues to collect information on this nexus to support States' law enforcement efforts, as a deeper understanding into the issue presents investigative opportunities for law enforcement to dismantle transnational organized criminal networks.

Wildlife Justice Commission findings additionally show that corruption plays a key role in enabling and facilitating the transnational illegal wildlife trade. Additionally, money laundering is frequently a crime linked to the proceeds generated from wildlife crime. There is a clear need for financial and corruption investigations to be conducted in parallel with the investigation of crimes that affect the environment. Such efforts would help to ensure the integrity of relevant domestic authorities, such as customs and border control agencies. However, these types of investigations are currently almost entirely absent from wildlife crime cases, with financial investigations in particular only used in a handful of cases and often due to a lack of mandate by environmental agencies. Financial investigations additionally need to lead to the seizure of assets, as this is what most effectively disrupts criminal networks.

Prioritizing crimes that affect the environment should go hand-in-hand with the use of relevant law enforcement methodologies. However, the Wildlife Justice Commission observes that key investigative methods used to combat other forms of

serious organized crime are yet to be systematically leveraged for crimes that affect the environment.

Both the UNTOC (Articles 19, 20, and 27) and the UNCAC (Articles 48, 49, and 50) include provisions on joint investigations, special investigative techniques, and law enforcement cooperation. Increasing the effective and more widespread application of these provisions under both Conventions is crucial to tackle crimes that affect the environment and the corruption that enables them, as well as to disrupt the criminal networks decimating ecosystems and driving species to extinction.

Joint investigations allow law enforcement agencies to focus on multiple points along the illegal supply chain, address the transnational nature of crimes that affect the environment, and ensure the highest level of disruption of criminal networks that operate across international borders. Establishing avenues for cooperation between States is essential to bridge jurisdictional gaps to ensure that criminal networks involved in crimes that affect the environment are dismantled at both ends of the supply chain. At the same time, special investigative techniques – such as undercover operations, physical and electronic surveillance, and controlled deliveries – are important tools to uncover the criminal networks' modus operandi, the actors involved, and instances of embedded corruption. Additionally, multi-agency investigations and task forces can be an effective strategy to address the nexus between crimes that affect the environment and other forms of organized crime, offering alternative legislation, powers, and expertise of other law enforcement agencies to enable the application of the full force of the law to the crime. Yet, agencies in charge of tackling crimes that affect the environment often still lack the capabilities and the mandates to make use of such methodologies. For the international community to level the playing field in tackling crimes that affect the environment, these lacunae must be addressed.

Although intelligence analysis is commonly used in response to other forms of serious and organized crime, it is not yet prevalent in the investigation of crimes that affect the environment, often due to a lack of technical and human capacity. This has resulted in significant gaps in the global intelligence picture for these crimes. Intelligence analysis is a powerful force multiplier where resources are low and the problem is vast, as it allows for investigations to remain focused on the greatest criminal threat. Therefore, intelligence analysis must form part of any overarching strategy to tackle crimes that affect the environment.

Law enforcement authorities are often constrained by their jurisdictional boundaries. Strategies seeking to have a concrete impact on these crimes cannot address this problem in isolation. Intelligence needs to be shared for it to be of value in a law enforcement context. The absence of an intelligence-led approach to investigate crimes that affect the environment has resulted in major gaps in the global intelligence picture, misunderstandings about the scope and value of the illicit trade in natural resources, and insufficient allocation of public funds and application of criminal law to effectively tackle the problem. Crime is still often viewed in terms of individuals and specific commodities, particularly in the field of wildlife crime – when instead it should be assessed and dealt with in terms of the size of the threat posed by a particular organized crime group and the means and motivations of that group to commit crimes.

The Wildlife Justice Commission continues to collect and share information on wildlife crime, as well as other types of crimes that affect the environment. We are therefore offering our findings to inform States on this topic.

The methodologies and tools mentioned have already been part of the law enforcement toolbox to tackle transnational organized crime for a long time. By tackling corruption and money laundering, employing specialized investigative tools, and targeting the nexus between converging crimes as an opportunity to address transnational organized criminal networks – States would radically alter the playing field for crimes that affect the environment. This would be a game-changer. We need to strengthen the response to crimes that affect the environment and use the full force of the law and law enforcement methods available at the domestic and international

levels, before entire species and ecosystems are wiped out to line the pockets of criminals with money.

We therefore urge States to:

- Recognize crimes that affect the environment, and particularly wildlife crime, as serious crimes as defined in Article 2(b) of the UNTOC and address any existing gaps in the current legal framework.
- Effectively implement the UNTOC and UNCAC to address crimes that affect the environment and the associated corruption that facilitates them.
 - In particular, increase the effective and widespread application of the provisions on joint investigations, special investigative techniques, and law enforcement cooperation in the UNTOC (Articles 19, 20, and 27) and UNCAC (Articles 48, 49, and 50).
- Treat crimes that affect the environment as predicate offences for money-laundering and conduct parallel financial investigations so that assets derived from these crimes can be seized and confiscated, as recommended by the UN General Assembly in Resolution 76/185.
- Enhance international cooperation and share information on the nexus between crimes that affect the environment and other forms of organized crime, as mentioned in UNTOC CoP Resolution 11/3.
- Ensure integrity throughout the entire criminal justice system, particularly in customs and border control agencies, as mentioned in UNCAC CoSP Resolution 8/12.
