



Conference of the Parties to the United Nations Convention against Transnational Organized Crime

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**Other serious crimes, as defined in the Convention,
including new forms and dimensions of
transnational organized crime**

**Draft resolution submitted by the Chair of the Working Group on
International Cooperation and of the Working Group of Government Experts on
Technical Assistance**

Application of the United Nations Convention against Transnational Organized Crime for preventing and combating transnational organized crimes that affect the environment

*The Conference of the Parties to the United Nations Convention against
Transnational Organized Crime,*

Reaffirming that the United Nations Convention against Transnational
Organized Crime,¹ as a global instrument with wide adherence, offers a broad scope
for cooperation to address existing and emerging forms of transnational organized
crime, including crimes that affect the environment falling within the scope of the
Convention,

Recalling its resolution 10/6 of 16 October 2020, entitled “Preventing and
combating crimes that affect the environment falling within the scope of the United
Nations Convention against Transnational Organized Crime”, in which it requested
the Working Group of Government Experts on Technical Assistance and the Working
Group on International Cooperation to hold a joint thematic discussion on the
application of the Convention for preventing and combating transnational organized
crimes that affect the environment and to make recommendations for consideration
by the Conference of the Parties to the Convention at its eleventh session, within their
mandates, in order to promote the practical application of the Convention,

Welcoming the work of the Working Group of Government Experts on Technical
Assistance and the Working Group on International Cooperation on the topic of their
joint thematic discussion regarding the application of the Convention for preventing
and combating transnational organized crimes that affect the environment, held on
24 May 2022,

* CTOC/COP/2022/1.

¹ United Nations, *Treaty Series*, vol. 2225, No. 39574.



Welcoming also the expert discussions on preventing and combating crimes that affect the environment held by the Commission on Crime Prevention and Criminal Justice, in accordance with General Assembly resolution 76/185, from 14 to 16 February 2022,

Endorses the recommendations adopted by the Working Group on International Cooperation and the Working Group of Government Experts on Technical Assistance at their meetings held from 23 to 27 May 2022, on the topic of their joint thematic discussion regarding the application of the United Nations Convention against Transnational Organized Crime for preventing and combating transnational organized crimes that affect the environment, which are contained in the annex to the present resolution.

Annex

Recommendations adopted by the Working Group on International Cooperation and the Working Group of Government Experts on Technical Assistance at their meetings held from 23 to 27 May 2022 on the topic of their joint thematic discussion regarding the application of the United Nations Convention against Transnational Organized Crime for preventing and combating transnational organized crimes that affect the environment

The Working Group on International Cooperation and the Working Group of Government Experts on Technical Assistance, at their meetings held from 23 to 27 May 2022, adopted the following recommendations² on the topic of their joint thematic discussion regarding the application of the United Nations Convention against Transnational Organized Crime for preventing and combating transnational organized crimes that affect the environment, for endorsement by the Conference of the Parties to the Convention:

(a) States parties are encouraged to consider making crimes that affect the environment, in appropriate cases, serious crimes, in accordance with their national legislation, as defined in article 2, paragraph (b), of the Organized Crime Convention in order to facilitate international cooperation;

(b) States parties are encouraged to consider, in accordance with their national legislation, in appropriate cases, treating crimes that affect the environment as predicate offences for money-laundering purposes and to enhance financial investigations in order to detect the involvement of organized criminal groups and seize and confiscate assets derived from those crimes;

(c) States parties should enhance international cooperation and share appropriate information on the possible nexus between transnational organized crimes that affect the environment and other forms of organized crime;

(d) States parties should prevent and combat corruption as an enabler of crimes that affect the environment, and strengthen anti-corruption measures by making best use of the Organized Crime Convention and the United Nations Convention against Corruption, including when organized criminal groups are involved;

(e) States parties are encouraged to make use of the provisions contained in the Organized Crime Convention with a view to enhancing international cooperation to prevent and combat crimes that affect the environment, in particular those related to law enforcement cooperation and joint investigations, international cooperation for purposes of confiscation, extradition and mutual legal assistance; in doing so, States

² CTOC/COP/WG.2/2022/4-CTOC/COP/WG.3/2022/4, para. 9.

parties are encouraged to make further use of technology, where feasible, and allow, for example, the submission of mutual legal assistance requests through electronic means;

(f) States parties are encouraged to address challenges posed by the double criminality principle to facilitate international cooperation in cases related to crimes that affect the environment by assessing whether the conduct underlying the offence for which assistance is sought is a criminal offence under the laws of both the requesting and the requested State, irrespective of whether such laws place the offence within the same category of crimes or denominate the offence using the same terminology;

(g) The United Nations Office on Drugs and Crime (UNODC) should continue to provide, upon request, technical assistance and capacity-building to States parties to support their efforts in effectively implementing the Organized Crime Convention to prevent and combat transnational organized crimes that affect the environment;

(h) UNODC should continue collecting data, including legislation and case law through its Sharing Electronic Resources and Laws on Crime (SHERLOC) knowledge management portal, on various forms of crimes that affect the environment, and conducting research on the possible nexus between crimes that affect the environment and other forms of organized crime;

(i) States parties are invited to strengthen their cooperation with international and regional organizations, and are encouraged, where appropriate, in accordance with national legislation, to do so with other relevant stakeholders, including non-governmental organizations, the private sector, individuals and groups outside the public sector, in preventing and combating transnational organized crimes that affect the environment and in raising awareness of these crimes, consistent with article 31 of the Organized Crime Convention;

(j) States parties are invited to take effective measures that could fill existing gaps and loopholes in current practices to combat trafficking in wildlife, including considering, where consistent with fundamental principles of their domestic law, the impact of trafficking in wildlife in countries of origin, transit and destination;

(k) States parties are encouraged to leverage technology and research solutions, including to enhance the use of online tools, to improve investigations and prosecutions in combating crimes that affect the environment;

(l) Consistent with Commission on Crime Prevention and Criminal Justice resolution 31/1, entitled “Strengthening the international legal framework for international cooperation to prevent and combat illicit trafficking in wildlife”, States are invited to provide UNODC with, inter alia, their views on possible responses including the potential of an additional protocol to the Organized Crime Convention, to address any gaps that may exist in the current international legal framework to prevent and combat illicit trafficking in wildlife.