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Crime prevention and criminal justice

Draft resolution submitted by the Chair on the recommendation of the Economic and Social Council (resolution [2021/24](#))

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 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 2007¹ and 23/1 of 16 May 2014² 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”,³

Recalling resolutions 1/3 of 27 June 2014⁴ and 2/14 of 27 May 2016⁵ 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 2021,⁶ 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 affirmed their endeavour 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,⁷ 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,⁸

Reaffirming also 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 and international law and with human rights and fundamental freedoms, and recalling in that regard that States parties to the United Nations Convention against Transnational Organized

¹ See *Official Records of the Economic and Social Council, 2007, Supplement No. 10 (E/2007/30/Rev.1)*, chap. I, sect. D.

² *Ibid.*, 2014, *Supplement No. 10 (E/2014/30)*, chap. I, sect. D.

³ *Ibid.*, 2019, *Supplement No. 10 (E/2019/30)*, chap. I, sect. D.

⁴ See *Official Records of the General Assembly, Sixty-ninth Session, Supplement No. 25 (A/69/25)*, annex.

⁵ *Ibid.*, *Seventy-first Session, Supplement No. 25 (A/71/25)*, annex.

⁶ *A/CONF.234/16*, chap. I, resolution 1.

⁷ United Nations, *Treaty Series*, vol. 993, No. 14537.

⁸ Resolution 70/1.

Crime⁹ and the United Nations Convention against Corruption¹⁰ have also committed themselves to carrying 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,

Reaffirming further 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, 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 United Nations Convention against Transnational Organized Crime and the United Nations Convention against Corruption to carry out those obligations in a manner consistent with article 4 of those conventions,

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 combating crimes that affect the environment falling within the scope of the United Nations Convention against Transnational Organized Crime”,¹¹ 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,

Recognizing the fundamental role of effective international cooperation in preventing and combating crime and to this end underlining the importance of addressing, tackling and effectively responding to international challenges and

⁹ United Nations, *Treaty Series*, vol. 2225, No. 39574.

¹⁰ *Ibid.*, vol. 2349, No. 42146.

¹¹ See [CTOC/COP/2020/10](#), sect. I.A.

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 urging States, consistent with their international obligations, to refrain from applying such measures,

Welcoming 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”,¹² in which the Conference urged States parties to implement the United Nations Convention against Corruption, 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 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 Diversity¹³ and the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal,¹⁴

Recognizing also 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 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

¹² See [CAC/COSP/2019/17](#), sect. I.B.

¹³ United Nations, *Treaty Series*, vol. 1760, No. 30619.

¹⁴ *Ibid.*, vol. 1673, No. 28911.

taking note of other reports and studies¹⁵ on crimes that affect the environment published by the United Nations Office on Drugs and Crime, the United Nations Environment Programme, 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, 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 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. *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 United Nations Convention against Transnational Organized Crime and the United Nations Convention against Corruption, and emphasizes the importance of removing

¹⁵ Reports and studies such as Christian Nellemann and others, eds., *The Rise of Environmental Crime: A Growing Threat to Natural Resources, Peace, Development and Security – A UNEP-INTERPOL Rapid Response Assessment* (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 Analyses 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).

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, and corruption as it relates to such crimes, and for strengthening international cooperation in this regard;

4. *Encourages* the States parties to the Organized Crime Convention and the Convention against Corruption, respectively to 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 Organized Crime Convention and the Convention against Corruption;

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. *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 Organized Crime Convention and in accordance with national legislation, to take all appropriate measures within their means to provide effective assistance to and protection for witnesses and 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

Organized Crime Convention, 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. *Also 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 in a peaceful manner crimes that affect the environment;

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 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, 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 Member 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 in order 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 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 the INTERPOL concept of national environmental security task forces 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.
