



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

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Agenda item 3

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

Brazil, France and Peru: revised draft resolution

Enhancing measures to prevent and combat crimes that affect the environment falling within the scope of the United Nations Convention against Transnational Organized Crime

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

Recalling General Assembly resolutions [76/185](#) of 16 December 2021, entitled “Preventing and combating crimes that affect the environment”, and [77/325](#) of 25 August 2023, entitled “Tackling illicit trafficking in wildlife”, as well as Economic and Social Council resolutions 2011/36 of 28 July 2011, entitled “Crime prevention and criminal justice responses against illicit trafficking in endangered species of wild fauna and flora”, 2012/19 of 26 July 2012, entitled “Strengthening international cooperation in combating transnational organized crime in all its forms and manifestations”, 2013/38 of 25 July 2013, entitled “Combating transnational organized crime and its possible links to illicit trafficking in precious metals”, and 2019/23 of 23 July 2019, entitled “Combating transnational organized crime and its links to illicit trafficking in precious metals and illegal mining, including by enhancing the security of supply chains of precious metals”,

Recalling also its resolutions 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”, and 11/3 of 21 October 2022, entitled “Outcomes of the joint thematic discussion of the Working Group of Government Experts on Technical Assistance and the Working Group on International Cooperation on the application of the United Nations Convention against Transnational Organized Crime for preventing and combating transnational organized crimes that affect the environment”,

Recalling further Conference of the States Parties to the United Nations Convention against Corruption resolutions 8/12 of 20 December 2019, entitled “Preventing and combating corruption as it relates to crimes that have an impact on the environment”, and 10/5 of 15 December 2023, entitled “Measures to address corruption involving organized criminal groups”,



Recalling Commission on Crime Prevention and Criminal Justice resolutions 16/1 of 27 April 2007, entitled “International cooperation in preventing and combating illicit international trafficking in forest products, including timber, wildlife and other forest biological resources”, 23/1 of 16 May 2014, entitled “Strengthening a targeted crime prevention and criminal justice response to combat illicit trafficking in forest products, including timber”, 28/3 of 24 May 2019, entitled “Strengthening regional and international cooperation in crime prevention and criminal justice responses to illicit trafficking in wildlife”, and 31/1 of May 2022, entitled “Strengthening the international legal framework for international cooperation to prevent and combat illicit trafficking in wildlife”,

Recalling also Human Rights Council resolution 40/11 of 21 March 2019 on environmental human rights defenders,

Recalling further the Kyoto Declaration on Advancing Crime Prevention, Criminal Justice and the Rule of Law: Towards the Achievement of the 2030 Agenda for Sustainable Development,¹ 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 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,² 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,

Recalling General Assembly resolution [78/223](#) of 19 December 2023, wherein the Assembly decided that the main theme of the Fifteenth United Nations Congress on Crime Prevention and Criminal Justice would be “Accelerating crime prevention, criminal justice and the rule of law: protecting people and planet and achieving the 2030 Agenda for Sustainable Development in the digital age”,

Recognizing the primary role and responsibility of States in defining their policies and strategies to prevent and combat such crimes, consistent with article 4 of the United Nations Convention against Transnational Organized Crime,³ and reaffirming that every State has, and shall freely exercise, full and permanent sovereignty over all its natural resources,

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[, and applicable international law and with relevant human rights instruments and [fundamental freedoms], and recalling in that regard that States parties to the Organized Crime Convention and the United Nations Convention against Corruption⁴ 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,

Recognizing [with great concern] that crimes that affect the environment exacerbate environmental degradation, climate change, pollution and biodiversity loss, which constitute some of the most pressing and serious threats for present and

¹ General Assembly resolution 76/181, annex.

² United Nations, *Treaty Series*, vol. 993, No. 14537.

³ *Ibid.*, vol. 2225, No. 39574.

⁴ *Ibid.*, vol. 2349, No. 42146.

future generations, thus hindering efforts to implement the 2030 Agenda for Sustainable Development,

Affirming the importance of the Organized Crime Convention in addressing crimes that affect the environment falling within the scope of the Convention,

Recalling the importance of the Mechanism for the Review of the Implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto,

Recognizing that the United Nations Convention against Corruption constitutes an effective tool and an important part of the legal framework for preventing and combating corruption as it relates to crimes that have an impact on the environment and for strengthening international cooperation in that regard,

Recognizing also the importance of respecting the mandates of multilateral environmental agreements and of avoiding duplication of efforts and, in that sense, reaffirming 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 Diversity⁵ and the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal,⁶

Recognizing further the fundamental role of effective international cooperation, capacity-building and technical assistance in preventing and combating crimes that affect the environment,

Recognizing that combating transnational organized crimes that affect the environment is a common and shared responsibility that requires strengthened action to be taken in terms of supply, transit and demand, and emphasizing the importance, in this regard, of effective cooperation among States parties,

Recognizing also the importance of promoting sustainable and viable livelihoods for the Indigenous Peoples and for local communities affected by or vulnerable to crimes that affect the environment falling within the scope of the Convention,

Acknowledging the important contributions of relevant competent intergovernmental organizations as well as relevant stakeholders, including the private sector, individuals and groups outside the public sector, non-governmental organizations, the media, academia and the scientific community, Indigenous Peoples and local communities in preventing and combating crimes that affect the environment,

Expressing its appreciation for the series of reports and legislative guides on crimes that affect the environment published by the United Nations Office on Drugs and Crime, in collaboration with the United Nations Environment Programme, the International Criminal Police Organization (INTERPOL), the European Union Agency for Law Enforcement Cooperation, the United Nations Interregional Crime and Justice Research Institute, the World Bank and other relevant international and regional organizations,

[1. *Urges* States parties to adopt effective measures to prevent and combat crimes that affect the environment falling within the scope of the United Nations Convention against Transnational Organized Crime and related offences therein, 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;]

⁵ Ibid., vol. 1760, No. 30619.

⁶ Ibid., vol. 1673, No. 28911.

2. *Also urges* States parties to implement the Organized Crime Convention, in accordance with fundamental principles of their domestic law, to effectively address crimes that affect the environment falling within the scope of the Convention;

[3. *Encourages* States parties to consider making crimes that affect the environment, in appropriate cases, where the offence is transnational in nature and involves an organized criminal group, 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 provisions under the Convention effectively apply to those offences, and in particular that effective international cooperation can be afforded under the Convention;]

[4. *Urges* States parties to take measures to ensure that natural and legal persons involved in crimes that affect the environment and related offences are held accountable, including by ensuring that legal persons held liable in accordance with article 10 of the Organized Crime Convention and article 26 of the United Nations Convention against Corruption are subject to effective, proportionate and dissuasive criminal or non-criminal sanctions, including monetary sanctions, without prejudice to the criminal liability of the natural persons who have committed the offences;]

[5. *Also urges* States parties to treat crimes that affect the environment as predicate offences for money-laundering purposes, to investigate and prosecute the laundering of proceeds of crime derived from transnational organized crimes that affect the environment irrespective of where the predicate offence occurred, including by using financial investigation techniques, notably with a view to identifying, disrupting and dismantling the organized criminal groups involved, and to afford one another the widest measure of cooperation and assistance in asset recovery and return;]

[6. *Encourages* States parties to establish or develop integrated, coordinated and multidisciplinary responses against crimes that affect the environment and related offences, including by establishing dedicated authorities and reinforcing the capacities, training, specialization and equipment of relevant law enforcement agencies, financial intelligence units, judicial authorities and environmental protection officers;]

[7. *Calls upon* States parties to take appropriate measures to prevent and combat the illegal use of new and emerging technologies by criminals to carry out, diversify and expand their illicit activities affecting the environment, including by promoting the use of technology by law enforcement agencies, financial intelligence units and criminal justice authorities;]

[8. *Urges* States parties to adopt concrete and effective measures to recover and return the proceeds of such crimes and to ensure effective reparation of the damage caused to the environment, through its remediation or, where not possible, compensation;]

[8 alt. *Calls upon* States parties, in accordance with their domestic legislation and the Organized Crime Convention, to adopt concrete and effective measures to identify, freeze, confiscate, recover and return the proceeds of crimes that affect the environment falling within the scope of the Convention, and emphasizes the importance of removing obstacles to applying measures for the recovery and return of those assets and proceeds;]

[8 bis. *Encourages* States, in accordance with their national legislation, to provide effective responses within their means to address the damage caused to the environment by such crimes;]

[9. *Calls upon* States parties, in accordance with their domestic legislation and the Convention, to adopt concrete and effective measures to identify, freeze, confiscate, recover and return the proceeds of crimes that affect the environment falling within the scope of the Convention, and emphasizes the importance of

removing obstacles to applying measures for the recovery and return of those assets and proceeds;]

[10. *Urges* States parties to improve their understanding of the ways in which crimes that affect the environment falling within the scope of the Convention can affect women and men differently and, in preventing and combating such crimes, to continue to promote gender equality and the empowerment of women and girls and protect human rights, including by mainstreaming a gender perspective into legislation, policy development, research, projects and programmes;]

[11. *Recognizes* the important role of civil society, academia, the scientific community, the private sector, Indigenous Peoples and local communities and the media in identifying, detecting, reporting on and raising awareness of cases of crimes that affect the environment and related offences, and encourages States parties to enhance the capacity of those groups and to strengthen cooperation with them in this regard, consistent with article 31, paragraph 5, of the Organized Crime Convention;]

[11 alt. *Recognizes* the important role and contributions of civil society, environmental human rights defenders, academia, the scientific community, the private sector and the media in identifying, detecting and raising awareness of crimes that affect the environment and related offences falling within the scope of the Convention;]

[12. *Calls upon* States parties, in accordance with national legislation, to take all appropriate measures to provide effective assistance to and protection for those persons who contribute to preventing and combating crimes that affect the environment around the world, to combat impunity of those responsible for violations and abuses against those persons, and to establish and strengthen confidential, safe and secure complaint systems, protected internal reporting systems and programmes for the protection of reporting persons that are accessible, diversified and inclusive in order to facilitate timely reporting of crimes;]

13. *Requests* the United Nations Office on Drugs and Crime to enhance technical assistance and capacity-building efforts at the national and regional levels, upon request by States and in response to their needs and priorities, in relation to crimes that affect the environment falling within the scope of the Convention, in cooperation with relevant international and regional organizations within their respective mandates;

[14. *Encourages* States parties, on a voluntary basis, to improve and enhance the collection, quality, availability, analysis, dissemination and exchange of data on crimes that affect the environment, including those related to corruption and money-laundering and illicit financial flows derived from proceeds of crimes, including through the use of the International Criminal Police Organization (INTERPOL) systems and colour-coded system of notices and diffusions, as appropriate, in order to enhance knowledge on trends in crimes that affect the environment;]

[15. *Requests* the United Nations Office on Drugs and Crime, within its mandate, subject to the availability of extrabudgetary resources, to convene an open-ended intergovernmental expert group on crimes that affect the environment falling within the scope of the Organized Crime Convention, with interpretation into all official languages of the United Nations, with a mandate:

(a) Firstly, to take stock of the application and collective implementation of the Convention in addressing such crimes;

(b) Secondly, to identify any gaps that may exist in the international legal framework and that could be addressed under the Convention to prevent and combat such crimes;

(c) Thirdly, to consider possible responses relevant to those gaps, including the possibility, feasibility and merits of any additional protocol to the Convention;]

[16. *Decides*, with respect to the work of the open-ended intergovernmental expert group, that:

(a) The expert group should present a comprehensive written and oral report with its findings and recommendations for the consideration of the Conference of the Parties at its thirteenth session;

(b) Updates on the work of the expert group will be brought to the attention of the Fifteenth United Nations Congress on Crime Prevention and Criminal Justice through the Commission on Crime Prevention and Criminal Justice;

(c) The secretariat should support the expert group, including by developing background documentation, subject to the availability of extrabudgetary resources;

(d) The expert group should include, to the extent possible, relevant national representatives [, with gender-balanced participation and leadership encouraged], including from law enforcement and environmental protection agencies, financial intelligence units and anti-corruption and judicial authorities;

(e) Relevant non-governmental stakeholders may participate and make contributions to the work of the expert group;]

[17. *Requests* the secretariat, subject to the availability of extrabudgetary resources, to report to the Conference at its thirteenth session on the implementation of the present resolution;]

[18. *Invites* States parties 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.]
