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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

Argentina, Australia, European Union and its Member States, Guatemala, Norway, Peru, State of Palestine, United Kingdom, United States of America: revised draft resolution

Preventing and combating 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,

Reaffirming that the United Nations Convention against Transnational Organized Crime and the Protocols thereto[1] represent the principal worldwide legal instruments to prevent and combat the scourge of transnational organized crime, which affects individuals and societies in all countries, and reaffirming their importance as the main tools available to the international community for this purpose,

Reaffirming also that the Convention, 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,

Affirming that States parties shall carry out their obligations to combat transnational organized crime in a manner consistent with the purposes and principles stated in the Charter of the United Nations, with all provisions of the Convention, including the purpose and the principles stated in its article 1 and 4, and with human rights and fundamental freedoms,

Taking note of paragraph 9 (e) of the Doha Declaration on Integrating Crime Prevention and Criminal Justice into the Wider United Nations Agenda to Address Social and Economic Challenges and to Promote the Rule of Law at the National and International Levels, and Public Participation,[2] in which Member States affirmed their determination to strive to adopt effective measures to prevent and counter the serious

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** The present document is being issued without formal editing.
[1] United Nations, *Treaty Series*, vols. 2225, 2237, 2241 and 2326, No. 39574.
[2] General Assembly resolution 70/174, annex.

problem of crimes that have an impact on the environment, such as trafficking in wildlife, including flora and fauna as protected by the Convention on International Trade in endangered species of wild fauna and flora, timber and timber products and hazardous waste, as well as poaching, 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,

Taking note also of Economic and Social Council resolution 2012/19 of 26 July 2012, entitled "Strengthening international cooperation in combating transnational organized crime in all its forms and manifestations", in which the Council recognized the involvement of transnational criminal organizations in all aspects of crimes that have a significant impact on the environment,

Taking note further of General Assembly resolution 74/177 of 18 December 2019, in which the Assembly called upon Member States to make illicit trafficking in protected species of wild fauna and flora and other crimes that affect the environment, such as trafficking in timber, precious metals, stones and other minerals, involving organized criminal groups a serious crime in accordance with their national legislation and with article 2 (b) of the United Nations Convention against Transnational Organized Crime,

Mindful of the need for complementary and fully effective implementation of the Convention and the Protocols thereto, as well as of the United Nations Convention against Corruption,[3] and taking note of resolution 8/12 of the Conference of the States Parties to the United Nations Convention against Corruption, entitled "Preventing and combating corruption as it relates to crimes that have an impact on the environment",

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

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

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 in order to protect the environment, to promote the rule of law and to achieve sustainable development, including their efforts to contribute to the implementation of the 2030 Agenda for Sustainable Development,

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,

Recognizing the primary role and responsibility of States for defining their policies and strategies to prevent and combat such crimes, consistent with article 4 of the Convention,

Recognizing that combating transnational organized crimes that affect the environment require strengthened action to be taken on the supply, transit and demand

[3] United Nations, *Treaty Series*, vol. 2349, No. 42146.

sides, thus emphasizing the importance, in this regard, of effective cooperation among States parties,

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

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 International Union for Conservation of Nature, the secretariat of the Convention on International Trade in Endangered Species of Wild Fauna and Flora,[4] the secretariat of 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 States in their efforts to effectively prevent and combat transnational organized crimes that affect the environment, and underscoring in this regard the crucial importance of enhancing inter-agency cooperation and coordination on that 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,

1. *Affirms* that the United Nations Convention against Transnational Organized Crime constitutes an effective tool and an essential part of the legal framework for preventing and combating transnational organized crimes that affect the environment and for strengthening international cooperation in this regard;

2. *Urges* all States that have not yet done so to consider ratifying or acceding to the Convention against Transnational Organized Crime;

3. *Urges* States parties to implement the 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, including by using special investigative techniques, consistent with article 20 of the Convention;

4. *Calls upon* States parties to the Convention to make crimes that affect the environment, in appropriate cases, serious crimes, in accordance with their national legislation, as defined in article 2 (b) of the Convention, 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;

5. *Urges* States parties to take measures, consistent with their legal principles, to ensure that legal and natural persons involved in transnational organized crimes that affect the environment and related offences covered by the Convention are held accountable and recalls, in this regard, article 10 of the Convention under which States parties shall, in particular, ensure that legal persons held liable in accordance with this article are subject to effective, proportionate and dissuasive criminal or non-criminal sanctions, including monetary sanctions;

6. *Calls upon* States parties 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 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, and so that assets derived

[4] United Nations, *Treaty Series*, vol. 993, No. 14537.

from transnational organized crimes that affect the environment can be seized, confiscated and disposed of;

7. *Encourages* States parties, consistent with the Convention and the fundamental principles of their legal systems, to take measures to prevent the abuse of national, regional and global financial systems for the purposes of money laundering related to transnational organized crimes that affect the environment, including through the implementation of effective, risk based anti-money laundering frameworks, in line with international standards and initiatives;

8. *Urges* States parties to provide one another with the broadest possible cooperation, including mutual legal assistance, in preventing, investigating and prosecuting transnational organized crimes that affect the environment and related offences covered by the Convention and its Protocols;

9. *Also urges* States parties, in accordance with UNTOC, 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;

10. *Calls upon* States parties to assess and mitigate corruption risks and to strengthen anti-corruption measures, consistent with the provisions of the Convention and the United Nations Convention against Corruption, to prevent conflicts of interest, to promote ethical practices and transparency and to ensure integrity throughout the entire crime prevention and criminal justice system, without prejudice to judicial independence;

11. *Encourages* States parties, where appropriate and permitted by their domestic law, to establish integrated and multidisciplinary national responses for preventing and combating crimes that affect the environment;

12. *Calls upon* States parties, consistent with the Convention and in accordance with national legislation, to take all appropriate measures within their means to provide effective assistance 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 Convention, and, in this regard, encourages States parties to consider providing access to civil compensation and habitat restoration for damages caused to the environment and to victims;

13. *Strongly encourages* States parties to consider analysing, in consultation with other relevant stakeholders, where appropriate, trends on activities of organized criminal groups that affect the environment and in the circumstances in which those crimes are committed on their territories and to share this information and data with the United Nations Office on Drugs and Crime;

14. *Also strongly encourages* State parties to strengthen their cooperation and work with international and regional organizations, as well as, where appropriate, 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 transnational organized crimes that affect the environment, including enhancing the integrity of legal supply chains and in raising awareness, consistent with article 31 of the Convention;

15. *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 State parties, upon request, for the purposes of supporting their efforts to effectively implement the Convention in preventing and combating transnational organized crimes that affect the environment;

16. *Requests* the United Nations Office on Drugs and Crime, within its mandate, to further enhance and expand its cooperation and coordination with INTERPOL, the United Nations Environment Programme, the World Customs Organization, the United Nations Interregional Crime and Justice Research Institute, 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 States parties to the Convention, upon request, in their efforts to effectively prevent and combat transnational organized crimes that affect the environment, including through interagency partnerships, such as the international consortium on combating wildlife crime;

17. *Requests* 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;

18. *Requests* the Secretariat to report, within existing resources, on the implementation of the present resolution to the Conference at its eleventh session;

19. *Encourages* States parties, when responding to the self-assessment questionnaires for the review of the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto, to provide, on a voluntary basis, any relevant information regarding the implementation of the Convention in preventing and combating transnational organized crimes that affect the environment;

20. *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.