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**Thematic discussion on the challenge posed by emerging
forms of crime that have a significant impact on the
environment and ways to deal with it effectively**

Discussion guide for the thematic discussion on the challenge posed by emerging forms of crime that have a significant impact on the environment and ways to deal with it effectively

Note by the Secretariat

Summary

The present note has been prepared by the Secretariat as a guide for the thematic discussion of the Commission on Crime Prevention and Criminal Justice, pursuant to its decision 18/1. In its decision 2010/243, the Economic and Social Council decided that the prominent theme for the twenty-second session of the Commission would be “The challenge posed by emerging forms of crime that have a significant impact on the environment and ways to deal with it effectively”. The Council recalled that decision in its decision 2012/238. In the present document, a series of questions on the relevant sub-themes are proposed for discussion by the Commission, some issues are outlined for shaping that discussion and background information is provided. The note also contains information on the implementation of Economic and Social Council resolution 2011/36, entitled “Crime prevention and criminal justice responses against illicit trafficking in endangered species of wild fauna and flora”.

* E/CN.15/2013/1.



I. Introduction

1. The Economic and Social Council, in its decision 2010/243, decided that the prominent theme for the twenty-second session of the Commission on Crime Prevention and Criminal Justice would be “The challenge posed by emerging forms of crime that have a significant impact on the environment and ways to deal with it effectively”, bearing in mind paragraph 14 of the Salvador Declaration on Comprehensive Strategies for Global Challenges: Crime Prevention and Criminal Justice Systems and Their Development in a Changing World. The Council recalled that decision in its decision 2012/238.

2. At its reconvened twenty-first session, held in Vienna on 6 and 7 December 2012, the Commission was informed of the following sub-themes that had been recommended by the extended bureau for the thematic discussion to be held by the Commission at its twenty-second session:

(a) Challenges posed by emerging forms of crime that have a significant impact on the environment:

(i) Emerging trends and challenges, including those linked to data collection and its analysis, criminalization and criminal justice;

(ii) Challenges linked to related offences;

(b) Possible responses, programmes and initiatives to deal effectively with forms of crime that have a significant impact on the environment:

(i) Possible ways to increase effectiveness of preventive and responsive measures of criminal justice systems, including using existing international treaties to combat crime, as well as on the basis of strengthening partnerships between public and private sectors and civil society;

(ii) International collaboration and partnerships, including the role of the United Nations Office on Drugs and Crime (UNODC) in counteracting unlawful conduct that may have a negative impact on the environment.

3. The present note has been prepared by the Secretariat in accordance with Commission decision 18/1, entitled “Guidelines for the thematic discussions of the Commission on Crime Prevention and Criminal Justice”, in which the Commission decided that the discussion on the prominent theme would be based on a discussion guide including a list of questions to be addressed by participants; the guide would be prepared by the Secretariat in the six official languages of the United Nations not later than one month in advance of the session.

4. The present note also contains information on the implementation of Economic and Social Council resolution 2011/36, entitled “Crime prevention and criminal justice responses against illicit trafficking in endangered species of wild fauna and flora”, in which the Council requested the Secretary-General to prepare and submit to the Commission at its twenty-second session a report on the implementation of that resolution.

5. Environmental issues are dealt with in different intergovernmental forums, including the conferences of the parties to numerous multilateral environmental agreements, and many international organizations. The Commission should focus on

the aspects of emerging forms of crime that have a significant impact on the environment falling within its specific mandate, namely the crime prevention and criminal justice aspects, and on adding value, in order to avoid institutional overlap and duplication of work. The discussion will benefit from contributions of Member States' delegates who are specialized in the matter and who are familiar with what is considered in other international frameworks, as well as from contributions by other international organizations dealing with related issues.

6. The discussion should also take into account the broader context of the follow-up undertaken to the United Nations Conference on Sustainable Development, held in Rio de Janeiro, Brazil, from 20 to 22 June 2012, including the work towards developing sustainable development goals, and the contributions that the Commission, as one of the functional Commissions of the Economic and Social Council, can make to the United Nations development agenda beyond 2015.

7. The international community has not yet reached consensus concerning a definition of "environmental crime". The terms "emerging forms of crime that have a significant impact on the environment" and "environmental crime" are therefore used interchangeably in the present document, referring to unlawful conduct that directly or indirectly harms the environment. From a criminal law perspective, environmental crimes are contraventions of pre-existing laws sanctioning illegal conduct with criminal penalties, typically based on environmental management regulations. Emerging forms of crime that have a significant impact on the environment can be categorized in at least two forms: (a) trafficking in natural resources, whereby natural resources are harvested, transported, trafficked or traded in contravention of environmental protection laws or nature conservation or management regulations; and (b) trafficking in ozone-depleting substances and hazardous waste associated with deliberate illegal transport or dumping of hazardous waste, or trafficking or release of ozone-depleting gasses.¹ Participants in the thematic debate might wish to further discuss challenges related to defining "environmental crime".

A. Issues for discussion

1. Emerging trends and challenges

8. Questions on emerging trends and challenges, including those linked to data collection and analysis, criminalization and criminal justice, might include:

(a) What forms of crime that have a significant impact on the environment are being observed, reported and/or addressed by Member States?

(b) Have studies or surveys been conducted to explore the different forms of crime that have a significant impact on the environment and the extent of their impact on the environment?

(c) Who are the actors involved in crimes that have a significant impact on the environment? Have studies or surveys been conducted to explore the motivation

¹ UNODC, *Transnational Organized Crime in the Fishing Industry. Focus on: Trafficking in Persons, Smuggling of Migrants, Illicit Drugs Trafficking*. Available from www.unodc.org/documents/human-trafficking/Issue_Paper_-_TOC_in_the_Fishing_Industry.pdf.

of the actors involved in those crimes? Do organized criminal groups undertake specific types of illegal activities that have a significant impact on the environment?

(d) What impact does environmental crime have on national security, human development, public health and economic security?

(e) What are the losses and damages caused by forms of crime that have a significant impact on the environment? How are natural resources, biodiversity and species of wild fauna and flora affected? How are local communities and indigenous people affected? What material and financial losses are caused by crimes that have a significant impact on the environment?

(f) What forms of crime that have a significant impact on the environment are criminalized by national and/or international law?

(g) What kind of data and information-gathering exist to measure the prevalence of emerging forms of crime that have a significant impact on the environment? Are those data disaggregated? If so, according to which categories?

(h) Which authorities are involved in data collection and information-gathering? Is there one central authority responsible for emerging forms of crime that have a significant impact on the environment? Are results of research published?

(i) Have States participated in international, regional or sectoral research or technical assistance projects examining the prevalence of emerging forms of crime that have a significant impact on the environment? What were the outcomes and lessons learned?

(j) What training is provided to law enforcement authorities to gather and record information on offences and persons involved in environmental crimes?

(k) What systems are in place to record, store and retrieve the information available to law enforcement authorities responsible for policing the enforcement of environment protection legislation? How is the information that is held by the different law enforcement authorities mandated to police environmental protection legislation collated and coordinated?

(l) How can data collection be improved at the international level? Should there be an observatory on environmental crime and wildlife trafficking, or several regional observatories? Can remote-sensing technologies help to determine the damage caused by illegal logging, mining and other forms of crime that have an impact on the environment? How can crime statistics be used in order to understand patterns, profiles of perpetrators, crimes and trends?

2. Challenges linked to related offences

9. Questions on challenges linked to related offences might include:

(a) What types of offences and illegal activities often co-occur with forms of crime that have a significant impact on the environment?

(b) How are emerging forms of crime that have a significant impact on the environment linked to other forms of crime, such as trafficking in drugs and weapons, smuggling of migrants and/or trafficking in persons?

(c) How are emerging forms of crime that have a significant impact on the environment related to terrorist acts and violence perpetrated by non-State actors?

(d) What role does corruption play with regard to emerging forms of crime that have a significant impact on the environment?

(e) What role do money-laundering and other illicit financial flows play with regard to emerging forms of crime that have a significant impact on the environment?

3. Possible ways to increase the effectiveness of preventive and responsive measures of criminal justice systems

10. Questions on possible ways to increase the effectiveness of preventive and responsive measures of criminal justice systems, including through using existing international treaties to combat crime and strengthening partnerships between public and private sectors and civil society, might include:

(a) What forms of crime that have a significant impact on the environment are criminalized by international and national law? How are existing legal frameworks implemented?

(b) What training is provided to officers of the lead law enforcement authority responsible for policing environmental legislation? What training is provided to officers of other law enforcement authorities responsible for policing environmental legislation?

(c) What training is provided to prosecutors and judges to familiarize them with national environment protection legislation? What training is provided to prosecutors and judges in support of bringing prosecutions under national environment protection legislation?

(d) What measures have been taken to prevent emerging forms of crime that have a significant impact on the environment? Is the development of prevention strategies evidence-based? Do strategies reflect research relating to crime, environmental and social sciences, as well as risk analyses and human rights impact assessments?

(e) Which organization, agencies or bodies are involved in investigating emerging forms of crime that have a significant impact on the environment?

(f) Are criminal justice practitioners, including front-line officers, trained in how to deal with emerging forms of crime that have a significant impact on the environment? Is there capacity-building for personnel dealing with emerging forms of crime that have a significant impact on the environment?

(g) Do Member States address environmental crimes through preventive measures outside of the criminal justice system, such as natural resource management, development and poverty-reduction programmes, awareness-raising campaigns and demand reduction strategies, among others? What are the benefits of such preventive measures?

(h) Is there regular monitoring of the effectiveness of policies to prevent emerging forms of crime that have a significant impact on the environment?

(i) Are international organizations, non-governmental organizations and civil society actors involved in the development and implementation of measures to prevent emerging forms of crime that have a significant impact on the environment?

(j) What is the role of communities that depend on natural resources in the prevention of emerging forms of crime that have a significant impact on the environment? Are the land and tenure rights of local communities respected when drafting policies to prevent such crimes?

4. International collaboration and partnerships

11. Questions on international collaboration and partnerships, including the role of UNODC in counteracting unlawful conduct that may have a negative impact on the environment, might include:

(a) In what ways have national authorities used international cooperation in their investigations and prosecutions of emerging forms of crime that have a significant impact on the environment?

(b) Do national authorities share information with each other to facilitate the prevention, identification and investigation of emerging forms of crime that have a significant impact on the environment?

(c) Do Member States have adequate legal frameworks to allow for extradition, mutual legal assistance and international cooperation for the purposes of confiscation of the proceeds of emerging forms of crime that have a significant impact on the environment?

(d) Have Member States used extradition, mutual legal assistance and international cooperation for the purposes of confiscation of proceeds of emerging forms of crime that have a significant impact on the environment?

(e) Is the method of controlled delivery² being used in order to address trafficking in species of wild fauna and flora?

(f) Have Member States concluded bilateral, regional or multilateral treaties or agreements to facilitate international cooperation in relation to cases of emerging forms of crime that have a significant impact on the environment?

(g) Is there enough effective cooperation between countries of origin, transit and destination to develop mutually beneficial approaches to preventing and combating emerging forms of crime that have a significant impact on the environment, especially in the case of trafficking in species of wild flora and fauna?

(h) How do Member States see the role of UNODC in counteracting unlawful conduct that may have a negative impact on the environment?

(i) How can cooperation between different international bodies and organizations, including UNODC, be improved in order to address emerging forms of crime that have a significant impact on the environment?

² A controlled delivery is a covert investigation technique used by law enforcement officials to track the route of a commodity in order to identify persons connected with criminal activities and to gather evidence against them. The technique has been employed extensively in relation to trafficking in narcotics and can also be used in relation to trafficking in flora and fauna.

(j) How can UNODC further enhance its role in addressing emerging forms of crime that have a significant impact on the environment?

B. Background

1. Overview

12. The challenge posed by emerging forms of crime that have a significant impact on the environment was discussed at the Twelfth United Nations Congress on Crime Prevention and Criminal Justice, held in Salvador, Brazil, from 12 to 19 April 2010. In the Salvador Declaration on Comprehensive Strategies for Global Challenges: Crime Prevention and Criminal Justice Systems and Their Development in a Changing World, endorsed by the General Assembly in its resolution 65/230, Member States acknowledged the challenge posed by emerging forms of crime that have a significant impact on the environment and were encouraged to strengthen their national crime prevention and criminal justice legislation, policies and practices in that area. Member States were also invited to enhance international cooperation, technical assistance and the sharing of best practices in that area. The Commission on Crime Prevention and Criminal Justice was invited, in coordination with the relevant United Nations bodies, to study the nature of the challenge and ways to deal with it effectively.

13. The Commission had dealt with the role of criminal law in the protection of the environment long before the Twelfth United Nations Congress on Crime Prevention and Criminal Justice, pursuant to a number of resolutions on the matter, including Economic and Social Council resolutions 1992/22, 1993/28, 1994/15 and 1996/10. More recently, the Economic and Social Council, in its resolutions 2001/12, 2002/18, 2003/27, 2008/25 and 2011/36, has focused on more specific issues, namely international cooperation in preventing and combating international trafficking in forest products, including timber, wildlife and other forest biological resources; and trafficking in protected species of wild flora and fauna. In those resolutions, Member States were urged to prevent, combat and eradicate trafficking in environmental resources, including by adopting the legislative or other measures necessary for establishing them as criminal offences in domestic legislation.

14. The Commission also adopted resolution 16/1, in which it strongly encouraged Member States to take appropriate measures, consistent with their domestic legislation and legal frameworks, to strengthen law enforcement and related efforts to combat individuals and groups operating within their borders, with a view to preventing, combating and eradicating trafficking in forest products harvested in contravention of national laws.

15. In resolutions of the Commission, the Economic and Social Council and the General Assembly, UNODC has been mandated to support the efforts of Member States with regard to the crime prevention and criminal justice aspects of the issue under consideration. Most recently, the General Assembly, in its resolution 67/189, expressed deep concern about environmental crimes, including trafficking in endangered and protected species of wild fauna and flora, emphasized the need to combat such crimes by strengthening international cooperation, capacity-building, criminal justice responses and law enforcement efforts and invited UNODC to

explore, within its mandate, ways and means of addressing those issues. Detailed information is provided in this report on the implementation of Economic and Social Council resolution 2011/36, in which UNODC was requested to join the relevant international organizations in promoting and organizing meetings, seminars, similar events and all types of relevant cooperation to which the Office can contribute as regards the crime prevention and criminal justice aspect of protection against trafficking in endangered species of wild fauna and flora, to contribute to ongoing efforts to collect, analyse and disseminate relevant data, and to continue to provide technical assistance to States as regards the prevention, investigation and prosecution of trafficking in endangered species.

16. Since the adoption of the United Nations Convention against Transnational Organized Crime and the United Nations Convention against Corruption, Member States have increasingly considered how those Conventions could be applied as tools to combat emerging forms of crime that have a significant impact on the environment. The General Assembly stated, in its resolution 55/25, that it was strongly convinced that the Organized Crime Convention would constitute an effective tool and the necessary legal framework for international cooperation in combating such criminal activities as illicit trafficking in endangered species of wild flora and fauna. More recently, in its resolution 2012/19, entitled “Strengthening international cooperation in combating transnational organized crime in all its forms and manifestations”, the Economic and Social Council recognized the involvement of transnational criminal organizations in all aspects of crimes that have a significant impact on the environment and urged Member States to consider, among other effective measures, in accordance with their national legal systems, addressing different forms and manifestations of transnational organized crime that have a significant impact on the environment, including trafficking in endangered species of wild fauna and flora.

17. The provisions of the Organized Crime Convention can be used where offences are transnational in nature and involve an organized criminal group. The Convention against Corruption can also be used as an instrument for effective and transparent management of natural resources. Both Conventions provide for international cooperation through joint investigations, special investigative techniques and other appropriate measures aimed at promoting law enforcement cooperation, which may be needed to counter environmental crime more effectively.

18. As mentioned above, many existing multilateral environmental agreements identify specific measures relating to the protection of the environment and conservation of natural resources. The Convention on International Trade in Endangered Species of Wild Fauna and Flora is the principal international instrument on controlling and regulating international trade in protected species and ensuring that international trade in specimens of wild animals and plants is legal, sustainable and traceable. The Convention has 177 States parties and it accords varying degrees of protection to almost 35,000 species of animals and plants.

19. Other multilateral environmental agreements include, for example, the Convention on Biological Diversity and the Convention for the Protection of the World Cultural and Natural Heritage. The Convention on Biological Diversity focuses predominantly on habitat protection by endeavouring to balance the need for economic development with the protection of biodiversity, especially through the nomination of reserves in developing countries. The purpose of the World

Heritage Convention is to protect designated cultural and natural sites from destruction, encroachment and exploitation. Parties may request the World Heritage Committee to include properties that face serious and specific dangers and require major operations for their conservation in the List of World Heritage in Danger.

20. The use of criminal law is only one of the measures contemplated by some multilateral environmental agreements and the determination of sanctions is often left to the States parties. For instance, in article 4, paragraph 3, of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, it is stipulated that “[t]he Parties consider that illegal traffic in hazardous wastes or other wastes is criminal.” The Convention on International Trade in Endangered Species of Wild Fauna and Flora, in its article VIII, requires that “Parties shall take appropriate measures to enforce the provisions of the present Convention and to prohibit trade in specimens in violation thereof. These shall include measures to penalize trade in, or possession of, such specimens.” The Commission might wish to look at how its work on crime prevention and criminal justice and the use and application of the Organized Crime Convention and the Convention against Corruption could support the effective implementation of existing multilateral environmental agreements.

2. Challenges related to data collection and analysis

21. It is estimated that trafficking in species of wild fauna and flora, as one form of crime that has a significant impact on the environment, costs Governments and economies about \$8 to 10 billion a year. *The Globalization of Crime: A Transnational Organized Crime Threat Assessment*³ contain information on the trafficking of endangered species and their products, with a focus on elephant ivory and rhinoceros horn. One of the most alarming findings brought to the attention of the Commission when it examined the role of organized crime in relation to the trafficking of protected species of flora and fauna in the recent past was that the financial turnover of the illicit trade in flora and fauna was estimated by the International Criminal Police Organization (INTERPOL) to come second only to that of trafficking in drugs.

22. However, data collection and analysis remain an enormous challenge. To date, very few reliable measurements of forms of environmental crime have been conducted at the national, regional and international levels. The scale of the problem, the volume of the illegal trade and the number of people involved are largely unknown and often impossible to calculate. The clandestine nature and the lack of comprehensive enforcement and research make it impossible to know the true scale of the phenomenon. Reliable information is critical for the design of evidence-based programmes aimed at preventing, detecting, monitoring, reporting and investigating illegal operations.

23. Data on environmental crimes are collected only when a clear and separate definition of the legal offence exists in national criminal law. In many countries, for instance, actions that have a significant negative impact on the environment fall primarily under administrative offences or environmental or health regulations and are therefore not reflected in crime statistics. Even where a clear definition exists,

³ Available from www.unodc.org/documents/data-and-analysis/tocta/TOCTA_Report_2010_low_res.pdf.

data on police-recorded crimes generally represent only those crimes that are brought to the attention of the authorities. Environmental crimes may be underreported if they are seen as a form of “victim-less” crime, that is to say a crime without a victim who has an incentive to report the crime.

24. To collect data at the international level, a special module on environmental crime was included in the United Nations Survey of Crime Trends and Operations of Criminal Justice Systems covering the year 2011 that requested data on relevant offences, persons brought into formal contact (persons arrested, suspected or cautioned) with the criminal justice system and persons convicted. Out of the 57 countries that responded to the Survey for 2011 before the deadline, 32 countries were able to supply at least partial data on environmental crime.⁴ Available data cover mostly offences related to pollution (of air, water and soil) and offences relating to the illegal movement or illegal dumping of waste. Twelve countries could provide at least some data on offences related to illegal trading in endangered species of wild fauna and flora, only seven of which could statistically distinguish transnational illegal trading in endangered species from such trade taking place within national borders.

25. Overall trends of police-recorded environmental offences, reported to and collected by UNODC in the Survey for 2011, have remained broadly stable over the past six years. Taken together, recorded offences have decreased by 2 per cent over the period. Despite a slight (4 per cent) increase in the number of persons brought into formal contact with the police for environmental crime, and a moderate increase (14 per cent) in the number of persons convicted for environmental crimes, the average conviction rate⁵ for all environmental crimes in all reporting countries remained fairly low (23 per cent in 2011) compared with other types of crimes. Five countries reported that they had identified a total of 31 suspects and convicted a total of four persons for transnational trafficking in protected species.

26. To overcome the limitations of police-recorded data on environmental crime, the development of new methodologies for data collection could be explored. For example, the impact and scope of illegal logging, mining or waste dumping could be measured with the use of satellite imagery and remote-sensing technologies. Such methods are already used for monitoring and estimating the extent of crop cultivation, including the illicit cultivation of poppy in Asia and of coca leaf in the Andean region.⁶

27. Reference is further to be made to the series of regionally focused transnational organized crime threat assessments that have been conducted by UNODC, in consultation with Member States, partners and international organizations, and will be completed in 2013. The scope and impact of trafficking in endangered species of wild fauna and flora were examined in *Organized Crime and Instability in Central Africa: A Threat Assessment*, published

⁴ See the note by the Secretariat on world crime trends and emerging issues and responses in the field of crime prevention and criminal justice (E/CN.15/2013/9).

⁵ The ratio of persons convicted to persons brought into formal contact with the police (i.e. persons arrested, suspected or cautioned) within one year.

⁶ The crop monitoring undertaken by UNODC is conducted jointly with the national authorities of the countries concerned (Afghanistan, Bolivia (Plurinational State of), Colombia, Lao People's Democratic Republic, Mexico, Myanmar and Peru).

in October 2011.⁷ The Eastern Africa threat assessment study, which will be made available in mid-2013, will cover, among others, the trafficking of elephant ivory and of rhinoceros horn. Results of research conducted by UNODC on various forms of environmental crime in South-East Asia, also to be made available in mid-2013 on the UNODC transnational organized crime threat assessments website (www.unodc.org/unodc/data-and-analysis/TOC-threat-assessments.html), suggest that the criminal networks responsible for wildlife and timber trafficking, as well as the smuggling of e-waste and ozone-depleting substances, use sophisticated techniques and operate between continents in order to connect cheap supply sources to wealthy markets. The research also indicate that significant differences exist among the various forms of environmental crime, especially in terms of the actors involved, routes, patterns and modi operandi. The evidence shows that different interventions are required to curb crimes as diverse as illegal logging, illicit trade in wildlife, trafficking in timber, overfishing and e-waste smuggling.

3. Challenges linked to related offences

28. Forms of crime that have a significant impact on the environment frequently involve a range of associated offences that are used to facilitate the principal crime or that are committed in the aftermath of such crimes. Offences that are most frequently connected to environmental crime include document fraud (the omission of material facts with the intention to mislead), money-laundering, corruption and bribery, tax evasion and the non-payment of fees and tariffs, as well as participation in criminal organizations.

29. Environmental crime is particularly associated with, and facilitated by, corruption. Environmental crime often involves natural resources that have high commercial value and are vulnerable to plunder. The management of natural resources is often governed by complicated regulations that may be vulnerable to manipulation and corruption. An added incentive to corrupt behaviour is often the high profit and low risk of being caught, together with the absence of effective and dissuasive sanctions. Furthermore, lack of transparency in the public forest administration and other agencies, including law enforcement authorities, unclear accountability structures and lack of public disclosure of key documents are all conducive to corrupt practices.

30. Corruption can intervene at various stages of operations that exploit natural resources and can involve a variety of actors (environment agencies, law enforcement, customs, the private sector and local authorities). Corruption in the environment sector can have a high impact on economic development, sustainability of the ecosystem and traditional cultures.

31. Assistance in combating corruption in the management of natural resources is especially needed in those developing States where the economy strongly relies on the export of raw materials and where institutional weaknesses are an impediment to the effective implementation of prevention and enforcement policies. A comprehensive national framework that integrates anti-corruption and environmental measures is therefore needed to prevent corruption in the illicit

⁷ Available from www.unodc.org/documents/data-and-analysis/Studies/Central_Africa_Report_2011_web.pdf.

exploitation of environmental resources. Targeted prevention and law enforcement measures may also be necessary, depending on the natural resources sector under consideration (for example extractive industries, forest management, carbon trading, wildlife and the water sector).

4. Possible ways to increase the effectiveness of preventive and responsive measures of criminal justice systems

32. Within a country, violations of laws or regulations to protect the environment and wildlife can give rise to administrative, civil or criminal liability, with some States relying more on criminal sanctions and others relying more on civil or administrative sanctions. Strong and well-implemented national laws are key. Discrepancies within and among national wildlife, forestry, criminal and other laws make a comprehensive, coordinated approach to transnational organized environmental crime difficult. Inappropriate penalties (for example national legislation that provides for different sanctions for nationals and foreign citizens for the same offence) pose another challenge to the effective prevention and control strategies for such crimes. Therefore, the reform of the legal and regulatory system is a prerequisite for effectively combating crimes that have a significant impact on the environment.

33. Environmental crimes may involve complex offences that comprise a multitude of criminal elements, with incidents frequently crossing national borders, which can make appropriate and effective enforcement challenging. The investigation into such crimes usually involves various Government departments, each of which helps to bring an additional dimension to the response. Accordingly, dealing with such offences in isolation, especially without the assistance of enforcement agencies such as the police and customs authorities, affects the possibility of efficiently addressing the causes and consequences of the phenomenon.

34. Well-regarded and highly skilled police, wildlife and forestry law enforcement and border control services are prerequisites for effectively combating emerging forms of crime that have a significant impact on the environment. Regular upgrading of the knowledge and skills of officials, law enforcement officers, judges, prosecutors etc. at various levels is crucial.

35. Effective law enforcement requires a well-functioning and efficient prosecution service and an independent judiciary, both to hold offenders accountable for their actions and to protect the legal rights of various stakeholders. Even if the capacity to detect and investigate environmental offences is high, the potential deterrent effects of prosecutions are close to non-existent so long as the judicial system is weak and prone to corruption and delays. As with every aspect of a criminal justice system, the integrity and accountability of prosecutors and judges must be ensured, and their independence and impartiality must be protected.

36. The investigation of environmental crimes is a challenge for the whole community, and is not limited to law enforcement agencies. It is crucial that key stakeholders consult one another and build partnerships to combat such offences effectively and that there is close collaboration between environmental, wildlife and forestry officials and the wider law enforcement community, including the criminal

justice system. Close cooperation is also needed with the private industry and non-governmental organizations.

37. A burgeoning demand for natural products, coupled with poor understanding of the elements and the impact of environmental crime, is the driver of the crime. Therefore, effective crime prevention strategies require a comprehensive approach that includes elements such as poverty reduction, providing legal income opportunities, awareness-raising on the impact of environmental crime, and demand-reduction strategies. That must be complemented by improved reporting, data collection and information-sharing.

38. The policy measures that can be adopted to fight illegal activities vary and are unlikely to work in isolation. The aim of improving policies and legal compliance coincides with that of achieving a better level of governance in the environmental sector. To achieve their objectives, strategies need to be holistic and to include a wide range of options and interventions. Those interventions need to be made in a concerted manner in all possible areas of consideration (legislative responses, law enforcement and preventive policies), so that implementation may be cross-cutting. Holistic approaches require collaboration and cooperation at the governmental level and also between Government agencies and other stakeholders beyond the governmental sphere. Prevention, detection and suppression of crimes will not work unless the authorities and agencies involved work in coordination. As environmental crime is often transnational, a coordinated and comprehensive approach is needed to address it, including international cooperation with regard to prosecution and law enforcement. Constant collaboration, sharing of expertise and information and joint efforts by Government agencies are key.

5. International cooperation and partnerships

39. In its resolution 66/288, the General Assembly endorsed the outcome document of the United Nations Conference on Sustainable Development, entitled "The future we want". In that document, Heads of State and Government and high-level representatives recognized the economic, social and environmental impacts of trafficking in wildlife, where firm and strengthened action needs to be taken on both the supply and demand sides, and they emphasized the importance of effective international cooperation among relevant multilateral environmental agreements and international organizations.

40. In the context of partnerships, special reference should to be made to the International Consortium on Combating Wildlife Crime. The Consortium is a partnership between the secretariat of the Convention on International Trade in Endangered Species of Wild Fauna and Flora, INTERPOL, UNODC, the World Bank and the World Customs Organization (WCO). The Consortium aims to deliver coordinated support to national wildlife law enforcement agencies and to the subregional and regional networks that, on a daily basis, act in defence of natural resources. The Consortium offers a unique pool of thematically relevant technical and programming expertise, which allows for a novel approach to the multifaceted challenges posed by wildlife and forest crime. It was formally launched at the International Tiger Forum held in Saint Petersburg, Russian Federation, in November 2010.

41. In addition to their work as part of the Consortium, the partners undertake and are involved in many other activities and initiatives to combat environmental crime. INTERPOL created the Environmental Crime Programme in 2009, under which it has coordinated global and regional operations, delivered training on standard communication techniques, secure system procedures and intelligence around the world, developed law enforcement guides, coordinated intelligence campaigns and hosted international conferences. WCO has developed an environment programme on the control of trade-related multilateral environmental agreements and the combating of environmental crime. Since 2001, WCO has been an active partner in the Green Customs Initiative, a partnership that aims, inter alia, to prevent the illegal trade in environmentally sensitive commodities. In addition, WCO is involved in a wide range of information-exchange programmes on environment-related issues, such as the Trade in Wildlife Information eXchange and the Elephant Trade Information System. The World Bank, in its assistance programmes, emphasizes good governance, environmental sustainability and combating corrupt practices in the forestry, fisheries and biodiversity sectors. It is also involved with specific initiatives such as the Global Tiger Initiative, which aims to support national efforts to prevent tiger poaching and habitat loss.

42. In its resolution 2011/36, the Economic and Social Council recognized the work of the Consortium, as well as the work of the United Nations Environment Programme (UNEP), the Food and Agriculture Organization of the United Nations (FAO), the World Trade Organization and the United Nations Conference on Trade and Development, in combating trafficking in endangered species of wild fauna and flora.

43. The International Union for Conservation of Nature is the oldest and largest global environmental organization, with more than 1,200 member organizations. It assesses the extinction risk of species and leads conservation projects aimed at the sustainable management of biodiversity and natural resources.

44. Regional initiatives include the Association of Southeast Asian Nations (ASEAN) Wildlife Enforcement Network, which is the world's largest wildlife law enforcement network and involves the police, customs and environment agencies of all 10 ASEAN countries. The Network is designed to combat the illegal wildlife trade and to offer a mechanism for sharing information and good practices. Links with the secretariat of the Convention on International Trade in Endangered Species of Wild Fauna and Flora, INTERPOL, the Fish and Wildlife Service and the Department of Justice of the United States of America, and wildlife law enforcement groups have broadened the Network's reach. Regional wildlife enforcement networks also exist in Central America, South America, South Asia and North America. Additional networks, including for Central Africa and the Horn of Africa, are under discussion and will be launched in the near future.

45. Other examples of international cooperation and partnerships include activities undertaken by institutes of the United Nations crime prevention and criminal justice programme network. The United Nations Interregional Crime and Justice Research Institute, in collaboration with UNEP and the Ministry of Justice and the Ministry of the Environment of Italy, organized an international conference entitled "Environmental Crime: Current and Emerging Threats", held in Rome on 29 and 30 October 2012. The Conference served as a platform to discuss the involvement of organized criminal groups in environmental crime and linkages with other serious

crimes and identified a set of recommendations for more effective policies and action at the national, regional and international levels, which were incorporated into an action plan on combating environmental crime.

6. Activities of the United Nations Office on Drugs and Crime in the field of environmental crime

46. UNODC is encouraging Governments to increase their efforts to protect natural resources and convict perpetrators of environmental crime by lobbying for improved legal frameworks; criminalization of wildlife and forest offences, with adequate penalties; and increased international cooperation to respond to environmental crime. Pursuant to the mandates provided by the Commission on Crime Prevention and Criminal Justice, the Economic and Social Council and the General Assembly, the work of UNODC in the field of environmental crime focuses on international trafficking in forest products and on trafficking in protected species of wild fauna and flora. In implementing those mandates, UNODC has concentrated on the pilot region of South-East Asia, but is envisaging an expansion of the geographical scope of its activities.

47. In 2010, UNODC launched a programme in Indonesia to promote good governance, law enforcement and anti-corruption measures in areas affected by illegal logging. The use of UNODC tools to address corruption, weak national capacities and driving factors, as well as to prosecute perpetrators of wildlife and forest crime, was promoted, with the aim of ensuring transparent and effective implementation of programmes within the Reducing Emissions from Deforestation and Forest Degradation (REDD+) framework and contributing to the goals identified by the United Nations Framework Convention on Climate Change. Also as part of REDD+, UNODC conducted an assessment of the effectiveness of the criminal justice response to the illegal timber trade in Myanmar, Thailand and Viet Nam, whose findings will be formally disseminated in 2013. In that area, UNODC strengthened its cooperation with key partners such as the secretariat of the Convention on International Trade in Endangered Species of Wild Fauna and Flora, FAO, INTERPOL, the United Nations Development Programme (UNDP) and UNEP.

48. In Indonesia, UNODC provided training to Government officials and civil society. Forest personnel were given training on international good practices to combat money-laundering, anti-corruption regulations and computer forensic investigations. The training was designed to meet the operational, managerial and strategic needs of the Indonesian law enforcement agencies mandated to combat illegal logging and forest crime. Some of the training modules developed by the project were included in the training curriculum of the Indonesian police and equipment was provided to the Special Responsive Police Forest Task Force. In collaboration with Telapak, a national non-governmental organization, UNODC developed a training module for non-governmental organizations and the community on investigating illegal logging. Training sessions for civil servant investigators from the provinces of Papua and West Papua were also organized.

49. Also in Indonesia, a series of meetings and discussions with the Ministry of Forestry, police, prosecutors, judges, the Corruption Eradication Commission and the financial intelligence unit were conducted. As a result, draft standard operating procedures for law enforcement institutions have been developed. Those procedures

will be adopted by all stakeholders and are expected to institutionalize coordination and communication among law enforcement institutions to help combat illegal logging and other forest crimes.

50. In 2012, the UNODC regional programme for East Asia and the Pacific strengthened its focus on the area of environmental crime. In particular, the issue of wildlife trafficking has become a key priority in the training activities conducted under the Partnership Against Transnational crime through Regional Organized Law enforcement (PATROL) project. Computer-based training modules for law enforcement officers have been designed with a focus on investigative techniques for the wildlife trade and the illegal timber trade.

51. The UNODC PATROL project consolidated its support to Cambodia and Viet Nam for the development of international cooperation in the area of counter-trafficking. New border liaison offices have been established along the border areas between the two countries and others are currently being established, for example between Thailand and Cambodia. More than 120 frontline officers have been trained in Cambodia, Thailand and Viet Nam on investigative techniques to identify the illegal movement of people and goods, including endangered species of wild fauna and flora. During 2012, the expansion of the mandate of the border liaison offices to address all forms of transnational organized crime was secured in Thailand and a steering committee to oversee the work of the offices was established, involving several key enforcement authorities. The PATROL project produced a series of guidelines and principles to monitor and evaluate the effectiveness of the offices in a standardized manner.

52. Encouraging signs of improved cooperation among law enforcement authorities took place recently, when different Cambodian authorities at Phnom Penh International Airport seized six rhinoceros horns (with a total weight of 17.9 kg and a potential market value of \$1 million) that were being trafficked from Mozambique to China via Cambodia, and 38 kg of ivory that were being trafficked from Nairobi. The officers involved in these operations were representatives of the customs, immigration and police authorities of the PATROL steering committee, which demonstrates an improved response to wildlife trafficking based on multi-agency cooperation and information exchange.

53. Since 2003, the joint UNODC-WCO Container Control Programme has been assisting Member States to establish effective container controls that serve to prevent trafficking in drugs and other illicit activities such as trafficking in species of wild fauna and flora, while facilitating legal trade. The programme aims to create sustainable enforcement structures in selected seaports to minimize the risk of maritime containers being used for drug trafficking, transnational organized crime and other illegal activities.

54. As mentioned above, since 2010, UNODC has worked in partnership with the secretariat of the Convention on International Trade in Endangered Species of Wild Fauna and Flora, INTERPOL, the World Bank and WCO, within the International Consortium on Combating Wildlife Crime, in order to coordinate support to national wildlife law enforcement agencies. UNODC has developed a number of tools and capacity-building activities in partnership with the Consortium, including the Wildlife and Forest Crime Analytic Toolkit (available from www.unodc.org/documents/Wildlife/Toolkit_e.pdf), which was formally launched

during the meeting of the Standing Committee of the secretariat of the Convention on International Trade in Endangered Species of Wild Fauna and Flora held in Geneva from 23 to 27 July 2012. The Toolkit is available in English, French and Spanish.

55. UNODC also joined its partners in promoting and organizing meetings, seminars and other events to promote international and cross-border cooperation to combat trafficking in endangered species. These included:

(a) A meeting of the Ivory and Rhinoceros Enforcement Task Force held in Nairobi from 17 to 19 May 2011, where 20 high-level law enforcement officers from 12 countries exchanged information and developed strategies for combating the illegal trade in ivory. Participants also considered intelligence supplied by Australia, Canada and the United States;

(b) An international workshop on establishing a network for controlled delivery units for forest and wildlife law enforcement, which was held in Shanghai, China, from 7 to 9 December 2011 and was organized by WCO and supported by UNODC and other Consortium partners. Fifty representatives from 18 countries in Africa and Asia were present;

(c) A seminar for senior-level police and customs officers of States that still have tigers living in the wild, which was organized under the auspices of the Consortium in Bangkok on 13 and 14 February 2012. It was attended by representatives from Bangladesh, Bhutan, Cambodia, China, India, Indonesia, the Lao People's Democratic Republic, Malaysia, Myanmar, Nepal, the Russian Federation, Thailand and Viet Nam;

(d) A workshop on electronic permit systems, which was organized by the secretariat of the Convention on International Trade in Endangered Species of Wild Fauna and Flora with the support of China and the European Commission. The workshop, held in Guangzhou, China, from 9 to 11 May 2012, provided participants with an opportunity to express their needs, share knowledge, establish partnerships and develop funding strategies.

56. Joint wildlife assessment missions to Cameroon and Gabon were undertaken in late 2012, together with representatives from INTERPOL, WCO, the Great Apes Survival Partnership and the secretariat of the Convention on International Trade in Endangered Species of Wild Fauna and Flora. The missions examined the threats posed to the great ape populations in the region and capacity-building measures that could be implemented to mitigate those threats. The recommendations will be presented to the next session of the Conference of the Parties to the Convention on International Trade in Endangered Species of Wild Fauna and Flora, in March 2013.

57. UNODC has implemented a range of awareness-raising measures, including with regard to preventing and addressing related corruption offences. It held a side event on the impact of corruption on the environment and the use of the Convention against Corruption as a tool to address it at the fourth Conference of State Parties to the United Nations Convention against Corruption, held in Marrakesh, Morocco, from 24 to 28 October 2011. Participants included representatives from Member States, non-governmental organizations, academia and the media. Experts presented an overview on the risks of corruption in selected sectors, focusing on how corruption can have negative effects on the environment, sustainability, livelihoods

and the economy. The purpose was to raise awareness on the subject and on how the Convention against Corruption could play an important role in addressing the problem.⁸

58. As part of its year-long “ACT – Against Corruption Today” campaign, organized together with UNDP, UNODC disseminated thematic materials to show how corruption facilitates organized crime and the destruction of nature through, for example, illegal logging and timber trafficking.

59. Details of its 2012 awareness-raising campaign entitled “Transnational organized crime: Let’s put them out of business” has been widely disseminated in the media, including social media. The campaign includes a focus on wildlife and timber trafficking and UNODC is cooperating with the International Consortium on Combating Wildlife Crime in the production of a video and a campaign focusing specifically on wildlife trafficking and forest crime. UNODC will continue to engage with international and national broadcasters, journalists, international organizations and non-governmental organizations in its efforts to spur broad-based public action to halt the plundering of natural resources and the extinction of species.

⁸ The papers from the event are available from www.unodc.org/documents/eastasiaandpacific/indonesia/publication/Corruption_Environment_and_the_UNCAC.pdf.