

## Resolution 12/4

### **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* the Kyoto Declaration on Advancing Crime Prevention, Criminal Justice and the Rule of Law: Towards the Achievement of the 2030 Agenda for Sustainable Development,<sup>1</sup> adopted by the Fourteenth United Nations Congress on Crime Prevention and Criminal Justice, held in Kyoto,

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<sup>1</sup> General Assembly resolution [76/181](#), annex.

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,<sup>2</sup> in timber and timber products, in hazardous wastes and other wastes and in precious metals, stones and other minerals, as well as, inter alia, poaching, by making the best possible use of relevant international instruments and by strengthening legislation, international cooperation, capacity-building, criminal justice responses and law enforcement efforts aimed at, inter alia, dealing with transnational organized crime, corruption and money-laundering linked to such crimes, and illicit financial flows derived from such crimes, while acknowledging the need to deprive criminals of proceeds of crime,

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

*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,<sup>3</sup>

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

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

*Recognizing* 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 Diversity<sup>4</sup> and the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal,<sup>5</sup>

*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,

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 covered by the Convention by enhancing the implementation of the Convention by strengthening legislation, international cooperation, capacity-building, criminal justice responses and law enforcement efforts;

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<sup>2</sup> United Nations, *Treaty Series*, vol. 993, No. 14537.

<sup>3</sup> *Ibid.*, vol. 2225, No. 39574.

<sup>4</sup> *Ibid.*, vol. 1760, No. 30619.

<sup>5</sup> *Ibid.*, vol. 1673, No. 28911.

2. *Calls upon* States parties, consistent with the Convention and in accordance with their national legislation, to take all appropriate measures within their means to provide effective assistance to and protection for witnesses and victims of crimes that affect the environment falling within the scope of the Convention, and to establish appropriate procedures to provide access to compensation and restitution for victims of the offences covered by the Organized Crime Convention, and, in this regard, encourages States to consider providing access to civil compensation and habitat restoration for damage caused to the environment and to victims;

3. *Also 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;

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

5. *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 Convention and related offences covered by the 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;

6. *Urges* States parties to provide voluntary extrabudgetary financial contributions to ensure funding to enable the participation of developing countries in the work of the expert group;

7. *Decides*, with respect to the work of the open-ended intergovernmental expert group, that the Chair of the expert group shall submit a summary of its deliberations and any consensual recommendations to the Conference at its thirteenth session, for possible endorsement;

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

9. *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.