

WCC-2016-Res-070-EN
Crimes against the environment

NOTING the Declaration of the United Nations Conference on the Human Environment which recognises the fundamental right of man to freedom, equality and adequate conditions of life, in an environment of a quality that permits a life of dignity and well-being, and (that) he bears a solemn responsibility to protect and improve the environment for present and future generations;

NOTING further Human Rights Council Resolution A/HRC/RES/28/11, *Human rights and the environment*, which states "environmental damage can have negative implications, both direct and indirect, for the effective enjoyment of all human rights";

NOTING United Nations General Assembly (UNGA) Resolution 70/1 on the 2030 Agenda for Sustainable Development;

NOTING that the Universal Declaration of Human Rights recognises everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and that healthy ecosystems and their services are necessary to the survival of humans and all living things;

NOTING United Nations Environment Programme (UNEP) Decision 27/9 that rule of law is essential to sustainable development and environmental protection;

NOTING the 2004 report of the former UN Secretary General's High-level Panel on Threats, Challenges and Change, UNGA document A/59/565, identifying environmental degradation and organised crime as threats to peace and security;

NOTING INTERPOL Resolution AG-2014-RES-03 on impacts of environmental crime on political stability, environmental quality, natural resources, biodiversity, economy and human life;

NOTING UNGA Resolution 69/314 on combating organised crime and corruption in wildlife trafficking;

NOTING the Doha Declaration adopted by the 13th UN Congress on Crime Prevention and Criminal Justice (2015), which recognises crimes that impact the environment;

NOTING the sovereign right of states under the UN Convention on the Law of the Sea to exploit natural resources, their obligation to protect the marine environment and their duty to effectively exercise their jurisdiction and control in administrative, technical and social matters over ships flying their flag.

NOTING UNEP Decision 27/9 on appropriate responses to environmental crime through administrative, civil and/or criminal law, while avoiding over-criminalisation;

WELCOMING European Union Directive 2008/99/EC on protection of the environment through criminal law;

ALSO WELCOMING the proposal of the Organisation for Economic Co-operation and Development (OECD) Task Force on Combating Illegal, Unreported and Unregulated (IUU) Fishing that countries should adopt legislation similar to the United States Lacey Act;

FURTHER NOTING the importance of the UN Convention Against Corruption (UNCAC) and the UN Convention Against Transnational Organized Crime (UNTOC) in fighting crime;

ALSO NOTING the report of the 22nd Session of the UN's Commission on Crime Prevention and Criminal Justice (CCPCJ), document E/CN.15/2013/27, notably para 31 *et seq.*; and

MINDFUL of the need to engage non-state actors to define and implement strategies for addressing environmental crime;

NOTING the importance of ensuring the integrity of all ecosystems, particularly oceans, and the protection of biodiversity, recognised by some cultures as Mother Earth, and noting the importance of the concept of 'climate justice';

NOTING that the Earth Charter calls for a sustainable global society founded on respect for nature, universal human rights, economic justice, and a culture of peace, and that IUCN Resolution 5.100 *Incorporation of the Rights of Nature as the organizational focal point in IUCN's decision making* (Jeju, 2012), calls for consideration of the Rights of Nature as a "fundamental and absolute key element" in all areas of IUCN intervention and decision making, and invites development of a Universal Declaration of the Rights of Nature;

NOTING the United Nations Declaration on the Rights of Indigenous Peoples emphasises the rights of indigenous peoples to maintain their own cultures and traditions, and to pursue their development in keeping with their own needs and aspirations;

RECALLING that the illicit trade of goods that are part of the natural heritage as endangered species, fossils, minerals, meteorites and rocks, destroys biodiversity and geodiversity of the places where it is found and generates the loss of a cultural, educational and touristic resource for its citizens; and

RECALLING Resolution 4.040 *Conservation of geodiversity and geological heritage* (Barcelona, 2008) stating that geological heritage constitutes a natural heritage with cultural, aesthetic, landscape, economic and/or intrinsic values that is necessary to preserve and transmit to future generations;

The World Conservation Congress, at its session in Hawai'i, United States of America, 1-10 September 2016:

1. REQUESTS the Director General to encourage INTERPOL, in collaboration with partners in the International Consortium on Combating Wildlife Crime (ICWC) and other relevant actors, to examine trends in environmental crime and criminalisation, to inform legal and policy responses, and prioritisation of actions;
2. REQUESTS the World Commission on Environmental Law (WCEL) and IUCN Environmental Law Centre (ELC), building on the work of, *inter alia*, the United Nations Environment Programme (UNEP), the UN Interregional Crime and Justice Research Institute (UNICRI), the UN Office on Drugs and Crime (UNODC), Global Legislators Organization for a Balanced Environment (GLOBE) International, the International Network for Environmental Compliance and Enforcement (INECE), European Union Action to Fight Environmental Crime (EFFACE), European Network against Environmental Crime (ENEC), European Union Network for the Implementation and Enforcement of Environmental Law (IMPEL) and the Organization of American States (OAS), and in consultation with the secretariats of relevant conventions as well as bodies overseeing implementation of relevant national, regional and international policies, agreements and laws, to:
 - a. engage relevant partners;
 - b. consider the meaning of 'crimes against the environment';
 - c. consider existing laws, frameworks and approaches; and
 - d. develop a comprehensive response to crimes against the environment;
3. REQUESTS the WCEL and the ELC to report on the contribution of the activities requested in this Resolution to the achievement of the UN Sustainable Development Goals at the next IUCN World Conservation Congress, and intersessionally where possible; and
4. CALLS ON all actors, including the donor community, to seek funds to support these activities.

State and agency Members of the United States voted against this motion.