



## Economic and Social Council

Distr.: Limited  
12 April 2011  
English  
Original: Spanish

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### Commission on Crime Prevention and Criminal Justice

#### Twentieth session

Vienna, 11-15 April 2011

Agenda item 6

#### World crime trends and emerging issues and responses in the field of crime prevention and criminal justice

#### Chile, Costa Rica, Guatemala, Mexico and Philippines: draft resolution

The Commission on Crime Prevention and Criminal Justice recommends to the Economic and Social Council the adoption of the following draft resolution:

#### Crime prevention and criminal justice responses against illicit trafficking in endangered species of wild fauna and flora

*The Economic and Social Council,*

*Recalling* Economic and Social Council resolutions 2001/12 of 24 July 2001 and 2003/27 of 22 July 2003, concerning illicit trafficking in protected species of wild fauna and flora, and 2008/25 of 24 July 2008, concerning international cooperation in preventing and combating illicit international trafficking in forest products, including timber, wildlife and other forest biological resources,

*Recalling also* General Assembly resolution 62/98 of 17 December 2007, in which the Assembly adopted a non-legally binding instrument on all types of forests, by which Member States and others were called upon to enhance bilateral, regional and international cooperation to address illicit international trafficking in forest products through the promotion of forest law enforcement and good governance at all levels, as well as to strengthen, through enhanced bilateral, regional and international cooperation, the capacity of countries to combat effectively illicit international trafficking in forest products, including timber, wildlife and other forest biological resources,

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*Recalling further* the Convention on International Trade in Endangered Species of Wild Fauna and Flora<sup>1</sup> of 1973 and efforts made by parties to the Convention to implement it,

*Reaffirming* Commission on Crime Prevention and Criminal Justice resolution 16/1, in which, inter alia, the Commission strongly encouraged Member States to cooperate at the bilateral, regional and international levels to prevent, combat and eradicate such illicit international trafficking in forest products, including timber, wildlife and other forest biological resources, where appropriate, through the use of international legal instruments such as the United Nations Convention against Transnational Organized Crime<sup>2</sup> and the United Nations Convention against Corruption,<sup>3</sup>

*Conscious* of the importance of promoting public-private partnerships to address illicit trafficking in endangered species of wild fauna and flora, especially as regards the adoption of preventive measures,

*Welcoming* General Assembly resolution 65/230, on the Twelfth United Nations Congress on Crime Prevention and Criminal Justice, in which the Assembly endorsed the Salvador Declaration on Comprehensive Strategies for Global Challenges: Crime Prevention and Criminal Justice Systems and Their Development in a Changing World<sup>4</sup> and invited Governments to take it into consideration when formulating legislation and policy directives and to make every effort, where appropriate, to implement the principles contained therein, taking into account the economic, social, legal and cultural specificities of their respective States,

*Bearing in mind* paragraph 14 of the Salvador Declaration, in which Member States acknowledged the challenge posed by emerging forms of crime that have a significant impact on the environment, encouraged Member States to strengthen their national crime prevention and criminal justice legislation, policies and practices in this area and invited Member States to enhance international cooperation, technical assistance and the sharing of best practices in this area, and also invited the Commission on Crime Prevention and Criminal Justice, in coordination with the relevant United Nations bodies, to study the nature of the challenge and ways to deal with it effectively,

*Concerned* by the involvement of organized criminal groups in all aspects of trafficking in endangered species of wild fauna and flora, and underscoring in that regard the usefulness of the United Nations Convention against Transnational Organized Crime in reinforcing international cooperation in the fight against such crime,

*Recognizing* the efforts made at the bilateral, regional and international levels and the work of the International Consortium on Combating Wildlife Crime, a collaboration among the secretariat of the Convention on International Trade in Endangered Species of Wild Fauna and Flora, the International Criminal Police Organization, the United Nations Office on Drugs and Crime, the World Bank and the World Customs Organization, as well as the work of the United Nations

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<sup>1</sup> United Nations, *Treaty Series*, vol. 993, No. 14537.

<sup>2</sup> *Ibid.*, vol. 2225, No. 39574.

<sup>3</sup> *Ibid.*, vol. 2349, No. 42146.

<sup>4</sup> A/CONF.213/18, chap. I, resolution 1.

Environment Programme, the Food and Agriculture Organization of the United Nations, the World Trade Organization and the United Nations Conference on Trade and Development, in combating illicit trafficking in endangered species of wild fauna and flora,

*Recalling* the importance of effective cooperation between the United Nations Office on Drugs and Crime and relevant international organizations in combating illicit trafficking in endangered species of wild fauna and flora and for organizing, upon request, the provision of technical assistance to States in the areas of crime prevention and criminal justice,

1. *Strongly encourages* Member States to take appropriate measures to prevent and combat illicit trafficking in endangered species of wild fauna and flora, including the adoption, where appropriate, of the necessary legislation for the prevention, investigation and prosecution of such illicit trafficking, in accordance with the Convention on International Trade in Endangered Species of Wild Fauna and Flora,<sup>5</sup> including its fundamental principles;

2. *Urges* Member States to strengthen international, regional and bilateral cooperation, including for purposes of extradition, mutual legal assistance, identification, and seizure and confiscation of proceeds of crime, and invites them to reinforce and develop relevant mechanisms for such purposes, in order to combat all forms and aspects of illicit trafficking in endangered species of wild fauna and flora and to facilitate the confiscation and/or return of such species, consistent with applicable international instruments;

3. *Also urges* Member States, in that regard, to consider, as appropriate, reviewing their legal frameworks with a view to providing the most extensive international cooperation possible to fully address all aspects of illicit trafficking in endangered species of wild fauna and flora, particularly with regard to extradition and mutual legal assistance for investigation and prosecution;

4. *Calls on* Member States to fully utilize the United Nations Convention against Transnational Organized Crime<sup>6</sup> and the United Nations Convention against Corruption<sup>7</sup> for preventing and combating illicit trafficking in endangered species of wild fauna and flora, and in that regard calls on Member States that have not done so to consider becoming parties to those Conventions, and calls for their full and effective implementation by States parties;

5. *Invites* Member States to consider making illicit trafficking in endangered species of wild fauna and flora a serious crime, in accordance with their national legislation and article 2, paragraph (b), of the United Nations Convention against Transnational Organized Crime, especially when organized criminal groups are involved;

6. *Encourages* Member States to identify opportunities to enhance law enforcement cooperation and information-sharing, by such means as exchanging law enforcement personnel, holding joint law enforcement activities and using existing law enforcement networks;

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<sup>5</sup> United Nations, *Treaty Series*, vol. 993, No. 14537.

<sup>6</sup> *Ibid.*, vol. 2225, No. 39574.

<sup>7</sup> *Ibid.*, vol. 2349, No. 42146.

7. *Also encourages* Member States to share their experiences and best practices in the detection and prosecution of illicit trafficking in endangered species of wild fauna and flora, including in the thematic discussion to be held during the twenty-second session of the Commission on Crime Prevention and Criminal Justice;

8. *Requests* the United Nations Office on Drugs and Crime, within its mandate, 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 illicit trafficking in endangered species of wild fauna and flora;

9. *Also requests* the United Nations Office on Drugs and Crime, in consultation with Member States, in accordance with its mandate and in close cooperation with the competent international organizations referred to above in the present resolution, to explore ways and means to contribute to ongoing efforts to collect, analyse and disseminate relevant data, specifically addressing the scope, prevalence and other relevant aspects of illicit trafficking in endangered species of wild fauna and flora;

10. *Further requests* the United Nations Office on Drugs and Crime, within its mandate, in cooperation with Member States, relevant international organizations and the private sector, to continue to provide, upon request, technical assistance to States, particularly as regards the prevention, investigation and prosecution of illicit trafficking in endangered species of wild fauna and flora through, inter alia, the development of tools and capacity-building activities and through education and awareness-raising campaigns;

11. *Invites* Member States and other donors to provide extrabudgetary resources, where necessary and in accordance with the rules and procedures of the United Nations, for the implementation of the relevant paragraphs of the present resolution;

12. *Requests* the Secretary-General to prepare and submit a report to the Commission on Crime Prevention and Criminal Justice at its twenty-second session on the implementation of the present resolution.