

**BRIEFING TO THE COMMITTEE OF PERMANENT REPRESENTATIVES OF THE UNITED NATIONS
ENVIRONMENT PROGRAMME ON THE EXPERTS PROCESS ON CRIMES THAT HAVE SERIOUS IMPACTS
ON THE ENVIRONMENT**

Introduction

1. Following a request by the Permanent Mission of the United States of America, UN Environment is pleased to provide a briefing on the experts process on crimes that have serious impacts on the environment.
2. In May 2016, the UN Environment Assembly through resolution UN/EA.2/14 on Illegal trade in wildlife and wildlife products requested the Executive Director of UN Environment to work with other relevant intergovernmental and non-governmental international organizations to ascertain and document the current status of knowledge of crimes that have serious impacts on the environment¹. A copy of the resolution is attached.
3. In response to this request, UN Environment in collaboration with the United Nations Interregional Crime and Justice Research Institute and with financing from the Government of Norway, has initiated an experts process into the current status of knowledge of crimes that have serious impacts on the environment.

Purpose of having the experts process

4. The main objective of the experts process is to:
 - (a) Assess the current status of knowledge of crimes that have serious impacts on the environment, including illegal trade and trafficking in wildlife and its products, in particular in terms of their environmental impacts;
 - (b) Examine and document inter-linkages between these crimes;
 - (c) Document approaches towards a common understanding of these crimes, prevention, criminalization, enforcement and sanctioning of environmental offences.
5. The outcomes are intended to contribute to efforts aimed at enhancing the systems of prevention, criminalization, enforcement and sanctioning, and overall understanding, of crimes that have serious impacts on the environment – including through involving the national focal points nominated under the fourth Programme for the Development and Periodic Review of Environmental Law (Montevideo Programme IV), calling for action through the UN Environment Assembly, providing leadership in the UN system on crimes that have serious impacts in the environment, and contributing to efforts of the international community to address violations of environmental law.

¹ Refer to operative paragraph 7 of UN Environment Resolution 2/14

Approach

6. The experts process will assess countries' legislation and court decisions that define the current scope and content of crimes that have serious impacts on the environment; assess and analyze different institutional approaches, strategies, enforcement mechanisms, tools and approaches to combat these crimes and; review literature and analyze resolutions and outcomes of international organizations relating to these crimes
7. UN Environment will coordinate the conduct of the process whose outcomes will be presented to the UN Environment Assembly to show progress on the implementation of the Resolution referred to above.
8. The Law Division of UN Environment in collaboration with the United Nations Interregional Crime and Justice Research Institute will initiate a draft report based on the elements set out in paragraph 5 above.
9. A small technical advisory committee consisting of about five to ten renowned independent experts/scholars in the subject matter identified by United Nations Interregional Crime and Justice Research Institute and UN Environment will then review the draft.
10. Upon review by the technical advisory committee, it is the intention to have the draft subjected to two experts group consultation meetings between May and August 2017.
11. The experts group consists of policy experts, legal experts and scholars nominated by Member States. It will also include other relevant intergovernmental organizations such as INTERPOL, United Nations Office on Drugs and crime and the Multilateral Environmental Agreements to which UN Environment provides a secretariat. It further includes representation from civil society and private sector persons nominated by non-governmental organizations accredited to UN Environment. The composition of the group will take into account relevant professional qualification and experience, geographical balance and gender parity.
12. The group's overall task will be to ensure the assessment report is of the highest quality; incorporates relevant national and other data, and is easy to access by governments and policy makers. It will also link with and complements related international, regional and sub-regional frameworks and strategies; provides adequate advice and is responsive to global, regional and country needs in relation to improving the understanding, approaches towards prevention and efforts to reduce the occurrence of crimes that have serious impacts on the environment.

Mandate

13. The mandate to undertake the experts process is based on previous UN Environment Governing Council/Environment Assembly Resolutions;

- (a) In UN Environment Governing Council Resolution 27/9, the Secretariat was requested to lead the UN system and support Member States in the development and implementation of the environmental rule of law. Governing Council Resolution 27/9 recognized that violations of environmental law, including environmental crime, are a main obstacle to environmental rule of law and invited Member States and relevant organizations to collaborate to combat non-compliance with environmental laws and to increase the effectiveness of, *inter alia*, criminal enforcement. Providing knowledge on crimes that have serious impacts on the environment is part of the requested leadership and support.
- (b) In UN Environment Assembly Resolution 2/14, the Executive Director is requested to ascertain and document the current status of knowledge of crimes that have serious impacts on the environment.
- (c) In UN Environment Assembly Resolution 2/19, the Executive Director is requested to produce guidance to Member States for effective enforcement frameworks consistent with Governing Council decision 27/9 on advancing justice, governance and law for environmental sustainability. Ascertaining and documenting the current status of knowledge on crimes that have serious impacts on the environment is crucial to effective enforcement frameworks.
- (d) The senior government officials expert in environmental law meeting on the midterm review of the Montevideo Programme IV identified as a priority for action by UN Environment the strengthening of laws to criminalize certain activities in order to combat environmental offences and crime. Providing guidance on crimes that have serious impacts on the environment is essential to strengthening laws at the national level, delivering on this mandate given by Member States.

Steps taken so far

14. As part of implementing the experts process, the following activities have been undertaken:
- (a) An agreement between UN Environment and United Nations Interregional Crime and Justice Research Institute to undertake a study on crimes that have serious impacts on the environment signed in December 2016;
 - (b) The United Nations Interregional Crime and Justice Research Institute is in the process of developing a first draft of the study which will form the basis of consultations with the technical advisory committee and experts group;
 - (c) UN Environment has sent out requests to Member States and non-governmental organizations to nominate experts to serve in the experts group.

- (d) As at 27th March 2017 (the deadline for receiving nominations), 30 Member States and 13 Non-governmental organizations had submitted names of experts. List of Countries and Non-governmental organizations that have submitted nominees is attached.

Next steps:

15. The process now awaits the following steps;

- (a) Finalization of the first draft report
- (b) Review of the first draft report by the technical advisory committee
- (c) Constituting the experts group
- (d) Convening the experts group consultation meetings
- (e) Finalization of the report on crimes that have serious impacts on the environment.

List of Countries that have made nominations to the experts group

1. Algeria
2. Argentina
3. Australia
4. Belgium
5. Benin
6. Brazil
7. Burkina Faso
8. Canada
9. China
10. Cuba
11. Democratic Republic of Congo
12. Ethiopia
13. France
14. Indonesia
15. Israel
16. Italy
17. Malaysia
18. Maldives
19. Marshall Islands
20. Mexico
21. Norway
22. Philippines
23. Qatar
24. Spain
25. Switzerland
26. Tanzania
27. Thailand
28. Turkey
29. Uganda
30. United Kingdom

List of non-governmental organizations that have made nominations to the experts group

1. Association Abel Granier
2. International Federation of Women Lawyers
3. International Fund for Animal Welfare
4. Africa Centre for Technology Studies
5. Soroptimist International of Europe
6. Conserve Africa Foundation

7. Environmental Compliance Institute
8. Freeland
9. Global Forest Coalition
10. Africa Network for Animal Welfare
11. University of Isfahan
12. Oscar project
13. Niger Delta Women's Movement for Peace & Development