

## NGO Statement to the 31st Session of the Commission on Crime Prevention and Criminal Justice



Photo: @CCPCJ Twitter

### **Draw up and enforce legal and moral redlines on crimes against the environment, NGOs urge ongoing CCPCJ session in Vienna**

Close to 50 non-governmental organizations in consultative relationship with the United Nations Economic and Social Council have joined to endorse a statement that asserted “the imperative for the international community to strengthen the international legal framework and international cooperation in the field of crime prevention and criminal justice”.

The statement was drafted under the leadership of the NGO Committee on Sustainable Development in Vienna ([NGO CSD Vienna](#)). It was submitted to the thirty-first Session of the Commission on Crime Prevention and Criminal Justice (CCPCJ) meeting in Vienna, Austria, from 16th to 20th of May 2022. Accredited NGOs participate in meetings of CCPCJ. Due to the COVID-19 pandemic, participation in person remains severely limited. Side events to the ongoing session are only online.

In the statement, civil society leaders asserted that “criminal law has a crucial role to play in drawing up and enforcing the legal and moral ‘red lines’ upon which the global population’s very ability to thrive and survive in its planetary home may well depend.”

Ingeborg Geyer, Chair of the NGO CSD Vienna, described the work of the committee, saying that “it started two years ago on topics of crimes that affect the environment and followed up with resolutions which were tabled in previous sessions of [UNTOC](#), [Crime Congress](#) and CCPCJ sessions.” This statement reinstates and spotlights

once more the need to develop the international legal framework and cooperation in preventing what the statement calls “ecocide”.

The Conference of NGOs ([CoNGO](#)) and the NGO CSD Vienna collaborated in gathering endorsements of the statement by NGOs around the world. Many NGOs, including CoNGO members, engage the agenda of CCPCJ through the [Alliance of NGOs on Crime Prevention and Criminal Justice](#).

## FULL STATEMENT

### NGO Statement to the 31st Session of the Commission on Crime Prevention and Criminal Justice (Vienna, Austria, 16-20 May 2022)

#### **Strengthening the international legal framework and international cooperation in the context of crimes that affect the environment**

*“If crime crosses borders, so must law enforcement. If the rule of law is undermined not only in one country, but in many, then those who defend it cannot limit themselves to purely national means.”* (Kofi Annan, address to the UN Convention against Transnational Organized Crime, 2000).

In the context of crime prevention and criminal justice as they pertain to the environment, the international community faces two major challenges. The first challenge relates to the urgent need to respond forcefully to the rapid rise in crimes affecting the environment. Eurojust,<sup>1</sup> the European Union Agency for Criminal Justice Cooperation, ranks environmental crime as the fourth largest criminal activity in the world – on a par with drug-trafficking. Most regrettably, law enforcement in this sector remains pitifully low and out of all proportion to the threat it poses. The reasons are manifold. The most significant factors are: (i) the failure of the criteria set out in the UN Convention against Transnational Organized Crime<sup>2</sup> to categorize numerous environmental crimes as ‘serious’; and (ii) the inadequacy of training in the law enforcement agencies, whose staff frequently lack the all-essential investigation and prosecution capabilities.

The second challenge relates to the absence of legal provisions addressing the many and varied instances of severe widespread or long-term harm to the environment. All too frequently, the environmental damage caused is a deleterious side-effect of industrial practices which, though patently dangerous, are nonetheless permissible under law. Similarly, those outcomes represent all too common a breach of civil environmental regulations or are attributable to sheer negligence with regard to safety protocols. In many cases, the environmental damage qualifies as a transnational offence as set out in article 3.2 (a) (b) and (d) of the UN Convention against Transnational Organized Crime.

*An offence is transnational in nature if:*

*(a) It is committed in more than one State;*

*(b) It is committed in one State but a substantial part of its preparation, planning, direction or control takes place in another State;*

*(d) It is committed in one State but has substantial effects in another State.*

Both of the above challenges arise in the highly perturbing context of the critical global interlinkage between climate change, pollution and nature (biodiversity) loss. Furthermore, recent international reports<sup>3</sup> tell us that

these crises must be addressed with immediate urgency if we are to maintain the ability to support human civilization without severe, even irreversible loss and damage, mass migration and food crises.<sup>4</sup>

Moreover, the two challenges above relate both directly and causally to the current global crisis. The destruction or removal of carbon sinks and keystone species (e.g. via deforestation, poaching and trafficking), as well as severe soil, water and atmospheric pollution are all factors that inevitably exacerbate ecosystem collapse and climate change.

In the light of the foregoing, the imperative for the international community to strengthen the international legal framework and international cooperation in the field of crime prevention and criminal justice could not be clearer. Criminal law has a crucial role to play in drawing up and enforcing the legal and moral ‘red lines’ upon which the global population’s very ability to thrive and survive in its planetary home may well depend.

What form should this strengthening of frameworks and cooperation take? Recent meetings of this Commission have pointed in some useful directions, as indicated in the Chair’s summary documents of November 2021 and February 2022<sup>5</sup>. Themes that emerged from those meetings included: ‘a robust legislative framework’; ‘measuring the impact of crime prevention’; and ‘treating environmental crimes as serious crimes.

The *types* of cooperation suggested are noteworthy in that they involve both international and *cross-sector* cooperation. They include the need for: ‘alternative sustainable livelihoods’, ‘the involvement of the private sector’; and ‘consideration of a crime prevention and criminal justice perspective within the broader “nature agenda”’.

Public perception and understanding are acknowledged as key elements in the successful enactment of criminal law: impunity was mentioned as a factor that undermined trust and perception of security, while a number of speakers noted that a culture of integrity was of crucial importance to crime prevention.

Inclusion was also a recurrent theme. Emphasis was placed on the importance that ‘governments and the international community as a whole, including the UN, listen [to] and support youth voices and recommendations.’

In this context it is worth focusing on the consistent demand for the recognition of **ecocide** as a crime before the **International Criminal Court** that the young as well as citizens’ assemblies<sup>6</sup> have voiced in recent years. Criminalizing ecocide would serve several purposes: to hold to account the leaders of criminal organisations and key decision-makers in government and industry alike; remove impunity; and to deter dangerous practices that incur environmental damage, thus strengthening the efficacy of current civil regulations.

We note that an independent expert panel convened by the Stop Ecocide Foundation reached consensus on the legal definition of ‘ecocide’ in 2021<sup>7</sup>. The definition has since gained significant political traction around the world, while the European Law Institute, for its part, is moving ahead on a related EU- specific definition<sup>8</sup>.

In the light of the foregoing, the undersigned non-governmental organizations in consultative relationship with the United Nations urge the participants in the 31st Session of the Commission on Crime Prevention and Criminal Justice, in particular the States Parties to the United Nations Convention against Transnational Organized Crime, to strengthen the international legal framework and international cooperation in the context of crimes that affect the environment.

We call on Member States to:

(a) strengthen the sanctioning of crimes incurring severe environmental effects, especially transborder effects, and treating them as ‘serious’ crimes as defined in the UN Convention against Transnational Organized Crime;

- (b) encourage international cooperation between law enforcement agencies so as to improve awareness-building and training related to investigation into and prosecution of transnational offences that affect the environment;
- (c) encourage consideration of criminal law frameworks in the context of the broader ‘nature agenda’;
- (d) assess current international legal frameworks in the context of the global ‘triple crisis’ and their impact on climate change, pollution and nature loss;
- (e) acknowledge and support the recommendations of civil society, in particular the voices of the young, with respect to the international legal framework in the context of the ‘triple crisis’;
- (f) ensure participation of local populations and stakeholders in the scope of the Aarhus Convention and Escazú Agreement;
- (g) support expansion of existing international legal frameworks for combating crimes affecting the environment, including hazardous legacies, abandoned sites and zones afflicted by war and other belligerent activities;
- (h) recognize ‘ecocide’ as a new international crime;
- (i) enact policies and enforce legislation with the highest integrity, as well as investigate and punish corruption with respect to crimes that affect the environment;
- (j) encourage consideration of the relationship between economic factors and environmental neglect, and its impact on criminal activities;
- (k) secure the support of the private sector by providing a reliable framework for combating the destruction of nature and the persistence of corruption, thus enabling those concerned to proceed without incurring existential risks;
- (l) strengthen communication with and cooperation between secretariats of the relevant UN agencies so as to sharpen the focus on crimes affecting the environment; and
- (m) cooperate with the relevant UN agencies in the implementation of reporting systems so as to facilitate assessment of the impact of crime prevention measures.

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## ENDNOTES

<sup>1</sup> Eurojust, Report on Eurojust’s Casework on Environmental Crime, January 2021

<sup>2</sup> UNCTOC Article 2 (b)

<sup>3</sup> IPCC WGII & WGIII, 2022

<sup>4</sup> In the context of preparations for Stockholm+50 conference, there have even been references to the current mindset of humanity as “war on nature”.

<sup>5</sup> [https://www.unodc.org/unodc/en/commissions/CCPCJ/session/31\\_Session\\_2022/documentation.html](https://www.unodc.org/unodc/en/commissions/CCPCJ/session/31_Session_2022/documentation.html)

<sup>6</sup> Citizens Climate Assembly, France 2020; Global Citizens Assembly, Glasgow 2022

<sup>7</sup> See <https://ecocidelaw.com/legal-definition-and-commentary-2021/>

<sup>8</sup> See <https://www.europeanlawinstitute.eu/projectspublications/current-projects/current-projects/ecocide>

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**Endorsing organizations as of 11 May 2022 were gathered under the auspices of the Conference of NGOs in Consultative Relationship with the United Nations (CoNGO) and its NGO Committee on Sustainable Development-Vienna**

1. African Action on Aids (AAA)
  2. American Association for Psychosocial Rehabilitation (AAPR)
  3. Bangladesh Mahila Parishad (BMP)
  4. CGFNS International, Inc.
  5. Credo-Action (Lomé, Togo)
  6. Criminologists Without Borders
  7. Fracarita International
  8. Graduate Women International (GWI)
  9. Imam Mahdi Association of Marjaeya (I.M.A.M.)
  10. International Alliance of Women (IAW)
  11. International Association of Applied Psychology (IAAP)
  12. International Association of Democratic Lawyers (IADL)
  13. International Council of Psychologists (ICP)
  14. International Council of Women (ICW)
  15. International Federation of Business and Professional Women (IFBPW)
  16. International Federation of Women Lawyers (IFWL)
  17. International Federation of Women in Legal Careers (IFWLC)
  18. International Federation on Ageing (IFA)
  19. International Inner Wheel (IIW)
  20. International Organization for the Elimination of All Forms of Racial Discrimination (EAFORD)
  21. International Progress Organization (IPO)
  22. International Women's Year Liaison Group, Japan (IWYLG)
  23. Islamic Relief Worldwide (IRW)
  24. Japan Asia Cultural Exchanges, Inc. (JACE)
  25. Le Comité Français des ONG pour la Liaison et l'Information des Nations
  26. New Humanity
  27. Organization for Defending Victims of Violence (ODVV).
  28. Pan Pacific and South East Asia Women's Association (PPSEAWA)
  29. Pax Romana | ICMICA
  30. Servas International
  31. Sisters of Charity Federation (SCF)
  32. Socialist International Women (SIW)
  33. Soroptimist International
  34. Sovereign Military Order of the Temple of Jerusalem (OSMTH)
  35. Teresian Association
  36. United Methodist Church-General Board of Church and Society (UMC-GBCS)
  37. Unitarian Universalist Association (UUA)
  38. Universal Peace Federation International (UPFI)
  39. Verein zur Förderung der Völkerverständigung
  40. VIVAT International
  41. WUZDA Ghana
  42. Women's Federation for World Peace International (WFWPI)
  43. Women's International Zionist Organization (WIZO)
  44. World Circle of the Consensus (CMDC-SPOC)
  45. World Society of Victimology (WSV)
  46. Zonta International
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