

1996/10. The role of criminal law in the protection of the environment

The Economic and Social Council,

Recalling General Assembly resolution 45/121 of 14 December 1990 on the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, in which the Assembly welcomed the instruments and resolutions adopted by the Eighth Congress, which included a resolution on the role of criminal law in the protection of nature and the environment,³⁴

Recalling also General Assembly resolution 46/152 of 18 December 1991, in which the Assembly called for strengthened international cooperation to combat transnational crime,

Recalling further its resolution 1992/22 of 30 July 1992, in section VI of which it determined that three priority themes should guide the work of the Commission on Crime Prevention and Criminal Justice, one of which included the role of criminal law in the protection of the environment, and in section III of which it invited Member States to establish reliable and effective channels of communication among themselves and with the United Nations Crime Prevention and Criminal Justice Programme, including the regional institutes affiliated with the United Nations,

Reaffirming the principles of the Rio Declaration on Environment and Development,²

Bearing in mind the activities and deliberations on sustainable development relating to the transfer of

environmentally sound technology and the relevant provisions of Agenda 21¹ on the same subject,

Recognizing the importance of enhancing international cooperation in the enforcement of domestic and international environmental criminal laws and of promoting operational activities in that area,

Considering that for several years legal experts have been discussing the need for the establishment of an international court for environmental matters,

Bearing in mind that a number of meetings of legal experts specializing in environmental and criminal matters have suggested to Governments to consider discussing, in the United Nations, the feasibility of establishing an international court for environmental matters,

Aware that it is essential to protect the environment not only at the national level, but also at the international level, with due respect for the sovereignty of States, and that in this respect it may be appropriate to continue developing at the international level standards in criminal law for the protection of the environment,

Taking note with appreciation of the monograph on capacity-building in criminal enforcement of environmental law,³⁵

Bearing in mind that a proposal regarding the possibility of establishing a court having environmental jurisdiction was made at the United Nations Conference on Environment and Development, held at Rio de Janeiro, Brazil, from 3 to 14 June 1992,

1. *Expresses its appreciation* to the Government of Costa Rica for its efforts to continue discussions on the function of criminal law as regards protection of the environment, also appreciates the offer of Government to host, in November 1996, an expert group meeting on that issue and invites the Secretary-General to provide the necessary collaboration in the organization of the meeting;

2. *Requests* the Secretary-General to seek the views of Member States in order to determine the feasibility of establishing appropriate machinery for applying criminal law for the protection of the environment;

3. *Decides* that the question of the role of criminal law in the protection of the environment should continue to be one of the priority issues of the Commission on Crime Prevention and Criminal Justice at its future sessions;

4. *Requests* the Secretary-General to establish and maintain close cooperation with Member States and intergovernmental, non-governmental and other organizations active in the field of environmental protection, in particular in the area of technical cooperation and assistance, including the formulation and implementation of joint projects on enforcement of environmental criminal law and other relevant activities within the United Nations system concerned with legal matters;

³⁴ *Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, 27 August-7 September 1990: report prepared by the Secretariat* (United Nations publication, Sales No. E.91.IV.2) chap. I, sect. C. 2.

³⁵ E/CN.15/1996/CRP.4.

5. *Also requests* the Secretary-General to maintain and expand the roster of experts in this field and to continue gathering information on national environmental criminal law and regional and multinational initiatives;

6. *Calls upon* Member States to cooperate with each other, as well as with international organizations, in their efforts to prevent crimes against the environment and to include appropriate penal provisions in their laws and ensure their enforcement;

7. *Recognizes* the arrangements for preparing a manual for professionals responsible for enforcement of environmental criminal law, and recommends that this work be carried out by an expert group meeting, subject to the availability of extrabudgetary funds;

8. *Calls upon* Member States to support technical cooperation activities in environmental matters by making contributions in kind or by contributing to the United Nations Crime Prevention and Criminal Justice Fund;

9. *Requests* the Secretary-General to report to the Commission on Crime Prevention and Criminal Justice at its sixth session on the implementation of the present resolution.

*45th plenary meeting
23 July 1996*