Annex

United Nations Resolutions on Environmental Protection
Through Criminal Law

Resolution on "The role of criminal law in the protection of nature and the environment", endorsed by the General Assembly in Resolution 45/121 (14 December 1990)

2. The role of criminal law in the protection of nature and the environment

The Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders,

Recognizing that the environment must be protected per se in its entirety and in its various component parts and their interrelations, as the foundation and basis for life,

Deeply concerned about the increasing damage to the environment caused by detrimental influences,

Fearing an occurrence of environmental disasters brought about by additional disturbances of the ecological system,

Realizing that intensified international efforts are necessary to save the environment and to protect it from further deterioration,

Considering the fact that effective measures to protect the environment can be implemented only if awareness of the problems and willingness to act accordingly are developed,

Recognizing that the United Nations should continue to play a substantial role in promoting protection of the environment, particularly through the United Nations Environment Programme,

Recognizing also that the United Nations Environment Programme is the lead agency in handling environmental matters,

Convinced that in addition to measures provided by administrative law and liability under civil law, measures should also be taken, where appropriate, in the field of criminal law,

1. Calls upon Member States:

(a) To recognize the need to modify or enact, where necessary, and to enforce national criminal laws designed to protect nature and the environment, as well as people, threatened by their deterioration;

(b) To promote, under national criminal law, the protection of nature and the environment against the dumping of hazardous wastes or other materials which pose a
risk of damaging the environment and against the operation of dangerous technical installations that they consider to involve unacceptable margins of risk;

(c) To implement effectively their national laws, including criminal laws, concerning environmental protection and, *inter alia*, to ensure the restoration of the environment, wherever harmed to its original state as far as possible;

2. *Requests* Member States:

(a) To take measures to encourage public awareness concerning environmental protection and to stimulate the readiness to act accordingly;

(b) To take measures to ensure that public and private entities which undertake activities that are hazardous to the environment take into account ecological concerns among their economic and financial goals;

(c) To consider becoming parties to the relevant international conventions on environmental protection and the conservation of nature;

(d) To encourage the harmonization of national and regional legislation of countries belonging to the same ecosystem, striving for the highest level of protection of the environment;

(e) To co-operate in the prevention, investigation and prosecution of criminal acts against the environment;

3. *Requests* the Secretary-General:

(a) To encourage the incorporation, where appropriate, in future international conventions for the protection of the environment, of provisions under which States would be expected to enact sanctions under national criminal law;

(b) To examine the possibilities of further harmonization of the provisions of existing international instruments entailing penal sanctions under national criminal law;

(c) To prepare a report, in co-operation with the United Nations Environment Programme, every five years on developments in the field of environmental criminal law;

(d) To assess the priority to be given to the topic at future United Nations Nations congresses on the prevention of crime and the treatment of offenders.
Recalling its resolution 1992/22 of 30 July 1992, in section VI of which it determined that the work of the Commission on Crime Prevention and Criminal Justice should be guided by three priority themes, 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,

Recalling also 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 Congress, inter alia, the resolution on the role of criminal law in the protection of nature and the environment,

Recalling further General Assembly resolution 46/152 of 18 December 1991, in which the Assembly called for strengthening regional and international cooperation in combating transnational crime,

Noting with appreciation the collaboration of the Helsinki Institute for Crime Prevention and Control, affiliated with the United Nations, and the Max Planck Institute for Foreign and International Criminal Law, in organizing the Seminar on the Policy of Criminal Law in the Protection of Nature and the Environment in a European Perspective, held at Lauchhammer, Germany, from 25 to 29 April 1992,

Noting also with appreciation the ongoing study on environmental crime, sanctioning strategies and sustainable development, undertaken jointly by the United Nations Interregional Crime and Justice Research Institute and the Australian Institute of Criminology,

1. Takes note of the conclusions of the Seminar on the Policy of Criminal Law in the Protection of Nature and the Environment in a European Perspective, contained in the annex to the present resolution;

2. Requests the Secretary-General to consider the possibility of undertaking activities in the field of environmental crime in the United Nations crime prevention and criminal justice programme, in particular to include environmental crime as an issue for technical cooperation and, for that purpose, to establish, with input from Member States, a roster of experts from all regions in the field of environmental crime;

3. Requests the United Nations Interregional Crime and Justice Research Institute and the regional or associate institutes cooperating with the United Nations in the field of crime prevention and criminal justice to assist the Secretary-General in this endeavour by sharing their expertise;
4. *Calls upon* Member States and the bodies concerned to continue their efforts to protect nature and the environment using, in addition to measures provided by administrative law and liability under civil law, measures in the field of national criminal law, and to provide requesting Member States with technical cooperation in the field of environmental crime.

*43rd plenary meeting*

*27 July 1993*

1. The existing state of the environment is serious and calls for efficient countermeasures throughout Europe at the national, supranational and international levels. The environment as a whole and its component elements must be protected in such a way that:
   (a) Existing damage will be eliminated or at least reduced (including restoration);
   (b) Harm will be prevented;
   (c) Risk will be minimized.

2. There should be enhanced recognition of environmental interests as special or particular legal interests. The necessity of using water, air, the soil and other natural elements to a certain extent, however, precludes a prohibition on every action affecting those environmental interests.

3. Environmental protection requires an integrated approach employing a variety of instruments for influencing conduct and reducing burdens on the environment, ranging from public participation to the use of sanctions. Regulatory environment administrative law still remains at the heart of state instruments for the protection of the environment. Other methods of environmental protection, for example, economic incentives or the use of civil sanctions, will be important for many aspects of environmental protection. In addition, criminal law should play a flanking and supporting and, where appropriate, independent role.

4. The goal in using the threat of sanctions is not only to back up the enforcement of administrative rules, but also to protect environmental interests as such (qualifying them as penally-protected interests). Here, too, criminal law can have a general and special preventive effect and may, by its moral stigma, heighten environmental awareness.

5. Substantive criminal law can play an autonomous and independent role in cases of serious attacks on the environment, including the endangerment of public health or of life or of serious bodily harm. Above and beyond this, the legislator cannot develop behavioural criteria under criminal law which are more stringent than those under administrative law. In that respect, environmental criminal law is closely linked to and dependent upon administrative law, which limits the effect of the former; nevertheless, this does not provide any reason for it not to be used in this context. That limitation is also dependent upon what differences exist in the approach and the means of the administration and the judiciary in the role which they play in protecting the environment. To reduce the risk of non-uniform application, emphasis should be placed on links with administrative regulations by comparison with links with administrative decisions.

6. Environmental criminal law should encompass all areas of the environment. It is up to the national legislators whether in this respect offences are developed which refer to
the environment as a whole or the specific components thereof. The legislator should de-
velop at least a common or similar offence in relation to water, air and soil pollution.

7. Offences should be differentiated according to their seriousness (with, as a conse-
quence, a different range of sanctions). One factor is the division according to the state of
*mens rea* between intentional and reckless or negligent acts. Another emerging possibil-
ity is the use of the concept of endangerment in addition to the traditional use of so-
called result crimes in continental legislation.

8. It is not sufficient to use criminal law only to combat damage to other violations of
environmental entities. Serious infringements of safety regulations, of other operator du-
ties or of the administrator’s preventive control interests can vastly increase the risk that
hazards or damage will incur. Therefore it is justifiable to invoke criminal law to deal
with the inappropriate handling of hazardous substances, goods and plants or the possible
impairment of control interests. A distinction may be drawn between offences which re-
quire that the act:

(a) Create a concrete or actual danger to environmental objects (so-called concrete en-
dergament offence);

(b) Occur in a situation with a likelihood of danger (see the penal provision in the Con-
vention on the Physical Protection of Nuclear material; so-called potential endan-
dergament offence);

(c) Cover a mode of behaviour which is typically dangerous for the environment (e.g.,
operation without the necessary permit of a plant classified in a list as typically
dangerous; violation of an order prohibiting the running of a plant; illegal disposal
or export of dangerous waste; so-called abstract endangerment offence).

9. Minor offences (especially non-severe violations of administrative rules) could,
without a loss of efficiency, be sanctioned only by fines or, in countries where a distinc-
tion exists between criminal and administrative punitive sanctions, be classified as ad-
ministrative violations (punishable by a non-criminal fine). In that respect the scope of
criminal law could even be restricted.

10. In the context of moves towards the introduction of alternative or additional meas-
ures under criminal law in general, in comparison with the traditional use of fines and
imprisonment, consideration should also be given to the possibility of using other meas-
ures (such as restoration of the status quo; imposition of obligations to improve the state
of the environment; confiscation of proceeds from crime). The decision on such a variety
of measures may be dependent on the use of those instruments by the administration and
on their effect.

11. Support should be given to the extension of the idea of imposing (criminal or non-
criminal) fines on corporations (or possibly even other measures) in Europe.

12. When using criminal law and creating new offences in the area of environmental
protection, consideration should be given to the need for enforcement resources. In
countries where prosecution is not undertaken by the administrative agencies themselves,
the application (and effect) of environmental criminal law by the prosecuting authority
and judiciary is to a great extent dependent on the use of the knowledge and experience of those agencies and upon their cooperation. In order to reduce conflicts of interests and to enhance the possibility of clearing up cases, legal rules or administrative guidelines for reporting offences by administrative agencies should be developed. Cooperation and coordination between the administrative and criminal agencies is essential. Special training and sufficient staffing should be provided. Further studies on improved measures for enforcement of existing environmental protection legislation should be undertaken.

13. The environment must be protected not only at the national but also at the international level. In this respect criminal law for the protection of the environment should also be developed at the international level.

14. Improvements should be made in the options available for prosecuting extraterritorial or transboundary criminal offences. In that respect:

(a) It should be possible to take jurisdictions in all countries over offences of a transboundary nature. Positive conflicts of jurisdiction should be solved. The problem of dealing under the criminal law with acts permitted in one State, and which produce harmful effects in another State where such acts are prohibited, should be examined in the light of the development of international and/or supranational law, including the use of bilateral and multilateral conventions of European Community regulations to develop common environmental standards;

(b) The extension of extraterritorial jurisdiction or the possible use or expansion of extradition should be considered.

15. European standards of environmental substantive criminal law should be developed. Following the encouragement of the harmonization of regional legislation given by the adoption of the resolution entitled "The role of criminal law in the protection of nature and the environment" by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, which was welcomed by the General Assembly at its forty-fifth session, the efforts of the Council of Europe in elaborating a convention and a recommendation on environmental offences should be supported. Such instruments should reflect the basic ideas expressed in paragraphs 6, 8 and 10 above. This will improve international cooperation and reduce the danger of dislocation through the evasion of stricter enforcement in one country by moving to another country.

16. European conventions applicable to international cooperation in the prosecution of offences (e.g., by extradition, mutual assistance, transfer of proceedings) should be adhered to and utilized.
ECOSOC Resolution 1994/15
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, including the resolution of the role of criminal law in the protection of nature and the environment;

Recalling also General Assembly resolution 46/152 of 18 December 1991 on the creation of an effective United Nations crime prevention and criminal justice programme, in the annex to which the Assembly called for the strengthening of regional and international cooperation in combating transnational crime,

Recalling its resolution 1993/28 of 27 July 1993, in which it took note of the conclusions of the Seminar on the Policy of Criminal Law in the Protection of Nature and the Environment in a European Perspective, held at Lauchhammer, Germany, from 25 to 29 April 1992, contained in the annex to that resolution,

Recalling also its resolution 1993/32 of 27 July 1993 on preparations for the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, in which it approved the provisional agenda for the Ninth Congress, which included an item entitled "Action against national and transnational economic and organized crime, and the role of criminal law in the protection of the environment: national experiences and international cooperation", and endorsed the programme of work for the Ninth Congress, including the holding of six workshops, one of them on the topic "Environmental protection at the national and international levels: potential and limits of criminal justice",

Recalling further the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights, in which the Conference recognized, inter alia, that illicit dumping of toxic and dangerous substances and wastes potentially constituted a serious threat to the human rights to life and health of everyone,\(^1\)

Taking note of the recommendations of the regional preparatory meetings for the Ninth Congress relating to the protection of the environment through criminal law,\(^2\)

Noting with appreciation the work on the topic "Environmental protection at the national and international levels: potential and limits of criminal justice" being undertaken by the United Nations Interregional Crime and Justice Research Institute, in view of the workshop to be held on that topic at the Ninth Congress,

\(^1\) A/CONF.157/24 (Part II), chap. III, sect. 1, para. 11.
Recalling the report of the International Law Commission on the work of its forty-third session,\(^3\) in particular article 26 of the draft Code of Crimes Against the Peace and Security of Mankind on wilful and severe damage to the environment, and article 19, on international crimes and delicts, of the draft articles on State responsibility,

Taking note of the recommendation of the colloquium of the International Association of Penal Law, held at Ottawa in November 1992, to be considered for adoption by the fifteenth International Congress on Penal Law, to be held at Rio de Janeiro, Brazil, in 1994,

Noting with appreciation the work of the Ad Hoc Expert Group on More Effective Forms of International Cooperation against Transnational Crime, including Environmental Crime, held at Vienna from 7 to 10 December 1993,

Taking note of the report of the International Meeting of Experts on the Use of Criminal Sanctions in the Protection of the Environment, Internationally, Domestically and Regionally, held at Portland, Oregon, United States of America, from 19 to 23 March 1994,\(^4\) in particular the recommendations on the terms of a possible convention on transnational offences against the environment, the possible draft domestic criminal statute addressing environmental issues, and the recommendations on a possible structure and operation of a regional enforcement regime,

Convinced that the environmental situation in developed countries, as well as in developing countries, is the cause of increasingly serious concern about damage to the environment and its constituent elements, including water, soil, air, atmosphere, and the living species, including plants, animals and humans, and that it requires comprehensive and integrated approaches to the use of countermeasures, as well as preventive measures, at the national, regional and international levels,

1. Takes note of the recommendations concerning the role of criminal law in protecting the environment, made by the Ad Hoc Expert Group on More Effective Forms of International Cooperation against Transnational Crime, including Environmental Crime, contained in the annex to the present resolution;

2. Requests that the report of the International Meeting of Experts on the Use of Criminal Sanctions in the Protection of the Environment, Internationally, Domestically and Regionally, be issued under the auspices of the United Nations and included, together with the report of the Ad Hoc Expert Group, in the documentation to be prepared for the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders;

3. Requests the Secretary-General to take into consideration the conclusions of the Seminar on the Policy of Criminal Law in the Protection of Nature and the Environment in a European Perspective and the recommendations of the Ad Hoc Expert Group and of

\(^3\) See *Official Records of the General Assembly, Forty-sixth Session, Supplement No. 10 (A/46/10).*

the International Meeting of Experts when developing further activities in the United Nations crime prevention and criminal justice programme;

4. Requests the United Nations Environment Programme and other United Nations organizations and bodies to take into account the present resolution in their deliberations concerning environmental protection, and to coordinate any relevant follow-up activities related to criminal law with the Commission on Crime Prevention and Criminal Justice;

5. Invites Member States and relevant bodies to continue their efforts to protect nature and the environment by developing laws and fostering legal and technical cooperation and, when developing criminal laws related to the protection of the environment, to consider the recommendations contained in the annex to the present resolution.

43rd plenary meeting
25 July 1994
Recommendations concerning the role of criminal law in protecting the environment

Member States should consider adopting the following recommendations concerning the role of criminal law in protecting the environment:

(a) Specific environmental legislation should be further developed on the basis of generally recognized principles, such as the "polluter pays" principle described in principle 16 and the "precautionary approach" described in principle 15 of the Rio Declaration on Environment and Development, adopted by the United Nations Conference on Environment and Development, giving due and balanced consideration to the need to protect the environment in other parts of the law, and in the context of improving political and social conditions for a responsible environmental policy;

(b) National and supranational authorities should be provided with a wide array of measures, remedies and sanctions, within their constitutional and legal frameworks and consistent with the fundamental principles of criminal law, in order to ensure compliance with environmental protection laws. These should include regulatory and licensing powers, incentives, administrative enforcement mechanisms, and punitive administrative, civil and criminal sanctions for impairing or endangering the environment. They should also include provisions for the forfeiture of profits and proceeds of crime, and of property used or employed in the commission of crime, such as vessels, vehicles, tools, equipment and buildings;

(c) Environmental criminal law should be aimed at promoting all the important components of the environment, including human beings and other living species. It should be directed, in particular, to the regulation, control and, where necessary, the complete prohibition of hazardous activities, including the establishment and operation of hazardous installations and the illegal import, export, movement and disposal of hazardous materials and wastes;

(d) Substantive environmental criminal law should formulate at least certain core criminal offences. These core offences, which could be autonomous and independent of environmental regulatory laws, should include deliberate, reckless or negligent assaults on the environment that cause or create imminent risks of serious damage, harm or danger to the environment. In developing such criminal offences, the field guide contained in the annex to the report prepared by the United Nations Interregional Crime and Justice Research Institute and the Australian Institute of Criminology entitled Environmental Crime, Sanctioning Strategies and Sustainable Development should be taken into consideration;

6 UNICRI 50.
(e) Subject to relevant international conventions, States should seriously consider enacting legislation prohibiting and sanctioning the export of products that have been banned from domestic use because of their deleterious impact on the environment and human health. Furthermore, Governments might consider the idea of banning the production and import of specific dangerous materials unless sufficient precautionary measures can be taken in respect of their use, treatment or disposal in their countries;

(f) Environmental crimes should cover intentional as well as reckless acts. When serious harm or actual danger of harm has been caused or created, however, negligent conduct should also be a crime if the persons responsible have significantly departed from the care and skill expected of them in the pursuit of their activities. In relatively minor cases, the imposition of fines, including administratively or judicially imposed non-criminal fines, and other non-custodial alternatives should be sufficient;

(g) Support should be given to the extension of the idea of imposing criminal or non-criminal fines or other measures on corporations in jurisdictions in which corporate criminal liability is not currently recognized in the legal systems;

(h) When using criminal law in environmental protection and creating new environmental crimes, consideration should be given to the need for law enforcement resources. Cooperation and coordination between criminal justice agencies and administrative agencies should be promoted, especially in jurisdictions where prosecutions are undertaken by criminal justice agencies. Furthermore, the judiciary should be sensitized to the seriousness of environmental offences and their consequences. Adequate staffing, special training and equipment should be provided to criminal justice agencies;

(i) In designing environmental law enforcement strategies, the legislator should consider in the framework of the constitution and the basic principles of the legal system, the rights of identifiable victims, victim assistance, facilitation of redress and monetary compensation, by removing legal barriers such as standing to sue, participation in proceedings and actions by citizens, including class action suits and citizen suits;

(j) In accordance with various provisions of Agenda 21, adopted by the United Nations Conference on Environment and Development,\(^7\) such as those contained in chapters 8, 38 and 39 thereof, collaboration with non-governmental organizations in efforts aimed at the prevention of environmental crimes and the effective redress of damage to health and the environment should be encouraged. Examples of such efforts are the ombudsman-like functions and alternative methods for resolving disputes currently being developed by the Earth Council, a non-governmental organization referred to in chapter 38 of Agenda 21;

(k) On the basis of proposals put forward by the International Law Commission and the discussions at the United Nations Conference on Environment and Development,\(^7\)

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Member States should consider acknowledging the most serious forms of environmental crimes in an international convention;

(l) States should be encouraged to contribute to the codification work of the International Law Commission, in particular in further refining the concept of international crimes and delicts in article 19 of the draft articles on State responsibility and the concept of environmental crimes in article 26 of the draft Code of Crimes against the Peace and Security of Mankind;

(m) Environmental offences should be framed in such a manner as to cover transboundary and transnational situations. On the one hand, the principle of ubiquity should be taken into consideration in the application of the principle of territoriality. On the other hand, the possibilities of prosecution of crimes of an extraterritorial nature might be extended by applying the principle of nationality, the principle of "extradite or prosecute" or, for example in cases of generally acknowledged international crimes, even the principle of universality;

(n) The use of legal instruments of international cooperation, such as those on extradition, mutual legal assistance and/or transfer of proceedings, should be supported and expanded. Environmental crimes of particular gravity or importance should become extraditable offences;

(o) In order to facilitate the prosecution of international crimes, in particular environmental crimes, States should consider the viability of establishing an international criminal court. Regional initiatives for the establishment of an international court for the prosecution of environmental crimes should be welcomed;

(p) States should consider, at least at the regional level, a minimum harmonization of environmental offences as a basis for international cooperation. In this respect, efforts to promote such harmonization, such as those of the Council of Europe and the Central American States, should be supported;

(q) International cooperation in the enforcement of environmental laws should be fostered by the provision of technical assistance bilaterally, multilaterally and through relevant international agencies, such as the Commission on Crime Prevention and Criminal Justice, the network of institutes of the United Nations crime prevention and criminal justice programme, and similar regional institutes. Further research in this area, including the nature and extent of polluting activities, sanctioning strategies and the appropriate mix of measures in particular situations, should be encouraged.
ECOSOC Resolution 1995/27


The Economic and Social Council,


Recalling also General Assembly resolution 49/157 of 23 December 1994, in which the Assembly requested the Commission on Crime Prevention and Criminal Justice to give priority attention at its fourth session to the conclusions and recommendations of the Ninth Congress, with a view to recommending appropriate follow-up, through the Economic and Social Council, by the General Assembly at its fiftieth session,

Determined to give effect to the resolutions and recommendations of the Ninth Congress, taking into account the guidance provided by the Commission on Crime Prevention and Criminal Justice at its fourth session,

Taking note of the report of the Ninth Congress,\(^8\) considered by the Commission on Crime Prevention and Criminal Justice at its fourth session,

1. Invites Governments, in their efforts to combat crime and ensure justice, to draw on the resolutions and recommendations of the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held at Cairo from 29 April to 8 May 1995;

2. Approves the follow-up of the resolutions and recommendations concerning the topics of the Ninth Congress, as contained in the present resolution, and requests the Secretary-General to implement them in accordance with work plans of implementation and with the rules and regulations of the United Nations, including financial and programme planning rules and regulations, in the context of the priority themes determined by the Council in Section VI of its resolution 1992/22 of 30 July 1992.

I. (Omissis)


1. Requests the Commission on Crime Prevention and Criminal Justice to consider measures on the prevention and suppression of illicit trafficking in motor vehicles and

\(^8\) A/CONF.169/16.
requests the Secretary-General to seek the views of Governments and relevant organizations on this matter and to report to the Commission at its sixth session;

2. Also requests the Commission on Crime Prevention and Criminal Justice, in its review of priority themes, to continue placing special emphasis on the development of strategies for the effective prevention and control of organized transnational crime;

3. Calls upon the Secretary-General, as well as the United Nations Interregional Crime and Justice Research Institute and the regional institutes for the prevention of crime and the treatment of offenders, to continue research, exchange of information, training and technical cooperation facilitating the development of preventive, regulatory and other strategies on the role of criminal law in the protection of the environment, with an emphasis on:
   (a) Needs assessment and advisory services;
   (b) Assistance in the review or redrafting of legislation and the development of effective infrastructure;
   (c) Training of criminal justice and regulatory agency personnel;

4. Requests the Secretary-General to consider the feasibility of establishing an integrated system for the periodic gathering and dissemination of information on national legislation in crime prevention and criminal justice and its implementation, taking into account the current and planned capabilities of the United Nations Crime and Justice Information Network and the activities of other United Nations entities and relevant intergovernmental organizations, invites Member States to cooperate in this regard, with a view to encouraging progressive alignment regarding, inter alia, international cooperation, extradition and other bilateral and multilateral modalities of mutual assistance in criminal matters, and requests the Secretary-General to report thereon to the Commission on Crime Prevention and Criminal Justice at its fifth session;

5. Also requests the Secretary-General to continue studying the actual situation of organized transnational crime and effective measures for its control;

6. Further requests the Secretary-General to assist Member States, upon request, in adjusting their national legislation with a view to making the investigation, prosecution and adjudication of organized transnational crime more effective;

7. Requests the Secretary-General to ensure close coordination between the Crime Prevention and Criminal Justice Branch of the Secretariat and other United Nations entities, in particular, inter alia, the United Nations International Drug Control Programme, the Centre for Human Rights of the Secretariat, the United Nations Environment Programme and the United Nations Development Programme, including the sponsorship of joint activities, and to encourage further cooperation with the International Criminal Police Organization and other international and intergovernmental bodies concerned, through joint programmes and projects;
Links between transnational organized crime and terrorist crimes

8. *Calls upon* institutes and centres for crime prevention and criminal justice to devote the required attention to studying the links between transnational organized crime and terrorist crimes, their effects and appropriate means for countering them;

9. *Requests* the competent United Nations bodies to collect information on the links between transnational organized crime and terrorist crimes, to coordinate their activities and to facilitate the access of States to such information;

10. *Decides* to establish an open-ended intergovernmental working group, within the framework of the Commission, to consider, at the fifth session of the Commission, the views of Member States to be sought by the Secretary-General in the implementation of Ninth Congress resolution 3, paragraph 1,9 and to consider measures for combating transnational organized crime, including the drafting of a code of conduct or other legal instrument, with due regard to the growing danger of links between organized crime and terrorist crimes, and that the working group should report to the Commission at its fifth session;

11. *Recommends* that the Commission should consider including in the agenda for the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders an item entitled “The links between transnational organized crime and terrorist crimes”.

III. *(Omissis)*

IV. *(Omissis)*

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9 See A/CONF.169/16, chap. I.
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