The UNODC SHERLOC team is pleased to share with you Issue No. 22 of our newsletter. This issue focuses on our recent efforts to develop and disseminate technical tools to support States in enacting and/or strengthening domestic legislation on various forms of crimes that affect the environment in the context of the implementation of the United Nations Convention against Transnational Organized Crime.

EDITORIAL
LEGISLATIVE RESPONSE TO CRIMES THAT AFFECT THE ENVIRONMENT

One of the most profitable and fastest growing types of international criminal activity are crimes that affect the environment, which cover a wide range of illegal activities that harm our natural resources. Some ramifications of these crimes are irreversible and can be severe enough to destroy entire ecosystems and communities, with lasting environmental, security, social and economic consequences. A strong and comprehensive national legislative framework is at the core of any effective response to these threats. Yet, in many countries, legislation on these crimes remains weak or non-existent.

This issue of the SHERLOC Newsletter looks at UNODC's response to address these gaps, namely the development and dissemination of legislative guides to prevent and combat crimes that affect the environment in the context of the implementation of the UN Convention against Transnational Organized Crime.
In 2020, the 10th session of the Conference of the Parties (COP) to the United Nations Convention against Transnational Organized Crime (UNTOC) adopted resolution 10/6 on “Preventing and combating crimes that affect the environment falling within the scope of the United Nations Convention against Transnational Organized Crime”. It calls upon State parties to classify crimes that affect the environment, in appropriate cases, as serious crimes as defined in article 2 (b) of UNTOC and requests that UNODC provides the necessary technical assistance. Throughout the past years, UNODC has been actively working to support the development of legislative and strategic responses against organized crime in all its manifestations, including crimes that affect the environment. More specifically, in recent years UNODC has been developing a series of legislative guides focusing on specific forms of crimes that affect the environment. In 2018, UNODC published its first legislative guide on combatting wildlife crime, and in June 2022, UNODC published its second legislative guide on combatting waste trafficking. Furthermore, two legislative guides are currently being finalized and will be published later in 2022: one on illegal mining and trafficking in metals and minerals and another one on crimes in the fisheries sector, developed with the technical support of the Food and Agriculture Organization of the United Nations (FAO).

The guides focus on the operational implementation of UNTOC to prevent and combat these crimes, providing concrete model provisions, national examples and legislative guidance to national law makers. The guides are intended for policymakers, legislators and legislative drafters to support in the enaction and strengthening of legislation. The legislative guides are not meant to be ‘one-size-fits-all’ type of instruments, but rather meant to be used and adapted to the local context.

LEGISLATIVE GUIDE ON WASTE TRAFFICKING

LEGISLATIVE GUIDE ON WILDLIFE CRIME

LEGISLATIVE GUIDE ON ILLEGAL MINING CRIMES IN THE FISHERIES SECTOR
Waste trafficking is a lucrative business for organized criminal groups that occur both domestically and internationally. Waste trafficking involves a variety of actors, including companies operating in the licit waste industry and organized criminal groups. This tool can be applied to all types of waste, as the offences covered in the guide are not limited to transboundary movements of waste. This is to ensure that the guide is comprehensive, addresses all forms of waste trafficking and supports States to avoid and close gaps in national legislative frameworks. For the purposes of the guide, waste trafficking is understood broadly, and covers the importing, exporting, transporting, buying, selling, brokering, treating, processing, collecting, sorting, labelling, handling, utilizing, storing, recycling, disposing of and burning of scheduled wastes in breach of domestic law.

Guide on drafting legislation to combat wildlife crime
Once described as an emerging threat, wildlife crime has evolved into one of the most significant transnational criminal activities and has major economic, social and environmental impacts. Wildlife crime contributes to a wide range of harms, including the destruction of wildlife resources and ecosystems, and the reduction of species and extinctions. Despite significant efforts in recent years, wildlife crime remains a growing problem worldwide. Wildlife crime also threatens people’s livelihoods, affects national security and limits social and economic development. The billions of dollars generated by this illegal business are linked to corruption, money laundering and violence. The international community has increasingly recognised the serious nature of wildlife crime. Numerous calls for action have urged States to strengthen their legal measures and capacities to investigate, prosecute and convict wildlife crimes.

Combating Waste Trafficking: A Guide to Good Legislative Practices
Waste trafficking is a lucrative business for organized criminal groups that occur both domestically and internationally. Waste trafficking involves a variety of actors, including companies operating in the licit waste industry and organized criminal groups. This tool can be applied to all types of waste, as the offences covered in the guide are not limited to transboundary movements of waste. This is to ensure that the guide is comprehensive, addresses all forms of waste trafficking and supports States to avoid and close gaps in national legislative frameworks. For the purposes of the guide, waste trafficking is understood broadly, and covers the importing, exporting, transporting, buying, selling, brokering, treating, processing, collecting, sorting, labelling, handling, utilizing, storing, recycling, disposing of and burning of scheduled wastes in breach of domestic law.
Legislative Guide on Combatting Crimes in the Fisheries Sector

Crimes in the fisheries sector seriously undermine efforts to responsibly and sustainably manage fisheries resources, contributing to the overexploitation of fish stocks, often with devastating impacts on associated ecosystems and the economies of coastal States. Organized criminal groups are targeting the fisheries sector worldwide, causing the depletion of fish stocks, harming vulnerable communities, undermining the economies of coastal states and threatening food security, often with devastating impacts on associated ecosystems and coastal state economies. Organized criminal groups take advantage of weak control systems at sea, in port, on land or at borders where fish and fish products are traded. Organized criminal groups exploit weaknesses and discrepancies inherent in national legislation and gaps in enforcement to poach fish and pillage sanctuaries.

Responding to Illegal Mining and Trafficking in Metals and Minerals: A Guide to Good Legislative Practices

Illegal mining has a range of harmful impacts on the environment, habitats, human and animal lives, public health, the economy, development and the rule of law. Illegal mining not only causes irreversible environmental damage but also contributes to the escalation and perpetuation of violent conflict. The sale of illegally mined minerals is an important source of income for militias, warlords, organized criminal groups and, in some cases, terrorist organizations. These and other high-level discussions clearly underscore the importance of taking appropriate and effective measures to prevent and combat the illegal mining and trafficking of metals and minerals. As a result, these crimes have entered the international agenda as an issue that requires the most urgent attention of the international community.

Read more here

Legislative Guide on Combatting Crimes in the Fisheries Sector

Coming Soon
In line with the objectives of the 10/6 resolution to support States in adopting strong legislative frameworks, UNODC has hosted and will host a series of activities at regional and national levels to support interested countries in applying these legislative guides to strengthen their national legislation.

SEPTEMBER 2022, ABIDJAN, CÔTE D’IVOIRE, REGIONAL WORKSHOP ON DRAFTING LEGISLATION TO COMBAT CRIMES THAT AFFECT THE ENVIRONMENT IN WEST AND CENTRAL AFRICA

UNODC hosted a regional workshop for francophone countries in West and Central Africa on drafting legislation to combat crimes that affect the environment in Abidjan, Côte d’Ivoire from 20 to 22 September 2022. The workshop was attended by representatives from Burkina Faso, Cameroon, Chad, Côte d’Ivoire, Democratic Republic of the Congo, Central Africa Republic, the Republic of the Congo, and Senegal.

Organized jointly with the UNODC Global Programme on Crimes that Affect the Environment, the workshop focused on the UNODC legislative guide on combating wildlife crime, exploring how countries from the region can use the guide’s model provisions to strengthen domestic legislation. The workshop also served as an opportunity to present UNODC’s upcoming guides on waste trafficking and illegal mining, and participants discussed current trends, responses and challenges in these two phenomena.

The meeting was opened by Ms. Elise Yra Ouattara, Chief of Cabinet of the Minister of Justice and Human Rights of Côte d’Ivoire and UNODC Head of Office in Côte d’Ivoire Mr. Cheikh Touré. Representatives from the European Union and the Governments of Germany and France, who contributed to the guides and the organization of the activity, also delivered opening remarks.
27 - 29 SEPTEMBER 2022, BUCHAREST, ROMANIA, SOUTH-EASTERN EUROPE REGIONAL WORKSHOP ON THE UNODC LEGISLATIVE GUIDE ON WASTE TRAFFICKING

UNODC hosted the first South-Eastern Europe Regional Workshop on the Legislative Guide on Combatting Waste Trafficking, with the support from the Government of Romania, which took place in Bucharest between 27 to 29 September 2022.

The workshop was attended by representatives from Albania, Bosnia and Herzegovina, Bulgaria, Kosovo*, Moldova, Montenegro, North Macedonia, Romania, and Serbia. Representatives from the following international organizations were also present: Secretariat of the Basel, Rotterdam and Stockholm Conventions (BRS Secretariat), Basel Convention Regional Centre for Training and Technology Transfer for Central Europe (BCRC Slovakia), INTERPOL, UNEP and OSCE.

UNODC Executive Director Ms. Ghada Waly delivered opening remarks, followed by H.E. Mr. Barna Tánčzos, Minister of Environment, Waters and Forests of Romania, Waters and Forest Mr. Barna Tanczos, Mr. Philippe Wieber, Deputy Head, Embassy of France in Romania, and Ms. Mara Roman, Deputy Head, Representation of the European Commission in Romania.

The main objectives of the Regional Workshop were to discuss the existing gaps in waste trafficking national legislation, to present the UNODC legislative guide and to explain how its model provisions can be used to review, amend or adopt national legislation on waste trafficking, as well as explore future legislative assistance on waste trafficking national legislation.

* All references to Kosovo in the present document and during the event should be understood in the context of the United Nations Security Council resolution 1244 (1999).

14 - 18 NOVEMBER 2022, LAGOS, NIGERIA, WEST AFRICA REGIONAL WORKSHOP ON UNODC LEGISLATIVE GUIDES ON CRIMES THAT AFFECT THE ENVIRONMENT

UNODC will organize a regional workshop for anglophone countries in West Africa on UNODC Legislative Guides on Crimes that Affect the Environment in Lagos, Nigeria from 14 to 18 November 2022. The last two days of the Regional Workshop focusing on waste trafficking is organized together with the Secretariat of the Basel, Rotterdam and Stockholm Conventions (BRS Secretariat).

The main objectives of the Regional Workshop are to discuss the existing gaps in national legislations related to wildlife crime, waste trafficking, illegal mining and trafficking in metals and minerals as well as crimes in the fisheries sector. The workshop will also be an opportunity for UNODC to present the legislative guides and to explain how its model provisions can be used to review, amend or adopt national legislation, as well as to identify and connect with counterparts interested in receiving further technical assistance to review their national legislation.
COP - UNTDOC SIDE EVENTS ON WASTE TRAFFICKING AND ILLEGAL MINING

Combating waste trafficking through legal responses, organized by the Government of France (with support of UNODC Global Programme for the Implementing of the Organized Crime Convention). The side event will take place on Tuesday 18 October from 9:00 to 9:45 in a hybrid format: in person at the Vienna International Centre in room M2 and online here.

Join us for this side event that will focus on the importance of strong legislative frameworks in combating waste trafficking, building on the UNODC Legislative guide on combating waste trafficking. The side event will bring together international experts and practitioners from France, Thailand and Romania to discuss the opportunities and challenges in preventing and combating waste trafficking and related crimes.

Responding to illegal mining and trafficking in metals and minerals: A guide to good legislative practices, organized by Government of Ghana and Government of Peru (with support of UNODC Global Programme on Implementing the Organized Crime Convention and the Global Programme on Crimes that Affect the Environment). The side event will take place on Wednesday 19th October from 13:00 to 13:45 in a hybrid format: in person at the Vienna International Centre in room M2 and online here.

Join us for this side event where UNODC will have the pleasure to launch the Legislative guide on responding to illegal mining and trafficking in metals and minerals. The side event will bring together international experts from Ghana, Peru and Brazil to discuss the importance of a comprehensive legislative framework to prevent and combat illegal mining and trafficking in metals and minerals, offering an opportunity to learn about best practices from across the world from a criminal justice perspective.
FEATURED CASE ON CRIMES THAT AFFECT THE ENVIRONMENT: SALVIUS FRANCIS MATEMBO

Between 2009 and 2014, poachers reduced Tanzania’s elephant population by 60%, according to a government census. In response, Tanzania developed a strategy of intelligence-led investigations, including a specially-formed National Taskforce on Anti-Poaching (NTAP), to identify, arrest, and prosecute major players and disrupt wildlife trafficking networks. The strategy also strengthened wildlife laws and sentences. The September 2015 arrest of Yang Fenglan, a Chinese businesswoman and long-term resident of Tanzania known as the “Ivory Queen”, can be counted as a successful outcome of the strategy and she was found guilty of running one of Africa’s largest ivory smuggling rings in Dar Es Salaam, Tanzania. Yang Feng Lan (72) was convicted in February 2019 with two other perpetrators named Salvius Francis Matembo, Manase Julius Philemon accused of smuggling 860 elephant tusks worth more than 5.4 billion Tanzanian shillings (about 2.5 million USD) between 2000 and 2014. In total, 11 witnesses testified against the trio. They were able to report that Yang Feng Lan, the head of the operations, received ivory tusks from the other two perpetrators and shipped them through the port of Dar Es Salaam to Asia. The witnesses were individuals that had been contracted by the perpetrators in the capacity of their respective professions, such as security guards, taxi driver, waiter, or banker. The perpetrators denied all accusations; however, the considerable evidence eventually led the judge to rule for a resounding 15 years imprisonment for each of the three culprits. Furthermore, the court ordered buildings used for the illegal operations to be confiscated and a fine double the value of ivory trafficked.

This feature has been adapted from the original SHERLOC case entry. To find out more about this case, click here to access it on SHERLOC.
This issue’s featured contributor is Ali Karimi.

Ali joined the UNODC Global Programme on Implementing the Organized Crime Convention in May 2022, as a Public Information Intern.

Since then, Ali has supported the team in advocacy, content creation and outreach.

Ali is currently a PhD student at the University of Vienna, pursuing his last year in Communications and Journalism studies. He is the author of several papers on international assistance in post-conflict societies, as well as a Teacher Training Guide for Refugee Education on how to create and promote welcoming learning environments founded by Erasmus +.

Ali has over twelve years of experience in communication research and media production, his past work experience includes being a tutor and coach at the Open Learning Initiative (OLIve) at the University of Vienna, a social researcher at the IRIB Research Center in Tehran, Iran, and an assistant and director at Iran National Television.