



2019 session  
Agenda item 19 (c)

## **Resolution adopted by the Economic and Social Council on 23 July 2019**

*[on the recommendation of the Commission on Crime Prevention  
and Criminal Justice (E/2019/30)]*

### **2019/23. Combating transnational organized crime and its links to illicit trafficking in precious metals and illegal mining, including by enhancing the security of supply chains of precious metals**

*The Economic and Social Council,*

*Recalling* its resolution [2013/38](#) of 25 July 2013, entitled “Combating transnational organized crime and its possible links to illicit trafficking in precious metals”, in which it underlined the need to develop comprehensive, multifaceted and coherent strategies and measures to counter illicit trafficking in precious metals and invited the United Nations Interregional Crime and Justice Research Institute to conduct a comprehensive study on the possible links between transnational organized crime, other criminal activities and illicit trafficking in precious metals,

*Recalling also* that the report on the first phase of the study, entitled *Strengthening the Security and Integrity of the Precious Metals Supply Chain*, was launched on 25 May 2016 at the twenty-fifth session of the Commission on Crime Prevention and Criminal Justice,

*Recalling further* that, in the United Nations Interregional Crime and Justice Research Institute report entitled *Strengthening the Security and Integrity of the Precious Metals Supply Chain*, it was indicated that, inter alia, research on illicit trafficking in gold is applicable to coloured gemstones, given the similar vulnerabilities and the common destination of jewellery, and that collaboration among key stakeholders on gold and gemstones may increase the efficiency of interventions and maximize results,

*Expressing its concern* about illicit trafficking by transnational organized criminal groups in natural resources, including gold and other precious metals,

*Noting* the efforts by the United Nations Environment Programme, the International Criminal Police Organization (INTERPOL) and the United Nations



Interregional Crime and Justice Research Institute to produce reports<sup>1</sup> in which illicit trafficking in minerals and precious metals and illegal mining were emphasized as growing threats and as growing sources of profits for transnational organized criminal groups,

*Recalling* the Doha Declaration on Integrating Crime Prevention and Criminal Justice into the Wider United Nations Agenda to Address Social and Economic Challenges and to Promote the Rule of Law at the National and International Levels, and Public Participation,<sup>2</sup> in paragraph 9 (g) of which Member States agreed to strive to continue the analysis and exchange of information and practices relating to other evolving forms of transnational organized crime with varying impacts at the regional and global levels, with a view to more effectively preventing and countering crime and strengthening the rule of law, including illicit trafficking in precious metals and illegal mining,

*Recalling also* General Assembly resolution 72/196 of 19 December 2017, in which the Assembly expressed concern at the involvement of organized criminal groups in and the substantial increase in the volume, rate of transnational occurrence and range of offences related to illicit trafficking in precious metals in some parts of the world and at the potential use of illicit trafficking in precious metals as a source of funding for organized crime and other related criminal activities,

*Alarmed* at the exploitation of vulnerabilities in the supply chains of gold and other precious metals, which has a negative impact on, inter alia, the livelihoods of communities and the environment, as well as the capacity of Governments to regulate the mining of and trade in precious metals and stem illicit trade and money-laundering linked to the production of and trade in precious metals,

*Concerned* at the growing involvement of organized criminal groups in illicit trafficking in precious metals, as well as the substantial increase in the volume and range of transnational criminal offences related to such trafficking and the rates at which they occur in some parts of the world,

*Recognizing* that illegal mining and illicit trafficking in precious metals by organized criminal groups may constitute serious crimes,

*Concerned* at the negative effects of the use of mercury in illegal gold exploitation, in particular of alluvial gold, as it contaminates and degrades the environment and poses serious risks to human health among vulnerable members of society, in particular women, children and future generations,

*Recognizing* the sovereign right of States to adopt appropriate measures in order to protect their own natural resources,

*Alarmed* at the increased rate at which alluvial gold is exploited illegally in protected natural areas and on indigenous lands,

*Noting* the unique vulnerability of artisanal miners, in both the formal and the informal sectors, to exploitation by organized criminal groups and the risks posed by the use of mercury in informal artisanal and illegal gold mining, in particular alluvial mining,

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<sup>1</sup> United Nations Environment Programme and INTERPOL, *The Rise of Environmental Crime: A Growing Threat to Natural Resources, Peace, Development and Security* (Nairobi, 2016); United Nations Environment Programme, *The State of Knowledge of Crimes that Have Serious Impacts on the Environment* (Nairobi, 2018); INTERPOL, Norwegian Center for Global Analysis and Global Initiative against Transnational Organized Crime, *World Atlas of Illicit Flows* (2018).

<sup>2</sup> General Assembly resolution 70/174, annex.

*Cognizant* that the vulnerability of the supply chain facilitates illicit trafficking in precious metals and contributes to the creation of a significant revenue base for organized criminal groups, thereby potentially contributing to the expansion of criminal enterprises, facilitating corruption and undermining the rule of law through corruption,

*Stressing* the need to promote universal adherence to and the use and full implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto,<sup>3</sup> the United Nations Convention against Corruption<sup>4</sup> and other relevant international instruments in preventing and combating illegal mining and illicit trafficking in precious metals, and stressing also the importance of international cooperation between the Governments of Member States and private sector entities to counter transnational organized crime, as described in various reports of the United Nations Office on Drugs and Crime and the United Nations Interregional Crime and Justice Research Institute,

*Bearing in mind* the importance of partnerships and synergies between the Governments of Member States, civil society and the private sector, in particular in developing measures and strategies to combat illicit trafficking and money-laundering in precious metals in the context of transnational organized crime prevention and their linkages to other forms of transnational organized crime,

*Taking note* of the findings referred to in the technical report by the United Nations Interregional Crime and Justice Research Institute entitled *Strengthening the Security and Integrity of the Precious Metals Supply Chain* on the links between transnational organized crime, other criminal activities and illicit trafficking in precious metals,

*Noting* that illicit trafficking in precious metals and illegal mining may have links to other forms of transnational organized crime and may occur alongside or in conjunction with other crimes and illegal activities, including money-laundering and corruption,

*Recalling* the mandates of the United Nations Office on Drugs and Crime and the United Nations Interregional Crime and Justice Research Institute to provide technical assistance to Member States in order to enhance capacity-building in preventing and fighting against illicit trafficking in precious metals,

*Taking note* of existing guiding documents,<sup>5</sup> such as those listed in annex II of *Strengthening the Security and Integrity of the Precious Metals Supply Chain*, on enhancing the security of supply chains of precious metals against organized criminal groups, the implementation of which could enable countries to benefit from precious metals while preventing illicit trafficking in precious metals and illegal mining,

*Taking note also* of existing guidance produced by relevant specialized organizations, such as the Intergovernmental Forum on Mining, Minerals, Metals and Sustainable Development, on promoting the formalization of the artisanal small-scale sector in order to protect artisanal and small-scale miners in both the formal and the informal sectors from exploitation by organized criminal groups,

1. *Invites* Member States, in line with domestic legal frameworks, to consider criminalizing, where appropriate, illicit trafficking in precious metals and illegal mining and to take appropriate measures to prevent and combat illicit trafficking in

<sup>3</sup> United Nations, *Treaty Series*, vols. 2225, 2237, 2241 and 2326, No. 39574.

<sup>4</sup> *Ibid.*, vol. 2349, No. 42146.

<sup>5</sup> Such as due-diligence guidance on responsible supply chains of minerals from conflict-affected and high-risk areas.

precious metals and illegal mining by organized criminal groups, including by controlling and securing the supply chain and introducing the legislation necessary to prevent, investigate and prosecute illicit trafficking in precious metals;

2. *Invites* Member States that have not yet done so to consider becoming parties to the United Nations Convention against Transnational Organized Crime and the Protocols thereto<sup>3</sup> and the United Nations Convention against Corruption;<sup>4</sup>

3. *Strongly encourages* Member States to use the Convention against Transnational Organized Crime and the Protocols thereto and the Convention against Corruption with a view to strengthening international cooperation in preventing and combating illicit trafficking in precious metals and illegal mining;

4. *Invites* Member States to promote the enhancement of the security of supply chains of precious metals to prevent infiltration by organized criminal groups;

5. *Also invites* Member States to take note of and consider implementing the national precious metals action plan as prepared by the United Nations Interregional Crime and Justice Research Institute in cooperation with the Organization for Economic Cooperation and Development and contained in *Strengthening the Security and Integrity of the Precious Metals Supply Chain*, under which the importance is stressed of, inter alia, developing national risk assessments on the integrity of the precious metals supply chain, establishing regional laboratories for the analysis of precious metals in which to profile precious metals and analyse their fingerprints and reinforcing the capacity of Member States to protect the supply chain from infiltration by organized criminal groups;

6. *Further invites* Member States to share examples of relevant national, regional and international laws, regulatory standards and case studies on best practices in securing supply chains of precious metals relevant to the study of topics such as the prevention of money-laundering and import and export controls with relevant institutions, including the United Nations Interregional Crime and Justice Research Institute;

7. *Invites* Member States to work in cooperation with the United Nations Interregional Crime and Justice Research Institute, the United Nations Office on Drugs and Crime and other relevant international and regional organizations to identify and promote the use of solutions that utilize emerging technology and can contribute in a specific manner to preventing and combating illicit trafficking in precious metals and illegal mining by organized criminal groups, including technology that strengthens the integrity of the precious metals supply chain, in particular as regards traceability, authentication and forensics, technology related to forensics and technology for the analysis and visualization of big data to monitor evolving crime trends and patterns;

8. *Encourages* Member States to cooperate with each other in providing training on precious metals to law enforcement personnel in terms of identifying, investigating, taking samples, dispatching samples to laboratories for analysis, recording and reporting seizures and producing relevant statistics on seizures and prosecutions at the national level;

9. *Also encourages* Member States, consistent with their domestic legal frameworks and international obligations, to provide one another with the broadest possible assistance, including through bilateral or multilateral agreements or arrangements on matters related to law enforcement, and to enhance the effectiveness of law enforcement action to combat offences related to illicit trafficking in precious metals and illegal mining;

10. *Encourages* States parties to adopt, consistent with their obligations, measures consistent with the Convention against Corruption, in particular chapters II and V thereof, where applicable, and to apply them to offences covered by the Convention related to illicit trafficking in precious metals and illegal mining;

11. *Encourages* Member States to take the necessary measures to trace, freeze, seize, confiscate and, in appropriate cases, return proceeds of crime derived from illicit trafficking in precious metals and illegal mining, consistent with the provisions of the Organized Crime Convention and the Convention against Corruption;

12. *Invites* Member States in whose jurisdiction the possession, import, export and transport of, trading in or selling of illegally obtained precious metals is not a criminal offence to adopt legislative or other measures as may be necessary and appropriate to ensure that the integrity of the precious metals supply chain is properly regulated;

13. *Encourages* Member States to enhance international cooperation, information-sharing and exchanges of best practices among law enforcement and judicial authorities, in accordance with their domestic legal frameworks and international obligations, in preventing and combating illicit trafficking in precious metals and illegal mining;

14. *Also encourages* Member States to consider adopting legislative or other appropriate measures to strengthen border control, including by using appropriate technologies as may be necessary to prevent and detect illicit trafficking in precious metals and the use of mercury in illegal mining;

15. *Invites* the United Nations Office on Drugs and Crime to continue to provide, upon request, technical assistance to Member States, and encourages the United Nations Office on Drugs and Crime, the United Nations Interregional Crime and Justice Research Institute and other relevant international and regional organizations to closely coordinate their activities and enhance their cooperation in supporting Member States in their efforts to combat illicit trafficking in precious metals and illegal mining;

16. *Requests* the Executive Director of the United Nations Office on Drugs and Crime to report to the Commission on Crime Prevention and Criminal Justice at its twenty-ninth session on the implementation of the present resolution;

17. *Invites* Member States and other donors to provide extrabudgetary resources for the purposes described above, in accordance with the rules and procedures of the United Nations.

*36th plenary meeting  
23 July 2019*