

Submitting papers, adopting resolutions and asking for the floor: Participating in UN Crime Programme meetings

Introduction: the focus on resolutions

Meetings within the framework of the UN Crime Programme – whether UN Crime Congresses, sessions of the UN Commission, sessions of the two Conferences of the States Parties and their subordinate bodies, or intergovernmental ad hoc expert meetings – have the general purpose of promoting the prevention of crime and criminal justice. They are, however, very different from the academic conferences that researchers are used to, where people present and discuss papers. They are also very different from policy discussions that policy-makers and practitioners are used to, where different options are presented and weighed, one policy is ultimately adopted, and then the work begins on getting it implemented (and, ideally, getting the impact of implementation assessed).

Instead, most formal UN meetings revolve around the presentation, discussion and adoption of draft resolutions, and – perhaps to a surprising degree – the adoption of the report of the meeting. In the United Nations, resolutions are important for several different types of reasons:

- on the substantive level, resolutions embody the sense of the member states of the United Nations: what are the priority issues in crime prevention and criminal justice, and what should be done by the international community in general;
- also on a substantive level, resolutions may express the will of member states to call upon member states, or to invite other actors (such as intergovernmental organizations) to take specific action;
- on a political level, resolutions may be used to promote a certain political agenda: condemning certain developments, action taken or incidents, welcoming other developments, stressing the importance of certain values, and so on;
- on a practical level, resolutions often request that the Secretariat take specific actions, such as prepare a report, organize a meeting or provide certain assistance to member states on request;
- on a linguistic level, and as documents reflecting the outcome of UN negotiations, the phrasing and terminology used in resolutions becomes “agreed language”, which may well be referred to in future negotiations.

There are some exceptions to the focus of UN meetings on the formulation of draft resolutions. The UNODC has sought to increase the number of panels, round-tables and workshops, at which experts from the capitals are invited to present their experiences with certain policies, and the participants are encouraged to comment on these, and perhaps supplement the discussion with their own experiences

with “good practice”. In addition, the UNODC does organize quite technical meetings where the discussion can be reassuringly straightforward, with open discussion among experts. These, however, remain the exception.

The UNODC also submits “reports of the Secretariat” (generally based on a specific mandate from an earlier meeting) which can be quite substantive, and the participants may be asked to comment on the points made. Usually, however, the participants will not use the opportunity to do so, and the discussion that follows the presentation of Secretariat reports tends to consist of a series of national statements prepared in advance “in the capitals” and read out as such by the representatives from the missions based in Vienna.

The purpose of this paper is to describe the usual flow of meetings within the framework of the UN Crime Programme, and suggest ways in which participants can maximize their influence. The key factors are: influencing the agenda and the discussion, submitting papers, making oral statements, working on draft resolutions, and adopting the report.

Influencing the agenda and the discussion

The agendas of UN meetings tend to be standardized, with the same general agenda used from one meeting to the next meeting. First come organizational matters (opening of the meeting, adoption of the agenda and organization of work), then the individual substantive points (usually determined by earlier decisions of the body in question), followed by “other matters” and finally the adoption of the report. In the case of a body that meets regularly (the Commission, and the two Conferences of the States Parties and their subordinate bodies), the provisional agenda for the next meeting will be worked out at the end of the previous meeting, usually without much discussion.

Any member state (or the Bureau, or the Secretary-General) can suggest items for insertion in the agenda, although this rarely happens in practice. However, it does happen relatively often that one of more member states are concerned that a certain formulation runs the risk of raising unwanted sensitive issues. When this happens, there may be long and difficult negotiations already at this stage over what specific wording can and should be used.

The provisional agenda is prepared by the Secretariat and discussed by the Bureau¹ before being circulated among the participants for discussion. For this reason, the best way to insert a new agenda item (quite difficult to do in practice!) or work for a specific formulation is to be in contact well in advance with the chairperson, one’s own regional group, and of course the Secretariat. The Secretariat can invariably provide impartial and very knowledgeable advice as to the prospects of success of any such proposals.

The agenda will formally be adopted at the beginning of the meeting itself. It is unusual for changes to be made at this stage, unless for reasons of sheer practicality. The chairperson will then follow the

¹ The chairperson, the vice-chairpersons and the rapporteur. The “extended Bureau” would also include representatives of the regional groups, the G-77 + China, and the EU.

agenda as adopted. At many meetings, the Secretariat will distribute a daily “Journal” which indicates what bodies will be meeting that day, and what items will be discussed. (The Journal also lists the possible informal discussions that are taking place, the resolutions that will be negotiated, as well as side events and ongoing exhibits.)

The chairperson has some margin for manoeuvre in guiding the discussion, but in practice most chairpersons rely on the “speaking notes” prepared by the Secretariat. Because of the formality of UN meetings, the order of presentation is more or less established: some opening words by the chairperson, an introduction by a representative of the Secretariat, possible statements by regional groups, national statements (following the order in the “list of speakers” kept by the Secretariat), and – if there is time – statements from other categories of speakers (intergovernmental organizations, UN and other bodies (including PNIs), and nongovernmental organizations).

The more active and knowledgeable chairpersons, however, can quite effectively guide discussion by proposing time limits on interventions, commenting on certain themes, and inviting speakers to address specific issues. If the chairperson sees that the discussion is not making any perceptible progress, he or she may also make a proposal for how to resolve the particular difficulty, and ask the meeting to comment on these. Much depends on the strength of the chairperson’s personality, and the confidence that the participants have in his/her chairing abilities.

Sessions of the UN Crime Commission follow the Rules of Procedure of the Economic and Social Council, and the UN Crime Congresses have their own Rules of Procedure. These deal with issues such as the right of participation, credentials, officers of the meeting, conduct of business and decision-making. It is very unusual for any participant to raise a “point of order” and say that the rules of procedure have been infringed. It is also extremely rare that a vote would be taken on any point.² UN Crime Programme decisions are made “in the spirit of Vienna” by consensus. (Because of this, negotiators who are willing to “play hardball” in the negotiations can insist on their proposals, and threaten to block consensus if the proposals are not accepted. This tactic may succeed, but carries with it the risk of alienating the representatives of other member states.)

Submitting papers

Participants may generally submit papers to UN meetings. There is a relatively strict protocol as to what happens with these papers. Member states may contact the Secretariat in advance and ask that a paper be distributed as a “conference room paper”, in which case it will be photocopied by the Secretariat (in the original language; there are no UNODC funds for translation of such papers), made available through the UNODC website, and distributed to all the participants in the “pigeon holes” outside the meeting room.

² To the knowledge of the author, no votes have been taken at any UN Crime Congress since the Eighth Congress in 1990, and no votes have been taken in any session of the UN Crime Commission meeting since it began its work in 1992. Similarly, no votes have been taken at any of the sessions of the Conferences of the States Parties to the two UN Crime Conventions, or in any of their subgroups.

Usually, however, the Secretariat does not have the possibility of photocopying papers, and so will request that enough copies of national statements (and the like) be brought to the meeting for distribution.

Papers submitted by other categories of participants (IGOs, UN and other bodies, and NGOs) will generally not be made available on the UNODC website (rare exceptions do occur, if agreed with the Secretariat), and will not be placed into the pigeonholes. Tables are generally made available outside of the doors of the meeting room where such papers can be placed at the disposal of interested participants.

As to the substance of the papers themselves: generally, the participants at meetings will be very short of time, and most will focus on the official documentation of the meetings (which can be quite extensive). Getting participants to read papers requires giving considerable thought to their contents, length and layout. Perhaps the most effective way to get papers read is to keep them brief, and have someone “advertise” the papers by referring to them papers in an oral statement, noting that copies of the papers are available.

Oral statements

Once the Secretariat representative has introduced an agenda item (or the members of a panel or roundtable have given their statements), the chairperson opens the floor for discussion. As noted, regional groups have the option of speaking first, followed by representatives of member states. If Ministers or other dignitaries are in attendance, they will generally be invited to speak first.

The Secretariat keeps the list of speakers, which the chairperson consults in giving speakers the floor. Persons who wish to speak should contact a conference room officer and ask to be placed on the list of speakers, on the basis of “first come, first served”. The speaker can also ask to be allotted a certain time (such as the first to speak after lunch, or the first to speak after another speaker), as long as this does not endanger the “first come, first served” approach, or speakers whose priority would be affected inform the conference room officer that they agree to this.

The conference room officer will generally ask if the statement is in writing, so that this can be distributed to the interpreters. If so, the written statements should preferably be given to the Secretariat at least an hour in advance, so that the Secretariat has time to deliver it to the interpreters’ booths, and the interpreters, in turn, have time to note the availability of the text, and use it for the interpretation. (The UN interpreters are very competent, and can adjust if the speaker makes changes to the text during delivery.)

Because of the need for interpretation, oral statements should be given at a relatively leisurely pace: not ponderously slow, but definitely not in a rush. Most interpreters prefer simple, straightforward sentences that follow the normal rhythm of conversation. All too often, written statements include long and convoluted sentence structures which can be difficult to follow, even if the interpreter has a written text in front of him or her.

The chairperson may limit the length of oral statements. However, even if no limit has been placed, speakers should avoid trying the patience of the audience, who have to sit through six hours of meetings every day, involving a steady stream of oral statements. Power point presentations and even videos may help in getting a point across, but if these are given, the speaker should be mindful that the UN works with six official languages, and thus perhaps the majority of the participants will depend on the interpretation.

Under the rules of procedure, the chairperson has the power to call a speaker to order if his or her remarks are not relevant to the subject under discussion. This is extremely rare.

Draft resolutions

For most participants, the “real” work of UN meetings happens in the form of the adoption of draft resolutions, since it is these that guide the future work of the body in question, and the work of the UNODC.

Draft resolutions can be submitted by member states. Draft resolutions for sessions of the UN Crime Commission should be submitted one month in advance. For most other UN Crime Programme meetings, draft resolutions should usually be submitted by noon of the first day of the meeting.

Given the amount of time required in the negotiation of draft resolutions, as well as the expense (translation, allocation of conference room facilities for the negotiation, processing of the documentation), submitting a draft resolution should not be done lightly. UN Crime Programme meetings have in the past had to contend with an overabundance of draft resolutions, and it can well be said that the general opinion of missions in Vienna and experts from capitals is that there should be a clear rationale for each and every such draft.

As noted, draft resolutions for sessions of the UN Crime Commission should be submitted one month in advance. Now and then potential sponsors of draft resolutions start their negotiations even earlier, by discussing the substance with representatives of several “like-minded countries” to see how they would see the issues presented. After some political support has been mustered, the next step is usually to contact representatives from other regional groups to try to get their support, and to identify possible difficulties that can be prevented by rewording the draft. After formal submission at the one-month deadline, the sponsor of the draft presents them to representatives of the other member states in a round of “informal” discussions in Vienna, during which they often undergo extensive revisions before the actual session of the Commission.

Once the draft resolution has been submitted to the meeting, it will be translated, processed and distributed by the Secretariat. When this is done, the sponsor will introduce the draft resolution in the formal meeting. Following initial discussion, it will then go to “informal discussions”, the time and place of which will be announced by the chairperson (and will be noted in the Journal and, if used, on the monitors outside the meeting room).

The informal discussions are much more unpredictable and volatile than the formal discussions in the meeting rooms. The informal discussions are generally chaired by a representative of the sponsor (or co-sponsor) of the draft resolution, or by one of the vice-chairpersons of the (formal) meeting. Only representatives of member states (and representatives of the Secretariat) are allowed in the room. Generally, no interpretation is provided. The chairperson decides how to proceed, and who to recognize among those requesting the floor.

The usual structure of the discussion is that the sponsor of the draft resolution provides some additional introduction, followed by general debate, after which the discussion proceeds paragraph by paragraph. (Also in this respect, the chairperson may decide on a different approach.) The text (in English) will generally be shown on the screen, and participants will be asked to suggest amendments, deletions and additions, which will be reflected on the screen as the text develops. Once a paragraph is “approved”, it will be marked as such, and the chairperson will generally not allow it to be “reopened”. (Some member states try to get around this by arguing – quite often justifiably³ – that their delegation was involved in other informal negotiations at the same time, and were unable to contribute to the discussion on what, for them, were key points. If the chairperson resists their call to reopen the text, these member states can threaten to block adoption of the draft resolution when it is brought up in the formal meeting.)

Negotiations on draft resolutions in Vienna can become very difficult and time-consuming, and negotiations have been known to continue until the small hours of the morning. Those attending the “night shift” (fuelled by coffee from the vending machines and sandwiches that they had bought in advance from the coffee stands while these were still open) are usually the veterans of many earlier negotiations, with one side trying to delete objectionable references or phrasing, and the other side either defending these, or trying to come up with alternative formulations that promote the underlying purpose of the draft resolution. Quite often, if wording is contested, the participants will hunt through earlier resolutions in order to find “agreed language” that would appear to support their position on the point in question.

If and when a draft resolution is “adopted” in the informal negotiations, it will then be forwarded either directly to the formal meeting, or to the “Committee of the Whole” (COW). The Committee of the Whole is chaired by a vice-chairperson of the formal meeting, and the discussion is generally briefer than in the “informals”. Amendments can be made at this stage.

Draft resolutions that have been “adopted” by the Committee of the Whole are (if necessary) reprocessed and distributed, for formal adoption by the plenary meeting. It is quite rare for the plenary meeting to make any further amendments to the text, but also this has been known to happen.

³ During sessions of the UN Crime Commission, several meetings may be held at the same time: the plenary, the Committee of the Whole (referred to below), and several different sets of informal negotiations on draft resolutions. In addition, there may be a variety of “side events”, generally discussions on quite specific issues. As a result, members of small delegations may find it impossible to attend all the events in which they are interested.

If a draft resolution has financial implications, the Secretariat will read out a statement of financial implications before the final adoption.

In this final stage of the adoption of draft resolutions, adoption will generally be followed by the chairperson asking if there are any additional co-sponsors for the draft. These will then be reflected in the report. Co-sponsorship is not required; however, being a co-sponsor of a draft resolution is a sign that the member state in question gives political importance to its substance.

In the case of particularly sensitive issues, where a member state was not able to have a proposed amendment reflected in the resolution but was unwilling to block consensus, a representative of this state may read out a statement indicating its objections (“explanation of position”), and ask that this be reflected in the report.

Adoption of the report

The final stage of work at UN meetings involves the adoption of the report. The Secretariat generally assists the rapporteur in this process, and the draft text is usually very carefully constructed to reflect what should be an impartial summary of the discussions. Because of budgetary restrictions, moreover, the reports tend to be short and “procedural”, with relatively little detail provided on individual statements made.

Drafting UN reports can be called an art in its own right. UN meetings often deal with sensitive points, and the rapporteur (assisted by the Secretariat) seeks to present these in a way that would be acceptable to the different sides of the issues. Generally, speakers are not identified in the report, even by member state. The reference will be simply to “one speaker noted” or “several speakers suggested that ...”

Many participants, who may be exhausted by the lengthy negotiations and are looking forward to their return flight (or at least a restful weekend), may assume that the adoption of the report will be a formality. However, on particularly sensitive issues, some representatives may try to expand the presentation of the arguments that their side had made, and diminish the amount of attention given to opposing points of view. One technique used here is for a representative to argue that his/her country’s position, as given earlier, was not correctly reflected in the report, and then submit a (lengthy) proposal for amending the report to remedy this. The chairperson usually accepts short amendments along these lines. Given that this may indeed give a one-sided impression of the discussion, representatives from the other side of the issues may wish to make corresponding amendments based on points made in the discussions by other speakers.