

The United Nations Crime Prevention and Criminal Justice Programme: Who's Who

Note: the following description are the personal opinions of the author and do not reflect the position of any institute or government.

The UNODC

The United Nations Office on Drugs and Crime is the UN Secretariat body responsible for crime prevention and criminal justice, as well as drug policy. It is based at the UN Office at Vienna under the Executive Director, currently Yuri Fedotov, who is at the same time the Director-General of the United Nations Office at Vienna itself (which includes several other entities).

The UNODC has some 350 professional and secretarial staff members (most of whom, however, deal with the UN drug programme). The UNODC is currently divided into four Divisions: Operations, Treaty Affairs, Policy Analysis and Public Affairs, and Management. Each Division is headed by a Director. The Division most visible in UN Crime Programme is arguably the Division for Treaty Affairs (the current Director of which is John Brandolino). This Division is divided, in turn, into three Branches: Organized Crime and Illicit Trafficking, Terrorism Prevention, and Corruption and Economic Crime. In the Division for Policy Analysis and Public Affairs, the Research and Trend Analysis Branch is also relevant to the Crime Programme.

The UNODC has some 20 field offices around the world, some responsible for an individual member state, others for several states. Each field office also deals with crime prevention and criminal justice matters.

Conference structures and positions

Most of the (formal) work on the UN Crime Programme takes place within conference structures: the United Nations Commission on Crime Prevention and Criminal Justice, and the Conference of the States Parties of the Convention against Transnational Organized Crime and of the Convention against Corruption. When meetings are held, the key persons are the members of the "Bureau", in other words the Chairperson, the vice-chairpersons (usually three) and the rapporteur. These positions usually rotate among the five regional groups: Africa, Asia-Pacific, Eastern Europe, Latin America and the Caribbean (also known as "GRULAC"), and "Western Europe and Others".

It is the Bureau that deals with various practical organizational matters (which can at times become quite politicized). The Bureau may also meet in an "enlarged Bureau" composition, which would also

include representatives of the five regional groups as well as of the European Union and the “Group of 77 + China” (which essentially consists of developing countries).

Permanent missions

Given the crowded calendar of the UN Crime Programme, with meetings on the average once a month, the fact that most meetings tend to last only two or three days, and the fact that only representatives of “least developed countries” have their attendance paid to formal UN meetings by the UN Secretariat, fewer and fewer countries are sending substantive experts “from the capitals” to attend the meetings. As a result, much of the work of the UN Crime Programme is conducted by representatives of the permanent missions based in Vienna.

The representatives of the mission tend to stay in Vienna for only for a few years (depending on the country, generally from two to six) before they are rotated to other postings. For this reason, the influence of any one representative will depend on several factors, among the most important of which are his or her personal and negotiating skills; how interested he or she is in the UN Crime Programme; how much he or she has already become familiar with the operation of the United Nations, with international negotiations and with crime prevention and criminal justice issues; and how large the mission in question is. (With small missions, individual representatives need to cover several different issues, and will often not be able to attend other than select meetings on the UN Crime Programme agenda.)

Regional coordination mechanisms

The United Nations regional groups are Africa, Asia-Pacific, Eastern Europe, Latin America and the Caribbean (GRULAC), and “Western Europe and others” (WEOG).¹ In addition, both the EU and the G 77 + China group seek to coordinate their positions.² As a rule, if even one state in a regional group objects to the proposed position, then there is no consolidated position. When agreement is reached on the regional position, this is presented by the chairperson of the group, after which individual member states will seek to offer further arguments. The protocol is that when individual states speak, they begin by emphasising that they align themselves with the position of the regional group.

The EU has become a very influential actor in Vienna. Following the entry of the Lisbon Treaty into force, the European Commission generally presents the position of the EU.

Also the G-77 + China group has traditionally been a very strong actor in negotiations in Vienna. After all, this group represents far more than a hundred member states, and its members can work also through many regional groups to promote the G-77 + China position.

Experts “from the capitals”

¹ The “others” in the “Western Europe and others” group are Australia, Canada, Israel, New Zealand and the United States. Formally speaking, the U.S. is an observer in the WEOG group. However, for practical purposes, such in allotting positions in the Bureau, it is considered a member.

² The “Group of 77” is a loose coalition of developing countries, which was established in 1974. It currently has 133 member states.

As has been noted, now that various UN meetings are held on almost a monthly basis, fewer and fewer member states – especially those located long airplane flights away – are prepared to invest in sending “experts from the capitals” to attend two- or three day meetings. (As a result, the burden is shifting to the representatives of the missions, who do have negotiating skills and are familiar with the general UN context, but on substantive issues on crime and criminal justice must often rely on written positions sent from the capitals – written positions which may become outdated as the negotiations in Vienna proceed.)

There appears to have been a recent resurgence in the attendance of “experts from the capitals” at some UN Crime Programme meetings. Among the factors may have been the increased organization of technical meetings, as well as of “side events” sessions at UN Crime Commission. A second factor may have been growing awareness among some states of the need to combine expertise from the capitals with the negotiating skills of the permanent representatives.

The UN Crime Programme Network of Institutes (PNI)

The United Nations Crime Prevention and Criminal Justice Programme Network of Institutes (PNI) has grown over the years to consist of seventeen institutes, the International Scientific and Professional Advisory Council (ISPAC) and (formally speaking) the UNODC.

The PNI institutes come in many “forms”, and vary to a considerable extent in the degree to which they seek to actively influence the work of the UN in Vienna. To list the PNI institutes very broadly by their mandate:

UNICRI, the United Nations Interregional Crime and Justice Research Institute (Turin, Italy; Director Cindy Smith) is the only interregional institute, and has very close connections with the UN Secretariat.

There are four formal regional institutes, and one institute that in practice is regional:

UNAFEI, the Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders; Tokyo, Japan (the oldest institute, and very active in training and technical assistance)

ILANUD, the Latin American Institute for the Prevention of Crime and the Treatment of Offenders; San José, Costa Rica (very active in particular in research and technical assistance)

HEUNI, the European Institute for Crime Prevention and Control, affiliated with the United Nations; Helsinki, Finland (very active in research and in assisting the UNODC)

UNAFRI, the African Regional Institute for the Prevention of Crime and the Treatment of Offenders; Kampala, Uganda (engaged for example in joint research and technical assistance)

NAUSS, the Naif Arab University for Security Sciences; Riyadh, Saudi Arabia) (although not formally a regional institute, it is very active among the Arab countries in forensics, in research and in higher education)

Next, there are five specialized institutes that also have a clear international mandate:

ICCLR & CJP, the International Centre for Criminal Law Reform and Criminal Justice Policy; Vancouver, Canada (quite active internationally in training, in technical assistance and in providing support to the UNODC)

ISPAC, the International Scientific and Professional Advisory Council of the United Nations Crime Prevention and Criminal Justice Programme (ISPAC has a long history of coordinating the work of various associations and organizations)

ISISC, the International Institute of Higher Studies in Criminal Sciences; Siracusa, Italy
RWI, the Raoul Wallenberg Institute of Human Rights and Humanitarian Law; Lund, Sweden (quite active internationally in training, in technical assistance and in providing support to the UNODC)
ICPC, the International Centre for the Prevention of Crime; Montreal, Canada
ISS, Institute for Security Studies; Pretoria, South Africa
the Basel Institute on Governance, (the International Centre for Asset Recovery)

Four national institutes have joined the PNI:

AIC, the Australian Institute of Criminology; Canberra, Australia (very active in research. Currently its status is being reviewed by Parliament)

KIC, the Korean Institute of Criminology; Seoul, Korea (very active in research, and in providing support to the UNODC. Particularly interested in cybercrime)

NIJ, the National Institute of Justice; Washington D.C., USA

Thailand Institute of Justice: Bangkok, Thailand (the newest member of the PNI; very active in research and in providing support to the UNODC)

One further institute, the College for Criminal Law Science (CCLS): Beijing, China, has also joined the PNI recently, and is active in research.

Intergovernmental organizations

Among intergovernmental organizations, it is in particular the EU that has been active in Vienna, together with its Fundamental Rights Agency. The Council of Europe does make interventions now and then.

Non-governmental organizations

The Crime Commission and the two Conferences of States Parties operate in accordance with the standard Rules of Procedure, according to which there are four categories of participants: member states (/states parties), intergovernmental organizations, non-governmental organizations, and UN bodies “and others”. (Essentially the same Rules of Procedure apply to the quinquennial UN Crime Congresses. However, the UN Crime Congresses are exceptional – also compared to many other parts of the UN system – in that also individual “experts” may attend the Crime Congresses.)

In respect of bodies under the mandate of the two Conferences of States Parties, however, there has been a long-standing and acrimonious debate over whether or not non-governmental organizations may attend. The present status is that they may not, although the matter is supposed to be kept under review. For UNCAC bodies, a one-day briefing is held for NGOs during the June session of the Implementation Review Group.

For UNTOC bodies, the matter is currently being heavily debated in connection with the discussion on the review of implementation of the convention. Some States Parties support a model similar to that used for the review of the implementation of UNCAC, which would mean that NGOs could only attend a briefing. Others support wider NGO participation, on the grounds that several of the UNTOC protocols make specific reference to NGOs. The matter will be dealt with next at the 24-26 April meeting of the Open-ended intergovernmental meeting for the purpose of defining the specific

procedures and rules for the functioning of the review mechanism for the United Nations Convention against Transnational Organized Crime and the Protocols thereto.

Even where NGOs may attend meetings, and may speak if there are no member states wanting to take the floor, there is generally little time left for NGO interventions. This has not stopped many of the NGOs, including through the NGO Alliance, being very much evidence outside the meeting rooms, for example distributing their publications and organizing quite substantive side events (ancillary meetings).