



**GLOBAL
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AGAINST TRANSNATIONAL
ORGANIZED CRIME

The road to Kyoto

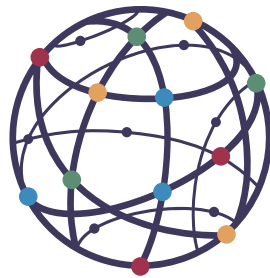
The evolving
influence of the
**UN Crime
Congresses**

Ian Tennant



September 2019





THE ROAD TO KYOTO

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Background

The United Nations Congress on Crime Prevention and Criminal Justice (henceforth 'UN Crime Congress') is a key opportunity for the international community to make progress on countering organized crime and the damage it does around the world. This five-yearly gathering, the 14th iteration of which will be held in Kyoto, Japan, in April 2020,¹ provides a platform for engagement whose potential will hopefully be leveraged by the governments in attendance. It will be the second time the Congress is hosted in Kyoto: it was held there in 1970. The Congress is an opportunity for governments, and other attendees, to take stock of the most pressing issues and agree a path forward on them, so as to help the Congress achieve its aims of promoting the principles of the rule of law embedded in the UN 2030 Agenda for Sustainable Development.

The Congress, as an international non-decision-making conference, is easy to characterize as detached from the realities on the ground. Nevertheless, its influence over crime policy is significant, as is the opportunity it affords to galvanize international action, and to exchange experiences and new ideas. When analyzing the policy context and the events that have occurred since the last Congress (held in 2015 – see the timeline on page 4 for dates, venues and milestones), it is clear that the agreements reached during past UN Crime Congresses do in fact shape the policy direction of the UN on organized crime. At the same time, however, other issues can overshadow those prioritized at the Congress, and follow-up has arguably been too narrowly focused. Both the Congress and the Commission on Crime Prevention and Criminal Justice (CCPCJ) have proved to be capable of ignoring or fudging major issues, and also prefer consensus topics to discussing the kind of structural reform that is necessary for the UN to take a more leading, and publicly visible, role on these issues. In this, the role of community responses to organized crime and civil-society voices in organized crime policy development are areas that urgently need to be addressed in the coming Congress in Kyoto.

It is the view of the Global Initiative Against Transnational Organized Crime that by recognizing current realities and future challenges posed by organized crime, along with inclusive and action-oriented follow-up, this Congress could achieve a lasting and more meaningful impact. Such a goal could prove particularly elusive in an era in which multilateralism and compromise seem to be under threat. Therefore, the challenges posed by organized crime merit – more than ever – the international community's attention, creative thinking and long-term commitment.

This brief examines the impact of past UN Crime Congresses and considers ways to better leverage its untapped potential going forward.



What is the UN Crime Congress and what is its objective?

The host country, Japan, together with the organizer, the UN Office on Drugs and Crime (UNODC), is already preparing for next year's meeting in Kyoto. Organized crime continues to rise up the UN and national agendas, as it is increasingly recognized as a threat to development and peaceful societies (as reflected in the adoption of Sustainable Development Goal target 16.4² in 2015). This is the first UN Crime Congress to take place since the adoption of the Sustainable Development Goals (SDGs), and the rule of law and the SDGs will be a key theme of the 2020 meeting. The Congress should therefore provide a crucial forum for the international community to make a meaningful and powerful call to action on these extremely important issues.

“Organized crime continues to rise up the UN and national agendas, as it is increasingly recognized as a threat to development and peaceful societies (as reflected in the adoption of Sustainable Development Goal target 16.4 in 2015).”

The Congress provides a high-level setting for governments, NGOs and individual experts to discuss crime prevention and criminal-justice policy, and direct and influence the work of the UNODC. The meetings, previously known as the Congresses on the Prevention of Crime and the Treatment of Offenders, have been held since 1955. Since 2005, however, they have been called the United Nations Congresses on Crime Prevention and Criminal Justice,³ reflecting the name of the UN functional commission that acts as the preparatory body of the Congress, the CCPCJ, which is also one of the governing bodies of the UNODC. Since the creation of the CCPCJ in 1992, and the establishment of the UNODC in 1997, the Congress has become closely tied to the UNODC and its diplomatic circuit, having previously been more expert-led than government-led.

Since the last Kyoto Crime Congress in 1970, the Congress has adopted an outcome document in the form of a ministerial declaration. This tradition has continued since then, but the themes covered have changed as the UN policymaking community has shifted focus and updated its mandates. The creation of the CCPCJ and the UNODC marked a move away from the expert-led focus on domestic crime and justice issues to a more state-led focus on transnational organized crime.⁴ The adoption of the UN Convention Against Transnational Organized Crime (UNTOC) in 2000 and the UN Convention Against Corruption (UNCAC) in 2003 also altered the environment within which the Congress takes place. Transnational organized crime, as well as the various crime types that constitute it, form the thematic basis of the work of the CCPCJ and the Congress.

In 2015, for the first time, the declaration was completed and informally agreed in Vienna by the delegations there and was adopted without change during the opening session of the Congress. This further removed the outcome of the Congress from the experts and embedded it in the UNODC/Vienna intergovernmental community. Japan plans to stick to the same method this time round. The negotiations begin in late 2019, with the target of the declaration being agreed in Vienna before the Congress begins, so that delegates at the Congress should be able to concentrate on the substantive discussions, rather than negotiating the document during the meeting itself. Like most agreements adopted under the aegis of the UNODC, the 'spirit of Vienna' reigns supreme, i.e. there are no votes, and the declaration is agreed by consensus, so the chances of controversial or even 'new' ideas being included are always constrained by a lack of consensus on specific terminology, or lack of common understanding of the



new issues or ideas being introduced. Coupled with the lack of policymaking capacity at the Congress (although the Congress can result in CCPCJ/UN action), this leads to a feeling among governments and civil society that the Congress, although a useful platform for engagement, is a talking shop and not the high-level political call to action that it could provide.

The CCPCJ:

- Was created in 1992 by the UN General Assembly (UNGA) as a functional commission of the UN Economic and Social Council (ECOSOC).
- Is one of UNODC's governing bodies and principal UN policymaking body in crime prevention and criminal justice.
- Approves budget of UN Crime Prevention and Criminal Justice Fund.
- Is the preparatory body to the UN Crime Congress; adopts Congress declarations and transmits them to ECOSOC and UNGA for endorsement.
- Implements the outcome of the Congresses through resolutions adopted at its annual sessions.
- Main session meets every year and adopts several resolutions on a wide range of topics.

The UN Crime Congress:

- Met for the first time in 1955, following the transfer in 1950 to the UN of the functions of the International Penal and Penitentiary Commission, which was a League of Nations body covering similar issues and also holding periodic congresses.
- Meets every five years and (since 1970) has adopted a Declaration to guide international crime prevention and criminal justice policy at the CCPCJ over the next five years.
- Submits its declaration to the CCPCJ for adoption, and onward transmission to ECOSOC and UNGA.
- Is a platform for exchange for governments, NGOs and other individuals and entities on crime prevention and criminal-justice policy.
- Attracts higher-level attendees than the CCPCJ (e.g. the UN Secretary-General attended the Doha 2015 Congress).



UN Crime Congresses: Timeline and key milestones

- **1955** – Geneva Congress. Adopted the Standard Minimum Rules for the Treatment of Prisoners.
- **1960** – London Congress.
- **1965** – Stockholm Congress.
- **1970** – Kyoto Congress. Adopted first Congress outcome declaration.
- **1971** – UN Committee on Crime Prevention and Control created, replacing an earlier ad hoc committee.
- **1975** – Geneva Congress. Approved the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which was subsequently developed by the Commission on Human Rights into a Convention.
- **1980** – Caracas Congress.
- **1985** – Milan Congress. Adopted Milan Plan of Action; the United Nations Standard Minimum Rules for the Administration of Juvenile Justice; the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power; the Basic Principles on the Independence of the Judiciary; and the first model bilateral treaty – the Model Agreement on the Transfer of Foreign Prisoners.
- **1988** – Adoption of the UN Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances.
- **1990** – Havana Congress. Approved several model treaties, the United Nations Standard Minimum Rules for Non-custodial Measures, the Basic Principles for the Treatment of Prisoners, the United Nations Guidelines for the Prevention of Juvenile Delinquency, the United Nations Rules for the Protection of Juveniles Deprived of their Liberty, the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, the Guidelines on the Role of Prosecutors; and the Basic Principles on the Role of Lawyers.
- **1992** – General Assembly established the UN Commission on Crime Prevention and Criminal Justice as a Functional Commission, replacing the UN Committee on Crime Prevention and Control
- **1995** – Cairo Congress.
- **1997** – UNODC established through a merger between the United Nations Drug Control Programme and the Centre for International Crime Prevention.
- **2000** – Vienna Congress.
- **2000** – Adoption of the UN Convention Against Transnational Organized Crime.
- **2003** – Adoption of the UN Convention Against Corruption.
- **2005** – Bangkok Congress. First Congress under new name: United Nations Congresses on Crime Prevention and Criminal Justice.
- **2006** – General Assembly allows CCPCJ to enable it to function as a governing body of UNODC.
- **2010** – Salvador Congress.
- **2015** – Doha Congress.
- **2015** – Adoption of Sustainable Development Goals .



Despite criticism that they are talking shops, the Congresses do produce some concrete outputs. For example, several sets of crime and justice guidelines, and principles for governments were adopted at Congresses, peaking at the Havana Congress in 1990 (see the timeline), before the Congresses were tied to the new UNODC and the CCPCJ.

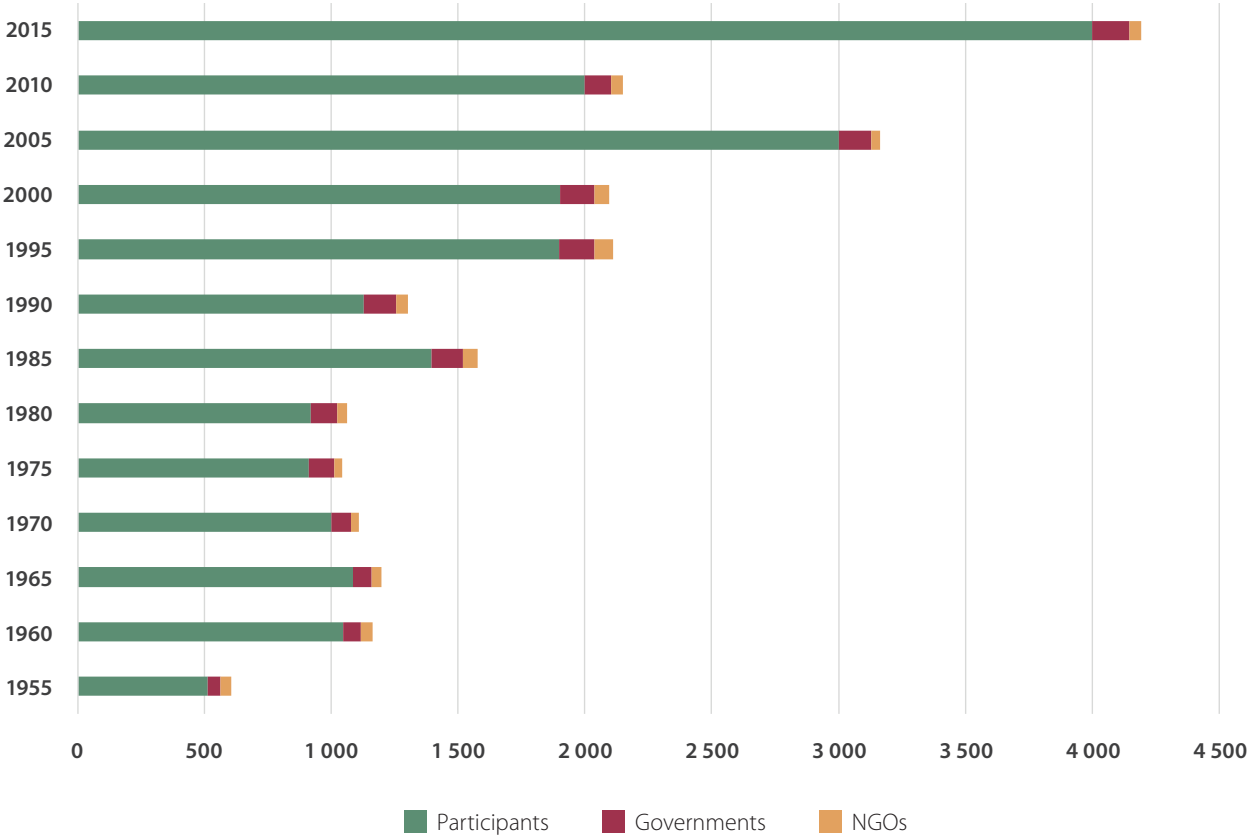
And, more recently, the declarations have requested action from the UN – for example, the Declaration from the 2010 Congress in Brazil requested the CCPCJ to set up the Cybercrime Intergovernmental Expert Group, which still meets under the CCPCJ and provides the framework for international discussions on cybercrime.⁵ The most recent declaration from Doha in 2015 was light on new action, but heavy on confirmation of existing agreements and consensus on a wide range of issues, with a focus on crime prevention through education.

However, the influence of the Congress over ensuing UN policy development is significant in some ways, as will be explored.

Who attends the UN Crime Congresses?

Attendance at the Congress has been steadily rising, with a substantial 4 000 people attending the last Congress in Doha, up from just over 500 at the first Congress in 1955 (see Figure 1). The number of governments represented has also been rising, with 149 attending in 2015, up from 51 in 1955. However, the number of NGOs attending has stayed stable over time, which shows increased interest from governments but at the same time it would suggest that it is a challenging environment for civil-society voices to get heard.

Figure 1: Congress attendance figures, 1955 to 2015



Attendance at the Congress has been steadily rising, with a substantial 4 000 people attending the last Congress in Doha.



The Congress attracts a more diverse range of participants than the CCPCJ and the UNTOC Conference of Parties (CoP), as well as a higher level of government representation. Neither the CCPCJ nor the UNTOC CoP can routinely include a real high-level segment or manage to attract much senior participation from governments, or indeed the UN. However, the Congress, with the support of host governments, can attract high-level heads of delegation, and a rich and varied audience (bolstered by the fact that NGO participation is not restricted to only those with ECOSOC status).

Because of this environment combining high-level delegates and varied audiences, the Congress has a reputation for interesting ancillary events. Conversely, however, the substantive parts of the Congress (the plenary and the workshops) have a reputation for being formulaic and 'safe' as a result of the consensus environment of Vienna, where the outcome declarations are usually negotiated, along with the frameworks for policy themes and agenda items for discussion. This is heightened by the series of national statements that constitute the plenary and workshops (despite efforts to encourage interactive discussions). For these reasons, the Congresses have not recently featured prominently in the media or public consciousness outside of the UN crime policy community. Awareness of the Congress is low, even among the UN/development community. Media coverage in Doha in 2015 was restricted to promotional material covering the Congress in the local media primarily. A *Gulf Times* article was typical of such coverage, in that it was a largely factual account that highlighted the role of Qatar and its leaders as convenors of the international community.⁶

As a platform, the Congress offers access and exposure to the crime policymaking community at a high and broad level. Our analysis of the work of the CCPCJ shows that the influence of the Congress over CCPCJ policy decisions is significant and has grown in recent years.

Influence of the Congress declarations

Despite not being a decision-making body, the influence of the Congress declarations over the ensuing five years of policymaking at the CCPCJ has been substantial. Looking at the previous three Congresses (Bangkok 2005, Salvador 2010 and Doha 2015), it is clear that the policy programme of the CCPCJ is heavily influenced by the Declaration, which frames the ensuing five years of work. We have used these three examples within the same policy landscape, with the UNODC, CCPCJ and the UNTOC and UNCAC already in place.

“Despite not being a decision-making body, the influence of the Congress declarations over the ensuing five years of policymaking at the CCPCJ has been substantial.”

We have searched all substantive resolutions (excluding procedural, administrative or budgetary resolutions related to the UNODC's work) passed in the five years after each of these last three Congresses and searched for references to the previous declaration in those resolutions. From this, it is evident that in each period, over 50% of resolutions directly reference the previous resolution, rising to 64% in the period after Doha (see Figure 2).



Figure 2: Proportion of CCPCJ resolutions mentioning the last three congress declarations, (%)

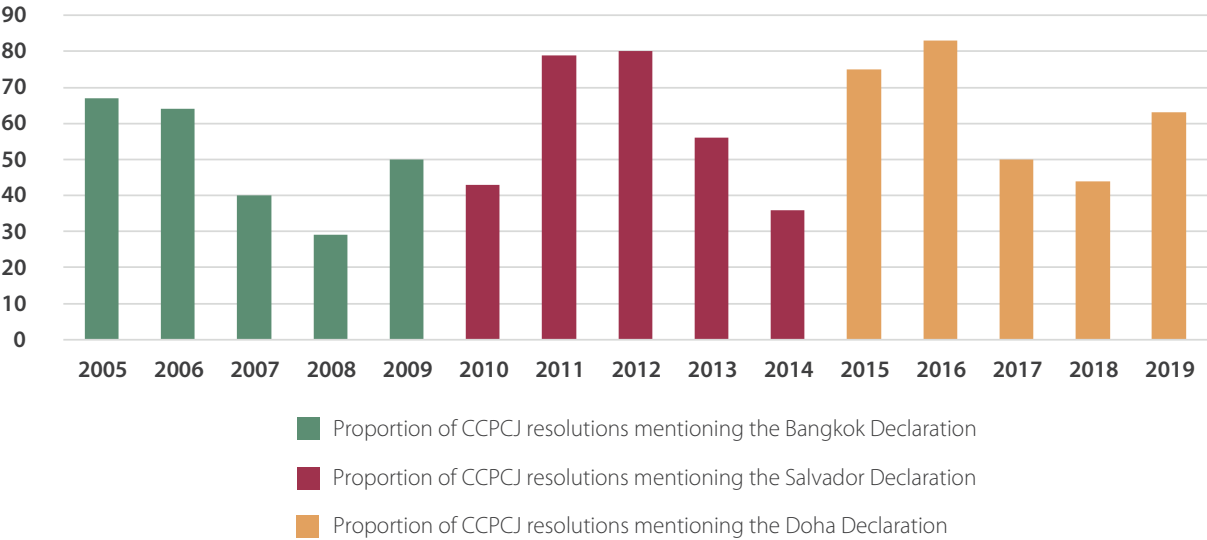
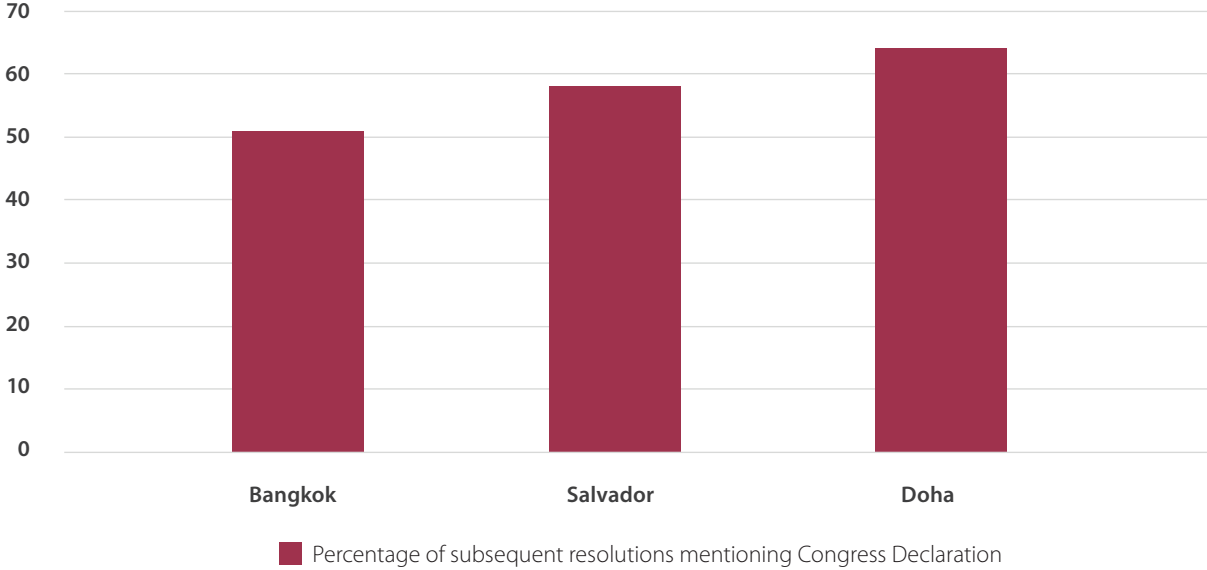


Figure 3: Declaration impact on CCPCJ policymaking



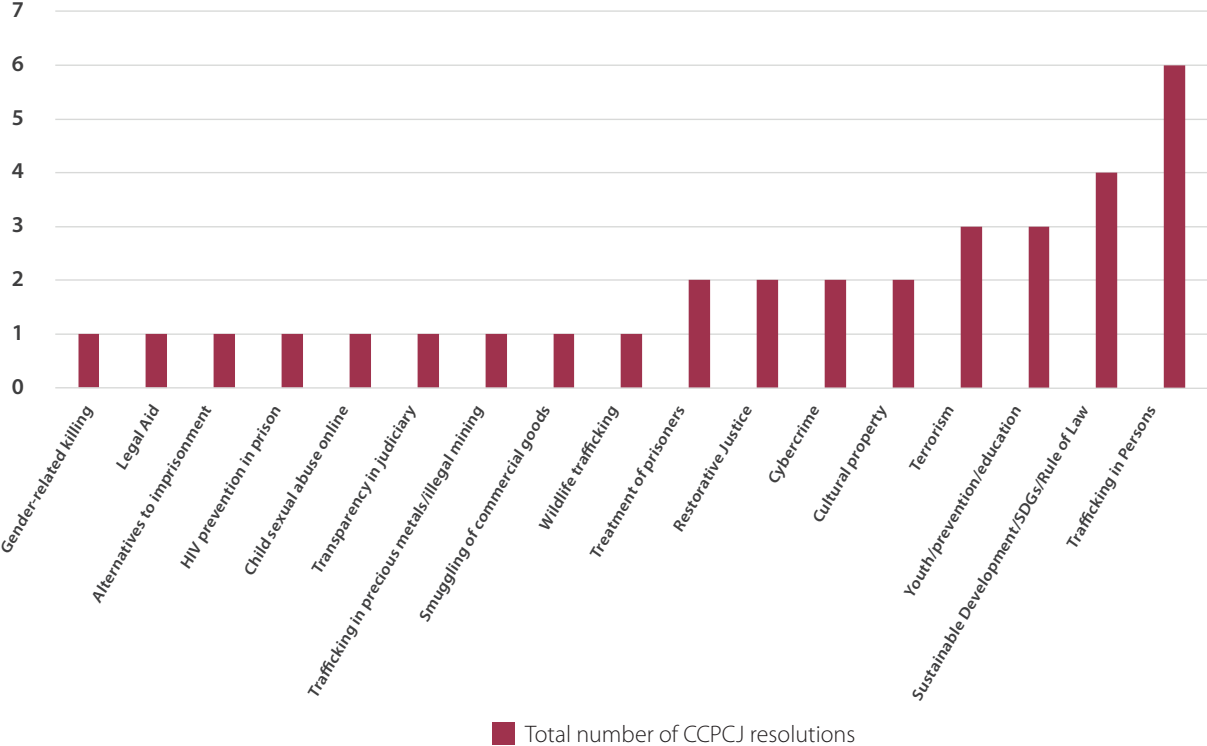
Of the 42 resolutions adopted by the CCPCJ after Doha, 27 (or 64%) directly mention the Doha Declaration. This percentage stayed above 40% of resolutions every year, and even rose above 80% in the year after the Congress (2016). It seems there is a growing trend for the CCPCJ to mention the previous Congress declaration in its resolutions, one which we can assume the Japanese Government will want to continue for reasons of public relations, legacy, as well as the substantive contribution they want to make. Therefore, although the Congress is not a policymaking body, it heavily influences the CCPCJ and subsequently the work and programming of the UNODC.

Looking at the CCPCJ resolutions since 2015, we can also see that the intended legacy of Doha (sustainable development, the rule of law, and youth and crime prevention) is relatively well followed up by the CCPCJ as topics (see Figure 4). However, Trafficking in Persons surpasses all other specific issues significantly in terms of resolutions. This reflects the international agenda where it is a high priority, but not the focus of the Doha Congress.



Cybercrime, a major crime issue, is addressed twice in this period through the prism of the political debate on this issue, and not in proportion to the massive attention it achieves in the media. (See text box for a summary of this issue). Corruption as a crime type, although prevalent in the Declaration, is not addressed as the primary focus of a single resolution (However, the UNCAC Conference of States Parties provides a platform for that). Terrorism, also prevalent in the Declaration and a major preoccupation for many states through the period, is only addressed in a routine way to reinforce the mandate of the UNODC’s Terrorism Prevention Branch (TPB). Wildlife trafficking, a personal priority of the UNODC’s Executive Director, Yury Fedotov, as well as of several Member States and a high-profile topic in the media, is only addressed once.

Figure 4: Thematic topics of CCPCJ resolutions since the 2015 Congress



One notable absence from the list is any resolution on the smuggling of migrants, or migration more generally, especially at a time when the migration crisis in Europe dominated the news agenda. This demonstrates how a lack of consensus can cause the CCPCJ (as well as the Congress) to ignore major issues of importance.

In summary, the Declaration lives on through the following five years of CCPCJ activity, most directly in referencing of the document. Thematic legacy has also been achieved through a focus on the SDGs and youth/crime prevention (along with the global programme implementing the outcome of the declaration). Although the CCPCJ also reacts to other external factors that are high on the agenda (e.g. trafficking in persons), it is also capable of ignoring major issues due to lack of consensus (e.g. smuggling of migrants).

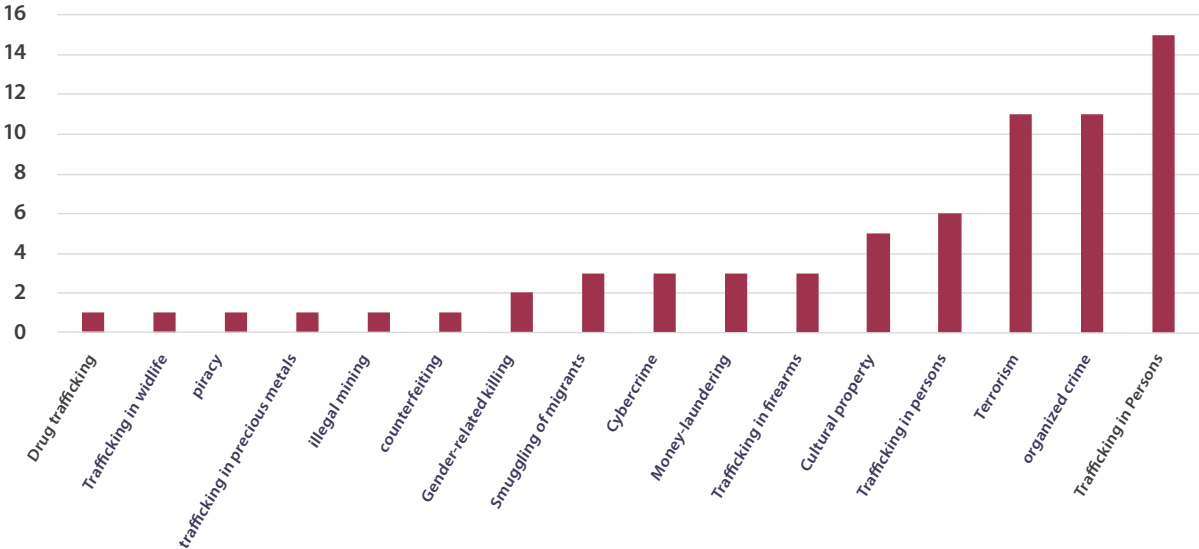
Did Doha reflect contemporary priorities?

An analysis of the Doha Declaration shows a preference for repeated mentioning of overarching concepts, at the expense of focusing on specific issues that could have opened political debate. This means that from an outsider’s



perspective, the Declaration seems to focus on issues such as corruption and terrorism, which are largely priority issues – but were not the stated focus of the Congress. Major issues of 2015, such as migrant smuggling, are only fleetingly mentioned, and then only in order to reinforce the current consensus. Maritime crime, which was, and still is, one of UNODC’s largest and most successful field activities, is only mentioned once in passing. Drug trafficking, which lies at the centre of organized criminal activity, is only mentioned once (see Figure 5).

Figure 5: Number of times crime types are mentioned in the Doha Declaration



Looking ahead to 2020, one could predict that Trafficking in Persons will be a likely candidate for focus, given the successful international campaigns on the issue and the number of agreed resolutions at the CCPCJ in recent years, including through the UNODC’s Blue Heart Campaign,⁷ which has attracted more members. However, it will be more difficult for ‘newer’ CCPCJ issues, such as illegal mining, or trafficking in precious metals, to break through as major issues, despite evidence showing their threats and links to wider organized crime across the world. Consensual and controversial topics are covered in more detail later.⁸

What will be the themes of next year’s Congress?

The overarching theme of the Congress has been agreed as ‘Advancing crime prevention, criminal justice and the rule of law: towards the achievement of the 2030 Agenda’. And as the host country, Japan, can steer the policy agenda and has outlined some clear priorities for the Congress: supporting criminal justice practitioners, cooperation with the private sector and promoting a ‘culture of lawfulness’ through education. The UNODC drafted a discussion guide for the Congress, which gives it the ability to set the agenda from a substantive point of view. In its discussion guide,⁹ the UNODC sees the Congress’s overarching priorities as an opportunity to undertake a stocktaking exercise for charting a way forward for the criminal justice system and institutions for the achievement of the SDGs, as it is the first Congress since the SDGs were agreed.



The document then outlines the policy background to the agreed policy themes for the Congress:

- Prevention
- Integrated approaches to challenges to the criminal justice system
- Promoting the rule of law by building stronger institutions
- Preventing and addressing all crime, including new and emerging forms of crime and terrorism

On the last point, the UNODC secretariat references Global Initiative research on new and emerging forms of crime, stating that ‘an effective response calls for the recognition that organized crime is an intrinsic element of development challenges and must be interwoven through the broader development response frameworks.’¹⁰

Within those overarching frameworks, member states are again likely to highlight the specific crime types and responses that are national priorities. As happens in the CCPCJ and in past Congresses, those with the widest accepted definitions and understood responses will be reflected well in the text. However, due to the consensus environment, certain ‘controversial’ issues may not make it into the Declaration or will be heavily caveated, despite their importance. This is likely to include issues on which the international community is genuinely split (human rights, death penalty etc.), but also could mean that other issues may be excluded, such as meaningful responses to genuinely pressing challenges (migration, cybercrime), new areas or innovative ideas that deserve attention (e.g. community responses to organized crime).

There will not be any problems agreeing on the need (in principle) for countries to sign and implement the relevant international instruments and cooperate generally with each other in combating crime and providing justice. There will also be consensus on a broad range of other thematic topics on which agreed language can be copied and pasted without too much editing. However, topics on which there is no consensus are likely to be left out or rendered meaningless by the caveats surrounding them.

In 2015, countries from the European Union (EU) and others unsuccessfully called for the Declaration to include language on the abolition of the death penalty, which was blocked by Saudi Arabia and other states in the negotiations. Western countries will push for death penalty references again but will likely be forced to drop their demands for fear of being seen to block the final document.

Cybercrime – An important issue that struggles to find consensus at the UN

As explained in our 2019 study, cybercrime continues to be a divisive issue at the UN, at a time when cybercrimes are widely reported and a risk to a wide range of businesses, public-sector agencies and the general public. In a consensus environment, it will be difficult for the Congress to agree on a new way forward, when fundamentally different conceptions of the role of ICT and the internet in society limit states’ ability to respond to cybercrime in a collective, aligned way. These kinds of political disagreements undermine the potential of the Congress to make inroads on key issues, and divert attention to issues on which there is broader consensus on both definitions and responses – such as trafficking in persons.

Source: <https://globalinitiative.net/wp-content/uploads/2019/03/TGIATOC-Report-Cybercrime-in-the-UN-01Mar1510-Web.pdf>

One of the priorities for Japan is the concept of the culture of lawfulness, which has been opposed in the past by countries such as Egypt, China and South Africa in negotiations. The compromise in 2015 was to link the concept with ‘while respecting cultural identities’, which is a phrase that can be used to allow for practices specific to a



country's cultural norms, including those that could fall foul of international human-rights standards. It is unclear whether, for Western countries, this compromise, which seems to downgrade human-rights standards, will still be considered a price worth paying to allow for the 'culture of lawfulness' to be prioritized in the text.

Cybercrime and other 'new and emerging' forms of crime will also be fiercely contested. The issue of cybercrime is always viewed through the prism of the debate between BRICS countries, which want a new convention on cybercrime, and the Western and other countries, which support the existing Council of Europe convention. Unfortunately, there will be little discussion of practical things the world should be doing to improve the situation, as this normative argument will frame all discussions.

New issues for Kyoto: Community responses to organized crime

As an example of a new issue that should be addressed in the Kyoto Declaration, community responses to organized crime should be high on the agenda. It is addressed in the Doha Declaration in the context of gangs and urban crime.

Civil society and non-state actors have become critical protagonists in the fight against organized crime, and protectors of the vulnerable. They are active in multiple ways and under different institutional guises – community groups, academics, media, labour unions – everywhere in the world where organized crime is present.

Yet civil society institutions and courageous change agents find themselves at great risk, working in dangerous environments and the target of criminal groups. Nascent community and civil society efforts to mount a response are often trying to organize themselves with few resources and huge obstacles. Their initiatives are, of course, calibrated to the specificities of their local context, but they also often share commonalities: working to reveal criminality and corruption; organizing around community resistance and community protection; and agitating to have their voices heard on a larger national or international platform, to call for attention, for action and for assistance.

Find out more here - <https://globalinitiative.net/resiliencefund/>

Similar arguments persist on issues such as trafficking in cultural property, where Egypt and others want a new convention and others (mainly USA and UK) do not. Across the UNODC portfolio, Russia is also pushing for a new convention on asset recovery, which Western countries (led by USA, EU and Switzerland) do not want. The illegal wildlife trade, although now a familiar concept, is also disputed in terms of importance and what should be done – with USA, France, UK and Germany pushing for more action, which is resisted by some countries, including Brazil.

The response to trafficking in persons will also be relatively easy to agree amongst member states. However, the smuggling of migrants, and therefore migration, will prove a tricky issue as the international community struggles to come together on these issues since the divisions on the Global Compact on Migration, and the long-held differences over the rights of migrants.

Despite the evidence, and increased UN Security Council interest, the issue of the links between organized crime and terrorism will surely again engender bitter disputes between those insistent on recognizing those links (led usually by Iraq and some other Arab and North African countries), and those who do not wish to do so (led by Brazil and some other Latin American countries).

Civil society involvement in responses to organized crime also remains a controversial topic in the Vienna/UNODC community, but the environment of the Congress itself is relatively open in comparison to the CCPCJ and the UNCAC



and UNTOC Review Mechanism processes. The regional preparatory meeting reports for the Congress also provided plenty of support from member states for civil society engagement from various regions, and on various topics. The role of civil society in countering organized crime is now well documented and recognized, and its role in speaking up and supporting communities should be recognized by the international community.¹¹

How to follow up?

The 2015 Congress in Doha, including its outcome document, was engineered by the host country, Qatar, and follow-up was limited to a single (but expensive) \$50 million USD global programme funded entirely by the Government of Qatar. It focused on prevention and education, with UNODC as the single delivery agency. This time round, there is an opportunity for Congress, and therefore the international community, to be more ambitious, inclusive, and open to ideas from civil society and other actors. The Congress is also known as an event that happens every five years and is forgotten in between. To some, it is a useful but largely symbolic talking shop, that substantively does little more than maintain the consensus and provide a platform for debate. Hence meaningful and inclusive follow-up would keep its work on the agenda.

Multi-donor and member state buy-in to the follow-up will be crucial in demonstrating widespread support for the outcome of the Congress, rather than another single donor programme. Delivery by multiple UN agencies, including collaboration with civil society, would also demonstrate an appropriate response to the challenges of transnational crime and how UN reform can help enhance that response, rather than again delivering through one agency. Recent research on the UN System's response to organized crime demonstrates the varied agencies involved, and the need for more coordination.¹² A cross-UN response would also be beneficial for UNODC in demonstrating its buy-in to UN development system reform.

“This time round, there is an opportunity for the Congress to be more ambitious, inclusive and open to ideas from civil society.”

Another potentially problematic question that will be addressed in the Congress's follow-up will be on how to connect with Agenda 2030. Across the UN, different bodies and entities jostle to be in the lead on certain goals and targets. The Congress organizers, Japan, and UNODC have also grasped the importance of Agenda 2030 in the work of the Congress and its follow-up. However, while the SDGs are generally supported and respected, there are sharp differences of opinion on how the SDGs and their achievement should interact with the mandate of the UNODC. Now that the Congress is firmly embedded in the institutions of the UNODC and the CCPCJ, these arguments will again come to the fore. In recent negotiations in Vienna, both Russia and the USA objected to the UNODC's work being too closely tied to Agenda 2030. As the UNODC's mandate is not purely that of a development agency, they do not want its law enforcement and criminal justice work to be entirely devoted towards development. Most other countries, however, see the UNODC and its mandate as a core part of development.



SDG target 16.4

'The adoption of target 16.4 was, in many ways, a watershed moment, as it decisively and unequivocally placed organized crime on the development agenda. It acknowledged the interrelationship between security and development, which was, at the time, becoming increasingly recognized among the development community. Since 2015, wide-ranging analysis and research have documented the connections not only between forms of organized crime and development, but also between stable governance, conflict and corruption. Multiple forms of organized crime are addressed at other points in the SDG agenda, including human trafficking (targets 5.2, 8.7 and 16.2); trafficking in wildlife (15.7 and 15c); and illegal fishing (targets 14.4 and 14.6).'

Source: https://globalinitiative.net/wp-content/uploads/2019/03/summer_sdg_web.pdf

A recent example of this debate was borne out in the negotiations of the 2019 UN Commission on Narcotic Drugs (CND - the UNODC's other governing body). The ministerial declaration adopted by member states made only one reference to the SDGs, stating simply: 'We reiterate that efforts to achieve the Sustainable Development Goals and to effectively address the world drug problem are complementary and mutually reinforcing.'¹³

This was a downgrading of the reference in the previous ministerial document, adopted at the UN General Assembly Special Session (UNGASS) on the World Drug Problem in 2016. The welcoming of the SDGs, included in the 2016 UNGASS document as below, was subtly dropped in 2019: 'We welcome the 2030 Agenda for Sustainable Development, and we note that efforts to achieve the Sustainable Development Goals and to effectively address the world drug problem are complementary and mutually reinforcing.'¹⁴

The UNGASS document also makes references to the SDGs throughout the document, to ensure that responses are in line with them. Given the importance of the link between organized crime and sustainable development, we should expect this first Congress since Agenda 2030 was adopted to make strong points on this. However, the position of Russia and the USA on these issues could make the Congress seem weak on this important issue.

What could the Congress achieve in its next session?

The Vienna diplomatic community is optimistic about what Kyoto can achieve but is not expecting any major breakthroughs on any specific issue, until the first declaration draft from Japan, which will allow them to understand better what their priorities will be. Undoubtedly, for the host country, a successful and trouble-free Congress that supports Japan's core objectives will be most welcome, along with recognition for their key substantive issues – support for practitioners, engagement with the private sector and the 'culture of lawfulness'. For the UNODC, endorsement of its current approach, positioning as a leading entity on the SDGs, and the promise of more funding to implement its follow up will be sought. The other member states will attempt to advance certain issues of national importance, and defend their positions against newer issues on which there is not yet consensus. This does not necessarily seem like the recipe for a seminal moment for the international community to respond to the grave crises that are being caused by organized crime across the world. But we maintain that there is a lot of untapped potential that could be released from the Crime Congress, to enhance the global response to organized crime.

Since the Congress has evolved and become closely linked to the UNODC and CCPCJ's political agendas, political and government influence over the discussions has grown. This has taken place simultaneously with major



intergovernmental achievements, such as the agreement of the UNTOC and the UNCAC. There have also been more recent achievements by the international CCPCJ/Crime Congress community, such as the adoption of the Nelson Mandela Rules on the Treatment of Prisoners, and the establishment of a review mechanism for the UNTOC in 2018. But there are still intractable differences on several issues, and some of these issues are of massive importance on the global agenda and in the public consciousness – terrorism, cybercrime, migration, human rights, the importance of civil society voices and community responses to organized crime. The lack of an inspiring, clear message on these issues will be obvious to the development community leaders and experts.

The UN has also moved on in recent years, so the Congress will have to strain to make its voice heard in the UN and development community, issuing a clear call to action on how tackling organized crime contributes to the achievement of the SDGs, and how these cross-cutting threats require a response across the UN in a more coordinated and reformed system. The following are Ideas for how this can be done:

- The world has changed since 2015 and will again by the time of the next Congress in 2025. We are facing massive changes in areas such as artificial intelligence, climate change, migration and demographic changes. The Congress is well positioned, as a centre of information exchange between governments, to look at these coming changes and take a position on how we should be preparing and responding. Therefore, the declaration should include a future-facing section outlining major perceived threats on organized crime over the next five years and making recommendations on how to prepare for these threats. Civil society and academia could provide input into this process, outside of the usual member state-led data gathering exercises carried out by UNODC.
- The international community, following the adoption of Agenda 2030, knows that organized crime is a threat to development. The UN Security Council has also broadened its understanding of the links between terrorism and organized crime.¹⁵ A recent study also quantified the estimated income of terrorist and extremist groups from illicit activity.¹⁶ These realities are crystal clear to the outside world. Rather than muddying the waters by having caveated language on these issues, the declaration, in its political, high-level section, should issue an unequivocal call to action or joint commitment to underscore the international community's understanding of the organized crime/terrorism nexus, the damage it does to the possibility of achieving the SDGs, and the need to pursue the criminals and their associated terrorists and/or corrupt public officials, and disrupt their networks of collusion that do so much to damage communities. Caveated statements on these issues give the impression that some of these groups are being let off the hook and it will be difficult for the media and the world to understand why.
- Alongside the traditional law-enforcement-led approaches, there are new ways to tackle organized crime at all levels, including through empowering community responses. These need to be supported as part of holistic responses to organized crime that respect human rights and promote the rule of law. There are countless examples of community activists and champions who are working against the odds in difficult situations. One way of achieving this would be to ensure that the declaration pays tribute to and raises awareness of the work that these civil society actors do, and that any follow-up to the declaration includes strategies to support civil society.
- The international response to organized crime does not rest exclusively with UNODC, but across the UN System, and in coordination with other organizations and civil society. This mindset needs to be reflected in the Congress's follow-up plans. The Kyoto Congress should avoid being a repeat of the Doha process in this regard. It should ensure that follow-up is actively supported and implemented by a diverse range of donors, and international organizations and NGOs with the relevant expertise. This will embody the 'partnership' spirit of Agenda 2030, as well as the cross-UN coordination and engagement that is envisioned under the Secretary-General's UN development system reform agenda.



- The Congress and the CCPCJ have been known to ignore or fudge major issues due to lack of consensus on specific crime-type definitions or responses. To ensure that the Congress maintains links with evolving trends and realities, the follow-up should include an annual evaluation by the CCPCJ on whether the priorities in the declaration are still fit for purpose or need to be updated. This will ensure that substantive debate on the contents of the Declaration occur within the CCPCJ, and are up to date.
- The Congress occurs every five years and is a unique gathering of experts and officials on organized crime, criminal justice and development. We hope that the international community takes advantage of the moment to take clear steps, building on the past achievements of the UNTOC, UNCAC, and SDG 16, towards a common understanding of the threats of organized crime to development, and the need to engender a coordinated, inclusive and powerful response.



Annex: Global Initiative resource bank for delegates

The UN's response to organized crime:

- The UN System-wide response to organized crime, June 2019
<https://globalinitiative.net/un-response-toc>
- Cyber-insecurities?: A guide to the UN cybercrime debate
<https://globalinitiative.net/un-cybercrime/>

Latest thematic research:

- Pulling at golden webs: Combating criminal consortia in the African artisanal and small-scale gold mining and trade sector, April 2019
<https://globalinitiative.net/pulling-at-golden-webs/>
- The human conveyor belt broken: Assessing the collapse of the human-smuggling industry in Libya and the central Sahel, April 2019
<https://globalinitiative.net/the-human-conveyor-belt-broken-2/>
- Extortion in Central America, May 2019
<https://globalinitiative.net/extortion-in-central-america/>
- The evolution of illicit drug markets and drug policy in Africa, July 2019
<https://globalinitiative.net/the-evolution-of-illicit-drug-markets-and-drug-policy-in-africa/>
- Detecting online environmental crime markets, January 2019
<https://globalinitiative.net/detecting-online-environmental-crime-markets/>
- Illicit wildlife markets and the dark web, November 2018
<https://globalinitiative.net/illicit-wildlife-markets-and-the-dark-web/>
- *World Atlas of Illicit Flows*, September 2018
<https://globalinitiative.net/world-atlas-of-illicit-flows/>
- Organized crime and its role in contemporary conflict, September 2018
<https://globalinitiative.net/organized-crime-and-its-role-in-contemporary-conflict/>



Notes

- 1 See <https://www.unodc.org/congress/>.
- 2 'By 2030 significantly reduce illicit financial and arms flows, strengthen recovery and return of stolen assets, and combat all forms of organized crime'; see <https://www.un.org/sustainabledevelopment/peace-justice/>.
- 3 See <https://www.unodc.org/congress/en/previous-congresses.html>.
- 4 Matti Joutsen, Four transitions in the United Nations Crime Programme, HEUNI, 24 May 2017, https://www.unodc.org/documents/commissions/CCPCJ/CCPCJ_Sessions/CCPCJ_26/E_CN15_2017_CRP4_e_V1703636.pdf.
- 5 See Cyber-insecurities: A guide to the UN cybercrime debate, Global Initiative Against Transnational Organized Crime, 4 March 2019, <https://globalinitiative.net/un-cybercrime/>.
- 6 Emir to open UN Crime Congress on Sunday, *Gulf Times*, 11 April 2015, <https://www.gulf-times.com/story/434489/Emir-to-open-UN-Crime-Congress-Sunday>.
- 7 See <https://www.unodc.org/blueheart/>.
- 8 Pulling at golden webs: Combating criminal consortia in the African artisanal and small-scale gold-mining and trade sector, ENACT, 29 April 2019, <https://globalinitiative.net/pulling-at-golden-webs/>.
- 9 UNODC: Discussion guide for 14th UN Crime Congress, https://www.unodc.org/documents/congress//Documentation_14th_Congress/DiscussionGuide/A_CONF234_PM1_e_V1806329.pdf
- 10 Organized crime: A cross-cutting threat to sustainable development, Global Initiative Against Transnational Organized Crime, 13 January 2015, <https://globalinitiative.net/cross-cutting-threat-to-development/>.
- 11 See Resilience Fund, <https://globalinitiative.net/resiliencefund/>.
- 12 The UN System-wide response to organized crime: Fragmented but far-reaching, Global Initiative, 11 June 2019, <https://globalinitiative.net/un-response-toc/>.
- 13 See https://www.unodc.org/documents/commissions/CND/2019/19-06699_E_ebook.pdf
- 14 See <https://undocs.org/A/RES/S-30/1>
- 15 New Security Council resolution recognizes broader links between terrorism and organized crime, 26 July 2019, <https://globalinitiative.net/new-security-council-resolution-recognizes-broader-links-between-terrorism-and-organized-crime/>.
- 16 See INTERPOL, Rhipito and the Global Initiative, 2018, *World Atlas of Illicit Flows*, <https://globalinitiative.net/world-atlas-of-illicit-flows/>.







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