GLOBAL INITIATIVE
AGAINST TRANSNATIONAL
ORGANIZED CRIME

VIENNA CALLING

A briefing to the incoming head of the UNODC

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DECEMBER 2019

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SUMMARY

This GI-TOC briefing examines the transnational organized crime (TOC) challenges facing the UN Office on Drugs and Crime (UNODC) as its new executive director – Egypt's Minister of Social Solidarity Ghada Fathi Waly – prepares to take office. The TOC challenges that the UNODC is mandated to address are varied, increasingly globalized and interconnected, and will need to be tackled in the midst of an apparent decline in multilateralism worldwide. The new executive director will have to gain attention and influence in increasingly crowded UN circles, while being based at the UN in Vienna, far from the centre of power in New York and in the shadow of the bigger siblings of the UN family in Geneva.

The UNODC has a compelling and important set of mandates, accumulated experience and knowledge on its issues, and a growing funding base. The new executive director has an extraordinary opportunity to capitalize on this scenario. However, something is holding the organization back. She will need to lead the UNODC towards a more open and engaging future, by adapting both its operations and communications to these complex challenges and political contexts, by prioritizing interagency cooperation in the field and at HQ levels, and by reversing its perception as a competitive and defensive member of the UN family. In order to contribute to the next phase in the journey of the UNODC, this briefing sets out some of the key challenges and suggests ways to respond to them.

ABBREVIATIONS AND ACRONYMS

CCPCJ   UN Commission on Crime Prevention and Criminal Justice

CITES   Convention on International Trade in Endangered Species of Wild Fauna and Flora

CND   Commission on Narcotic Drugs

CoP   UNTOC Conference of the Parties

ECOSOC   UN Economic and Social Council

GI-TOC   Global Initiative Against Transnational Organized Crime

INCB   International Narcotics Control Board

NGO   non-governmental organization

SDG   Sustainable Development Goal

TOC   transnational organized crime

TPB   Terrorism Prevention Branch (of the UNODC)

UN   United Nations

UNCAC   UN Convention against Corruption

UNDCP   UN International Drug Control Programme

UNDP   UN Development Programme

UNDS   UN Development System

UNGA   UN General Assembly

UNGASS   UN General Assembly Special Session

UNOCT   UN Office on Counter-Terrorism

UNODC   UN Office on Drugs and Crime

UNTOC   UN Convention against Transnational Organized Crime

INTRODUCTION

On 21 November 2019, UN Secretary General António Guterres appointed Ghada Fathi Waly of Egypt as the first female and first non-European executive director of the UNODC.[1] The change of leadership on the 14th floor of the Vienna International Centre is a crucial moment of change for the UNODC, which has mandates covering the challenges of transnational organized crime (TOC).

She arrives at a time when multilateralism itself is under threat from a shift in geo-politics towards more nationalistic approaches in many countries, and when the security and development challenges posed by illicit economies, corruption, and terrorism seem only to intensify and diversify. Alongside these external challenges, the new executive director takes the reins of an organization that is not only located far away from the UN centre of power in New York but which has an unpredictable (though increasing) budget driven by donor project funding, but decreasing core budget funding. The executive director also inherits a range of political TOC issues over which member states find it difficult to agree on common approaches. Among these are cybercrime, migration, terrorism, civil society engagement and the totemic issue of drug policy reform.
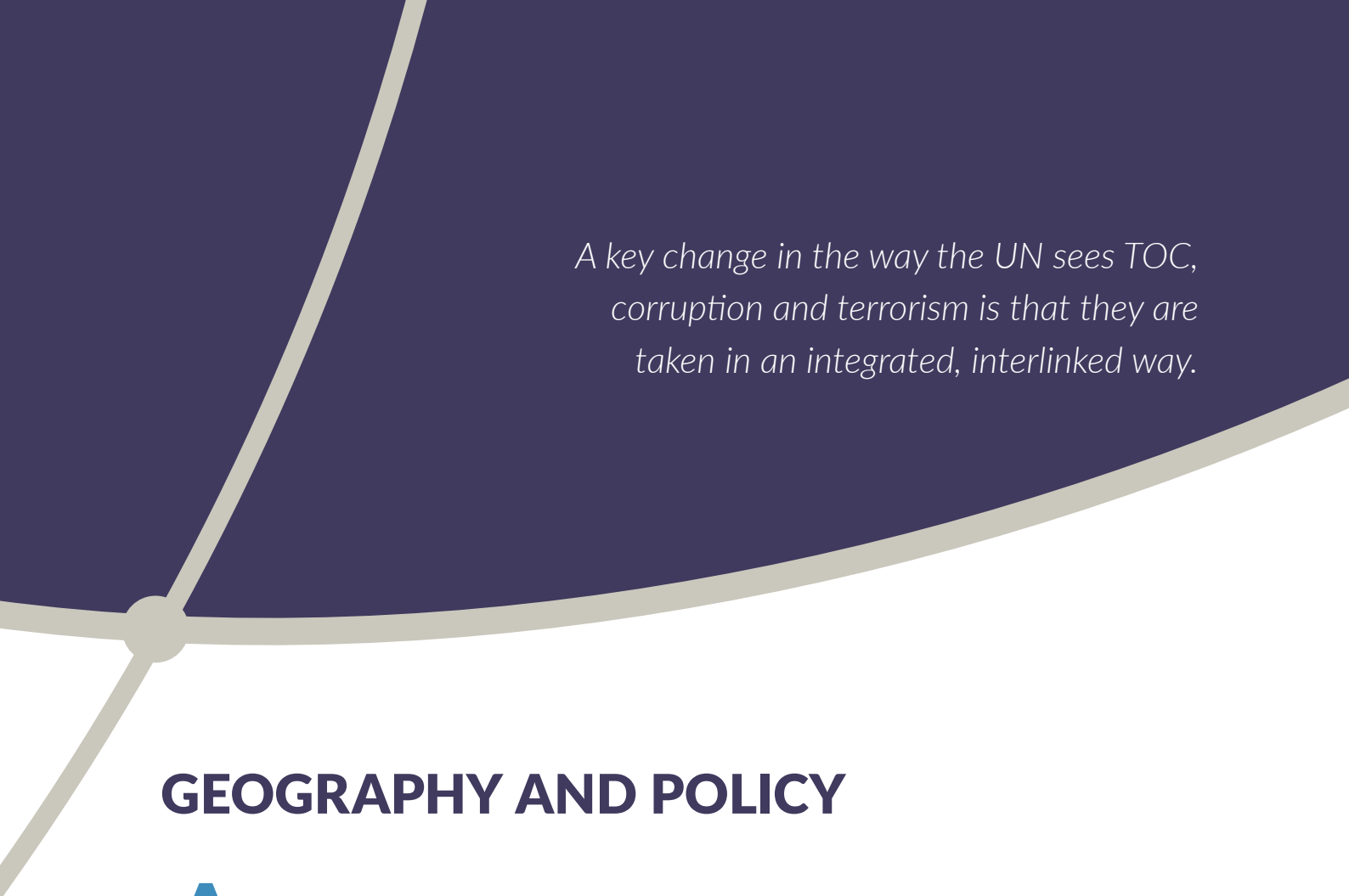
These are indeed great challenges, but if one looks at the issues another way, the situation presents opportunities for the new executive director, which can be grasped and leveraged. The UNODC holds important mandates related to several of the most pressing concerns of our era, and these TOC-related issues are central to many member states' priorities for peaceful societies, security, development and human rights. These issues are of growing importance to the UN and its member states, thanks to the recognition in Agenda 2030 of the link between organized crime and development. The Sustainable Development Goals (SDGs) have specific targets

to reduce or eliminate various types of organized crime, bringing a higher UN-wide focus to issues that are distinct mandates for the UNODC.

UN member states agree on new and updated mandates every year and give more and more funding to the UNODC and other organizations to work on these issues. The funding flow continues to direct money towards the UNODC field network, whose experience and geographic spread continue to grow. The increasing funding flow is a demonstration of the continued relevance of the UNODC's mandates, and its position as a delivery agent. During today's crisis in multilateralism, the 'Vienna Spirit'[2] still seems able to deliver consensus, including a long sought-after (although weak) review mechanism for the UN Convention against Transnational Organized Crime (UNTOC) in 2018, and a renewed ministerial agreement on drug policy in 2019.

Something is holding the UNODC back in terms of how it engages and communicates. The UNODC has a low media profile and public awareness, something that was recognized in a rare media article this year, in the context of the 40th anniversary of the Vienna International Centre.[3] Donors and other member states also report a lack of cohesion in terms of how different parts of the office engage and articulate their approach. We believe that with a more open, transparent and strategic vision, with a more proactive and forward-leaning approach to communication and engagement, and with a more human- and victim-centred attitude, the office would be better able to maintain its support in the international community and, more importantly, to continue to deliver on the ground in preventing and countering transnational organized crime.

The UNODC is the UN body responsible for convening, policymaking and delivery on several TOC issues, which is why it is of importance to civil-society organizations, academia and the expert community working on organized-crime issues. The GI-TOC is committed to promoting 'greater debate and innovative approaches as the building blocks to an inclusive global strategy against organized crime'. Within this mandate, this analysis of the current situation in relation to TOC at the UNODC is presented from the viewpoint of an interested civil society organization, and presents a view of the challenges and opportunities the office faces as it welcomes its new leader. From the perspective of civil society engaged on these issues, it is in our interest for the UNODC to succeed in its objectives. 'Civil society' is a broad term, but in this context and through the networks that exist around the world with which we are engaged, civil society represents individuals and groups working at the international, regional, national and grassroots level. On a wide range of issues and policy areas, civil society works in (sometimes) difficult circumstances to help us all do better to tackle organized crime.

GEOGRAPHY AND POLICY

A key change in the way the UN sees TOC, corruption and terrorism is that they are taken in an integrated, interlinked way. As the timeline below shows, the UNODC has existed in its current form for just over two decades and has come from a mixed background of predecessor bodies originating in New York. The opening of the Vienna International Centre in 1980 provided the opportunity for the substantive UN focus on drugs and crime to begin its move to Vienna and eventual evolution into the UNODC.

UNODC mandates, structure and governance

Treaty-based mandates

The UNODC holds important positions in the UN system on crime, drugs and terrorism, being guardian of the:

- UN Convention against Transnational Organized Crime
- UN Convention against Corruption
- Single Convention on Narcotic Drugs of 1961 as amended by the 1972 Protocol
- Convention on Psychotropic Substances of 1971
- United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988

The UNODC's Terrorism Prevention Branch also promotes the ratification and implementation of the universal legal framework against terrorism, comprising 19 legal instruments. These conventions provide the legal grounding through which UNODC acts as guardian of binding legal instruments, and as promoter of member state implementation of these instruments.

THE CREATION OF THE UNODC

1940

1946
The UN Economic and Social Council (ECOSOC) establishes the Commission on Narcotic Drugs (CND) as the central policymaking body of the UN in drug-related matters

1949
ECOSOC creates ad hoc advisory committee on crime prevention and criminal justice issues

1950 · **1950**
Transfer of the functions of the International Penal and Penitentiary Commission to the UN

1960

1961
The Single Convention on Narcotic Drugs is adopted, merging existing drug control agreements. The Single Convention lists all controlled substances and creates the International Narcotics Control Board (INCB), from predecessor bodies

1965
ECOSOC ad hoc committee becomes the UN Committee on the Prevention of Crime and the Treatment of Offenders

1971 · **1970**
Adoption of the UN Convention on Psychotropic Substances

1980
The United Nations Office at Vienna is established on 1 January 1980 as the third United Nations headquarters after New York and Geneva

1980
UN crime issues come to Vienna as the UN Division of Social Development and Humanitarian Affairs moves from New York to Vienna, including unit responsible for crime prevention and criminal justice

1988 · **1980**
Adoption of the UN Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances

1991
UN drug issues come to Vienna, as the UN International Drug Control Programme (UNDCP) is established, integrating the structures and the functions of the previous Division of Narcotic Drugs of the Secretariat, the secretariat of the INCB and the UN Fund for Drug Abuse Control

1992
ECOSOC creates the UN Commission on Crime Prevention and Criminal Justice (CCPCJ), replacing the Committee on the Prevention of Crime and the Treatment of Offenders

1990

1997
The UNODC is created in 1997 through a merger between the UN Drug Control Programme and the new Centre for International Crime Prevention (reconstituted from the Crime Prevention and Criminal Justice Division) and is named the Office for Drug Control and Crime Prevention

1993
Division of Social Development and Humanitarian Affairs is moved back to New York, apart from the Crime Prevention and Criminal Justice Branch, later Division, which remains in Vienna

2000 · **2000**
Adoption of the UNTOC

1999
The CND becomes a governing body of the Office

2002
The UNODC adopts its current name

2003
Adoption of the UN Convention Against Corruption

2006
CCPCJ becomes a governing body of UNODC, alongside the CND

2010

Governance as part of the UN

The UNODC is governed in its everyday work by twin commissions – the CND and the CCPCJ. The UNODC website explains the role of the commissions:

> The Commission on Narcotic Drugs (CND) and the Commission on Crime Prevention and Criminal Justice (CCPCJ) are policymaking bodies within the United Nations system and guide international action against drugs and crime. The CND and CCPCJ are functional commissions of the United Nations Economic and Social Council (ECOSOC) and Governing Bodies of the United Nations Office on Drugs and Crime (UNODC). Their resolutions and decisions provide guidance in their respective areas to Member States and the UNODC. The thematic areas covered by the CND and CCPCJ are also dealt with by the General Assembly, in particular its Third Committee, which deals with Social, Humanitarian and Cultural Affairs, and its Fifth Committee, which deals with budgetary matters relating to the governing bodies functions.[4]

The commissions produce UN standards and norms, resolutions and other 'soft law' on the issues of drug policy, crime prevention, criminal justice and terrorism prevention. These outputs provide an ever-increasing range of mandates for the UNODC to implement in providing technical assistance and capacity building to member states. The UNODC is part of the core UN Secretariat, therefore abiding by the governance and finance rules agreed for the secretariat as a whole in New York.

Achievement of the SDGs

Alongside the rest of the UN system, the adoption of Agenda 2030 has given the UNODC an overarching framework under which its work from its existing mandates should be contributing to the achievement of the SDGs. The UNODC Draft Annual Programme Implementation Plan for 2020, published in November 2018, highlights the SDGs and targets where the UNODC sees itself contributing.[5] Goal 16 is the most relevant to the UNODC, where it has a responsibility to 'design coherent programmes and policies to address these threats within the context of targets under Goal 16 that pertain to its mandates'. The plan also points out that the UNODC is 'the custodian of 15 SDG indicators at the global level and an active co-facilitator of the Global Alliance for Reporting Progress on Peaceful, Just and Inclusive Societies, a coordinating platform for UN member states, private sector, civil society, and international entities'. A key change in the way the UN sees TOC, corruption, terrorism and other related crime types is that they are taken in an integrated and interlinked way, not through the lens of the different legal bases and treaty-based mandates given to the UNODC over the years.

Field network and UN Development System reform

GI-TOC analysis of the UN's mandate and responses to organized crime, published earlier this year, cites a 2017 survey by the UN Department for Economic and Social Affairs, which showed that of the 130 countries where the UN system has a UN country team, the UNODC is a resident agency in 29 per cent, non-resident in a further 25 per cent, and entirely absent in 46 per cent of all places where the UN has a presence. According to its own information, the UNODC has 10 country offices and 30 project offices, giving it representation in only 40 countries.[6] However, the field is

where most programme implementation takes place. In 2018–2019, $513.2 million out of $648.9 million programme implementation took place in the field, according to the UNODC division for management in recent presentations to member states. Therefore, UN Development System (UNDS) reform, currently being implemented, is extremely important to the UNODC, and decisions on how to deploy in the field are fundamental to the office's future role.

Is the UNODC taking advantage of its position in the UN system to fulfil its TOC mandates?

The UNODC has a role as a guardian and promoter of key legal instruments that are linked to the heart of Agenda 2030, namely the need to develop strong institutions and peaceful societies. The link between (some types of) organized crime and development is clearly articulated in the SDGs and has therefore given UNODC a renewed role in this overarching framework for the UN. However, the increased interest in countering organized crime types has not only increased interest in the work of UNODC, but organized-crime mandates are also continuing to be spread across the UN system. Recent GI-TOC research found that 79 out of the UN's 102 entities, bodies and agencies, or nearly 77 per cent, have a working agenda related to organized crime.[7] Organized crime is also, increasingly, being recognized as a security threat by the UN Security Council.[8] This means that the UNODC has a crowded environment within which to make its voice heard, but its role as the 'leading' UN entity on these issues is regularly recognized by the member states in the declarations and resolutions passed in Vienna. A recent example of this is the 2019 ministerial statement adopted at the CND, which says:

The UNODC has a role as a guardian and promoter of key legal instruments that are linked to the heart of Agenda 2030.

> We also reaffirm the principal role of the Commission on Narcotic Drugs as the policymaking body of the United Nations with prime responsibility for drug control matters, and our support and appreciation for the efforts of the relevant United Nations entities, in particular those of the United Nations Office on Drugs and Crime as the leading entity of the United Nations system for addressing and countering the world drug problem, and further reaffirm the treaty-mandated roles of the International Narcotics Control Board and the World Health Organization.[9]

Particularly in this example of drug policy, what seems like a statement of fact is something that, in negotiations, is fiercely contested by those countries wanting to see a shift in international drug policy away from what they see as the law-enforcement-centred approach of the UNODC towards a more health- and human rights-based approach centred in the Geneva or New York agencies. On the other side, the central role of the UNODC is something defended robustly by those countries that support the current international drugs policy framework and do not support any such shift.

This argument over the role of the UNODC as being a 'leading' UN entity, as well as the need to have its mandates protected, forms a core part of the UNODC's engagement within member states in Vienna. This comes up against the challenges

of trying to assert UNODC leadership in the face of the interlinked nature of the SDGs, and the partnership approach it espouses.

Simple geography has its part to play; the location of Vienna offers advantages and poses challenges vis-à-vis influence and positioning in the UN system. As an office of the UN Secretariat, and not a specialized agency, decisions on key issues for the UNODC, such as the regular budget, UNDS reform, and approval of the annual programme implementation plan are taken in New York, and not by member states in Vienna. This leads to a feeling within the UNODC that its interests need to be defended against a high-handed and distant approach by senior UN management and the member states as they are represented in New York. This feeling, in turn, is communicated to member states in Vienna, who are asked to lobby their counter-parts in New York in favour of UNODC interests, as well as to ensure that language in CND and CCPCJ resolutions robustly emphasize the UNODC's centrality and leadership role.

A recent example of this type of lobbying came at the adoption of the UNODC's budget resolutions by the CND and CCPCJ in 2018. UNODC officials heavily lob-bied member states to ensure that the UNODC was invited to be part of the UN Sustainable Development 'Core Group', and member states agreed with the follow-ing wording:

> [The Commission on Narcotic Drugs] strongly encourages the Deputy Secretary-General, as Chair of the United Nations Sustainable Development Group, to consider the inclusion of the United Nations Office on Drugs and Crime in the core group of the United Nations Sustainable Development Group during the review of its composition after its first year of operation, taking into account the unique mandates and field presence of the Office.[10]

While member states in Vienna were generally happy to support the UNODC in making this statement to bolster its profile in New York, the very need for member states to step in illustrates the UNODC's lack of profile. It also reflects a general atti-tude among UNODC staff and leadership (as communicated to member states) that UNDS reform is a risk to be mitigated, rather than an opportunity to be grasped.

Another example of this lack of profile in the UN system is the interest, or rather lack thereof, of the current UN secretary general in the UNODC. Guterres has visited the Vienna office on only two occasions. The first time was in May 2018, well over a year after taking office; his second visit, in May 2019, was to celebrate the 40th anniversary of the Vienna International Centre, and to attend other events and engagements in Austria outside the UN. By contrast, the secretary general has visited Geneva 15 times to date: twice in his first month in office in January 2017. He has visited the UN headquarters in Nairobi twice: in March 2017, and in July 2019. Figure 1 shows that while Geneva is the most visited location as a major UN hub, he has also visited several other non-UN HQ locations on more occasions than he has visited the UNODC.[11]

The location of Vienna offers advantages and poses challenges [for the UNODC].
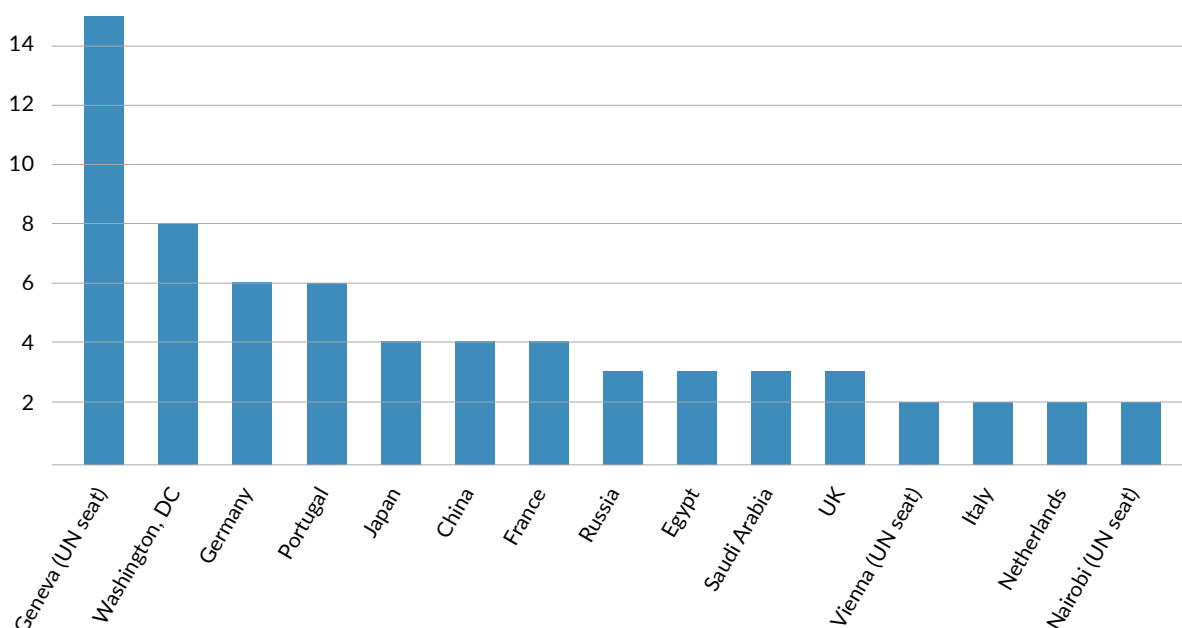
FIGURE 1: The UN secretary general's UN and international visits since taking office

UN, Official travels of the Secretary-General, https://www.un.org/sg/en/content/travels as of 18 November 2019

This does seem to imply that the UNODC is not high on the agenda for the UN leadership, which in turn lowers the visibility of the important TOC mandates that it holds. This aligns with the general reputation of the UNODC in New York at the working level: member states' representatives active in New York have outlined a general perception of the UNODC as an organization that is defensive of its mandates and budgets, and not well served by its small presence there. This sentiment is compounded by the lack of a permanent presence in Geneva, the UN's centre for certain key issues that should be relevant to UNODC, such as health, human rights, the environment and migration. This is something that is also reflected in the engagement of member states with the UNODC, who also face challenges in coordination between their diplomatic missions in New York, Geneva and Vienna.

Historically, the UNODC is not a systematic part of the UN country teams, and therefore has a lack of connection with the UN agencies, funds and programmes in the field. The UNODC is also physically distant from New York, where the central power of UN field programming lies. Stakeholders, including diplomats and UN officials, refer to a certain culture of defensiveness in the UNODC's corporate engagement. This feeling of defensiveness in the face of a perceived threat from New York, as well as rivalry and competition between different parts of the UNODC, is something that has been present ever since the office and its constituent parts began forming in Vienna.

But, due to the diplomatic culture of Vienna, there are other issues to be considered. As explored in 'The road to Kyoto: The Evolving influence of the UN Crime Congresses',[12] the Vienna Spirit is the modus operandi of the diplomatic negotiations within the UNODC's governing bodies. In some ways, this de-politicizes negotiations, as there is no voting, so compromise and consensus must always be found in order to achieve progress.

The view from the field

The UNODC in the field is different from the UNODC in Vienna, especially as the office finds itself in closer cooperation, and indeed competition, with other UN and development entities. Despite the reforms being implemented across the UNDS, which is supposed to make cooperation and collaboration easier, similar challenges for the UNODC remain, owing to the central power in UN field operations residing in New York with the deputy secretary general and the development coordination office under UNDS reform (previously under the UNDP).

Following a major surge in UNODC field office implementation around the middle of the current decade, the level of implementation in the field is now more stable. However, the numbers are dependent on project funding and will therefore remain uncertain – an uncertainty that is exacerbated by the impending reforms. The mid-decade surge, shown in Figure 2, was the result of a concerted effort by the UNODC to increase field activity and create more of a balance in the office's work between the drugs and crime programmes.

A major challenge for the new executive director will be to manage how this is maintained in future years, especially as the office reacts to changing geographic and thematic priorities, which influence the fieldwork.

An example of the project-funding influence is the current geographic spread of programming, which has resulted in the domination of the Latin America and Caribbean region in the 2018–2019 budget, taking 36.9 per cent of the programme implementation following the announcement of the US$315 million programme in Colombia in 2018.[13] In contrast, the Africa and Middle East region implements only 15.2 per cent. Another issue that the regional distribution highlights is the long-standing tension between field-led activities and global programmes implemented in the field but coordinated by substantive offices in Vienna (see Figure 3). Donors are regularly confused by the competition and dissonant communication between the field and programme offices in Vienna, something that presents another challenge for the executive director.
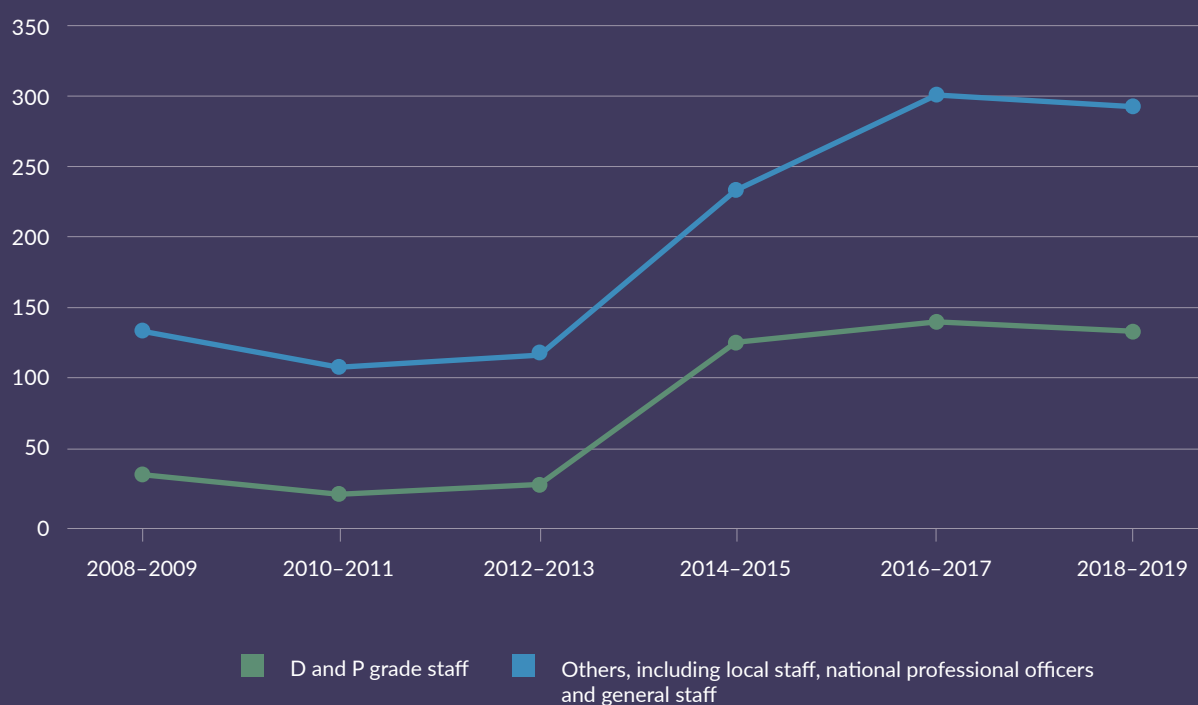

FIGURE 2: Numbers of UNODC field office staff, 2008–2019

SOURCE: UNODC: Consolidated budget documents for 2008–2009, 2010–2011, 2012–2013, 2014–2015, 2016–2017 and 2018–2019

Amid this period of uncertainty for UNODC field offices, a one-off field surge to support UNODC engagement in the new system was proposed by the UNODC, and agreed to by member states, in the most recent budget negotiations at the end of 2018. This has, for example, enabled a new UNODC representative to be appointed and an office to be opened in Mozambique. This is a justified priority, given the increased TOC threats and challenges in that country.

Therefore, arguably, the UNDS reform process would be an opportunity for the UNODC to take advantage of the change to integrate its expertise on TOC and its nexus with drug control, corruption and terrorism prevention issues into the evolving field-based UN system. It could provide the opportunity to embed that expertise in the UN field network under the resident coordinators, and therefore allow itself to bring down the high administration costs incurred by its own field office network, which charges wildly fluctuating 'full cost recovery' rates to donors, depending on the financial health of each office. However, UNODC officials regularly report to member state delegations

that UNDS reform is a challenge for the office, and that the UNODC is likely to be damaged by it due to its 'unique' mandates, regional programme structure and lack of core funding. This type of message is not welcome to member state donors, especially those who have championed the secretary general's UN reform programme in New York.

The UNODC has already partly addressed this issue through the 'surge capacity', which released US$1.75 million, of which US$1.45 million was allocated to strengthening a handful of field offices and UN reform engagement in New York, and US$0.3 million for engagement on counterterrorism and migration policy. A more ambitious approach is needed over the longer term.

This paper does not pretend to have the answers to these questions, as the picture across the field network is varied and complex, and it would be too simplistic to come up with a generalized answer here, but it seems clear that a closer and more collaborative approach with other UN entities in the field, and most importantly in New York, is part of the solution, as it is across the range of challenges faced by the UNODC.
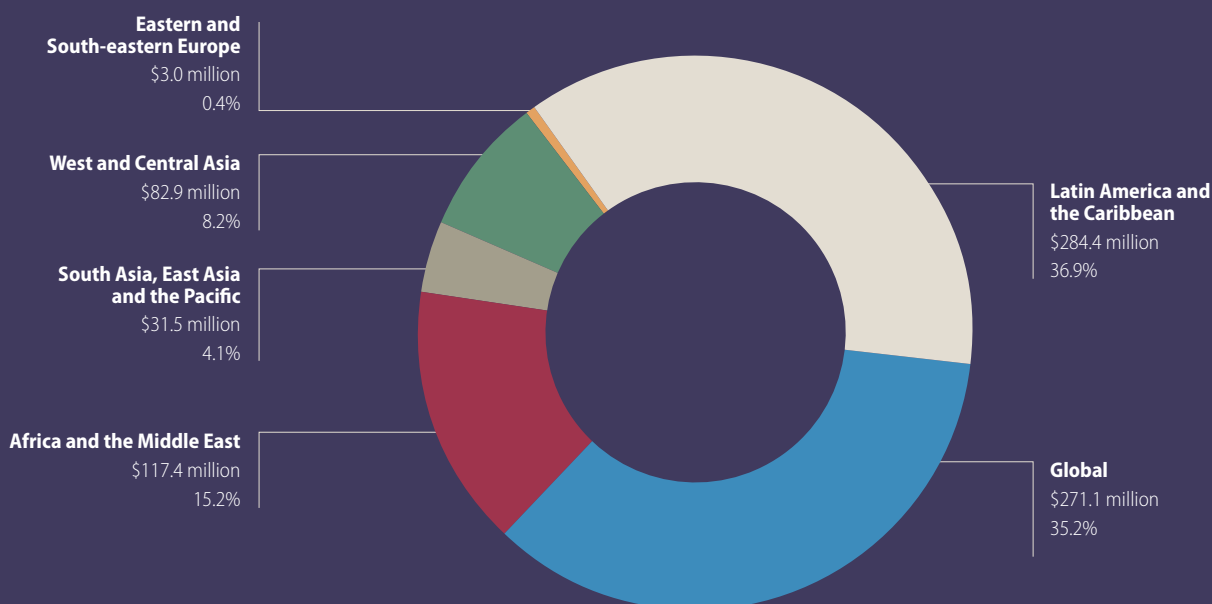

Eastern and South-eastern Europe
$3.0 million
0.4%

West and Central Asia
$82.9 million
8.2%

South Asia, East Asia and the Pacific
$31.5 million
4.1%

Africa and the Middle East
$117.4 million
15.2%

Latin America and the Caribbean
$284.4 million
36.9%

Global
$271.1 million
35.2%

FIGURE 3: Breakdown of UNODC programme budgets by region, 2018–2019

SOURCE: UNODC consolidated budget, 2018–2019, https://undocs.org/pdf?symbol=en/E/CN.7/2017/12

However, everything in intergovernmental negotiations is political, and the lack of a voting mechanism can lead to newer or more controversial issues being sidelined in favour of those on which there is already consensus (more detail on political debates are covered in the next section). It can also lead to certain issues being ignored or downgraded in a way that does not happen in other UN seats. In Vienna, key examples would be human rights and the death penalty (which are categorized by some delegations as 'Geneva' or 'political' issues, and therefore not appropriate for debate in Vienna, where discussions are considered technical). This can give the impression in some circumstances (e.g. in the area of drug policy, harm reduction and human rights) that the UNODC is seen as less progressive on human rights than the rest of the UN system. This consensus-based model does not lend itself favourably to the fast-moving illicit markets that the international community is focused on tackling here. We explore this issue further in the thematic sections of the document.

It must be recognized, however, that the Vienna Spirit has allowed a culture of consensus to be maintained on some difficult TOC issues. Whatever one's position on drug-related crime policy, it is an achievement that the diplomatic community could continue a form of consensus on such a polarizing topic. However, protecting the consensus is holding back change rather than forging a new path, and we may see other UN agencies continuing to pressure the UNODC to take more liberal positions on this issue, out of step with the Vienna consensus (especially with the support of the secretary general, who, as prime minister of Portugal, implemented drug reform). The 2018 agreement to establish a review mechanism for the UNTOC also offers hope that the UNODC can continue to provide a consensus-based decision-making forum, something that may help it raise its profile in a UN system struggling to cope with the political realities of the multilateral system coming under strain.

Other advantages of Vienna are also worth emphasizing. Being nearer the African, Middle Eastern and Asian field presences than New York is one, while another is the proximity to the UN seat in Geneva (although the UNODC has no permanent presence there). The technical and substantive focus of the UNODC has been easier to differentiate and develop in its isolated location, rather than as one of several voices competing for control among the many UN agencies in Geneva and New York. This, in turn, engenders a community of diplomats who are au fait with the technical detail of the UNODC's work, and able to engage freely with the officials in a relatively small and focused policy environment.

In the context of the UNODC's position within the UN system, the new executive director faces a number of high-profile and difficult TOC policy issues.

POLITICS

n the context of the UNODC's position within the UN system and the Vienna Spirit, the new executive director faces a number of high-profile and difficult TOC policy issues to address, some of which cause serious disagreements between different groups of member states. The issues at play are diverse in terms of substance and responses required, but the politics of those issues have some common themes that should inform the strategic response of the UNODC leadership to these issues.

One of the common themes that runs through all of these issues is the global and interconnected nature of the criminal markets and groups, and the need for the international community to enhance its global and interconnected responses. In the era of UN reform, this needs to include a renewed focus on interagency cooperation and collaboration between the UNODC and the wider UN family, both at headquarters and field levels. Coupled with this is the need for the UNODC to focus its energies on leveraging its areas of expertise on these areas, rather than acting in competition with other entities with related mandates. Related to this is the tendency of member states to look to New York when Vienna cannot produce the solutions that some member states want on a specific issue, due to the Vienna Spirit. This increases the risk that the UNODC may be ignored on some of its mandates, when it cannot produce the outcome or innovation that is required. Finally, the politics of UN diplomacy in Vienna leave the UNODC at risk of being a backmarker on human rights and related issues. The following sections outline how these issues come into play across a range of TOC policy areas.

Drug-related TOC

KEY QUESTION: Does the post-UNGASS 2016 landscape reflect the rapidly evolving and expanding challenges of drug-related TOC?

The international drug policy framework is a core part of the UNODC's mandate, with the CND making annual decisions on which drugs should be scheduled under the conventions. The UNODC also houses the UN narcotics laboratory and its databases, and networks with national narcotics labs. In addition, it provides the home for the INCB and carries out wide-ranging fieldwork on prevention and health. This all takes place alongside the traditional TOC/law enforcement/criminal justice capacity-building work that focuses on supply reduction. Until 2016, there was a consensus that the approach should focus on three pillars: supply reduction (TOC), demand reduction (prevention) and international cooperation (legal).

The process leading up to the 2016 UN General Assembly Special Session (UNGASS) exposed a fault line in the previous international consensus that had been in place since the 1998 UNGASS, and the 2009 Political Declaration and Plan of Action. The governments of Colombia, Mexico and Guatemala led the charge in arguing for a new agreement on international drug policy, supported by civil-society voices and former senior politicians and officials, such as those in the Global Commission on Drug Policy. Together, they advocated for a more humane health- and human-rights-centred approach, including a move away from a law enforcement, and therefore UNODC-centric approach, towards more involvement for the UN secretary general, the World Health Organization and the UN's human-rights organs.

While commitment to the conventions and the UNODC's leading role were maintained in UNGASS, a more nuanced balance was achieved in that agreement. This then led to a rearguard action from those supporting the more traditional anti-drug-trafficking and use-focused approach of 1998 and 2009, when the next ministerial declaration was negotiated in 2019 (led by Russia, China, Egypt, Pakistan and Iran). In the meantime, Canada announced its bombshell policy of legalizing and regulating the recreational use of marijuana, following Uruguay and several US states, and ahead of anticipated similar moves in several other countries, including the referendum on the issue in New Zealand, scheduled to coincide with the 2020 general election. The atmosphere of the 2019 negotiations was therefore quite febrile (particularly between Canada and Russia, with the latter happy to paint a major Western G7 country as undermining the rules-based international order). However, the result of the negotiations managed to paper over the disagreements and keep the consensus more or less intact.

The challenge will be whether the UNODC can maintain this fragile consensus among polarized member states while also maintaining its credibility on the issues involved. The one area of consensus that continues to come through strongly in UNGASS and the 2019 ministerial statement is the commitment to tackling drug trafficking and related TOC. However, these commitments have been repeated in an era of fast-changing dynamics in drug markets and unpredictable shifts to come in the future. On drug-related TOC, therefore, the consensus that has been maintained in UNGASS does not do enough to improve understanding and responses to the complex and diversifying drug markets. The focus should, as the GI-TOC has previously argued, be on widening the evidence base and the range of responses in this constantly evolving policy sphere. Merely repeating the consensus of the past will not help develop innovative responses.[14]

TOC and corruption

KEY QUESTION: Following the apparent success of UNCAC, can its implementation do more to contribute to countering TOC?

The adoption of the UN Convention against Corruption (UNCAC) was undoubtedly a major achievement for the international community, ensuring that 186 countries are party to the only global, legally binding convention on this topic. Since its entry into force in 2005, the convention and its Conference of the States Parties are proceeding through the business of promoting and monitoring implementation, including through its Implementation Review Mechanism. These processes ensure that parties are, to an extent, held to account on their implementation of the convention, but there are limits to the success that can be achieved under this framework. The U4 Anti-Corruption Resource Centre group's summary of the strengths and weaknesses of UNCAC highlight the main challenges, including the potential for the convention to be used as a fig leaf to point to action on anti-corruption, but without undertaking the more specific and fundamental reform that is needed.[15] Another challenge that dominates the political debate about UNCAC is the role of civil society in the UNCAC meetings, which is still restricted to the so-called 'Marrakesh compromise' of 2011. This arrangement excludes civil-society voices from the working group meetings of the convention and its review mechanism, thereby reducing the ability of civil society to truly hold governments to account.

Just as in the drugs debate, there are moves from various member states to make some major changes when it come to tackling corruption. The presidents of Colombia and Peru have successfully called for an UNGASS on corruption,[16] to take place in the first half of 2021. The UNODC has been nominated by member states to prepare for this meeting. This could provide another scenario where debates take place over the role of the UNODC, and over the potential setting up of new international architecture on corruption, such as the creation of an international anti-corruption court (endorsed by Colombia and Peru), [17] or a new UN convention on asset recovery (suggested by the Russian Federation). During the negotiation of the resolution setting up the UNGASS on corruption, the process was quickly brought under the aegis of the UNODC and therefore into closer contact with its other mandate areas on TOC. The challenge for Peru, Colombia and like-minded colleagues will be to ensure that the UNGASS achieves something new, rather than simply endorsing the current UNCAC regime, including its inadequate provisions for civil society engagement, as the only way for the international community to work together.

These political discussions will take place in a context where the linkages between TOC and corruption are complex and pervasive and will continue to be. And by the same token, there are clear synergies between UNTOC and UNCAC, particularly on prevention and other common issues and features.[18]

TOC and corruption, including cross-border grand corruption, or 'Transnational Organized Corruption', cannot be addressed in isolation. The challenges posed by criminal governance and state capture do not discriminate between different legal instruments, and neither should the strategic international responses. In fact, the review mechanisms and forums that govern international engagement under both conventions are very similar. As the secretariat of both of the main conventions on these issues, the UNODC is ideally placed to lead coordination between the two conventions and their Conferences of States Parties, and bring their constituent states parties and civil society with them in doing so.

The nexus between terrorism and TOC

KEY QUESTION: What value can the UNODC bring to a changing UN counterterrorism regime?

Less than a month after 9/11, the UN Security Council (UNSC) recognized a 'close connection between international terrorism and transnational organized crime, illicit drugs, money laundering, illegal arms trafficking and illegal movement of nuclear, chemical, biological and other potentially deadly materials'. The issue remains an important and evolving one on the agenda of the Security Council.

UN General Assembly resolution 71/291 of 15 June 2017 set up the UN Office on Counter-Terrorism (UNOCT), which is headed by a new under-secretary general, Vladimir Voronkov, formerly the Russian permanent representative to the UN in Vienna. With a broad leadership and coordination function, the new office provides a new environment and set of challenges for the UNODC to negotiate. In October 2018, Voronkov and Executive Director Fedotov signed a strategic partnership framework between the UNOCT and the UNODC. According to Voronkov, this framework aims to 'enhance collaboration with UNODC, which is a key implementing partner in many of UNOCT's projects, including on aviation security, addressing PVE [the prevention of violent extremism] in prisons and cyber security'.[19]

Guterres proposed that the new office be set up – a move that forms part of his broader UN reform agenda, which aims to create synergies and efficiencies across the UN system to better achieve results on its core missions of promoting conflict prevention and sustainable peace and development. Terrorism as an issue has always been led by New York, and therefore the TPB, coming under the UNODC, is somewhat isolated from the rest of the counter-terrorism architecture in the field and in New York, especially since the launch of the UNOCT. The UNOCT has overall responsibility for coordinating terrorism-related technical assistance, and is closely linked into the UN General Assembly (UNGA),

the Security Council and the Counter-Terrorism Executive Directorate. Therefore, the TPB's previously unique appeal has been somewhat lost. A logical conclusion to this problem would be to move the TPB out of the UNODC and house it under the UNOCT, including by moving it to New York.

However, there is a growing recognition within the UN system of the links between TOC and terrorism, especially by the Security Council, whose resolutions are gradually recognizing the breadth of the links.[20] For example, the most recent UNSC Resolution to address the crime-terror nexus, Resolution 2642 (2019), noted that terrorists have adopted a variety of fund-raising tools intimately connected with organized crime, including kidnapping and extortion, and called upon states to observe and replicate Financial Action Task Force standards of financial intelligence collection. These developments highlight the need to recognize the variety of ways in which the international community needs to respond to the crime-terror links, not just in the traditional ways of focusing on terrorist financing.

The crime-terror nexus is a niche that the TPB could occupy within the UN system, for example by focusing on emerging trends in that nexus such as how criminal groups cooperate beyond traditional financial relationships. This is another area of the UNODC's priority focus that comes under potential threat from New York. But, as in other areas, there are advantages in the Vienna locus, upon which the UNODC needs to capitalize, through understanding its niche and adjusting its strategy to those strengths. More importantly, the UNODC should play its part, within a coordinated UN response, in advancing the evidence base and possible policy responses on the links between organized crime and terrorism.

UNTOC

KEY QUESTION: How to make a success of UNTOC and its review mechanism?

Amid a global decline in the commitment to multilateralism and compromise, the UNTOC Conference of the Parties (COP) finally adopted a review mechanism for the UNTOC and its protocols in October 2018. The Vienna Spirit was able to claim a victory. Years of disagreements over funding and civil society involvement in the mechanism had delayed its adoption, something Executive Director Fedotov described on social media at the time of the 2012 failure as 'deplorable':

Fast forward to 2018, and this win for multilateralism was hailed by the US Mission to the UN in Vienna as a vote of confidence in the UNODC for multilateral agreements on these issues. They said on Twitter:
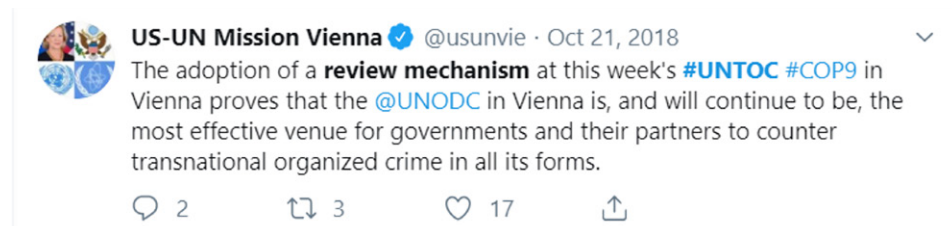
The Mission of Austria went further, and linked the success to the 'Spirit of Vienna':

The real value of this victory is, however, yet to be demonstrated. The mechanism is due to be launched at the next CoP in late 2020. But the preparatory process is not complete. Member states are, at the time of writing, still negotiating the wording of the questionnaires that will have to be completed by all states under review. The labyrinthine nature of states undergoing review on up to four legal instruments will undoubtedly throw up complications, some of which are not yet foreseen. In addition, some of the compromises made in order to reach consensus on the structure of the mechanism will most likely hinder the optimal operation of the mechanism, and the two main issues that had previously blocked consensus (i.e. funding and civil society) will continue to pose challenges for the mechanism as it begins its operations.

Civil-society input was championed by some member states because they understood the value of including expert and grassroots voices in the process, but rejected

by other member states because they feared the perceived unwelcome scrutiny. The role that civil-society organizations can play in offering multiple sources of information and perspectives, bringing new data and broadening the scope of debates, is critical. Civil society can contextualize the implementation of UNTOC, supplying analysis and expert opinion on organized-crime trends and bringing the experience of communities affected by organized crime to the fore. These perspectives should complement the primarily legalistic focus of the review mechanism, conducted by member states and their peer reviewers. For example, the lack of country visits for assessment will cut down on costs, but it will also create a distance between the reviewing countries and the country under review. Crucially, it also blocks direct input from civil society, academia and other experts who could provide useful input for the review. Civil-society input is allowed through the 'constructive dialogue' process of the mechanism, but the restricted design of the dialogues will be a challenge for civil society to overcome.

Civil society can contextualize the implementation of UNTOC [through] analysis and expert opinion.

The lack of regular budget funding for the mechanism creates an ongoing need for extra-budgetary resources from donors, which will be a challenge to maintain once the initial few years of the mechanism are under way and the 'honeymoon' period of the agreement is over. If costs increase, as is likely due to the complex and long-term project that is being undertaken, this will further increase the risk of funds drying up (something that the UNCAC mechanism has had to deal with, despite its UN regular budget support).

Taken together with the logistical challenges of such a large information-gathering and intergovernmental cooperation exercise, the controversial issues of pre-2018 (funding and civil society) still pose challenges for UNTOC's review mechanism. The TOC Convention and its implementation should form a central plank of the UNODC's story, given the cross-cutting nature of the convention and the criminal markets it seeks to tackle. However, the office has not managed to raise public awareness or widespread high-level interest in it. UNTOC meetings are regarded as a diplomatic backwater compared to other UNODC issues, such as drugs or corruption. If the mechanism is to be a success, the secretariat and the new executive director will have to do more to raise its profile, increase political support and ultimately provide more strategic direction if they are to mitigate the risks that the convention and the mechanism face.

Migration

KEY QUESTION: How to align the UNODC's treaty-based role into a more strategic part of the UN system's responses to migration and migration-related TOC?

'Migration', 'immigration', 'human trafficking', 'modern slavery', 'migrant smuggling', 'organized immigration crime': these are all terms that are high on the political agenda, high on the media agenda, and high on the UN agenda. The increased refugee and migration flows across the Mediterranean in the summer of 2015, the asylum crisis that has unfolded as people make their way through Central America to the

US–Mexican border, the treatment of people attempting to enter Australia by boat, the Rohingya crisis – all of these flashpoints have raised the urgency and political importance of related international policy discussions on migration. High-level UN negotiations resulted in the adoption of the Global Compact for Safe, Orderly, and Regular Migration in December 2018, which exposed fault lines on human rights and national sovereignty through the international community, including in Western countries. The non-binding Global Compact, adopted by only 164 UN member states, was not adopted by the United States, Hungary, Austria, Italy, Poland, Slovakia, Chile or Australia. Disagreements over the rights of migrants also come to the fore in Vienna, where the UNODC is charged with the responsibility of promoting the implementation of the UNTOC protocols on trafficking in persons and the smuggling of migrants, the definitions for both of which were the result of compromise as the protocols were being negotiated.

> *The current international response [to migration] is overly focused on security, and there needs to be a shift to a more integrated response.*

The remit of the protocols, and the UNODC's role in promoting them, is largely focused on criminal-justice and law-enforcement responses. The human-rights and humanitarian responses to these challenges are picked up elsewhere by other parts of the UN system or other actors, meaning the overall response is not as holistic and coordinated as it should be. As argued in the GI-TOC's recent publication on the role of human smugglers, the current international response is overly focused on security, and there needs to be a shift to a more integrated response to allow for better development and humanitarian approaches.[21]

International support and agreement on action against trafficking in persons is widespread and something that member states in Vienna can broadly agree on, thanks to the clear victim status of trafficked persons. However, disagreements among member states over how smuggled migrants should be treated (either as victim or criminal), and where blame lies for why migrants are undertaking these journeys, make this a much trickier political issue. The links and blurring between the two definitions also make these debates more contentious, as the line between smuggled migrant and trafficked human can be difficult to distinguish, and the same person could fall into both categories on the same journey to his or her destination. Politicians and the media are also prone to use terms interchangeably, which confuses issues further.

The UNODC has built a growing programme of capacity building and technical work under its protocol mandates, and has positioned itself as the secretariat of the UN Inter-Agency Coordination Group Against Trafficking in Persons, and is a member of the Geneva-based UN Network on Migration, set up after the Global Compact. However, coordination on these issues through other mechanisms, such as the Geneva/ILO-based Alliance 8.7, has proved more difficult to achieve. Given the complex and interlinked nature of human trafficking, migrant smuggling and the corruption and illicit economies that enable both crimes to thrive, interagency coordination will have to continue to be the central plank of stepping up responses in this area.

The environment and wildlife

KEY QUESTION: Is the current international legal framework against environmental crimes sufficient?

In recent years, environmental crimes have been rising up the political agendas of the UN in general, and the UNODC specifically. Alongside the UN Security Council, the UN General Assembly has been repeatedly adopting resolutions calling for more international action on these issues, and in 2019 the CCPCJ adopted resolutions on trafficking in precious metals and on illicit trafficking in wildlife.[22] According to the UN Environment Programme and INTERPOL,[23] the illegal trade in wildlife could be worth up to $20 billion a year.

The proceeds of environmental crime have become the largest source of income for non-state armed groups and terrorist organizations. In a recent report produced in association with INTERPOL and RHIPTO (the Norwegian Center for Global Analyses), the GI-TOC estimated that, combined, environmental crimes, including those that involve the sale or taxation of natural resources, account for 38 per cent of the financing of conflicts and of non-state armed groups, including terrorist groups.[24] The real-world impact of these crimes, coupled with the media attractiveness of defending animals and the wider environment, has made promoting the fight against environmental crime a *cause célèbre*. The public diplomacy and campaigns will continue, but is the current practical and legal international response enough to stem the tide of natural resources falling into criminal hands and exploitation?

In 2019, John Scanlon, former secretary general of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), published an article in which he asked whether it was time for a new legally binding convention or agreement on wildlife crime.[25] Scanlon notes that CITES is a trade convention, and not a crime-related one. In recent years, it has been suggested that the UNTOC could adopt a fourth protocol on these environmental types of crime, as the international community is already comfortable calling for member states to ensure environmental crimes are treated as a serious crime, as defined by UNTOC. This idea has not been supported widely enough for the conversation to pick up pace, however, because some major countries believe the problem lies in implementation, not in the lack of an appropriate legal framework. A new convention or UNTOC protocol on environmental crimes would indeed raise the profile of these crimes as an issue politically, as well as raising the bar on the measures countries would have to take. However, one cannot yet say whether this would actually achieve measurable impact on the criminal markets concerned (not least as the UNTOC itself has not even yet begun its long review mechanism process).

Some member states cite a lack of ambition or leadership from the UNODC when it comes to highlighting the link between the environment and TOC. But the UNODC has the niche in the UN system as the guardian of the UNTOC and the UNCAC, which provide the legal and substantive underpinning that the UN system requires to tackle this phenomenon. Part of the answer therefore lies in achieving more holistic outcomes through interagency cooperation and raising awareness of the links between TOC and the environment. The UNTOC and UNCAC provide a legal framework for how member states should tackle these crimes from a legal and law-enforcement standpoint, but the underlying economic and societal questions, as well as the cultural practices that drive and enable environmental TOC, need to be addressed if it is to have a more lasting impact.

Cybercrime

KEY QUESTION: How to bridge an intractable difference between member states?

Cybercrime is notoriously innovative, cutting edge and fast-changing. In contrast, the UN's progress on how to tackle cybercrime is slow and lacking a common vision among member states because of political disagreements over issues such as sovereignty and human rights. Cyber-enabled crime and attacks are becoming more frequent and sophisticated. The 2017 WannaCry attack is the most notorious recent incident, infecting computers in more than 150 countries, and costing the UK's National Health Service close to £100million.[26] Meanwhile, countless individuals, businesses and authorities are suffering at the hands of unscrupulous cyber criminals, who are operating across borders, and in legal grey zones, including in the dark web itself. The nature of cyber-enabled criminality therefore poses significant new challenges, and there is no overarching consensus among UN member states on the best ways to tackle it. The range of threats that fall under this umbrella include the particularly horrendous sexual and abusive crimes carried out against children for distribution on the internet. This provides the UNODC and the executive director with a very urgent and human reason to make sure progress is made as quickly as possible.

The differing opinions on how to tackle cybercrime have been simmering for years in Vienna, since the 2013 draft study on cybercrime published by the UNODC, which recommended the launch of a new UN convention on cybercrime.[27] Russia, China, and other BRICS and G77 countries welcomed this recommendation, which they saw as the best way to get a new model of convention that would safeguard their interests and not infringe on their national sovereignty. However, it was deemed an unacceptable overstepping of the UNODC's mandate by most EU and the Western European and Others Group (WEOG) countries, which favour the existing legal framework supplied by the Council of Europe Convention on Cybercrime, as they believe the latter better safeguards human rights and freedom of expression.[28]

The ensuing disagreement became a regular, bad-tempered political argument at subsequent UNODC set-piece meetings, including the CCPCJ and the UN Crime Congresses. Due to the consensus-based Vienna Spirit, member states agreed to disagree and continue to discuss the matter under the auspices of the CCPCJ in Vienna, while attempting to encourage discussions on the issues of consensus (mainly the importance of capacity building).

Meanwhile, the countries in favour of a new convention realized they were not going to make any meaningful progress in Vienna. So, as in the situation on drug policy, some countries with a new agenda looked to the UN in New York to move things forward and take things out of the UNODC's hands. Russia tabled a resolution for the UN General Assembly session of 2018, which was passed, to try to push forward this agenda through the secretary general and the UNGA.[29] They have since succeeded in passing a follow-up resolution at this year's general assembly, which takes us closer towards negotiations on a new UN treaty.

This disagreement on cybercrime is one of the most political issues delegations in Vienna and the UNODC must deal with, but the lack of agreement means that the debate is not keeping up with the innovative nature of this type of crime. It is also another issue where the UNODC is under a challenge from some member states to cede its leadership to New York. A GI-TOC policy brief published on this issue earlier this year concluded: '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. States will continue to debate their key differences when it comes to their citizens' right to privacy and to national sovereignty.'[30] Meanwhile, transnational criminal groups will keep innovating, and finding new ways to attack individuals, businesses and state institutions.

A more clearly articulated and less defensive approach could help the UNODC make the case for more sustainable funding sources.

MONEY AND MANAGEMENT

Funding

The UNODC has an ever-increasing income but an extremely small proportion of funding from the UN regular budget. Its general-purpose income is also decreasing, down to around $4 million in 2019 from more than $10 million in 2012. This leaves the organization highly reliant on hard-earmarked extra-budgetary contributions (see Figure 4).

As the UNODC's consolidated biennium budget for 2018–2019, published in December 2017, said:[31]

> The income projections for the biennium 2018–2019 by source of funding highlight the great divergence between the earmarked and unearmarked components. At the two extremes lie the special-purpose funds (earmarked) income, with $662.4 million (86.8 per cent), and the general-purpose funds (unearmarked) income, with $6.8 million (0.9 per cent). The other two funding sources, namely programme support cost funds and regular budget, account for 7.1 per cent and 5.2 per cent of the Office's income, respectively.[32]

General-purpose funding is also falling out of fashion across the board among several donor member states, as accountability and clear earmarking on funding is demanded. At the same time, overall funding to the UNODC is increasing due to a rising demand for its capacity-building and technical-assistance work. The combination of these factors gives donor member states the impression of an organization that has increasing funding, and therefore relevance, but which regularly asks for more 'unearmarked' money. In addition, member states already see the 13 per cent programme support costs rate on their pledges, as well as the fluctuating full-cost recovery rates applied to pledges to field offices.
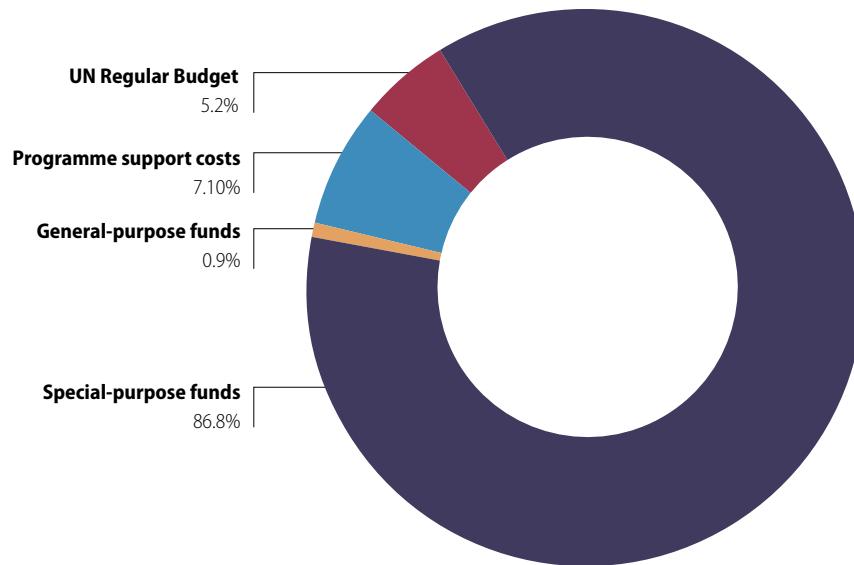
FIGURE 4: UNODC budget, 2018–2019

Labels on figure:
- UN Regular Budget 5.2%
- Programme support costs 7.10%
- General-purpose funds 0.9%
- Special-purpose funds 86.8%

Part of the solution to this issue lies in similar themes that we have explored elsewhere: namely that a more integrated and open approach across the UN system will lead to efficiencies and synergies. In addition, a more clearly articulated and less defensive approach in places such as New York and Geneva, but crucially in the field, could help the UNODC make the case for more sustainable funding solutions from donors.

Geographic balance

The geographic balance of staff is another issue that has become a challenge for the UNODC. The Group of Latin America and the Caribbean bloc and G77 delegations, especially those representing countries where the UNODC is active in its fieldwork, have become increasingly vocal in recent years about the imbalance in the geographic make-up of UNODC international or 'professional' staff. The latest report of the executive director to member states on the gender and geographic distribution of staff does indeed reinforce the case for a broader geographic spread, with a clear dominance of Western European and North American senior staff. Figure 5 shows the nationality of professional staff employed by the UNODC (all 'P' and 'D' grades), as of 31 December 2017. This does not take into account more junior 'G' grade staff, including those employed in the field where the UNODC has a large presence, for example in Colombia. When considering all UNODC staff, including local and administrative staff, a slightly different picture is painted. A presentation made to member states in October 2019 is evidence of the weight given to those countries with the biggest UNODC field programmes: the UN regional group with the highest percentage of staff is in Latin American countries, with 39% of all UNODC staff, whereas WEOG account for just 16% of UNODC staff. One can see a picture where higher grades of staff are weighted heavily in favour of Western European nationals, and lower-grade staff weighted heavily in favour of wherever the UNODC has its biggest programmes.

Calls for change will of course continue to be made by those regions not well represented in Vienna, and the UNODC office will need to be prepared to defend its current balance as part of the broader UNODC and UN global picture, while taking action to remedy it. Global efforts to prevent and counter TOC are strengthened by a diverse and equitable representation in the international organizations charged with leading on these issues.
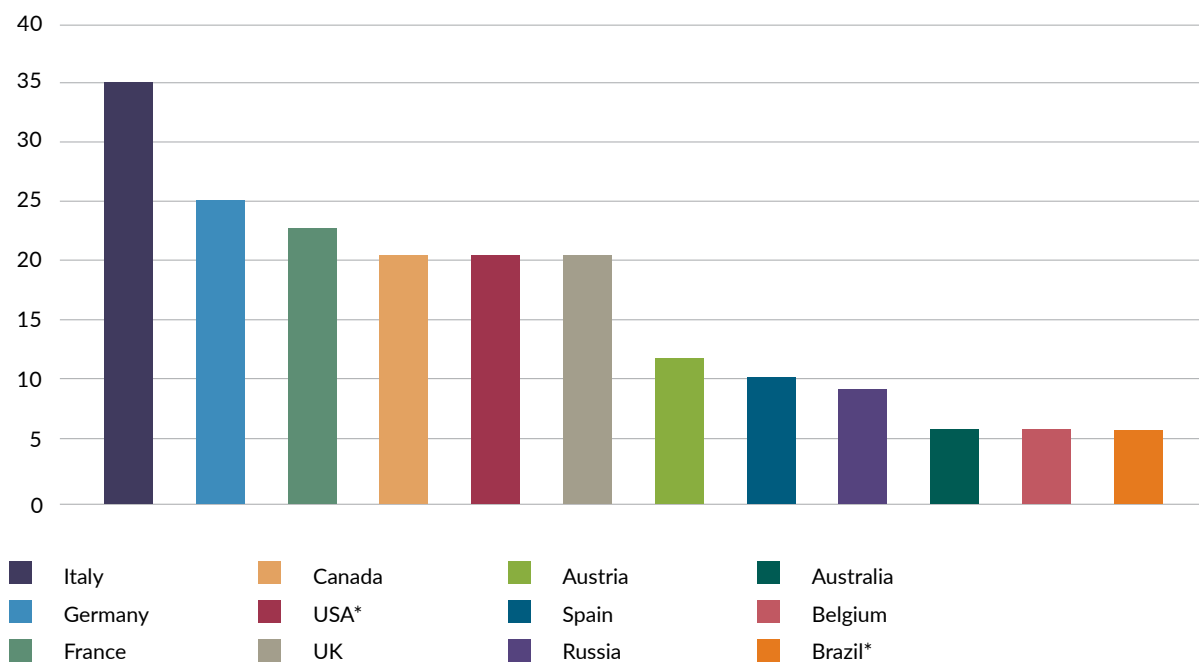
FIGURE 5: Nationality of UNODC 'professional' staff

NOTE: * denotes countries that are under-represented in the UN, according to the UN.

SOURCE: UNODC, Report of the Executive Director on gender balance and geographic representation within the UNODC, December 2017, UN document number E/CN.7/2017/14-E/CN.15/2017/16
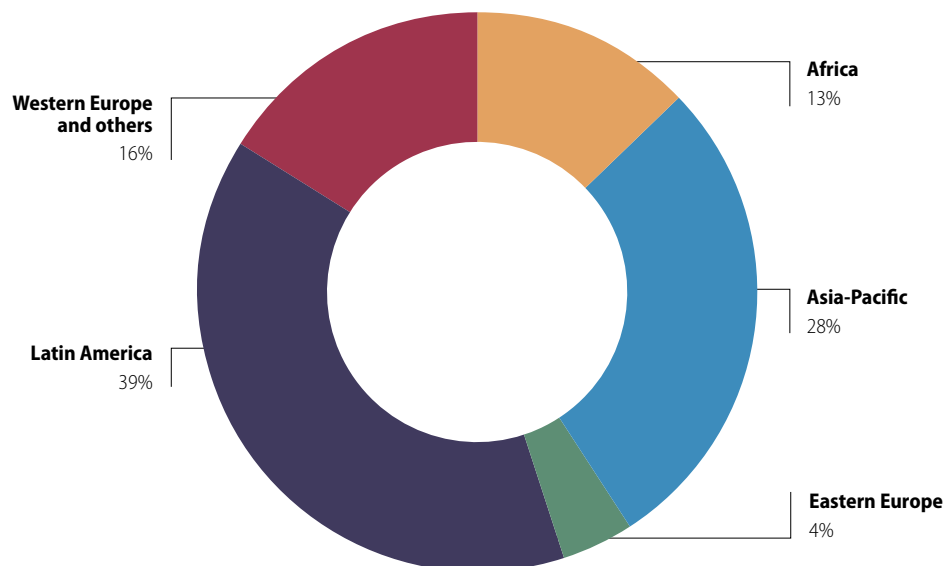

FIGURE 6: Regional breakdown of UNODC staff across all categories

SOURCE: UNODC presentation to the Working Group on Finance and Governance issues, 29 October 2019

The challenge remains for the UNODC to be true to its mandates and to make the most of state-given data, while finding avenues for innovative research.

THE POLITICS OF RESEARCH AND STATISTICS

The UNODC's research is an area of its work that gains some degree of publicity, and the regular reports are keenly anticipated by member states and civil society. The *World Drug Report* and the *Global Report on Trafficking in Persons* are the most high-profile outputs, but the office also produces research on a wide range of crimes under its mandate. However, the data that the UNODC relies on in its annual data-collection surveys comes from member states – for example through the Annual Report Questionnaire and Individual Drug Seizures for drugs, and the Crime Trends and Operations of Criminal Justice survey for crime. These surveys provide data that would not normally be available to other institutions on such a regular basis, but the data source itself does have obvious drawbacks, in that states have the ability to shape and filter the data that is released to the UNODC.

The organization also has to rely on data (or lack of it) from states whose statistical authorities may not have the capacity to collect and deliver data to the standards required. It also means that data from other, independent, sources cannot be used. The UNODC comes under pressure from member states when it releases its research reports as well, especially if there are findings or comparisons (or maps) that are not to their liking. The challenge remains, therefore, to be true to its mandates and to make the most of state-given data, while also finding avenues for innovative and creative research in the face of potentially unhappy member states.

The civil-society community is increasingly relevant to the UNODC as stakeholders and allies in the fight against organized crime.

ENGAGEMENT WITH CIVIL SOCIETY AND OTHER STAKEHOLDERS

The civil-society landscape on organized crime (taking in NGOs, academia, media and the private sector) is evolving rapidly and is moving away from models of narrow policy-specific organizations to coalitions of individuals and NGOs working across different fields. Academia has long been active on TOC issues, and there are increasing links with private-sector organizations wanting to increase their engagement and action on TOC. Civil-society engagement on TOC issues at the international policy level is increasing, with a civil-society contingent having become more active across all areas of the UNODC mandates in recent years. As such, the community is increasingly relevant to the UNODC as stakeholders and allies in the fight against organized crime, and the damage it does to the rule of law and sustainable development. One of the reasons that civil society is evolving and becoming more relevant is the increased activity of local community voices against organized crime, something that is influencing how civil society interacts with member states and the UN at the international level. This will increase as civil society organizes itself to become more active in processes focused on TOC, such as the UNTOC review mechanism.

As described in the policy sections of this brief on UNTOC and UNCAC, the voices of civil-society organizations (and indeed the private sector) are vital in providing member states and the UN with a broader picture of the realities on

The voices of civil-society organizations are vital in providing member states and the UN with a broader picture of the realities on the ground.

the ground. Civil society plays a key role in the prevention and combating of organized crime, as well as in the development of policy across all the UNODC's mandates. Formally, civil society engagement happens in line with UN/ECOSOC rules across the UNODC's governing bodies, and through specific arrangements of the Conferences of Parties to the UNTOC and the UNCAC (which result in civil society not being allowed into certain meetings). The UNODC also has a dedicated civil-society team in the division for policy analysis and public affairs, charged with leading the UNODC's corporate engagement with civil-society organizations.

Taken together, although there is a framework in place for civil-society engagement at the UNODC, it lacks automatic access to the debate and needs more champions from member states and the UN to ensure that their voice continues to be heard. The new executive director needs to be one of these champions to ensure that global TOC policy development gains from the voices of civil society from all over the world, including those people and groups with community-level TOC experiences in places like southern and eastern Africa and Central America, and from varied disciplines.

The executive director will have to show leadership to tackle the issues that the UNODC will face over the coming years.

LEADERSHIP

Clearly, the way the organization is led is fundamental to the success or failure of the UNODC on all these issues. The UNODC has experienced various styles of leadership in its recent history. The executive director will have to show leadership to tackle the issues that the UNODC will face over the coming years. The overarching approach should include the following elements:

1. Prioritize interagency engagement and cooperation: One of the continual challenges to the policy and corporate issues that the UNODC faces is the need to win friends and influence people in New York, Geneva and in the field, while championing Vienna as a legitimate location of UN debates, policymaking and expertise across its mandates. This will require a new approach to the UNODC's presence in New York, which should be given a broad-ranging mandate coupled with support from the top to engage with the UN and member states in New York in a proactive and inclusive manner. The achievement of the SDGs requires a partnership approach, which the UNODC needs to follow, especially given its remove from the centre of power. This approach can equally be applied to the UNODC's in-house culture, which needs to be more cohesive and less competitive.

2. Build support through public diplomacy and a human touch: Although the issues the UNODC tackles may be high-profile topics covered in the media, the UNODC is not 'high-profile' in the public consciousness on these matters, apart from around events such as the publication of the World Drug Report or other set-piece events. The new executive director should make a priority of using the media proactively and innovatively, demonstrating to the public and decision makers the relevance and human interest of the impact that the UNODC has on the world.

One of the continual challenges the UNODC faces is the need to win friends and influence people in New York, Geneva and in the field.

3. Support the grassroots: All the issues that the UNODC deals with have impact at the grassroots level, and the work it is doing should ultimately reflect positive change in communities. There is therefore work to do to connect with those communities and show empathy for those at the grassroots level who are dealing with these issues on a daily basis.

4. Through a combination of the first three steps, the new leader can then create a distinctive vision: UNODC's mandates and strategies are usually couched in UN documents and processes, such as in the Annual Programme Implementation Plan, or in the executive director's statements to the governing bodies. The most important first step is to set out a compelling and unique vision for what the UNODC is trying to achieve, within the framework of the UN and the SDGs.

A renewed position and reputation will help the UNODC to better deliver on its core mission of making the world a safer place.

CONCLUDING THOUGHTS

The UNODC has to deal with a complex and challenging environment, and there are many issues that the new executive director will face during her tenure, some of which will be unexpected. The UNODC is an organization with compelling and politically important TOC-based mandates, and with a healthy donor interest in funding its activities. The office is well placed and maintains its status as an important and relevant delivery agent, as demonstrated by its ever-increasing funding base, despite the difficulties it faces in maintaining an effective and stable field-office network and funding structure. The Vienna Spirit also seems to be alive and well at the UNODC, providing a location for consensus and some-times progress on important issues, even though it can encourage member states seeking quicker progress to look to New York.

The challenges are also significant, and some of them are posed by the same factors that provide opportunities. Those important mandates are sometimes duplicated and fought for across the UN system, and have at times caused the UNODC to be a defensive organization trying to protect its mandates, while also experiencing competition among the different parts of its own house. The distance of Vienna from New York exacerbates this problem because it is more difficult to gain and maintain influence there, requiring a renewed focus, rather than rearguard attempts to influence New York through the member states' delegations in Vienna. These challenges arise across most of the key policy debates facing the UNODC, as out-lined in this brief and which reflect a sprawling set of mandates on organized crime. The role of the UNODC in the international response to these policy problems is sometimes central to the political arguments on these topics, and the organization will again find itself having to justify its position, and fighting to maintain it in a way that is appropriate to the UNODC's expertise and mandates.

The UNODC is an organization with compelling and politically important TOC-based mandates.

A proactive, transparent and inclusive agenda from the new executive director will help engender the environment necessary to succeed through these challenges. This should include a higher priority for engagement in New York, Geneva, and with other UN agencies in the field; increased transparency in its discussions with member states on corporate issues, such as budget and UN reform; an increased openness with civil society to enrich the TOC policy debate; and a proactive media and public communications campaign to showcase the UNODC's value and human impact.

By being mindful of its position within the system and confident in engendering a more open spirit of collaboration with member states, as well as other UN agencies and civil society, the UNODC may be able to shake off its defensive and cautious reputation, and stand taller in the international community. This is not an end in it-self: a renewed position and reputation will help the UNODC to be better able to deliver on its core mission of making the world a safer place by improving strategies and responses that reduce the ability of organized criminals exploit the vulnerable.

NOTES

1   Since the creation of the UNODC in 1997, there have been two Italian executive directors and one Russian.

2   The Vienna Spirit is often referred to by diplomats and UN staff. The current executive director, Yury Fedotov, referred to it as 'the willingness and dedication of all concerned to pull together to find joint solutions, even on the most difficult topics'. In practice, it refers to the fact that most resolutions and decisions at the UNODC are agreed to by consensus rather than by voting, meaning compromise is necessary to make progress. See http://www.unis.unvienna.org/unis/en/events/2014/VIC35_city-of-Vienna.html.

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ABOUT THE GLOBAL INITIATIVE

The Global Initiative Against Transnational Organized Crime is a global network with over 400 Network Experts around the world. The Global Initiative provides a platform to promote greater debate and innovative approaches as the building blocks to an inclusive global strategy against organized crime.

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