



**GLOBAL  
INITIATIVE**

AGAINST TRANSNATIONAL  
ORGANIZED CRIME

# DETOUR ON THE ROAD TO KYOTO

Making the UN Crime Congress relevant  
under the shadow of COVID-19

Ian Tennant

MAY 2020

## ACKNOWLEDGEMENTS

The author would like to thank Mark Shaw, Tuesday Reitano, Summer Walker, Ugi Zvekic, Jean-Paul Laborde and John M. Sellar for their support. We would like to thank the Government of Norway for their support in funding this report.

© 2020 Global Initiative Against Transnational Organized Crime.  
All rights reserved.

No part of this publication may be reproduced or transmitted in any form or by any means without permission in writing from the Global Initiative.

Cover photo: Varembe, Genève, June 2012.  
© Flickr/Tom Page

Image credits: Adam Nieścioruk/Unsplash; Nicolas Economou/NurPhoto via Getty Images; The Climate Reality Project/Unsplash; User 995645/Pixabay; Unsplash/Gabriel Benoît; Tom Page/Flickr; John Gibbons/Unsplash

Please direct inquiries to:  
The Global Initiative Against Transnational Organized Crime  
Avenue de France 23  
Geneva, CH-1202  
Switzerland

# CONTENTS

<b>Background.....</b>	<b>1</b>
<b>International relations .....</b>	<b>3</b>
<b>New ways of working .....</b>	<b>5</b>
<b>Implications of the disruption for international policy on organized crime.....</b>	<b>7</b>
Context of the UNODC meetings timetable .....	7
Opportunity for information exchange.....	10
The political message.....	11
Substantive agenda and ancillary events .....	11
Value for money .....	12
<b>Implications of the disruption for national and local policy .....</b>	<b>13</b>
<b>Implications for existing priority issues .....</b>	<b>15</b>
Look to future threats.....	15
Champion community responses .....	16
Break down silos.....	16
<b>Conclusion and recommendations: An opportunity to think big.....</b>	<b>18</b>
<b>Notes.....</b>	<b>21</b>





## BACKGROUND

**T**he world is in a state of crisis. Health systems are under strain, businesses and employees are struggling, and ordinary life for many is simply on hold, or going downhill fast. We are yet to see the full extent of the spread of the virus, but restrictions are already bringing life and work to a standstill, as countries desperately try to protect their health systems, economies, and societies, and hopefully prevent some of the worst health outcomes. Meanwhile, as part of the response, governments are gaining new powers to control populations and restrict movement and activity, and heavy-handed responses are already in evidence. The short-term impacts are severe and deadly, but the long-term impacts are unknowable, but will be unprecedented, if not seismic. This crisis exposes the fragility of the current globalized order and poses fundamental questions about the way we live, work and travel. It is becoming increasingly clear that this will not be over quickly, and that we will not just return to business as usual when it is 'over'.

UN Secretary-General António Guterres refers to 'a global health crisis unlike any in the 75-year history of the United Nations', adding: 'We are in an unprecedented situation and the normal rules no longer apply. We cannot resort to the usual tools in such unusual times.'<sup>1</sup>

And as the international community responds, it will have to innovate to find new ways to undermine the illicit markets and criminal actors that take advantage of crises like these to increase their power and exploit the vulnerable. We recently outlined our initial findings on the impacts of COVID-19 on organized crime, the difficulties and vulnerabilities associated with it, and what governments can do to respond to these unique and unprecedented challenges.<sup>2</sup>

The global institutions and fora charged with responding to these issues have also been affected in practical and political ways. In this paper we will look primarily at the Vienna-based institutions, and notably the United Nations Crime Congress. The United Nations Office on Drugs and Crime (UNODC) and its governing and treaty bodies charged with leading on crime prevention and criminal-justice issues have already been affected, not least as its HQ in Vienna has been essentially closed in line with the Austrian government regulations on movement and work within Austria. The Fourteenth UN Congress on Crime Prevention and Criminal Justice (Crime Congress) has become the most high-profile casualty of the outbreak for the UNODC.

On 20 March 2020 the government of Japan and the UNODC, following weeks of speculation, finally announced the postponement of the Congress, which was scheduled for 20–27 April 2020 in Kyoto. Since then, the annual UN Commission on Crime Prevention and Criminal Justice (CCPCJ) was also postponed. No new dates for either event have been agreed, and since then the government of Japan has declared a state of emergency and expanded its entry ban to cover travellers arriving from over seventy countries.<sup>3</sup>

Questions must now be asked about the upcoming events at meetings due to be hosted by UNODC. This includes the Conference of Parties (COP) to the UN Convention on Transnational Organized

Crime (UNTOC), due to take place in October 2020, and subsequent meetings including the UN General Assembly Special Session on Corruption, due in early 2021. This throws the planned agenda of multilateral meetings, engagements and decision making into complete flux.

This brief looks at the implications of these disruptions for the Congress and the related Vienna-based bodies, and considers whether it offers an opportunity for change, at the same time as the UN and international community will be making changes to the way the UN as a whole functions and delivers.

It is necessary to examine the long-term implications of these disruptions, both for how the international community addresses these issues at the UNODC and across the UN system more widely (where many mandates related to organized crime are also held).<sup>4</sup>

This brief does not attempt to predict exactly how the focus of international meetings will change – but it will change, either by necessity or culture shift. The environmental impact of large-scale meetings should play a part in that shift, following the COVID-19 era where the necessity of holding the same number of meetings in person will have been evaluated, and the UN as a whole will have to pay attention. The benefits of modern technology, and whether we have been making full use of them up until now, will also be a part of that.

DEPARTURES 15:51 IGA		
ORIGIN	GATE	STATUS
AN		CANCELLED
ATY		CANCELLED
CH		CANCELLED
URATA		CANCELLED
MAM		CANCELLED
NA		CANCELLED
	Gate Info at : 19:30	
		CANCELLED
		CANCELLED

INTERNATIONAL DEPARTURES 15:51 IGA				
TIME	EST.	FLIGHT	DESTINATION	GATE STATUS
22:50		T5 0922	ASHGABAD	Gate Info at : 20:50
22:55		IR 0768	TEHRAN (IKA)	CANCELLED
23:10		HH7272	TEHRAN (IKA)	CANCELLED
23:10		TK 0098	MEDINAH	CANCELLED
23:10		TK 1791	STOCKHOLM	CANCELLED
23:15		TK 0655	ALGIERS	CANCELLED
23:30		PS 0720	ODESA	CANCELLED
23:35		B9 9717	TEHRAN (IKA)	CANCELLED
23:45		TK 0810	TEL AVIV	CANCELLED
23:50		J2 0078	BAKU	CANCELLED

## INTERNATIONAL RELATIONS

Looking at the bigger picture, COVID's long-term implications for international relations and global governance are being examined and predicted across the commentariat. There are major potential geopolitical ramifications – with many eyes on the US response to the crisis (which has the highest number of COVID-19 cases, according to current statistics), and on the presidential elections later in the year – along with the mirror interest in Chinese power following the crisis (where the virus began its journey of infection around the globe). A recent piece in *Foreign Affairs* magazine has argued that the USA needs to rise to the occasion, and that part of the response should be enhanced US–Chinese cooperation.<sup>5</sup> As the EU responds to the crisis, the Atlantic Council has pointed out that European countries have become eager recipients of Chinese aid, despite the provenance of the virus and criticism of the way that the Chinese government has handled the outbreak.<sup>6</sup>

However, the nationalist and protectionist responses of some politicians and regimes, coupled with misinformation circulating online about the virus and its origins, could well fuel a surge in nationalism which was already on the rise before the pandemic. The barbs being traded by world leaders during the crisis do not augur well for the response that is needed to tackle a global crisis of this magnitude. The World Health Organization, while leading the response to the immediate global-health crisis, has itself fallen victim to some of the politics, notably President Trump's accusations of mistakes and pro-Beijing bias, and his subsequent 'de-funding' of the organization.

*Innovative and broad-based solutions will indeed be needed, and it is too early to predict how successful any attempts might be.*

COVID-19 may yet shock the international community into action and facilitate the creation of new and enhanced cooperation. On 1 April, the UN Secretary-General issued an action plan to respond to the socio-economic impacts of COVID-19, calling for 'a large-scale, coordinated and comprehensive multilateral response amounting to at least 10 percent of global GDP'.<sup>7</sup> Further, there have been calls for major reform, including a call from the former British prime minister Gordon Brown for a temporary form of global government to tackle the crisis.<sup>8</sup> Innovative and broad-based solutions will indeed be needed, and it is too early to predict how successful any attempts might be. But what we can say is that the rising tide of nationalism and populism in major economies that was prevalent before COVID-19 will not make it easy to forge a new and more integrated global way of responding to major challenges, including organized crime.

These are massive issues and questions, and the future is highly unpredictable. We need to proceed mindful that the ramifications of the geopolitical changes will filter down to the work of the UNODC and its governing bodies. The Crime Congress itself, whenever it does take place, will do so in a fast-moving and historically shifting political landscape, and its politics and outcomes will be reflective of that. Those of us invested in the international response to organized crime must consider where this leaves us, and engage in that context.





## NEW WAYS OF WORKING

**A** more immediate challenge for the UN and the international system has been in adapting to lockdown and travel-ban scenarios when holding meetings and summits. On 26 March, King Salman of Saudi Arabia led a virtual leaders' meeting of the G20 to discuss efforts to fight COVID-19. On 27 March, the UN Secretary-General held an online briefing alongside the president of the UN General Assembly, the president of the Security Council (for March 2020, the Chinese ambassador) and the president of the UN Economic and Social Council (the Norwegian ambassador).<sup>9</sup> This briefing outlined the practical steps the UN is already taking to adapt to the circumstances, including the Security Council holding meetings by video conference and agreeing on public statements in that format. Other organs of the UN, such as the General Assembly Fifth Committee (on budget and finance issues), have been meeting remotely.

In addition, the Secretary-General has launched a global ceasefire appeal; there have been funding commitments from donors including the G20, the World Bank and the International Monetary Fund; and the UN has launched a communications campaign to combat misinformation. However, the news story published by the UN from the joint briefing claimed: 'Although the COVID-19 pandemic has forced the United Nations to operate in new ways, its vital work worldwide continues largely uninterrupted, heads of UN principal organs assured member states, during a joint briefing on Friday held online.'<sup>10</sup>

This claim seems to be a long way from reality when nobody can continue 'largely uninterrupted', and when none of the principal organs of the UN can meet in person, for an unknown period of time. At the time of writing, the UNODC is beginning to organize virtual meetings with member states (for example on UNTOC-related issues



and meetings of the CND/CCPCJ finance and admin working group), but the set-piece official meetings (such as the CCPCJ) are simply postponed. Although the Security Council has adapted its rules to allow it to meet virtually, it has not yet taken action on COVID-19 as it did with the Ebola outbreak;<sup>11</sup> but a closed-door first meeting was held on 9 April despite differences between Security Council members over whether COVID-19 constitutes a peace and security issue.<sup>12</sup> Again, it is early days, but the UN will soon face real tests as to whether the more virtual settings and meeting arrangements are capable of producing the kind of multilateral responses that are needed. After all, diplomacy is a trade based on relationships, interaction and trust building. At this point it is hard to imagine major diplomatic breakthroughs being achieved in virtual meetings. And when real diplomatic engagement can take place again, will it be too late?

The UN and the international community's responses to climate change should be informative in terms of their wider responses to other issues. We are yet to see the long-term effects that the virus may have on carbon emissions, and on the environment more generally, but the severe current reduction in air travel and industrial output will have effects in the short term at least. The coronavirus outbreak has not only limited international travel, and even the ability for people to meet at all; it has also driven up use of remote meeting technology. Before the COVID-19 outbreak was taken seriously in the UK, the Scottish commentator Kevin Pringle used his column in the *Sunday Times* to look ahead to the implications for the UN Climate Change Conference of Parties (COP26) that was due to take place in Glasgow in November 2020, but which was

postponed on 1 April 2020 to an undetermined date in 2021. He broadened his argument to encompass the culture of meetings in general:

Bringing more than 30,000 delegates from every part of the globe ... as well as large numbers of ... international protestors to one place will inevitably create a dirty great carbon footprint ... we've got to change the culture and practice of travel and physical presence ... [and] we now have to think even more deeply about how, why and if we journey.<sup>13</sup>

That article was published in early March, and by the end of the month the Glasgow Scottish Events Campus (SEC), which was due to host the COP, had been requisitioned by the UK authorities to be used as a temporary hospital for COVID-19 patients.<sup>14</sup> The COP was due to be hosted by the UK, but in partnership with Italy (both countries are among the worst affected by COVID-19). As one of the highest-profile upcoming meetings on the UN agenda, how this is handled will begin to answer some of the questions that we are currently asking as to the long-term effect of virus-control measures on the practical ways of working in international relations and multilateral institutions.

Diplomats who value the input of civil society and outside expertise will face unprecedented challenges in ensuring continued engagement and input from these stakeholders, as things change. No part of the international community will be able to assume that it will be able to go back to how things were before, including the Crime Congress and the other conferences and meetings that take place under the aegis of UNODC.



# IMPLICATIONS OF THE DISRUPTION FOR INTERNATIONAL POLICY ON ORGANIZED CRIME

## Context of the UNODC meetings timetable

**N**otwithstanding the major changes in how we will work and operate generally, the delay of the Congress, the CCPCJ and, potentially, other meetings will undoubtedly have practical and policy implications for the community working on organized crime and related challenges. The UNODC and its member state constituency has a schedule of meetings that has evolved over time and under the control of the mandates it is given by member states, and operational decisions and recommendations of the UNODC Secretariat. However, the schedule is somewhat disjointed, and opportunities for coordination and communication are not always taken. In some ways, the meetings happen in the way that they do because it is the 'mandate' – put more simply, it is the custom – that has evolved in this particular bureaucracy.

The reasons for the disjointed nature of the meetings across the Vienna-based schedule are not clear to those outside the diplomatic bubble. It is not obvious why, for example, the UNODC has two governing bodies that meet at different times of the year. The Commission on Narcotic Drugs (CND) meets in March, and the

*The reasons for the disjointed nature of the meetings across the Vienna-based schedule are not clear to those outside the diplomatic bubble.*

CCPCJ meets in May. They govern separate but interrelated policy mandates of the UNODC. The COP to UNTOC meets every two years, usually in October or November, on alternate years to the COP to the UN Convention Against Corruption (UNCAC). This keeps the audience of the two COPs separate from each other, despite the overlapping nature of organized crime and corruption and the provisions of the conventions,<sup>15</sup> as well as the issues discussed under the two governing bodies. The Congress itself meets every five years, usually in April, between the two commissions, but completely separately in terms of location and audience. And this year it happened to have been scheduled right in the middle of this major global crisis, and had to be postponed for the first time in its history.

These problems and changes are not unique to the UN in Vienna, as a recent article explains:<sup>16</sup>

The switch to virtual platforms is likely to highlight many opportunities to enhance the efficiency of UN business. Enormous resources are committed to processes and working methods that have accumulated over time, and, once established, are virtually impossible to change. Coronavirus may be the catalyst needed to re-evaluate approaches ... However, it is more likely that critical matters will get lost without accompanying experts and meetings to give them context. If the UN's business is boiled down to the transmission of reports without any discussion or consideration, expertise and understanding on the matters will reduce.

## A shift in engagement: the UNTOC Review Mechanism



In devising and implementing these new ways of working across the UNODC and its associated meetings, there will to some extent have to be a culture shift in interaction and engagement through technology as a replacement for some physical meetings for an unknown period.

The Congress was due to take place in the same year as the launch of UNTOC's long-anticipated Implementation Review Mechanism, at the COP in October 2020. One of the key points of contention in the negotiations that set up the mechanism was the extent of the involvement of civil society in the review process and, related to that, country visits (i.e. delegations visiting each country under review). The compromise struck in 2018 did not allow for country visits – rather, countries will be reviewed through desk review, online communication and meetings in the margins of UNTOC-related meetings in Vienna.

Putting the arguments about the merits of this arrangement to one side, the mechanism is in some ways well suited to the post-COVID-19 age, as it will be able to

demonstrate to the UNODC, criminal-justice systems and hopefully the wider UN community that processes of this kind can succeed without the need for physical meetings at every juncture.

The political challenge will be for member states to ensure that the online nature of the mechanism, combined with the new ways of working that may be needed for some time after COVID-19, are not used as another vehicle through which civil society can be excluded. In addition, the circumstances under which civil society will be working will no doubt be even more challenging, and their concerns may be more immediate than policy engagement in the context of the UNTOC Review Mechanism.

This increases the political and practical necessity for civil society to be recognized and supported in this new age of engagement. The Congress would be well placed to contribute on this issue as it delivers its political message on the way forward on criminal justice and organized crime.



## Opportunity for information exchange

The greatest significance of the postponement of the Congress this year is that the international community focused on crime prevention, criminal justice and organized-crime issues is losing a major platform for engagement. The Congress was expected to attract around 5 000 participants, and was considered an opportunity to tackle and agree on a path forward on some of the biggest issues related to crime and justice, including transnational organized crime.<sup>17</sup> Simply put, these engagement, networking and experience-sharing opportunities have been postponed, or may be lost entirely. The Congress has always included input from experts, academics and, to an extent, civil society, having evolved over time to become more closely entwined with the intergovernmental working methods of the UNODC and CCPCJ. Opportunities for this kind of information exchange will be lost entirely if the meetings are eventually cancelled rather than just postponed. However, attendees – especially

civil-society organizations with limited budgets – may decide it is not worth attending. Money will have been lost through the original travel and accommodation planning for April 2020, and organizations and individuals may decide not to take the risk again. Therefore, it would be reasonable to expect a smaller and less diverse audience whenever the Congress does take place. While we wait for news on when the meetings may convene again in the future, it will be up to those organizing relevant meetings to safeguard expert input, and put into place innovative ways of continuing communicating and working together on these issues, including potentially at the Congress itself.

Ensuring that civil society remains connected and invited is an important issue as we go through these times of change, especially as across the UN system some member states have a tendency to use their power to exclude members of civil society, including from meetings under the aegis of UNODC.

## Safeguarding diplomacy and expert input as meeting formats evolve

Looking at the relationship between organized crime policy in Vienna and across the UN system, the physical distance between Vienna, Geneva and New York has also contributed to the difficulties in coordination across the UN. If ways of working shift to more frequent online methods in the long term, it raises questions about the perceived barriers of physical distance, including whether diplomats and civil-society participants based in Vienna should regularly virtually attend meetings taking place in other locations, or vice versa. These, again, are bigger questions that will be addressed at a higher level of diplomacy, but will affect the everyday work of the UNODC and its constituency of diplomats and civil society. Could one foresee a new breed of issue-based diplomats and experts not necessarily having to be

stationed in the traditional locations for their main issue of expertise? For instance, if the UN gets used to holding virtual meetings, why should attendance be restricted to accredited diplomats in a specific city?

Any developments in this vein will have to be set against the value of relationship-based diplomacy and outside expertise in international policy making. One of the other key functions of location-based diplomats (and civil-society representatives) is their ability to hold the organizations to account, through ongoing engagement and the expertise they build up working the corridors of the organization. Transparency and the free exchange of knowledge and ideas should therefore be safeguarded as new ways of working are developed.

## The political message

It has become customary for the Congress to adopt a political declaration, which is its official outcome. This is normally negotiated in Vienna by the permanent missions to the UNODC, and then adopted at the Congress itself, including through further negotiations at the Congress when necessary. At Doha in 2015, negotiations had already concluded in Vienna, so there were no negotiations on the outcome during the Congress itself. This is the model that Japan was seeking to follow as it began its negotiation with member states in earnest early in 2020. The way that the declaration is adopted raises questions about the value of the Congress itself. If, as is envisaged, the declaration is ready before the Congress has met, then the discussions and the engagements at the Congress will have no bearing on its outcome (as expressed through the political declaration). The Congress is in that sense a 'rubber-stamping' body for the diplomats in Vienna who will have previously negotiated the declaration, something that will form part of the considerations for potential attendees weighing up the costs and benefits of attending.

Nevertheless, the negotiations on the political declaration were suspended when the postponement of the Congress was announced, so the big message or outcome of the Congress is not yet known, and hopefully will reflect relevant priorities whenever it is negotiated. If the negotiations take place at the Congress itself, that would increase the ability of the occasion to act as a meaningful engagement that includes outside experts and

produces a timely and relevant outcome document.

Diplomats involved in the negotiations that had taken place up until the end of March 2020 described a lack of consensus on a wide range of subjects, from the high-level political message to the usual arguments over issues such as the relation between organized crime and development, terrorism, cybercrime, migration and environmental crime. These arguments were not unusual at this stage in negotiations; however, they never proceeded to the stage at which consensus on the big issues would emerge. Therefore, there is no reference to what the 'big message' was at this point in time (when the Congress was originally supposed to happen), only a set of disagreements in substance and in nuance that were not resolved and will be absent from the record when the final declaration is adopted. Some of the arguments will be revived whenever the negotiations begin again, but the focus of the message will have to reflect the new context.

As the Japanese government and UNODC make the big decisions on when and how to hold the Congress, it will also have to consider whether to begin from where they left off, or just start the negotiation process again in recognition of the change in circumstances. To maximize the political importance of the Congress, they might consider whether it would be better to allow negotiations to take place at the Congress itself to allow for more input from civil society and outside experts.

## Substantive agenda and ancillary events

Drawing up the agenda of the Congress is a long process involving consultations between the UNODC as the Congress Secretariat, the host country (Japan, this time), member states and other stakeholders (such as the Institutes of the UN Crime Prevention and Criminal Justice Programme Network). The agenda and substantive background for the Congress were agreed well in advance of the envisaged dates of April 2020. If the Congress

takes place in early 2021, for example, its agenda would have become slightly out of date in a normal scenario, but now potentially even more so due to the COVID-19 crisis. In addition, in the period leading up to the original Congress dates, Japan led a period of consultation with member states in regional groups 'to examine the substantive items on the agenda and the topics of the workshops of the Fourteenth Congress and to make action-oriented

recommendations to serve as a basis for the draft recommendations and conclusions for consideration by the Congress'.<sup>18</sup> Again, some of these conclusions and recommendations may be rendered out of date by what has happened in the interim. Overall, the official agenda and its background documents relate to a set of issues discussed and agreed through an intergovernmental process before the current crisis, and the Congress organizers and member states will have to decide how to address this before the Congress reconvenes to ensure that it is discussing the issues at hand.

## Value for money

Like the annual CND and CCPCJ, the UNODC's secretariat and substantive support services for the Congress are funded from the UNODC's allocation from the UN Regular Budget. (This is the core budget of the UN, which is provided by 'assessed contributions' from all member states.)

According to the most recent UNODC budget projections, these services will cost US\$666 000. This is in addition to the US\$101 400 allocated to the same services for the CCPCJ over the same period.<sup>19</sup> Some US\$1 993 000 of UNODC's total US\$43.3 million Regular Budget allocation has been earmarked for its secretariat services (for the CND, CCPCJ, the International Narcotics Control Board and the Congress) in that period. This means that the UNODC will spend just over a third of its 2020–2021 Regular Budget meant for secretariat services on the Congress alone. In addition, the Host Country is usually obliged to fund a certain level of UNODC participation in the Congress through an agreement with the UNODC. Member states and other participants also spend a significant amount of money on airfares and accommodation.

The UNODC's allocation from the Regular Budget accounts for only 6% of its total budget, but member-state scrutiny of how it is allocated has increased in recent years. As national economies

As for the ancillary events, which are commonly referred to as side events in other UN settings, the Congress ancillary event coordinators have advised event hosts to keep refining their plans and add information on speakers and presentations. Again, the event organizers (the Global Initiative included) will have to consider how to reflect the new context in encouraging topical ancillary events, not just those that were originally conceived by the organizers' deadline for event applications in early 2020.

feel the long-term effects of COVID-19 and development budgets get squeezed and re-oriented, this scrutiny will surely continue and intensify. The tendency for budgetary competition between different parts of the UN and within UNODC itself may also be exacerbated.

Donors are seeing that the UN and other implementing partners cannot deliver on their original plans as we deal with the fallout from, and restrictions put in place, in the current phase of the pandemic. In its most recent update to member states, UNODC projected an aggregate decrease in field implementation of between 26% and 47%, and a potential reduction in programme implementation across the board of between 20% (US\$72 million) and 41% (US\$141 million). Donors and the UN may soon have to start making difficult choices about the most important programmes of work that need to be funded in these circumstances. Regular conferences and meetings will not be immune to those decisions, even if they are long-standing.

The value for money of the Congress, as it has evolved and is currently constituted and funded, will therefore become even more important as the international community considers how to move forward on crime issues following the COVID-19 crisis.

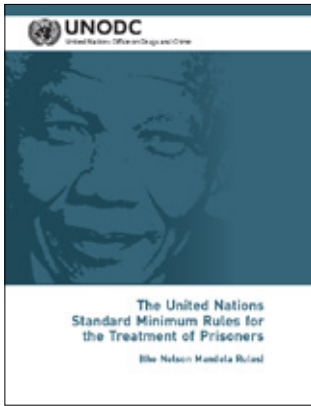


## IMPLICATIONS OF THE DISRUPTION FOR NATIONAL AND LOCAL POLICY

**W**hile the disruption and impact of the Congress and CCPCJ postponement on international policy makers and those engaged directly in the Congress will be significant, especially in practical terms, one can argue that the immediate impact on those not directly involved in the meetings will be minimal. The policy agreements made at the Congress and the CCPCJ tend to take a long time to develop and formalize, and similarly implementation can also take time to bed in on the ground. The negotiations and the 'Vienna Spirit' can lead to new, topical or difficult issues being ignored or fudged due to the need to find consensus.<sup>20</sup> The Congress declarations, however, do have a heavy influence on the resolutions agreed at the annual CCPCJ.<sup>21</sup> In turn, the resolutions of the CCPCJ update the mandates of UNODC as it carries out capacity building and technical assistance and the international and national levels around the world. These processes also inform and update the standards and norms on crime prevention and criminal justice,<sup>22</sup> which guide member-state policy on certain issues, for example on the treatment of prisoners or the prevention of violence against women.

The most recent set of these guidelines to be adopted was the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules).<sup>23</sup> Widely regarded as a key framework, the revised rules (the original version had been in existence since 1957) were adopted in 2015 by the UN General





**The revised Nelson Mandela Rules are cited as one of the most impactful criminal-justice achievements of the UNODC diplomatic community in recent times.**

© UNODC

Assembly, following a five-year process of negotiation under the aegis of the CCPCJ,<sup>24</sup> and referenced in the Doha Declaration<sup>25</sup> (the outcome document of the Crime Congress in 2015). One diplomat for a G7 country posted to Vienna to work on UNODC issues during this period cites the achievement of the revised Nelson Mandela Rules as the most impactful achievement of the UNODC diplomatic community in the field of criminal justice in recent times, and something that has tangibly improved the lives of incarcerated people around the world. But these updates to national and local policy implementation are usually directed at member states, so even if there is direct impact on authorities, it does not always filter down to community activists and NGOs in the same way or at the same pace.

In the context we are dealing with now, we are talking about a disruption of one year to international policy making. We can conclude that the impact of this disruption on national and local actors not directly involved in dealing with the Congress and the CCPCJ will be minimal. The international legal and normative frameworks will remain as they are, and we were not awaiting any major shifts on this front from the Congress. And therein lies one major risk for the Congress, as well as the UNODC and the wider international community working on international policy on organized crime and criminal justice. Those working at the grass roots may see that these events have been postponed and conclude that the delays have had no effect on their everyday work – or, worse, that the Congress has failed to grasp the challenges of the new organized-crime landscape and that therefore their priorities and needs have been left behind.

This could therefore prove a good moment for the international community working on these issues to evaluate the current range of meetings and processes that are active in this sector, and make recommendations on how they could be reconfigured to maximize value and efficiency in the future. That is not to say that traditional diplomacy and engagement should be abandoned, and that the old ways of working should be ditched in favour of purely virtual alternatives, but rather that the current set-up could be updated and refined to maximize its value and efficiency; something that we explore later in the concluding sections.



## IMPLICATIONS FOR EXISTING PRIORITY ISSUES

**W**hilst adjusting our priorities and ways of working to the changing era, it is important to consider the major issues that were already on the agenda and will still need addressing, albeit in a new context. We have made a series of strategic recommendations for what the Congress should focus on, or where it should aim to make progress.<sup>26</sup> Based on this set of practical and policy implications, we now revisit some of these issues based on the new context in which we are living, and consider which will still be relevant for the Congress to prioritize.

### Look to future threats

The changes experienced since the last Congress in 2015 will be immense by the time the Congress convenes, and it needs to reflect those changes and prepare for more in the next five years. The argument that the Congress should look to future threats is brought into sharper focus by COVID-19. The Congress needs to be as up to date and topical as possible, and as part of that it needs to include all the latest updates on the nature and threats of illicit economies to inform its discussions and deliberations. An essential step in the preparatory process will be to consult with partners in civil society and academia. The Congress should not rely only on the intergovernmental process of preparation, which has become customary.

It is important to remember that the responsibility for ensuring the relevance of the Congress does not only lie with the secretariat and host-country organizers as

*Congress will be well placed to articulate the challenges faced by governments in implementing its strategies on crime and justice, especially following the shock of COVID-19.*

they plan and consult with stakeholders. Given how deeply COVID-19 has affected states directly, and how the perspectives of states drive the policy agenda of the UN, governments have a role in ensuring their representatives at the Congress are promoting agendas and policies of relevance to this current threat. Similarly, the UN leadership in New York should give strategic advice and direction to branches of its secretariat hosting meetings like the Congress. This would help to ensure that there is a coordinated approach across the UN as various different bodies begin to make decisions and declarations in this new era.

And as the international community considers these questions, they should remember the Congress's role as a forum for discussion and exchange. The CCPCJ, not the Congress, exists as the diplomatic decision-making body for the crime programme of the UNODC, as a result of the vision set out at the Ministerial Meeting in France in 1991.<sup>27</sup> The Congress should not therefore be considered as an additional body of the Vienna diplomatic circuit, but rather a more flexible and open forum where new ideas can be gathered from external voices to allow states to better understand and respond to future threats.

## **Champion community responses**

As a UN-led process, the Congress will be well placed to articulate the challenges faced by governments in implementing its strategies on crime and justice, especially following the shock of COVID-19. But we are already seeing how the work of grassroots civil-society activists is being challenged by the restrictions on movement and gatherings in various locations, and are mindful of how 'lockdown' powers will further shrink the space available to civil society over the longer term. Through the work of the Global Initiative Resilience Fund, many community activists are having to find new ways to connect with the communities that they are supporting. Coupled with this, the long-term economic and social effects of this period will make lives even more difficult than they currently are, and increase the drivers of and vulnerabilities to organized crime in many communities. As such, we are more convinced than ever of the need to include and empower grassroots civil-society activists in developing a more holistic and community-centred set of tools to prevent and counter organized crime. The Congress needs to reflect the challenges faced not only by governments and criminal-justice systems, but also these first responders and community champions.

## **Break down silos**

The need for enhanced coordination between UN affiliates on crime and justice issues has long been highlighted, including in several GI-TOC publications. The spread of organized-crime mandates across the UN system is broad and a barrier to successful coordination. As the international system reconfigures itself and rebuilds to respond to this crisis and its effects, it will need to make coordination and holistic responses a top priority. The Congress, likely to take place in the aftermath of the

current crisis, should offer a forward-leaning message on this point if the international community is serious about enhancing international and inter-agency cooperation.

The COVID-19 outbreak is a major disruption to the Congress and the CCPCJ; it hampers networking and information exchange, it confuses the political messages and consensus that would have been agreed in 2020, and it puts into flux the substantive issues that would have been discussed and debated in both official and ancillary meetings. The impact of the postponements at the local and national levels will be minimal, if not non-existent, in the short term, however. Whatever happens between now and when the Congress eventually takes place, there will be a core set of crime-prevention, criminal-justice and organized-crime issues that will need to be discussed there. But that discussion will have to be anchored in the overarching response to this unprecedented global crisis, which throws up deep questions and challenges related to the international system's approach to organized crime.

The international community engaged in the Congress could therefore treat this moment as a disruption to be mitigated, and seek to get the Congress back on track as originally planned and move on. In the remainder of this publication, we will set out why this is in fact fast becoming an opportune moment to think big and make strategic choices about how we should be addressing these issues.

*The COVID-19 outbreak is a major disruption to the Congress and the CCPCJ.*





## CONCLUSION AND RECOMMENDATIONS: AN OPPORTUNITY TO THINK BIG

**N**o one knows what the world will look like after this current crisis; nor is anyone able to predict the full socio-economic and geopolitical consequences. But, as we set out at the beginning of this brief, the effects will be significant and the international system has yet to configure its full response, so the scale of the challenges is already clear. In the immediate term, many across the international system have already thrown away old assumptions about traditional ways of working and adapted to continuing meetings through virtual means under lockdown conditions.

As experts on transnational organized crime with an interest in improving the international response to it, what we can do is to think creatively and strategically now to ensure that when the dust settles we have a good understanding of our planned route on the road to Congress in Kyoto. We want to contribute so that the community working on these issues can see a path forward for how we can come through this crisis, adapt to the changes it has brought, and use the opportunity to make strategic changes.

Although we cannot say now exactly how multi-lateral diplomacy and UN coordination will evolve following the COVID-19 crisis, we can be sure of the following:

- Multilateral and coordinated efforts, and therefore diplomacy, will be fundamental to a successful global response.
- There will also be an increased urgency and necessity to demonstrate the value and impact of every single bureaucracy and process within the international system, as resources are aimed at the new and evolving priorities that will arise.
- Consequently, there will be an ever-increasing need for the UNODC and its meetings, including the Congress, to demonstrate that impact and value, as well as efficiency, flexibility and a commitment to the increased coordination that will be needed across the UN system to respond to these extraordinary challenges. That is why it so important for the Congress to not be seen as a body that duplicates the diplomatic mandate of the CCPCJ, but rather promotes discussion and debate including outside voices.
- Civil-society voices will need to be part of the ideas factory that will drive forward progress and change in the wake of the shock of COVID-19, including those working at the community level on organized-crime issues who can bring grassroots experiences to bear in order to enhance the international response.

The Congress is the most high-level event on the horizon for UNODC and international policy on organized crime and justice. It will also be an event that will, for better or worse, forever be associated with COVID-19 due to its postponement being caused by the virus. The international community must seize this moment to address the strategic way forward on crime issues for the UN and UNODC

in the new climate, whilst also addressing the core issues of its mandates. We make the following series of recommendations as a contribution to this process:

1. Put the response to the organized-crime challenges in the aftermath of COVID-19 at the core of the Congress. This will require a holistic information-gathering process including member states and civil society, to ensure that the officials and experts at the Congress are discussing and agreeing strategies based on the latest information and expertise. It will also require a revised agenda, and a diplomatic effort to secure a relevant focus within the political declaration, which should be negotiated at the Congress itself to maximize political legitimacy. To proceed with a Congress that looks substantively the same as the one that was cancelled would reduce its relevance and credibility amongst experts and practitioners, and also in the eyes of the wider UN and donors.
2. Put new ways of working into practice. Wherever and whenever the Congress is held, we can assume that the attendance will be affected, either through lack of resources or changes in priorities for those who wished to attend the first time. Therefore, the Congress could open itself to a wider range of voices through virtual attendance for those experts and stakeholders who would not be able or willing to go in person. This would show a willingness to adapt to changed circumstances, and keep the doors open to civil-society voices who may find it is less easy or desirable to engage. Coupled with this should be a transparent and timely process for ensuring non-governmental registration.

And, as a more ambitious and holistic response, we make the following recommendation:

3. Combine upcoming meetings and summits that have already or will be postponed. The disruptions we are experiencing will make multilateral diplomacy more difficult, but the challenges of COVID-19 make it more urgent and necessary. It is a good time to focus those much-needed efforts on the way forward for the Congress, along with the plethora of other commissions, conferences and meetings that guide international policy on and response to crime and justice policy. The Congress, CCPCJ, the UNTOC and UNCAC COPs and the CND could be brought together in an unprecedented show of partnership and coordination. A combined 'Congress' of this kind could take care of the everyday business that needs to be addressed by each body, but also provide a

joint forum for governments, civil society and, importantly, the other multilateral organizations working on these issues (such as Interpol, Europol and the World Customs Organization) to contribute ideas for the future direction of the UN on all of these organized-crime issues, and the UNODC as an organization. Currently no such forum exists, even though many of the bodies have their base in Vienna at the UNODC. This could inject a new energy into the UN and the wider international community as it grapples with the new challenges that it will face. Rather than being a one-off event, it would ideally lead to a more coordinated and rationalized governance structure for the UN on organized crime; a reform that would give us more hope of achieving the peaceful societies envisaged in the UN's Agenda 2030.

# NOTES

- 1 António Guterres press briefing, 19 March 2020, <https://www.un.org/sg/en/content/sg/speeches/2020-03-19/remarks-virtual-press-encounter-covid-19-crisis>.
- 2 Global Initiative, Crime and contagion, March 2020, <https://globalinitiative.net/wp-content/uploads/2020/03/GI-TOC-Crime-and-Contagion-The-impact-of-a-pandemic-on-organized-crime.pdf>.
- 3 Official Japan travel advice website: <https://www.japan.travel/en/coronavirus/>.
- 4 Global Initiative, The UN system-wide response to organized crime, July 2019, <https://globalinitiative.net/un-response-toc/>.
- 5 Kurt M. Campbell and Rush Doshi, The coronavirus could reshape global order, *Foreign Affairs*, 15 March 2020, <https://www.foreignaffairs.com/articles/china/2020-03-18/coronavirus-could-reshape-global-order>.
- 6 Atlantic Council, Is China winning the coronavirus response narrative in the EU? 25 March 2020, <https://www.atlanticcouncil.org/blogs/new-atlanticist/is-china-winning-the-coronavirus-response-narrative-in-the-eu/>.
- 7 UN News Centre, United Nations Secretary-General launches plan to address the potentially devastating socio-economic impacts of COVID-19, 1 April 2020, <https://www.unodc.org/unodc/press/releases/2020/April/united-nations-secretary-general-launches-plan-to-address-the-potentially-devastating-socio-economic-impacts-of-covid-19.html>.
- 8 Larry Elliott, Gordon Brown calls for global government to tackle coronavirus, *The Guardian*, 26 March 2020, <https://www.theguardian.com/politics/2020/mar/26/gordon-brown-calls-for-global-government-to-tackle-coronavirus>.
- 9 UN News, Critical work of UN 'largely uninterrupted', despite unprecedented challenge of COVID-19, 27 March 2020, <https://news.un.org/en/story/2020/03/1060522>.
- 10 Ibid.
- 11 Craig D. Gaver and Nishadee Perera, COVID-19 symposium: will the UN Security Council act on COVID-19? *OpinioJuris*, 4 April 2020, <http://opiniojuris.org/2020/04/04/covid-19-symposium-will-the-un-security-council-act-on-covid-19/>.
- 12 UN Security Council expected to hold first coronavirus talks Thursday, France 24, 7 April 2020, <https://www.france24.com/en/20200407-un-security-council-expected-to-hold-first-coronavirus-talks-thursday>.
- 13 Kevin Pringle, The early lessons on COVID-19: travel less and use more tech, *Sunday Times*, 8 March 2020, <https://www.thetimes.co.uk/article/kevin-pringle-early-lessons-of-covid-19-travel-less-and-use-more-tech-c6nt090mw>.
- 14 SEC in Glasgow turned into hospital for coronavirus patients, STV News, 30 March 2020, <https://news.stv.tv/scotland/sec-in-glasgow-turned-into-hospital-for-coronavirus-patients>.
- 15 Ugi Zvekic, Greater integration, cooperation needed in UN instruments to prevent organized crime and corruption, February 2018, <https://globalinitiative.net/un-pay-attention-to-prevention/>.
- 16 Noreen Fink, Diplomacy at the UN in the time of coronavirus, 6 April 2020, <https://theglobalobservatory.org/2020/04/diplomacy-at-un-in-time-of-coronavirus/>.
- 17 Global Initiative, The road to Kyoto, September 2019, <https://globalinitiative.net/wp-content/uploads/2019/09/GI-Report-The-road-to-Kyoto-08-web.pdf>.
- 18 UN Crime Congress website, <https://www.unodc.org/congress/en/regional-preparation.html>.
- 19 UNODC, UNODC Consolidated Budget 2020-2021, 18 September 2019, <https://undocs.org/E/CN.15/2019/16>.
- 20 Global Initiative, Vienna calling, 11 December 2019, <https://globalinitiative.net/vienna-calling-a-briefing-to-the-incoming-head-of-the-unodc/>.
- 21 Global Initiative, The road to Kyoto, September 2019, <https://globalinitiative.net/wp-content/uploads/2019/09/GI-Report-The-road-to-Kyoto-08-web.pdf>.
- 22 UNODC, Standards and norms on crime prevention and criminal justice, <https://www.unodc.org/unodc/en/commissions/CCPCJ/ccpcj-standards-and-norms.html>.
- 23 UNODC, United Nations standard minimum rules for the treatment of prisoners (the Nelson Mandela rules), [https://www.unodc.org/documents/justice-and-prison-reform/GA-RESOLUTION/E\\_ebook.pdf](https://www.unodc.org/documents/justice-and-prison-reform/GA-RESOLUTION/E_ebook.pdf).
- 24 Penal reform international overview of the Nelson Mandela rules, <https://www.penalreform.org/issues/prison-conditions/standard-minimum-rules/>.
- 25 UNODC, Doha declaration, April 2015, [https://www.unodc.org/documents/congress/Declaration/V1504151\\_English.pdf](https://www.unodc.org/documents/congress/Declaration/V1504151_English.pdf).
- 26 Global Initiative, The road to Kyoto, September 2019, <https://globalinitiative.net/wp-content/uploads/2019/09/GI-Report-The-road-to-Kyoto-08-web.pdf>.
- 27 UNODC, UN ECOSOC Resolution 46/152, [https://www.unodc.org/documents/commissions/CCPCJ/Crime\\_Resolutions/1990-1999/1991/ECOSOC\\_Resolution\\_1991-15.pdf](https://www.unodc.org/documents/commissions/CCPCJ/Crime_Resolutions/1990-1999/1991/ECOSOC_Resolution_1991-15.pdf).





# GLOBAL INITIATIVE

AGAINST TRANSNATIONAL  
ORGANIZED CRIME

## ABOUT THE GLOBAL INITIATIVE

The Global Initiative Against Transnational Organized Crime is a global network with 500 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.

**[www.globalinitiative.net](http://www.globalinitiative.net)**