Resolution 1/1. Strategic management by the Commission on Crime Prevention and Criminal Justice of the United Nations crime prevention and criminal justice programme

The Commission on Crime Prevention and Criminal Justice,

1. Asserts its role as the principal policy-making body in the field of crime prevention and criminal justice, with responsibility for coordinating all relevant activities in this field;


3. Decides to cooperate closely with the Commission for Social Development, the Commission on Human Rights, the Commission on Narcotic Drugs, the Commission on the Status of Women, the International Law Commission and specialised agencies, including the United Nations Educational, Scientific and Cultural Organization, whose activities may have crime prevention and criminal justice aspects, so as to coordinate activities in this field,

4. Decides that, in determining the priorities and supervision of the United Nations crime prevention and criminal justice programme, it should follow the directives contained in paragraphs 21 and 22 of the Statement of Principles and Programme of Action annexed to General Assembly resolution 46/152 of 18 December 1991, as further elaborated in the annex to the present resolution.

Annex

Strategic management by the Commission on Crime Prevention and Criminal Justice of the United Nations crime prevention and criminal justice programme

I. SETTING AND MAINTAINING PRIORITIES

A. Background


2. The review was undertaken because of perceived inadequacies in the programme, particularly in relation to resource organisation and structural restraints coupled with the absence of a structured system of goals and priorities. The report entitled "The need for the creation of an effective international crime and justice programme" (E/1990/31/Add.1) was approved by the Committee on Crime Prevention and Control at its eleventh session, held at Vienna in 1990. In that report, which formed the basis of the reform process, it was stated that:
(a) Crime was increasing at a global average of 5 per cent per annum, well beyond the rise in population growth;

(b) There were extensive changes in the nature and scope of crime;

(c) Developed countries devoted 2-3 per cent of their budgets on crime prevention and criminal justice, whereas the comparable figures for developing countries were 9-14 per cent;

(d) While the United Nations had the general mandate and international constituency to make a significant contribution to assisting States in the fight against crime, it lacked the organizational and resource capacity to do so;

(e) The absence of a structured system of goals and priorities had led to a diffused, unstructured and unprioritized "programme", with a resolution-oriented emphasis on programme development and a lack of emphasis on programme implementation;

(f) The high level of crime and the associated costs inhibited countries from meeting their social, cultural, economic and development goals.

3. The above-mentioned report called for the holding of a summit or ministerial meeting on international cooperation in crime prevention and criminal justice to achieve improved means of international coordination in resolving crime prevention and criminal justice problems and, specifically, to focus attention on programme implementation.

4. The report was subsequently endorsed by the Eighth Congress. The General Assembly, in resolution 45/108 of 14 December 1990, established an intergovernmental working group which, on the basis of the report of the Committee, was to elaborate proposals for the creation of an effective crime prevention and criminal justice programme. The Intergovernmental Working Group on the Creation of an Effective International Crime and Justice Programme met at Vienna from 5 to 9 August 1991.

5. Also pursuant to General Assembly resolution 45/108, the conclusions of the Intergovernmental Working Group were considered by the Ministerial Meeting on the Creation of an Effective United Nations Crime Prevention and Criminal Justice Programme, held at Paris from 21 to 23 November 1991. The conclusions of the Ministerial Meeting, with minor modifications, were adopted by the General Assembly in its resolution 46/152 of 18 December 1991.

6. The General Assembly, in its resolution 46/152, inter alia, sought to provide a clearer definition of the United Nations mandate with regard to crime prevention and criminal justice. The annex to the resolution also
7. The newly established Commission on Crime Prevention and Criminal Justice is charged with developing, managing, monitoring and reviewing the implementation of the United Nations crime prevention and criminal justice programme. This is a major undertaking which can be frustrated by a number of factors. Among these are a continuing uncertainty as to what resources are to be available for the programme and the extent to which the Commission can control their use, conflicting pressures to include certain activities, lack of time to consider the various options and lack of an effective mechanism for implementation.

8. It should be noted that the needs are many and that resources will never be adequate to address them all. The Commission must be realistic and accept that not all expectations can be met all the time, and that some matters will have to be deferred until other priority objectives are met. That, however, places a heavy responsibility on the Commission to ensure an appropriate balance whereby the most pressing priorities of both developing and developed countries are met, linked to a balance between programme development and programme implementation.

9. The present annex provides suggestions on how the principles of strategic management could be incorporated in the Commission's work.

C. The elements of strategic management

1. Outline

10. Strategic management of the programme requires that the Commission agree on the following:

   (a) The general goals of the programme, with regard to both programme development and implementation (its mission);

   (b) The needs to be met;

   (c) The capacity available to meet those needs;

   (d) The objectives for programme development;

   (e) The specific activities to be carried out to promote the achievement of those objectives;

   (f) The mechanisms to be used in determining the objectives and the specific activities;
2. The general goals

11. According to paragraphs 15 and 16 of the Statement of Principles and Programme of Action annexed to General Assembly resolution 46/152, the programme is designed to contribute to crime prevention and control, both nationally and internationally, to the strengthening of international cooperation and to the improvement of the quality of criminal justice. Those two paragraphs constitute the general goals of the programme as a whole. More specific objectives should be defined in the light of the resources and of other constraints on the programme (pars. 17 and 18 below).

12. As for the values underlying the programme, paragraph 16 of the annex to General Assembly resolution 46/152 refers to due respect for human rights and the promotion of the highest standards of fairness, humanity, justice and professional conduct. Here there is a modest degree of specificity, as reference can be made to an ever-growing set of standards and norms.

3. The needs

13. The question of needs and how to meet them is best addressed by looking at three aspects: substantive issues, methods and actors.

14. The substantive issues can be classified according to the sectors in question: crime prevention, victim assistance, policing (e.g., capital, physical and equipment needs; specialised units; policy-community relations), development of the criminal justice system (e.g., mechanisms for inter-jurisdictional cooperation, pre-trial procedures, prosecution, court organisation and the independence of the judiciary), sentencing and corrections. They can also be classified according to crime categories of particular concern, such as violent crime, economic crime, corruption, organised crime, environmental crime, terrorism and other transnational crime. An additional broad category is the development of the quality of service delivery by the criminal justice system, including the promotion of human rights.

15. The methods to be used in meeting such needs are noted in paragraph 17 of the annex to General Assembly resolution 46/152. Essentially, these methods include research, the exchange and dissemination of information, training and the upgrading of skills, and technical cooperation, including advisory services. They should also include a determination of what is being done by other bodies so as to foster greater coordination. For example, if the Commission were to compile an inventory of what is being done by whom, it would be able to focus on specific needs and to utilize appropriate contributions. The Commission should also utilise the United Nations congresses on the prevention of crime and the treatment of offenders to assist in those tasks.
16. The actors with a potential to meet these needs are Member States, the United Nations, including the United Nations congresses and institutes, intergovernmental and non-governmental organizations and individual experts.

4. The capacity

17. In developing and monitoring the programme, the assets currently available to service the Commission consist of 11 Professional and 6 General Service posts in the Crime Prevention and Criminal Justice Branch of the Centre for Social Development and Humanitarian Affairs and a biennial operational budget (excluding salaries) of about US$ 150,000 (including consultants, ad hoc meetings, travel and external printing). 19/

18. Other elements that the Commission should consider include the network of United Nations institutes 20/ and the network of government-appointed national correspondents, the roster of "qualified and experienced experts", referred to in paragraph 28 of General Assembly resolution 46/152, the contribution of intergovernmental and non-governmental organizations, the United Nations Criminal Justice Information Network, the International Scientific and Professional Advisory Council and the World Criminal Justice Library Network.

5. Specific objectives

19. As noted above, the goals of the programme and the needs it is to address have not yet been defined in detail. Unless a method is developed for determining more specific objectives, the Commission (and the Secretariat) will be confronted with a large number of well-meaning mandates, but would lack any means of determining their relative importance or of monitoring their implementation. In short, the reform process leading to the creation of the Commission would be rendered inoperative and the Commission would not be able to maintain its credibility.

20. The Commission, in accordance with the priority principles set out in the annex to General Assembly resolution 46/152, must therefore decide on more specific objectives within priority areas in the programme. For example, one general goal is to contribute "to crime prevention nationally and internationally". A more specific objective would be to devise strategies to reduce the incidence of domestic violence or to reduce the illegal international trade in firearms. Another example is the general goal of "contributing to the control of crime nationally and internationally"; a more specific objective would be to improve the efficacy of the police investigation of organised crime, to promote a treaty on money laundering or to improve inter-jurisdictional mutual assistance in criminal matters.

21. Because the programme has limited resources, the number of specific objectives should be realistic. The Commission should develop both medium-term and short-term action plans. The medium-term action plan could span six years and the short-term action plan could span two years, thereby corresponding to the cycles of the medium-term plan and the programme budget, respectively.

22. The short-term action plan should be closely linked to the agenda of subsequent sessions of the Commission. For example, the agenda of each session could include only five substantive items. These five items would set the objectives for that biennium.
23. Working on the basis of a two-year action plan would allow for a rolling process of agenda-setting; at any one time, the programme would focus on 10 specific objectives.

24. Clearly, not all issues of importance would fit within these 5 or 10 objectives. The agenda of each session would also include some standing items, such as a review of long-term activities (for example, various technical cooperation projects or the development of the United Nations Criminal Justice Information Network). This would allow for a proper mix of short-term and medium-term projects.

25. Flexibility must, however, be retained. If an emergency area warrants higher priority, the Commission must be able to lower the priority being given to another area.

26. Before determining new objectives, an assessment is needed of what work has already been done. The most visible aspect of the United Nations work in crime prevention and criminal justice has been the adoption of resolutions. Several dozen resolutions have been adopted, covering virtually all issues relevant to crime prevention and criminal justice.

27. Other activities that the programme has carried out include the development of model agreements, surveys, research, the establishment of the United Nations Criminal Justice Information Network and the development of manuals on issues such as national criminal statistics, crime prevention measures, the prevention of corruption, and assistance to victims of crime. In addition, a broad range of activities involving, among other things, training courses, research and advisory services, are provided by the programme, including the network of institutes.
28. It should be noted that the Commission, while not bound by pre-existing mandates, must nevertheless assess them by applying the principles of the programme priorities contained in the annex to General Assembly resolution 46/152.

6. The specific activities

29. Once the objectives have been determined, the Commission would then identify specific activities that would promote their achievement. These activities could be, for example, the arrangement of a meeting, the performance of research, the preparation of a manual or the development of guidelines. Ideally, several activities could be carried out in pursuit of any one objective, and the outcomes would cross-fertilise one another.

30. Thus, if the Commission determines that one objective is to enable countries to increase the effectiveness of their criminal justice system in the control of environmental pollution, the specific activities could include a research project comparing the effectiveness of different approaches in control, the organisation of an expert meeting on the sentencing of persons and corporations guilty of criminal pollution, the preparation of guidelines on the prevention of the international dumping of hazardous wastes, and the organisation of training courses for law enforcement agencies in the investigation of cases involving pollution.

31. The specific activities would be designed to contribute to the discussion on substantive agenda items of subsequent sessions of the Commission. The discussion would be opened by the presentation of the results of the work that has been carried out; ideally, each agenda item would benefit from the outcome of more than one such activity. The Commission would then seek to draw conclusions, and suggest possible further action, which would serve to ensure a focus on continuity and implementation within the framework of the programme.

7. The mechanisms for determining the objectives and the specific activities

32. Drawing on the criteria for priority-setting contained in paragraph 21 of the annex to General Assembly resolution 46/152, proposals for specific activities could outline why they are to be carried out, what is to be done, when and by whom they are to be undertaken, what resources are available and what additional resources may be required.
33. The proposals should also define what is to be deemed a successful outcome and should, as far as possible, identify objective qualitative and quantitative criteria for assessing the success in implementation. 21/

34. This does not mean that the burden of providing the statement of objectives and activities, including the statements as to why the activity is to be carried out, what is to be done, when, by whom and with what resources, must necessarily be borne by the proponent. Indeed, some countries may not have the expertise or means to do this. In such cases, where the Commission is satisfied that a proposal merits consideration but requires further refinement, it might refer it to the Secretariat to reformulate the proposal in such a way as to permit the Commission to make informed judgements on it.

35. If the proposals are dealt with in this manner, it should then be a relatively simple matter to judge the impact of the activities proposed on the work programme, and see what must be deferred until further resources become available. This judgement would be tentative, as the Commission does not have the authority to decide on United Nations budgetary matters. The Commission could consider establishing a standing representative working group or, alternatively, authorizing its bureau to exercise oversight over the programme and to expedite action on implementation in the context of additional resources which may become available. The bureau could also serve to review the provisional agenda for the upcoming session of the Commission, ascertain that the necessary documentation is on track, and review implementation of the decisions of the previous Commission session(s).

D. Implementation of the programme

36. The programme has to a large extent been resolution-oriented. Presumably, if the Commission begins to focus more on specific objectives and concrete activities, a better balance can be achieved between programme development and implementation. Some of those activities may represent only an intermediate step in implementation. For example, a report or a manual can be useful in gathering and presenting information; however, if this manual is not disseminated and used, implementation will not be achieved.

37. As reflected in the annex to General Assembly resolution 46/152, one principal way to achieve implementation is by providing, on request, technical assistance and advisory services, particularly to developing countries. The
provision of these is resource-intensive and the resource implications raised in the annex have not yet been addressed by the General Assembly. To keep the focus on implementation, the proposals for activities should also set out ideas for follow-up action, indicating how success or failure is to be assessed. Monitoring of implementation requires some standardization of procedures. Reports should be relatively brief, with a summary of what has been done, what remains to be done, and an assessment of the success achieved in carrying out mandated activities.

II. SUMMARY

38. The Commission on Crime Prevention and Criminal Justice should approach its mandate utilizing the principles of strategic management. Accordingly, the Commission should agree on the general goals of the programme and the needs to be met, should ascertain the capacity available to meet those needs and should determine the objectives, the specific activities to be carried out, the mechanisms to be used for that purpose, and ways of promoting and assessing implementation of the programme.

39. The Commission should decide on the objectives of its work within the framework of a work programme for a specific period (for example, two years), avoiding possible duplication of activities of other United Nations entities, intergovernmental and non-governmental organizations and the expert bodies active in the field of crime prevention and criminal justice, while maximizing the use of contributions made by those bodies.

40. A limited number of objectives should be included in the work programme at any one time. The selection should be on the basis of proposals setting out the background of the issue, what is being done by other bodies, what the objective is, and what is requested of the Secretary-General. Ideally, the proposals would also set out specific activities. These proposals may be developed by or on behalf of the Commission.

41. The Commission, working in close cooperation with the Secretariat and the institutes, should decide on specific activities designed to promote each of the objectives.

42. Specific activities should be included in the work programme when the Commission is satisfied that they are adequately identified in terms of why, what, when, who and with what resources, including indicators permitting an assessment of success or failure, and follow-up activities.