



UNITED NATIONS



EIGHTH  
UNITED NATIONS CONGRESS  
ON THE PREVENTION OF CRIME  
AND THE TREATMENT OF OFFENDERS

Havana, Cuba, 27 August to 7 September 1990

Distr.  
GENERAL

A/CONF.144/5  
31 July 1990

ORIGINAL: ENGLISH

---

Item 3 of the provisional agenda\*

CRIME PREVENTION AND CRIMINAL JUSTICE IN THE CONTEXT OF DEVELOPMENT:  
REALITIES AND PERSPECTIVES OF INTERNATIONAL CO-OPERATION

Working paper prepared by the Secretariat

---

\*A/CONF.144/1.

## CONTENTS

	<u>Paragraphs</u>	<u>Page</u>
INTRODUCTION .....	1-5	3
I. CURRENT SITUATION .....	6-36	4
A. Crime trends .....	6-11	4
B. Crimes of a particularly problematic nature .....	12-30	5
C. Costs of crime .....	31-36	8
II. CRIME PREVENTION IN THE CONTEXT OF DEVELOPMENT .....	37-45	9
III. INTERNATIONAL CO-OPERATION .....	46-86	12
A. Background .....	46-49	12
B. Scope for international co-operation in priority areas .....	50-68	12
C. Need for the creation of an effective international crime and justice programme .....	69-86	17
IV. CONCLUSIONS .....	87-89	21

## INTRODUCTION

1. It was stated in the Milan Plan of Action, 1/ adopted by the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, that crime is a major problem of national and international dimensions, hampering the political, economic, social and cultural development of peoples. It threatens human rights, fundamental freedoms and peace, stability and security. The escalation of transnational forms of crime demands a concerted, comprehensive response from the international community. In the public eye, also, the United Nations activities in the field of crime prevention and criminal justice are now perceived as of great importance.

2. The General Assembly, in its resolution 44/72 of 8 December 1989, expressed concern over the increase both in the incidence and seriousness of crime in many parts of the world, and reaffirmed the validity of the Milan Plan of Action. The Assembly urged the international community to apply the Plan's recommendations, together with the resolutions adopted by the Seventh Congress, and hoped that the Eighth Congress would make a major contribution to the solution of crime prevention and criminal justice problems.

3. The Economic and Social Council decided, in resolution 1987/49 of 28 May 1987, to include the topic "Crime prevention and criminal justice in the context of development: realities and perspectives of international co-operation" in the provisional agenda of the Eighth Congress, as the umbrella topic for the substantive deliberations. The Committee on Crime Prevention and Control, at its ninth session, recommended that its treatment should be broad enough to cover issues of general interest to Member States, yet specific enough to serve as a guide to practical action. It should also provide an opportunity for an exchange of views on technical co-operation and the interrelationship of science, technology and crime prevention. The plenary discussions will enable Member States to exchange their experiences on various aspects, particularly crimes seriously affecting development. Emphasis will be placed on approaches found particularly effective in reducing crime; laws and regulations adopted to combat transnational criminality, with due respect for human rights; and other ways of promoting internal security and social peace. Priority will be given to collaborative arrangements, especially at the international level.

4. In the report of the Interregional Preparatory Meeting for the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders on topic I "Crime prevention and criminal justice in the context of development: realities and perspectives of international co-operation" (A/CONF.144/IPM.1), which was held in Vienna, from 15 to 19 February 1989, a substantive contribution was made to the debate on this agenda item. It was reaffirmed that crime prevention and criminal justice in the context of development should be oriented towards the observance of the principles contained in the Caracas Declaration, 2/ adopted by the Sixth Congress, as well as in the Guiding Principles on Crime Prevention and Criminal Justice in the Context of Development and related instruments. 3/ The meeting proposed a number of recommendations, which were further discussed by the regional preparatory meetings held in 1989 and reviewed by the Committee on Crime Prevention and Control at its tenth and eleventh sessions.

5. Drawing on those recommendations, the Eighth Congress, with its theme of "International co-operation in crime prevention and criminal justice for the twenty-first century", can contribute significantly to intensified international action more responsive to the growth of crime, in which the United Nations would play a leading role.

## I. CURRENT SITUATION

### A. Crime trends

6. In recent years, the total amount of reported crime has been growing on a world-wide average of 5 per cent each year - well beyond a rise attributable to population growth. 4/ According to the interim report of the Third United Nations Survey of Crime Trends, Operations of Criminal Justice Systems and Crime Prevention Strategies (A/CONF.144/6), there was a general increase in both overall recorded crime and in most categories of reported crime. During the period 1975-1980, there was an increase of 11 per cent, while between 1980 and 1985, the rise was 23 per cent.

7. At all the regional preparatory meetings for the Eighth Congress (A/CONF.144/RPM.1-5), Member States voiced their concern at the seriousness and extent of certain forms of criminality and their impact on the quality of life. Economic crimes, whether committed by criminal organizations or by transnational corporations, large-scale fraud and environmental offences pose a real threat to development. Smuggling, illicit flight of capital and misuse of public funds are especially troublesome. The widespread effects of illicit drug trafficking and pervasive corruption of public officials not only undermine national economies but also impair the social fabric and erode the quality of life. Organized crime and terrorism, with their interlinkages, violate the sovereignty of States, undermine their economic and political stability, and have adverse consequences on socio-economic progress and the physical and mental well-being of large segments of the population.

8. Transnational economic crimes expanded in the last decade. It was underlined in the Guiding Principles that they are particularly harmful to the development process. Transborder economic criminality is spurred by the increased interdependence of nations in their commercial and financial relations, industrial production patterns, as well as by the vast expansion of communications, information exchange, transport and travel.

9. Abuse of power is another factor hampering development. Intimidation and insecurity discourage human and capital investments. The criminal actions of police officials or security forces against the physical integrity or personal freedom of innocent citizens have generated a strong reaction in the international press and investment community. Their most extreme expressions - torture and the involuntary disappearances of tens of thousands of persons - when eventually made public have been followed by demands for more effective national and international protection and punishment of the offenders.

10. Where living conditions deteriorate, often exacerbated by a crushing foreign debt and cutbacks in essential services, exploitation of the poor and illicit traffic in persons increase. Examples include the use of women and children for prostitution and of aliens as a source of cheap labour. The sale of children and of human organs is a matter of public outcry.

11. A striking development is the re-emergence of certain internationally proscribed offences which have reappeared with considerable frequency in some regions: new norms of slave trading and sea piracy and its variants such as the scuttling of vessels and diversion of their cargoes. 5/ Smuggling, hoarding and black-market operations undermine fragile developing economies already debilitated by the flight of capital.

B. Crimes of a particularly problematic nature

12. The Eighth Congress may wish to recommend appropriate action at the national and international levels to the forms of crime outlined below in accordance with Economic and Social Council resolution 1989/62 of 25 May 1989. Although they are not exhaustive, special emphasis had been placed on them by the preparatory meetings.

1. Environmental offences

13. A major challenge during the next decades will be to ensure environmentally sound economic and social development. 6/ Public concern about acts harmful to the environment has increased, generating new initiatives in many countries, with a view to formulating a firm policy response to prevent its further degradation. But the problems have become so serious that offences against the environment could be deemed crimes against humanity.

14. Damage to the environment by air, water and land pollution ceases to be exclusively a matter of national concern when its destructive impact is felt beyond the borders of the country in which such activities are initiated. The harm done to the environment, life and property by the widespread use of chemical herbicides and detergents, release of large amounts of gases into the atmosphere and careless, indiscriminate disposal of poisonous and radioactive wastes does not stop at national frontiers. While industry enhances the quality of raw materials and extends their use, it also pollutes and depletes natural resources. Rapid industrial growth has had a tremendous impact on the environment through the entire cycle of exploration for and extraction of raw materials, manufacturing, energy consumption, waste generation, consumer use and disposal of industrial products.

15. Environmental offences require the re-examination and adjustment of narrow concepts of national sovereignty and criminal responsibility. The World Commission on Environment and Development concluded that traditional forms of national sovereignty are increasingly challenged by the realities of ecological and economic interdependence, especially in shared ecosystems, such as the oceans and atmosphere, which fall outside national jurisdictions.

16. Some of the phenomena threatening the ecological balance and hence development are a consequence of human failure or negligence. Others are the results of practices instituted in full knowledge of their deleterious effects to maximize profits or attain, as fast as possible, a higher level of economic development with the least immediate cost. The effects may be the result of acts of commission and omission, and it is the task of criminal law and its enforcement apparatus to reduce the lag between changed realities and obsolete legislation. By criminalizing particularly harmful acts and enforcing agreed upon provisions, criminal law can serve as a useful adjunct to, and instrument of, environmental control.

17. At the national level, environmental legislation provides a framework for the implementation of environmental standards and regulation of activities of people and enterprises. At the international level, conventions, protocols and agreements lay a basis for co-operation between countries at the bilateral, regional and global levels for the management of environmental risks, control of pollution and conservation of natural resources. The Environmental Perspective to the Year 2000 and Beyond, adopted by the General Assembly in its resolution 42/186, annex, of 11 December 1987, is a landmark. It is a framework designed to guide national action and international co-operation towards programmes which would achieve environmentally sound development. The

Assembly, in resolution 43/212 of 20 December 1988, stressed the obligation of all States to protect the environment and urged them to take measures to halt and prevent illegal international traffic in, and the dumping and accumulation of, toxic and dangerous products and wastes. Furthermore, the Assembly, in resolution 44/228 of 22 December 1989, decided to convene, in 1992, a Conference on Environment and Development. An expert group meeting convened in co-operation with the United Nations at Hamburg in 1989 recommended that a report should be prepared for the 1992 Conference on the most appropriate remedies and sanctions which may be employed, including the role of criminal justice in the implementation of regulations limiting damage to the environment.

18. The Eighth Congress may wish to consider, together with the draft resolution on the role of criminal law in the protection of nature and the environment recommended by the Committee on Crime Prevention and Control at its eleventh session to the Economic and Social Council (E/1990/31 and Add.1, decision 11/114), the following elements of a possible strategy for penal environmental protection:

(a) The criminal justice system, by focusing on acts causing or likely to cause the most harm, should discourage powerful perpetrators, including national enterprises and transnational corporations, from damaging the environment;

(b) New laws should afford greater protection to those segments of the population which can be the prime victims of environmental hazards and catastrophes because of their basic lack of options and frequent proximity to potentially dangerous sites;

(c) Reparation for damage inflicted on individuals or groups of persons by environmental offences should be ensured. The Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, contained in General Assembly resolution 40/34, annex, of 29 November 1985, stipulates that "in cases of substantial harm to the environment, restitution, if ordered, should include, as far as possible, restoration of the environment, reconstruction of the infrastructure, replacement of community facilities and reimbursement of the expenses of relocation, whenever such harm results in the dislocation of a community";

(d) Close co-operation between the law enforcement and environmental agencies of different countries is indispensable to the successful investigation and prosecution of transnational offences. Harmonization of laws should be encouraged to ensure similar treatment of perpetrators in all countries and avoid the transfer of illegal operations to areas with laxer controls.

## 2. Corruption

19. Corruption is a problem plaguing all societies, 7 but its consequences are much more deleterious in developing countries. When a government official in a developing country recommends, under the influence of a bribe, that a more expensive, but less adequate, product should be purchased, then the extra cost is incurred at the expense of development.

20. In addition to the cultural attitudes to certain practices not perceived as contrary to legal or moral standards, widespread poverty can make corruption attractive to both parties. In many cases, corruption is linked to survival, and the severe problems faced by many countries permit corrupt practices to flourish. Although it is sometimes claimed that corruption encourages develop-

ment by promoting the influx of capital, experience has shown the opposite: funds go to foreign banks in hard currencies and are used for personal enrichment. Furthermore, corruption hampers economic growth by fostering non-productive activity and inefficiency. Inflated transaction costs, through bribery or related abuses, are passed on to consumers, increasing the cost of living and particularly victimizing low-income strata of the population.

21. The material and social costs of corruption are impossible to estimate. In addition to the financial force it exacts, it creates and sustains a vicious circle of inequality that is not only perpetuated and magnified by corruption, but also breeds new corrupt practices. Thus, it leads to distrust of public institutions and disruption of political life.

22. As borders are becoming more porous, corruption is becoming more transnational. The elimination of currency restrictions in many regions, reflecting their increasing integration, facilitates the transfer of the illicit proceeds of corrupt activities, making them more difficult to trace.

23. International assistance is not immune from the effects of corruption. Funds may be diverted while development programmes are delayed or discontinued. Donor countries may use the prevalence of corruption as a justification for disqualifying a country requesting development aid. Properly administered, aid with systematic follow-up has proved effective in alleviating the problem. Assistance to countries that have demonstrated their willingness to combat corruption is therefore essential.

24. Measures against corruption should be planned taking into consideration its nature, extent and ramifications. They should be put into effect with the full understanding that corruption is conspiratorial and that obtaining evidence can therefore be difficult. A firm commitment and political will are prerequisites for effective action. Resources should be directed to the eradication of corrupt activities and the achievement of honest administration with transparent procedures applied on a merit basis.

25. National measures must be comprehensive and should include administrative as well as legislative aspects, a system of checks and balances, auditing, competitive public bidding, a free press and ombudsmen. Harmonization of national legislations would reduce or eliminate loopholes due to differences in legal systems. International co-operation could also include provisions for the confiscation of the proceeds of corrupt practices, coupled with measures to prevent their laundering. The exchange of information and expertise can facilitate anti-corruption strategies.

26. The Eighth Congress has before it a draft manual on practical measures against corruption (A/CONF.144/8), prepared in response to resolution 1990/23 of the Economic and Social Council. Also available is the report of the Interregional Seminar on Corruption in Government, held at The Hague, the Netherlands, from 11 to 15 December 1989.

### 3. Crimes against the cultural heritage

27. The denomination of crimes against the cultural heritage (or patrimony) usually includes actions leading to "the procurement and/or acquisition of archaeological and artistic objects that have been classified by the national authorities as part of the cultural heritage of a nation, for the purpose of exporting them to other countries, in violation of existing prohibitions". 8/ In recent years, there have been unprecedented levels of pillage, theft and

destruction of cultural property in European museums, churches, private collections and archaeological sites. <sup>9/</sup> Systematic theft, organized in certain regions with the most modern equipment, and simple plundering by occasional thieves are threats to the cultural property of nations. <sup>10/</sup>

28. States are increasingly endeavouring to protect their heritage; to seek its recovery, or to obtain appropriate indemnification; and to actively combat such practices. Renewed concern with the matter in the 1960s led to the adoption, in 1970, under the aegis of the United Nations Educational, Scientific and Cultural Organization (UNESCO), of the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, which came into force two years later. It defined cultural property qualifying for protection not only on historical, archaeological or artistic grounds, but also in the interests of science. Further protection at the regional level was provided, in 1976, with the adoption by the Organization of American States of the Convention on the Defence of the Archeological, Historical and Artistic Patrimony of the American Nations (San Salvador Convention) and the 1985 European Convention on Offences relating to Cultural Property (Delphi Convention).

29. In spite of these positive developments, the need for further international action persists owing, *inter alia*, to the laxity of laws on the acquisition and ownership of cultural property, as well as to the low number of ratifications of the international conventions.

30. In response to the recommendation of the Committee on Crime Prevention and Control, at its tenth session, to include crimes against the cultural heritage under this topic, a new model treaty for the prevention of those crimes is before the Congress (E/1990/31 and Add.1, decision 11/119). It is the result of co-operation between the United Nations, the United Nations Latin American Institute for the Prevention of Crime and the Treatment of Offenders (ILANUD), the United Nations Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders (UNAFEI), the United Nations Interregional Crime and Justice Research Institute (UNICRI), UNESCO, the Australian Institute of Criminology, the Australian National Cultural Heritage Commission and experts from different regions. The Committee, at its eleventh session, welcomed the draft as a useful complement to the 1970 UNESCO Convention. On the Committee's recommendation, the draft was revised further by an expert group meeting held at Chicago, Illinois, from 4 to 7 June 1990.

#### C. Costs of crime

31. The economic and social costs of criminality are immense. The burden of crime is felt by all societies, but its costs are particularly high in developing countries. There are indications that crime and crime control consume a significantly greater proportion of the scarce resources of poor nations than of richer ones.

32. Rising crime forces Governments to divert an increased share of their budgets to crime prevention and criminal justice, including additional police, judicial and prison personnel. Economic crimes, such as tax evasion, smuggling, financial frauds and the use of public funds for private gain also divert badly needed resources. Illegal currency manipulations, capital transfers and over-invoicing deprive States of large amounts of foreign currency, which is required for development, while commercial practices, such as dumping low-quality products, seriously jeopardize domestic industries in developing countries.



33. While the financial costs of crime and its control are substantial, the social costs are higher still. The failure to meet public expectations and human rights standards of equitable and effective justice, together with the corroding effects of crime, affect the moral climate and foster a feeling of impotence. The participatory role of people in government is further reduced, social cohesion weakened, polarization accentuated and national unity impaired. In some cases, the problem lies in pre-existing social and ethnic conflicts which, if they become self-perpetuating, may undermine the course of development and nullify some of its benefits. Even though economic estimates of the cost of crime have been made, they cannot disregard the fact that human life, health, freedom and dignity have a priceless intrinsic worth.

34. Official statistics represent only the tip of the iceberg of crime, making it impossible to gauge its full impact. Offences such as rape tend to be vastly underreported. White-collar crimes may also be largely overlooked, especially when the harm is cumulative and camouflaged. The impact of victimization on vulnerable population groups is even more difficult to assess. While accurate statistics are usually lacking because of the frequently covert nature of certain forms of crime, it is known that thousands of people have perished in recent years, due to genocide and persecution on racial, ethnic, religious, political and other grounds. Estimates have put the number of victims of such practices in the millions. Attacks on refugee camps and boats, as well as on expatriate nationals, the use of women or children as cannon fodder or "shields" in external and internal conflicts, the use of innocent persons as pawns in indiscriminate terrorism, the prevalence of torture and other consistent violations of human rights attest to the extent of individual and collective victimization and abuses of power in different parts of the world.

35. Violent crime can be much more damaging to frail old persons and economically ruinous even if the amount stolen is not large, since the victims are often poor. "Con-games" and other kinds of fraud can literally wipe out life-savings, and quick remedies offer worthless cures or jeopardize health. The elderly easily fall prey to those who capitalize on their susceptibility and fear of crime, which affects their life-style by preventing them from socializing and thus increases their isolation. Institutional abuse of the elderly in hospitals or nursing homes and parent-battering in the home, vastly underreported and often involving recurrent abuse, victimize captive elderly who are largely helpless and often dependent on their victimizers. Criminal neglect may lead to further deterioration and outright violence.

36. The majority of perpetrators of violent crime are young people who tend themselves to fall prey to violence. They are often the victims of unjust social and economic conditions which deprive them of legitimate avenues to attain their life objectives by suitable education, employment and leisure opportunities. For many other youth and children, abuses start in the home, with wide-ranging effects. Domestic violence has become a matter of increasing international concern and calls for appropriate action (see A/CONF.144/17).

## II. CRIME PREVENTION IN THE CONTEXT OF DEVELOPMENT

37. Research on the conditions conducive to criminality reveals a multitude of factors affecting the level, dynamics and structure of crime. Economic growth creates increased opportunities for the legitimate satisfaction of actual or perceived needs. People living under deteriorating conditions, in which employment is scarce or non-existent, may find it impossible or difficult

to sustain themselves and their families. Increased poverty and economic deprivation may push a growing number of people ordinarily respectful of law and order to criminal behaviour. 11/ Relative deprivation, or poverty in the midst of plenty, is particularly criminogenic. Higher standards of living, better health, education and social services, however, do not of themselves prevent crime. Some of the most affluent societies are the most seriously affected: many factors are involved, such as raised aspirations, increased opportunities for crime and growing tolerance of it.

38. It was stated in the Declaration on International Economic Co-operation, in particular the Revitalization of Economic Growth and Development of the Developing Countries, adopted by the General Assembly, at its eighteenth special session by resolution S-18/3 of 1 May 1990, that for many countries, the 1980s has been a decade lost for development. Living conditions in Africa, in parts of Asia, and in Latin America and the Caribbean have deteriorated and the economic and social infrastructure has eroded, impairing stability and the prospects for growth and development. External indebtedness accompanied by internal economic mismanagement has emerged as the main factor in the economic stalemate, contributing to the decrease in the human and financial resources allocated to development projects. The regional preparatory meetings acknowledged the negative impact of the economic crisis on both development and crime. The debt problem, coupled with weak currencies and the low level of remuneration of public officials, has created circumstances conducive to corruption and social disintegration. Viable development initiatives have had to be abandoned and social welfare programmes cancelled, resulting in public frustration and the proliferation of crime (A/CONF.144/RPM.1-5).

39. More than 20 years ago, the General Assembly by its resolution 2542 (XXIV) of 11 December 1969 adopted the Declaration on Social Progress and Development outlining the key goals of social and economic development, including the elimination of conditions leading to crime. Since the Second Congress, held in London in 1960, the relationship between crime and development has been a focus of United Nations policy-making bodies. These have emphasized that development is a multi-dimensional process, with political, economic, social, cultural and, above all, human elements. They have urged that people should be placed at the centre of development, as both contributors and beneficiaries.

40. The formulation of crime prevention policies as part of economic and social development requires a broad approach, as called for in the Milan Plan of Action and the Guiding Principles. Such an approach necessitates the appropriate physical mapping of crime prevention by improved town planning, the development of defensible living spaces and the provision of improved social infrastructures. Planners and crime prevention specialists should be alerted to the changing socio-economic environment, and should be able to anticipate factors likely to generate crime. As crime prevention implies interdisciplinary co-ordinated planning, team-work with experts and policy makers from other relevant fields is a prerequisite; so is greater public awareness of the necessity of rejecting crime and illegality as a threat to the quality of life. There is also need for concerted efforts to reduce the opportunities to commit crime and formulate effective rehabilitation programmes to curtail recidivism (A/CONF.144/IPM.1, paras. 22-28).

41. For many countries, the seriousness of the crime problem and the related demands for improved functioning of law enforcement and judicial structures have become priority issues. Effective crime prevention strategies, however, require investment in research, and policy development and evaluation in order to foster innovative and viable approaches. It appears from government replies to the Third Survey (A/CONF.144/6) that a wide range of methods to prevent

crime is being used, including community assistance for crime prevention activities and the modification of environmental conditions that facilitate criminal behaviour.

42. In some countries, a number of measures have been adopted to incorporate crime prevention components in development programmes by anticipating and reducing the possible criminogenic effects of new policies, and determining in advance the requirements of criminal justice agencies. In others, attention has been focused on "situational" crime prevention through environmental and urban planning designed to reduce the opportunities for crime; public education, especially on the dangers of drug and alcohol abuse; regulatory mechanisms and procedures to increase the security of banking and credit-card systems, and decrease the likelihood of their misuse;\* specialized training for law enforcement personnel in the detection and handling of complex, sophisticated forms of criminality; as well as research on more effective sanctions. 12/

43. In some countries, new ways of dealing with crime have improved the performance of the criminal justice system. The decriminalization of certain types of behaviour has released resources for controlling more dangerous types of criminal activity. Other countries, in reducing crime, have been successful by emphasizing situational or victim-oriented crime prevention measures, with improved security and surveillance, and offender-oriented strategies, including new types of programmes to reintegrate ex-offenders into society. Offender-oriented crime prevention programmes could partly replace some conventional criminal justice interventions, as imprisonment has been used instead of capital punishment, and fines and other alternative sanctions are currently being utilized instead of prisons. The outcome of these transformations should periodically be assessed in order to ensure that the responses to crime exact a lesser social cost from all the parties involved, including victims, offenders and society at large. 13/

44. Successful preventive strategies require fair and effective criminal justice systems with the ability to respond to the realities of crime. In many countries, there is a criminal justice management crisis largely because of inadequate training of personnel in policy formulation and implementation. There is also a lack of a coherent overall policy and of co-ordination between criminal justice agencies, i.e. the police, courts and corrections. Improved performance requires changes ranging from the reform of criminal law and procedures to a better functioning of the various sub-systems in the light of scientific knowledge and technological innovations. Attention must also be given to situations where the crisis is caused not only by managerial shortcomings but also by structural deficiencies and a lack of resources.

45. The Eighth Congress provides an opportunity for countries, developed and developing alike, to benefit from each other's experience in dealing with crime and criminal justice in the context of development. The attention of the Congress, in this connection, is drawn to the draft inventory of comprehensive crime prevention measures contained in document A/CONF.144/9, the recommendations made by the preparatory meetings for the Eighth Congress, as well as decision 11/102 on the prevention of urban crime of the Committee on Crime Prevention and Control at its eleventh session, and other relevant recommendations contained in the Committee's report (E/1990/31 and Add.1).

---

\*See "Inventory of comprehensive crime prevention measures", note by the Secretariat (A/CONF.144/9).

### III. INTERNATIONAL CO-OPERATION

#### A. Background

46. As crime, particularly in its new forms and dimensions, has a crippling impact on individual States and on the relations between them, intensified international co-operation in crime prevention and criminal justice is urgently needed.

47. The Eighth Congress takes place at a time of profound social, economic and political changes. In the last decade of the twentieth century, the world situation is very different from that of a few decades ago, with some unexpected positive developments. But it is also a time of severe economic deterioration in many countries and of rising concern about social conditions in poor and even prosperous countries. 6/ The General Assembly, in its resolution 44/72 of 8 December 1989, noted that economic and technical constraints impeded the efforts of many countries in their fight against crime, and it requested the Eighth Congress to pay particular attention to strengthening international co-operation in this respect.

48. While the international response has sought to take into account the current realities of crime, it has been conditioned by competing demands and a dearth of means. The situation is rendered more serious by the likelihood of further exacerbation of the situation and proliferation of the damaging new transnational forms of crime. The mounting problems of crime, combined with instability and fragile social and economic institutions, are bound to exact a heavy price, unless concerted action is taken. While a number of legally binding international instruments have been agreed upon at the regional and international levels, there are other crucial areas which deserve attention. In addition, many instruments have received a limited number of accessions or ratifications and others have not been fully implemented, due to lack of institutional capacity and adequate resources.

49. The traditional scope of inter-State co-operation in mutual assistance, extradition and recognition of penal judgements tends to be limited to those countries having bilateral arrangements. But these cannot provide a comprehensive solution in a world of over 160 States, faced with an upsurge in transnational crime. Crime syndicates, by moving their logistic financial operations from one country to another and displacing their new criminal activities, can circumvent those treaties.

#### B. Scope for international co-operation in priority areas

50. The extent and complexity of modern criminality and the limited means available have made it essential that priority areas be defined, particularly with regard to the international response to transnational criminality, information dissemination and exchange, the promotion and implementation of basic standards and norms (see A/CONF.144/18), and technical co-operation activities.

##### 1. International response to transnational criminality

51. The international community has been seeking more effective means of dealing with terrorism, organized crime, economic and environmental offences, the infringement of fundamental human rights and other serious forms of victimization. 14/ Even countries with advanced legal systems, democratically elected legislatures, a free press and an independent judiciary have found it difficult to develop normative systems and institutional structures to deal with the special features of modern transnational crime. Specialized expertise

is needed to counter the new forms of criminality as is sophisticated equipment, especially for the detection and investigation of offences in international trade and commerce. By pooling their capabilities and exchanging information, Governments can begin to grapple with the new forms of crime. International agreements, such as the proposed model treaties, can greatly advance this process. However, to have an appreciable effect, the model treaties on mutual assistance, transfer of criminal proceedings and extradition must be translated into national law and accompanied by practical collaboration between law enforcement agencies (A/CONF.144/15).

## 2. Information dissemination and exchange

52. Systematic information dissemination and exchange as an important means of international co-operation in crime prevention and criminal justice have been stressed in national, regional and international forums. The Seventh Congress, in its resolution 9, called for intensified United Nations activities for the development of crime and criminal justice information and statistical systems, and for the wider dissemination of relevant information. 15/ In response to this request, the Economic and Social Council, in resolution 1986/11 of 21 May 1986, invited the Secretary-General to make all efforts to establish a global crime prevention and criminal justice information network, with the Crime Prevention and Criminal Justice Branch as the focal point in co-operation with the United Nations institutes, and with a mechanism for the centralization of inputs from non-governmental organizations and scientific institutions.

53. In view of the importance of this project, a pilot study was undertaken in co-operation with other entities concerned and a United Nations crime prevention and criminal justice information network (UNCJIN) established with the co-operation of the New York State University at Albany. Network users are able to communicate electronically, exchange documents and data, scan new legislation and a calendar of relevant conferences, search various data bases, obtain up-to-date information on selected issues, and communicate with other networks. Linkages are also being established with other United Nations data bases and the United Nations institutes and affiliated centres. The Network has been joined by a growing number of national institutions, organizations and individual subscribers.\* However, the shortage of resources is limiting the response to the many requests for information received from Governments, organizations and individual experts, and the assistance which should be provided to developing countries in upgrading their information technology. The capacity of the network needs to be considerably increased to furnish up-to-date information to policy makers and researchers, as well as the necessary technical and institutional assistance (A/CONF.144/19).

54. There is also need for the dissemination of research findings, comparative legislation and promising solutions to crime problems. In the Guiding Principles, the United Nations was called upon to secure the support and co-operation of the scientific and professional community and of governmental and non-governmental organizations and institutions with an established reputation in the field. The designation of an international professional and scientific council was suggested, to further the transfer of knowledge and research findings, and to provide technical assistance. In its resolution 1986/11, the Economic and Social Council called for the prompt realization of this proposal. The Secretariat has obtained financial support for this initiative from the

---

\*Report of the Secretary-General on crime prevention and criminal justice (E/1990/36, paras. 34-36).

Government of Italy. The intensive preparations for the Eighth Congress precluded convening the Advisory Council until now, but it is scheduled to meet shortly after the Eighth Congress, in co-operation with the Centro Nazionale di Prevenzione e Difesa Sociale, at Milan, which is the seat of the Co-ordinating Committee of the major international organizations active in crime prevention and criminal justice.

55. The Seventh Congress, the General Assembly, as well as the Economic and Social Council and the Committee on Crime Prevention and Control, have repeatedly called for intensified efforts to inform the public of the United Nations norms and guidelines in crime prevention and criminal justice and other relevant matters. Unfortunately, the decisions taken and instruments adopted by the United Nations congresses often do not reach policy makers, practitioners and criminal justice personnel. Vigorous information campaigns are needed to advance the implementation of the principles embodied in the various United Nations instruments through a rational, informed approach to crime and its prevention.

56. In addition to the International Review of Criminal Policy and the Newsletter, specialized information materials, such as technical manuals, pamphlets, briefs and circulars on specific issues, should be prepared, to foster knowledge and support of United Nations activities in the crime field. Media aids and brochures for the wider public can be developed in co-operation with the Department of Public Information of the United Nations and other organizations.

### 3. Technical co-operation

57. The Seventh Congress stressed the importance of an expanded United Nations crime prevention and criminal justice technical co-operation programme. The General Assembly and the Economic and Social Council have repeatedly requested the Secretary-General, the United Nations funding agencies and other relevant organs and entities to increase support for crime-related technical assistance activities. Most recently, the Economic and Social Council, in resolution 1990/19 of 24 May 1990, reaffirmed the importance of technical co-operation against organized crime and urged Governments to establish collaborative arrangements for the exchange of expertise and provision of such assistance. Similarly, all the regional meetings underlined the urgent need for more extensive technical co-operation. In particular, the European Regional Preparatory Meeting stressed that essential improvements in crime prevention and criminal justice could not be achieved merely through the adoption of international instruments, since in many parts of the world the lack of financial and human resources made it impossible or difficult to translate the goals and objectives proclaimed in those instruments into day-to-day practice (A/CONF.144/RPM.2, para. 89).

58. The most pressing needs for technical co-operation include: (a) reinforcing the technical capacities of the criminal justice agencies by identifying and supplying specialists and appropriate equipment; (b) upgrading the personnel in all sectors of the criminal justice system through various training activities; (c) assisting in the development of information bases for the collection, analysis and dissemination of data on crime trends and operations of criminal justice agencies; (d) advisory services to help with designing policy options and to provide management advice for the implementation of United Nations guidelines and standards; and (e) elaborating multilateral strategies and collaborative arrangements to deal with crime problems of mutual concern (A/CONF.144/RPM.1).

59. The results of a study conducted by UNICRI on the needs and priorities of developing countries, 16/ listed information, training and research as critical needs, with emphasis on expanding the institutional capacity of developing countries, as well as improving international strategies to combat criminality.

60. The gravity of persistent crime problems, as well as changing conditions, have led many countries to re-examine their existing laws, regulations and approaches to justice, especially since the adoption of alien and ill-suited models has often exacerbated the problems. Governments often request assistance in adapting the United Nations guidelines and standards to local requirements. Advisory services and other United Nations technical assistance activities, such as national and regional training courses and workshops, organized in co-operation with the United Nations institutes, national institutes and non-governmental organizations, can help to develop the special skills necessary for the implementation of international standards. The General Assembly, in resolution 44/72 of 8 December 1989, and the Economic and Social Council, in resolution 1988/44 of 27 May 1988, urged the Secretary-General to pay attention to the operational aspects of the programme to assist countries in developing self-reliance in crime prevention through human resources development, reinforcement of national machinery, promotion, inter alia, of joint training activities and development of pilot and demonstration projects. The main elements of United Nations technical co-operation in this field are outlined below.

(a) Interregional advisory services

61. During the last four years, the Interregional Adviser has completed over 80 missions to Member States and to the regional institutes and regional commissions of the United Nations, as well as some prospective donor countries. The impact of advisory missions has been substantiated by many Governments, by their adoption of recommended legislative and policy measures or by their undertaking specific technical co-operation activities, such as training courses, seminars, fellowships and study tours. The services foster the application of existing international instruments, norms and guidelines in crime prevention and criminal justice. They open new prospects for enhancing the rule of law and promoting human rights in the administration of justice. Expanded funds for technical assistance projects would enlarge the scope of the programme and permit systematic follow-up of the recommendations made for action at the country-level.

(b) Other operational activities

62. The results of the review of the functioning and programme of work, undertaken by the Committee on Crime Prevention and Control and the Economic and Social Council during 1986-1990, underlined the need for intensifying the operational aspects of the programme. In its resolution 1987/53 of 28 May 1987, the Council requested the Secretary-General to strengthen technical co-operation projects on specific crime issues, develop practical measures to assist Member States requesting technical assistance and devise strategies for practical follow-up of the decisions taken by the policy-making bodies.

63. There is a need to include crime prevention in the country programmes of the United Nations Development Programme (UNDP), to expand collaboration with the United Nations institutes and with funding agencies, and to strengthen contacts with prospective donor countries so as to secure greater financial and technical support. A number of collaborative activities have been undertaken. The Department of Technical Co-operation for Development of the Secretariat provided funds for an international seminar on policies and

strategies to combat organized crime, held at the University of New Mexico, from 8 to 11 December 1987. Its recommendations constituted valuable input for the substantive preparations of the Eighth Congress. Also in co-operation with the Department, an international seminar on juvenile justice was organized at Beijing with support from the Government of China, in October 1988, and an international seminar on Corruption in Government was held at The Hague, from 11 to 15 December 1989, at the invitation of the Government of the Netherlands. The Government of Italy provided support to ILANUD for a training course on prison reform, and to Jamaica for the computerization of criminal justice and improvement of prison conditions. The Government of the United Kingdom of Great Britain and Northern Ireland has provided advisory services on probation and prison reform to Malawi and Zambia, and Argentina made available an expert for a year to help to formulate project documents and provide advice on the treatment of juvenile and drug-addicted offenders.

64. In response to a request from the Government of Ethiopia, the Department has provided a consultant to advise on crime statistics and computerized criminal justice data bases. An expert in this field has also advised the Government of Nigeria in a UNDP supported project, and similar services were provided to Mauritius and Paraguay. Funds were provided by UNDP to assist the United Nations Africa Institute for the Prevention of Crime and the Treatment of Offenders (UNAFRI) and ILANUD and for training activities, including national criminal justice workshops, in Liberia and Malawi. Juvenile justice projects were formulated in Brazil, Ethiopia, Swaziland and Thailand for submission to potential donors. In 1989, a memorandum of understanding on co-operation in crime prevention and criminal justice was signed in Moscow by the Director-General of the United Nations Office at Vienna and the Minister of the Interior of the Union of Soviet Socialist Republics. It provides for collaboration between the Ministry of Interior, the Crime Prevention and Criminal Justice Branch, UNICRI and the Helsinki Institute for Crime Prevention and Control, affiliated with the United Nations in areas such as crime prevention, organized crime, drug abuse control, and computer technology and police work.

65. As recommended by the Committee on Crime Prevention and Control, collaboration with the United Nations Fund for Drug Abuse Control (UNFDAC) has led to joint operational projects. Thus, a project for strengthening the criminal justice system and drug abuse control in Uganda was initiated by the Crime Prevention and Criminal Justice Branch with the support of UNFDAC and UNDP. It covers the training of police, judges and prosecutors, as well as advisory services and equipment. Assistance is also being rendered by the establishment of specialized drug courts in Bolivia, the establishment of a Senior Police Officers' School in Ghana and the protection of judges and witnesses in Latin America. Regional and subregional projects for joint implementation are being further developed, for instance on mutual assistance, in criminal matters for African countries of the Economic Community of West African States (ECOWAS) and the Economic Community of the Great Lakes Countries (CEPGL). Progress has also been made in strengthening technical co-operation in the area of human rights in the administration of justice and in developing operational co-operation with the Centre for Human Rights of the United Nations.

66. While it is recognized that international co-operation cannot be successful without adequate attention to its operational aspects, the means for it are limited. Unless there is a commitment by Member States to reinforce the multilateral approach to crime prevention and criminal justice, including technical co-operation, little practical progress can be made. To stimulate support of relevant programmes and activities, specific proposals are presented for the consideration of Governments attending the Eighth Congress. Streng-



thened operational activities for crime prevention and control, nationally, regionally and internationally, are essential for more viable domestic policies and a concerted international response to mounting crime. How this can be achieved is the key question facing the Eighth Congress.

(c) Revitalization of the United Nations Trust Fund for Social Defence

67. Since its establishment, in 1965, the United Nations Trust Fund for Social Defence has received earmarked contributions from a few Member States, used mostly to finance the activities of UNICRI. Although since 1982, the Trust Fund has been included in the annual Pledging Conference for Development Activities of the United Nations, in accordance with General Assembly decision 34/440 of 17 December 1979, the level of contributions has remained very low. The continuous support of Governments hosting the United Nations crime prevention and criminal justice institutes, however, deserves the gratitude of the regions they serve, as do the initiatives of some other countries, which have made sizeable contribution in cash for specific projects (e.g. Italy) or in kind (e.g. Italy, Japan, Netherlands and Union of Soviet Socialist Republics).

68. Recognizing that the Fund can be an invaluable resource for increasing the capacity of the United Nations to respond more effectively to the needs of Member States for technical assistance, the General Assembly, in resolutions 41/107 of 4 December 1986 and 43/99 of 8 December 1988, requested the Secretary-General to revitalize the Trust Fund and appealed for contributions. The regional preparatory meetings and the Committee on Crime Prevention and Control, at its eleventh session, recommended that Member States announce contributions to the Trust Fund during a one-day pledging session, to be held during the Eighth Congress (E/1990/31 and Add.1, resolution 11/2). In this connection, a special appeal has been made by the Secretary-General of the Eighth Congress to all Governments and other entities to respond generously to this call.

C. Need for the creation of an effective international crime and justice programme

69. The international crime and justice programme was established over 40 years ago to meet crime problems and needs. Although adjustments have been made over the years to reflect the new priorities and requirements of Member States, its staffing level has remained virtually unchanged. In response to a request by the Seventh Congress, the programme was extensively reviewed by the Committee on Crime Prevention and Control. The results were examined by the Economic and Social Council and the General Assembly. A broader review was conducted by the Special Commission of the Economic and Social Council called the In-Depth Study of the United Nations Intergovernmental Structures and Functions in the Economic and Social Fields. Both reviews underlined the importance of the work and the potential of the programme. But they also noted the sharp discrepancy between proliferating needs and United Nations capacity to meet them (E/1989/20).

70. The initial review undertaken by the Committee brought to light the accomplishments, as well as constraints, that have to be overcome if the United Nations programme is to respond effectively to the concerns and priorities of the international community. The recommendations focused on the necessity of ensuring the practical application of the resolutions and recommendations adopted by the congresses and United Nations policy-making bodies, particularly, the formulation of policies and programmes based on action-oriented

research, strengthened technical co-operation activities, effective co-ordination of the activities of United Nations institutes, and strengthening of the capacity of the Secretariat, in terms of its structure, means and expertise, to permit a level of activity commensurate with the requirements. These recommendations were unanimously endorsed by the Economic and Social Council in its resolutions 1986/11 of 21 May 1986 and 1987/53 of 28 May 1987 and by the General Assembly in its resolutions 41/107 of 4 December 1986 and 42/59 of 30 November 1987.

71. The Committee on Crime Prevention and Control, at its tenth session, decided to establish a Sub-Committee to propose ways of stimulating practical international action in support of Member States, and to enhance the role of the United Nations. In its resolution 44/72 of 8 December 1989, the General Assembly invited the Committee on Crime Prevention and Control to give particular attention at its eleventh session to the conclusions and recommendations of the Sub-Committee (E/AC.57/1990/6), and to consider their appropriate follow-up by the Eighth Congress.

72. At its eleventh session, the Committee considered the report of the Sub-Committee (E/AC.57/1990/6, para. 44) and, after some revisions, approved it as a whole, requesting the Secretary-General to transmit it to the Eighth Congress for appropriate action.

#### 1. Present structure

73. The United Nations programme consists of the quinquennial United Nations congresses on the prevention of crime and the treatment of offenders, the Committee on Crime Prevention and Control, the Crime Prevention and Criminal Justice Branch and the United Nations institutes for the prevention of crime and the treatment of offenders.

74. The importance of the United Nations congresses has been acknowledged by the General Assembly and the Economic and Social Council in a number of resolutions, most recently in Assembly resolution 44/72. As global events and world-wide forums, the congresses have influenced national policies by facilitating the exchange of expertise and experience, recommending lines of action, mobilizing public opinion and focusing attention on major issues of concern to Member States and the scientific community. The congresses have contributed greatly to the development of a body of principles, norms, guidelines and model treaties in a number of important areas. They are the only regular global events where the ministers of justice, other high-level government officials, judges, police and prosecutors, intergovernmental and non-governmental organizations and prominent individual experts can meet and discuss issues of mutual concern. However, measures recommended by past congresses to disseminate its recommendations, assist countries in their application and improve the structure and functioning of the Secretariat could not always be fully implemented for want of means.

75. The interest in the work of the Committee on Crime Prevention and Control is evidenced by the large participation of observers of Governments and inter-governmental and non-governmental organizations, institutes, agencies and experts. The Economic and Social Council, by its resolution 1979/19 of 9 May 1979, enlarged the scope of the Committee's work to include the development of proposals for international co-operation for submission to the competent United Nations bodies and to the congresses and the co-ordination of all crime-related activities. In recognition of its policy-making role, the Council, by resolution 1983/25 of 26 May 1983, decided that the Committee should report directly to it. The reports and recommendations made by the

Committee during its most recent sessions are evidence of the results achieved and broad range of matters considered. But the Committee's increased importance and growing work-load have not been matched by longer or more frequent sessions or by an enhanced capacity of its servicing unit. During the past two decades there has been extensive criticism of the lack of a comprehensive United Nations crime and justice programme, commensurate with the world-wide need (E/AC.57/1990/2).

76. To accelerate progress towards a more effective programme, structural improvements within the Secretariat were also called for. At present, the Crime Prevention and Criminal Justice Branch of the Centre for Social Development and Humanitarian Affairs serves as the central repository, in the United Nations system, of professional and technical expertise in matters of crime prevention and criminal justice. The Branch carries out the functions entrusted to the Secretariat or to the Secretary-General by its policy-making bodies. The imbalance between the resources available to the Branch and its work-load and responsibilities has been a matter of continuing concern. Since the Seventh Congress, a number of General Assembly and Economic and Social Council resolutions have been adopted, calling for measures to strengthen the capacity of the Branch. Regrettably, however, the Organization's financial constraints have precluded their implementation. Prospects for increased regular funding are bleak, but an answer to this problem is critical. The attention of the Congress is also drawn to the recommendations made by the interregional preparatory meeting on topic I, as contained in decision 11/104 of the Committee on Crime Prevention and Control, as well as to those contained in the Committee's report on the programme review (E/1990/31 and Add.1, paras. 45-48) and the resolutions adopted by the regional preparatory meetings.

77. The United Nations institutes for the prevention of crime and the treatment of offenders are important components of the United Nations programme. There is need to strengthen them more systematically and on a long-term basis. Their activities are supported by the host Governments and by some extra-budgetary resources but the available means are inadequate when compared with the requests for assistance they receive and the range of crime and justice problems with which they must deal, including the promotion of collaborative action in matters of mutual concern (E/1990/31 and Add.1, paras. 65-71).

78. The global network of the United Nations institutes has been expanded by the creation of the United Nations African Regional Institute for the Prevention of Crime and the Treatment of Offenders, at Kampala, Uganda. The Institute will fill the lacunae existing in the region by encouraging collaborative activities, pooling and exchanging information and research findings, conducting intensive training programmes and rendering direct assistance to States upon their request.

79. UNICRI has reached an important stage in its evolution with the adoption of its new statute by the Economic and Social Council, ratifying the expansion and diversification of the Institute's activities, especially in response to the needs of least developed and developing countries. The Institute is expected to strengthen its technical assistance activities so as to enhance its programme delivery and empirical work.

80. Major efforts have been made by the Crime Prevention and Criminal Justice Branch to strengthen collaboration with and between the United Nations institutes, as well as with intergovernmental and non-governmental organizations. The generous support of the Arab Security Studies and Training Centre and the Government of Saudi Arabia have enabled the United Nations crime and justice entities, as well as interested national institutes, to hold annual

co-ordination meetings at Riyadh with the aim of joint programme planning, research evaluation and project development in areas of common concern. These meetings have also afforded an opportunity for aligning the programme goals of these institutions and fostering integrated implementation of United Nations crime-related policies, with due regard to regional specificities.

81. The United Nations network of government-appointed national correspondents in the field of crime prevention and criminal justice is an important part of the programme. The number of correspondents has almost doubled since 1985. Over the years, the Crime Prevention and Criminal Justice Branch has sought to expand this network to cover all regions. In its resolution 1989/58 of 24 May 1989, the Economic and Social Council recognized the importance of the network. Efforts have been made to involve national correspondents more closely in United Nations crime-related activities through more effective communication and co-operation of the UNDP offices and United Nations information centres. However, there are still countries in which there are no national correspondents. Since Governments have been urged by the General Assembly to include national correspondents in their delegations, a general meeting of national correspondents will be held during the Congress to exchange views on ways of increasing their involvement and contribution to the programme.

## 2. Towards a more responsive United Nations role

82. The experience of the last 40 years shows that the attainment of the programme objectives depends not only on the co-operation of countries and intergovernmental and non-governmental organizations, but also on the services provided by the United Nations. The Organization should serve all Member States as a source of reliable and timely information, a point of reference for the development of appropriate policies, and a mechanism for co-ordinating the implementation of cost-effective programmes at all levels. The United Nations policy-making bodies and preparatory meetings for the Eighth Congress were unanimous in their view that the United Nations role in the fight against crime and promotion of justice must be strengthened as a matter of urgency.

83. The crime prevention and criminal justice programme 29 of the 1992-1997 Medium-Term Plan stresses the commitment of the United Nations to the reduction of crime and its harmful consequences, while increasing the fairness and effectiveness of the criminal justice system, with due protection of basic human rights, in accordance with the principles contained in the United Nations standards and norms. The Plan emphasizes improved methods of international co-operation against crime, with the development of mechanisms for joint action to deal with problems of mutual concern. This new type of collaboration requires comprehensive approaches, innovative techniques, integrated strategies and an enhanced capacity for co-ordination. Countries with different legal and political systems may find it difficult to join forces unless an appropriate international framework is provided and concrete opportunities offered for multilateral action, including technical co-operation activities. The proposal made by the Committee on Crime Prevention and Control for the formulation of a United Nations convention on crime prevention and criminal justice could provide such a framework. This is in line with the resolutions unanimously adopted by four of the five regional preparatory meetings which recommended that a strengthened United Nations programme in this field might be achieved through a new convention (A/CONF.144/RPM.1, 3, 4 and 5). A legally binding instrument could consolidate the existing crime prevention norms and guidelines, model treaties and agreements, while reinforcing the multilateral approach to combating transnational crime (E/1990/31 and Add.1, chap. V, para. 14).

84. The proposed convention would provide a tool for concerted action against transnational criminality by bringing together in one multilateral instrument the central aspects of international co-operation in criminal matters: the detection of transnational offences, prosecution and adjudication of the alleged offenders, mutual assistance in securing tangible evidence and witnesses, extradition, recognition of foreign penal judgements and transfer of proceedings and prisoners. It could also cover law enforcement and prosecutorial co-operation, in sharing data and information, tracking the flow of international financial transactions and seizing of illegally acquired assets. <sup>17/</sup> In its formulation, it would be possible to draw on various bilateral and multilateral agreements which have been widely accepted by the international community and are generally regarded as established customary international law.

85. The proposed convention could state what is required internationally in order to respond to both national and transnational crime, and outline the nature and means of a more effective response. It could also describe the role of the United Nations, based on the desire of the signatory States, that the promotion of international co-operation should have its locus within the framework of the United Nations (E/AC.57/1990/6). Formulation of a new treaty, however, would not solve the resource constraints facing the United Nations in its effort to implement this programme efficiently.

86. These proposals, which are now before the Congress for action, were welcomed by the Economic and Social Council in its resolution 1990/27 of 24 May 1990 which, *inter alia*, invited the General Assembly, at its forty-fifth session, in considering the report of the Eighth Congress, to take appropriate measures to ensure the timely implementation and proper follow-up of the recommendations contained therein.

#### IV. CONCLUSIONS

87. The continued growth of crime underscores the urgency of taking incisive action. The transnational scope and widening reach of crime require a commensurate response. Yet, the means and mechanisms have not kept pace with its escalation and pernicious new forms. The common concern about crime, linking countries at all stages of development, must be matched by the political will to translate this concern into reality. An effective strategy against crime must not only confront current crime problems but also emerging ones. The Eighth Congress has a unique opportunity of formulating such a strategy for the 1990s and beyond. As a statement of essential principles and a plan for future action, it would be a charter for the twenty-first century.

88. Such a document would constitute a declaration of intent underlining the commitment of Member States and the international community to concerted action against crime and outline its main directions. It would (a) identify the means of technical co-operation and assistance for more effective crime prevention and humane justice; (b) create the essential mechanisms for practical collaboration against common crime problems; (c) design appropriate procedures to translate United Nations norms and guidelines into concrete terms and monitor their observance; (d) provide the framework for inter-State co-operation to respond to the forms and transnational dimensions of crime; and (e) establish an adequate resource base for an effective United Nations crime and justice programme.

89. A more vigorous programme should be able to render the services which Governments require and expect. The Organization should provide the leadership

with which it has been entrusted. It should also act as a catalyst in promoting practical collaboration at all levels. Adequate international co-operation and support in this critical field would help Governments to contain the problem and to reverse the trend. Agreed upon principles and goals, jointly pursued, in the spirit of shared responsibility and universal solidarity would further multilateral efforts and serve mutual interest. A working group could elaborate the details of the proposals made in preparation for the summit meeting recommended by the Committee on Crime Prevention and Control (resolution 11/3). This would be an appropriate follow-up event and occasion to reaffirm the political will of States to give tangible effect at the highest level to the decisions of the Congress.

#### Notes

1/ Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Milan, 26 August-6 September 1985 (United Nations publication, Sales No. E.86.IV.1), chap. I, sect. A.

2/ Sixth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Caracas, 25 August-5 September 1980: report prepared by the Secretariat (United Nations publication, Sales No. E.81.IV.4), chap. I, sect. A.

3/ Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders ..., chap. I, sect. B.

4/ J. Braithwaite, Inequality, Crime and Public Policy (London, Routledge and Kegan Paul, 1979); M. Lynch, and W. B. Groves, A Primer in Radical Criminology (New York, Harrow and Heston, 1989); and R. Sampson, "Structural sources of variation in rates of offending", Criminology, 1985:23:647.

5/ See, for example, G.O.W. Mueller and F. Adler, Outlaws of the Ocean (New York, Hearst Marine Books, 1985).

6/ 1989 Report on the World Social Situation (United Nations publication, Sales No. E.89.IV.1).

7/ David Gould and José A. Amaro-Reyes, The Effects of Corruption on Administrative Performance Illustration from Developing Countries (Washington, D.C., World Bank Staff Working Paper, No. 580, 1983).

8/ Fifth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Geneva, 1-12 September 1975: report prepared by the Secretariat (United Nations publication, Sales No. E.76.IV.2), paras. 60-64.

9/ Council of Europe, "Explanatory report on the European Convention on Offences Relating to Cultural Property" (Strasbourg, 1985).

10/ Gerte Reichelt, Second Study requested from UNIDROIT by UNESCO on the International Protection of Cultural Property, (Rome, Roneo, 1988).

11/ United Nations Interregional Crime and Justice Research Institute, Essays on Crime and Development, publication No. 36 (1990), Rome; and "New dimensions of criminality and crime prevention in the context of development", working paper prepared by the Secretariat for the Seventh Congress (A/CONF.121/20, para. 114).

12/ See United Nations Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders, Resource Material Series, No. 30, p. 41 (Fuchu, Tokyo, 1986).

13/ See Council of Europe, "Report on future perspectives regarding crime and criminal justice", CDPC (90) 5 (Strasbourg, 1990).

14/ Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders ..., para. 30.

15/ Ibid., chap. I, sect. E.

16/ United Nations Social Defence Research Institute, Research and International Co-operation in Criminal Justice, publication No. 29 (Rome, October 1987).

17/ See Council of Europe, Comprehensive (European) Convention on Interstate Co-operation in the Penal Field (Strasbourg, 1986); M. Cherif Bassiouni, "General report for the International Association of Penal Law", in Effective National and International Action against: (a) Organized Crime; (b) Terrorist Criminal Activities (A/CONF.144/NGO.1); and M. Cherif Bassiouni, "Report on a comprehensive strategic approach on international co-operation for the prevention, control and suppression of international and transnational criminality, including the establishment of an international criminal court", working paper prepared for the Committee of Experts on International Criminal Policy and Establishment of an International Criminal Court, held at Siracusa, from 24 to 28 June 1990.

This archiving project is a collaborative effort between United Nations Office on Drugs and Crime and American Society of Criminology, Division of International Criminology. Any comments or questions should be directed to Cindy J. Smith at [CJSmithphd@comcast.net](mailto:CJSmithphd@comcast.net) or Emil Wandzilak at [emil.wandzilak@unodc.org](mailto:emil.wandzilak@unodc.org).