



United Nations

Commission on Crime Prevention and Criminal Justice

**Report on the reconvened
eighteenth session
(3-4 December 2009)**

**Economic and Social Council
Official Records, 2009
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Note

Symbols of United Nations documents are composed of capital letters combined with figures. Mention of such a symbol indicates a reference to a United Nations document.

[7 December 2009]

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Chapter I

Matters brought to the attention of the Economic and Social Council

1. The attention of the Economic and Social Council is drawn to the following resolution adopted by the Commission on Crime Prevention and Criminal Justice at its reconvened eighteenth session and to the action taken pursuant to General Assembly resolution 61/252, in section XI of which the Assembly authorized the Commission to approve the programme budget for the United Nations Crime Prevention and Criminal Justice Fund:

Resolution 18/6

Budget for the biennium 2010-2011 for the United Nations Crime Prevention and Criminal Justice Fund

The Commission on Crime Prevention and Criminal Justice,

Exercising the administrative and financial functions entrusted to it by the General Assembly in its resolution 61/252 of 22 December 2006,

Having considered the report of the Executive Director of the United Nations Office on Drugs and Crime on the proposed budget for the biennium 2010-2011 for the United Nations Crime Prevention and Criminal Justice Fund¹ and the related recommendations of the Advisory Committee on Administrative and Budgetary Questions,²

Recalling that there are no priorities within major programmes as decided by the General Assembly,

1. *Welcomes* the measures taken to develop a thematic and regional programme approach to the programme of work of the United Nations Office on Drugs and Crime, and requests the Executive Director of the Office to present to the Commission on Crime Prevention and Criminal Justice at its nineteenth session, in 2010, the changes that would need to be made to the strategic framework and a report on the implications of such an approach for the Office and for the allocation of resources to the subprogrammes of the programme of work, taking into account the views expressed by the Advisory Committee on Administrative and Budgetary Questions in the relevant parts of its report;³

2. Notes that the proposed budget for the biennium 2010-2011 for the United Nations Crime Prevention and Criminal Justice Fund⁴ is based, inter alia, on the strategy for the period 2008-2011 for the United Nations Office on Drugs and Crime, as approved by the Economic and Social Council in its resolution 2007/19 of 26 July 2007;

¹ See E/CN.7/2009/13–E/CN.15/2009/23.

² E/CN.7/2009/14–E/CN.15/2009/24.

³ Ibid.

⁴ See E/CN.7/2009/13–E/CN.15/2009/23.

3. *Also notes* that the proposed budget is harmonized with sections 16 and 28F of the proposed programme budget of the United Nations for the biennium 2010-2011;⁵

4. *Further notes* that the proposed budget focuses on general-purpose funds and that it also includes special-purpose funds and programme support cost income earned on special-purpose contributions, as well as regular budget resources;

5. *Further notes* that the general-purpose resources of the Fund of the United Nations International Drug Control Programme and the United Nations Crime Prevention and Criminal Justice Fund are presented as a single budget, with accounts to be kept separate, and that general-purpose expenditure will be apportioned between the two funds in accordance with the income that each generates;

6. *Further notes* that the proposed budget clearly distinguishes between general-purpose funds and programme support cost funds and that it harmonizes the use and management of these fund categories across the two funds of the United Nations Office on Drugs and Crime;

7. *Further notes* that the programme support cost resources of the Fund of the United Nations International Drug Control Programme and the United Nations Crime Prevention and Criminal Justice Fund are presented as a single budget, with accounts to be kept separate, and that programme support cost expenditure will be apportioned between the two funds in accordance with the income that each generates;

8. *Notes with concern* the sharp decline in general-purpose income in the biennium 2008-2009 and the corresponding measures taken to reduce general-purpose expenditure;

9. *Considers* that strengthening the dialogue between the Executive Director and the Member States on the development, implementation and funding of the thematic and regional programmes may help, in particular, to address this sharp decline;

10. *Approves* the projected use of general-purpose funds in the biennium 2010-2011, and invites Member States to provide contributions totalling at least 4,517,200 United States dollars;

11. *Expresses concern* about the financial situation of the United Nations Office on Drugs and Crime;

12. *Invites* Member States to provide additional general-purpose contributions to the Fund of the United Nations International Drug Control Programme and the United Nations Crime Prevention and Criminal Justice Fund totalling 9,570,800 dollars to enable the United Nations Office on Drugs and Crime to restore and strengthen the functions and activities discontinued in the biennium 2008-2009 as a result of the precipitous decline in general-purpose income to the Office;

13. *Endorses* the programme support cost fund and special-purpose fund estimates as indicated below;

⁵ A/64/6 (Sect. 16) and (Sect. 28F).

Resource projections for the United Nations Crime Prevention and Criminal Justice Fund

Category	Resources (thousands of United States dollars)		Posts	
	2008-2009	2010-2011	2008-2009	2010-2011
General-purpose funds				
Post	6 201.8	4 517.2	20	13
Non-post	893.9	-	-	-
Special-purpose funds	137 866.4	140 565.7	-	-
Programme support cost funds				
Post	5 563.0	4 886.7	-	38
Non-post	2 241.2	2 199.2	40	-
External executing agencies	293.4	293.4	-	-
Total	153 059.6	152 462.2	60	51

14. *Notes* that the above estimated resource projections are subject to the availability of funding;

15. *Reaffirms* the role of the Office of Internal Oversight Services, pursuant to General Assembly resolution 48/218 B of 29 July 1994 and other relevant resolutions of the Assembly and to the Financial Regulations and Rules of the United Nations, for oversight, monitoring and control by the Assembly of the administrative and financial functioning of the United Nations, takes note of the findings and recommendations in the report of the Office on inspection of programme-level monitoring and evaluation of the United Nations Office on Drugs and Crime, dated 5 October 2009, and requests the Secretariat to act upon and implement those recommendations and to report to Member States on follow-up in that regard;

16. *Decides* that the proposed consolidated budget for the biennium 2010-2011 for the United Nations Office on Drugs and Crime should contain adequate provisions for the establishment of a sustainable, effective and operationally independent evaluation unit, including the following aspects:

(a) The necessary resources should be made available to fund the position of the head of the unit through reallocation of resources from the regular budget of the United Nations available to the Office;

(b) The Executive Director should ensure independent, timely and effective evaluations, in line with the standards and norms of the United Nations Evaluation Group and following the recommendations of the Office of Internal Oversight Services;

(c) The unit should be functionally and operationally independent and should be part of the Office of the Executive Director;

(d) The Executive Director should delegate authority to make all personnel and operational decisions concerning staff and consultants to the head of the unit in line with the relevant General Assembly resolutions and in conformity with the Staff Regulations and Rules of the United Nations;

(e) The unit should circulate its reports simultaneously to the Executive Director and to Member States, with management responses being provided subsequently, and the reports should be submitted to the Commission for its consideration;

(f) The unit should establish an appropriate cycle for its reports, including the annual evaluation report, with a view to ensuring that its reports are available to all Member States well in advance of the session of the Commission held in the first part of each year;

(g) The reports of the unit should be made public and accessible;

17. *Requests* the Executive Director to ensure the sustainability of the Strategic Planning Unit, consistent with the importance of the functions performed by the Unit;

18. *Requests* the head of the independent evaluation unit to brief the Member States periodically, preferably through the standing open-ended intergovernmental working group on improving the governance and financial situation of the United Nations Office on Drugs and Crime, as appropriate, on the findings and the implementation of recommendations contained in evaluation reports;

19. *Invites* Member States to take an active role in the development and application of the evaluation policy;

20. *Takes note* of the draft workplan of the independent evaluation unit for the biennium 2010-2011 as a transitional step towards the re-establishment of the unit, decides that the workplan should be implemented without delay, and requests the unit to report to Member States on follow-up in that regard;

21. *Requests* the Executive Director to report to the Commission, at its nineteenth session, on the implementation of paragraphs 16, 17 and 18 of the present resolution, including on the sustainable and predictable financing of the position of head of the Strategic Planning Unit in the future, and to provide advance information in that regard to the standing open-ended intergovernmental working group on improving the governance and financial situation of the United Nations Office on Drugs and Crime.

Chapter II

Policy directives for the crime programme of the United Nations Office on Drugs and Crime and the role of the Commission on Crime Prevention and Criminal Justice as its governing body, including administrative, strategic management and budgetary questions and follow-up on resolutions

2. The Commission considered item 7 of the agenda, entitled “Policy directives for the crime programme of the United Nations Office on Drugs and Crime and the role of the Commission on Crime Prevention and Criminal Justice as its governing body, including administrative, strategic management and budgetary questions and follow-up on resolutions”, at its 15th meeting, on 3 December 2009. For its consideration of the item, the Commission had before it the following documents:

(a) Report of the Executive Director on the consolidated budget for the biennium 2010-2011 for the United Nations Office on Drugs and Crime (E/CN.7/2009/13–E/CN.15/2009/23);

(b) Report of the Advisory Committee on Administrative and Budgetary Questions on the consolidated budget for the biennium 2010-2011 for the United Nations Office on Drugs and Crime (E/CN.7/2009/14–E/CN.15/2009/24);

(c) Note by the Secretariat on the work of the standing open-ended intergovernmental working group on improving the governance and financial situation of the United Nations Office on Drugs and Crime (E/CN.7/2009/15–E/CN.15/2009/25).

3. A representative of the Secretariat made an audio-visual presentation. A statement was made by one of the co-chairpersons of the standing open-ended intergovernmental working group on improving the governance and financial situation of UNODC. Statements were made by the observer for Sweden (on behalf of the States Members of the United Nations that are members of the European Union) and by the representatives of Japan, El Salvador, Mexico, the Russian Federation and Guatemala.

A. Deliberations

4. In her introductory statement, the representative of the Secretariat noted that the budget was financially austere, as a result of the sharp decline in general-purpose funding. She made reference to the cost-saving measures that had been implemented in 2009 and would continue in the biennium 2010-2011.

5. The representative of Spain, speaking as co-chairperson of the standing open-ended intergovernmental working group on improving the governance and financial situation of UNODC, gave a summary of the activities of the working group, indicating that participation had been active and there had been fruitful and focused discussions at the one formal and five informal meetings held.

6. Several speakers commented on the importance of the work of UNODC in addressing the many new challenges facing the international community. Appreciation was expressed for the efforts made to move towards a thematic and regional approach and for efforts to pursue the integrated strategy of UNODC. The thematic and regional approach was seen as a positive step towards the consolidation and rationalization of the delivery of the work of UNODC.

7. Several speakers welcomed the Secretariat's proposal to submit to the Commission, at its nineteenth session, a report on the measures taken to develop a thematic and regional approach to the programme of work of UNODC and the implications of such an approach for the Office and for the allocation of resources to the subprogrammes of UNODC. The report should also include information on the changes that would need to be made to the strategic framework and to section 16 of the programme budget of the United Nations.

8. Several speakers welcomed the report of the Advisory Committee on Administrative and Budgetary Questions, noting that the report contained substantive recommendations (E/CN.7/2009/14–E/CN.15/2009/24).

9. One speaker acknowledged the level of dialogue existing between the Secretariat and Member States. Several speakers expressed the view that strengthening the dialogue between the Executive Director and the Member States might assist in addressing the sharp decline in general-purpose funding. In particular, they emphasized the importance of transparency in the use of general-purpose funds to that effect.

10. Speakers expressed concern regarding the decrease in general-purpose funds. One speaker referred to the report of the Advisory Committee, in which it was stated that the Secretary-General's strategic framework for the period 2010-2011 identified drug control, crime prevention and combating international terrorism in all its forms and manifestations as one of the eight priorities of the United Nations. The negative impact of the shortfall in general-purpose funds on the work of the Office and on staff morale was noted with concern, and appreciation for the work of UNODC staff was expressed. Several speakers noted that the reliance by UNODC on extrabudgetary resources had led to a highly fragmented, unpredictable and constrained funding structure. One speaker expressed the view that the Commission needed to work collectively and creatively to find long-term solutions to the funding situation, including through the standing open-ended intergovernmental working group on improving the governance and financial situation of the Office.

11. Speakers expressed the need for continued discussion on the application of programme support cost charges, with the view that it could lead to more flexible and sustainable funding.

12. Several speakers emphasized the importance of having a strong independent evaluation unit within UNODC. Several speakers also emphasized the importance of the paragraphs in the draft resolution submitted by the Chairperson (E/CN.15/2009/L.15) referring to provisions for the establishment of a sustainable, effective and operationally independent evaluation unit, with the position of the head of the unit to be financed with resources from the regular budget of the United Nations. It was stated that the unit should be located close to or within the Office of the Executive Director and that its reports should be made available simultaneously to the Executive Director and Member States, including through the standing

open-ended intergovernmental working group on improving the governance and financial situation of UNODC. It was also stated that the unit should establish an appropriate cycle for its reports, including the annual evaluation report, and that those reports should be made public and accessible. The Secretariat informed the Commission that a regular budget post at the P-5 level, currently the position of Chief of the Strategic Planning Unit, would be made available for redeployment to the reinstated independent evaluation unit, but noted that all other funding for the unit would be from extrabudgetary sources. The Secretariat also indicated that there would be implications for the Strategic Planning Unit.

13. Several speakers emphasized the importance of the UNODC programme of work in Latin America and the Caribbean, in particular in Central America. They stated that the region had benefited from the expertise of UNODC work and they looked forward to the implementation of the programme in the region.

B. Action taken by the Commission

14. At its 15th meeting, on 3 December 2009, the Commission adopted a draft resolution submitted by the Chairperson, entitled “Budget for the biennium 2010-2011 for the United Nations Crime Prevention and Criminal Justice Fund” (E/CN.15/2009/L.15). (For the text, see chapter I, resolution 18/6.) Prior to the adoption of the draft resolution, a representative of the Secretariat read out a financial statement, the text of which is contained in annex I of the present report.

Chapter III

Other business

15. At its 15th meeting, on 3 December, the Commission considered agenda item 9, entitled “Other business”. Statements were made by the Chairperson and by the observer for Sweden on behalf of the European Union.

Deliberations

1. Duration of the nineteenth session and other arrangements

16. The Chairperson recalled the preparations for the nineteenth session that had been agreed by the Commission at intersessional meetings held on 11 September and 23 November 2009. He also recalled that the Economic and Social Council, in its decision 2009/246, had approved the provisional agenda and documentation for the nineteenth session and, on an exceptional and non-precedential basis, a five-day duration for the session. The nineteenth session would be held from 17 to 21 May 2010, with informal consultations to be held on the working day preceding the first day of the session.

17. The Chairperson informed the Commission that it had been agreed to recommend to the Commission, for its approval, a provisional deadline for the submission of draft resolutions of Monday, 17 May 2010, at noon. Pursuant to Economic and Social Council decision 2009/246 and in view of the Twelfth United Nations Congress on Crime Prevention and Criminal Justice, to be held in April 2010, Member States were strongly urged to submit draft resolutions at least one month prior to the opening of the session, and by 21 April at the latest. Draft resolutions should be accompanied by such information as the intended scope, a proposed timetable for implementation, identification of resources available and other relevant information.

2. Thematic discussion

18. As agreed by the Commission and reflected in Economic and Social Council decision 2009/246, the prominent theme for the nineteenth session would be “Protection against illicit trafficking in cultural property”. At an intersessional meeting held on 23 November, the Commission had endorsed the following subthemes agreed in the course of informal consultations:

(a) Applicable law and policies, from the perspective of crime prevention and criminal justice, to combat trafficking in cultural property, including issues of criminalization and implementation of judicial decisions, with emphasis on the links between such trafficking and transnational organized crime;

(b) Preventing trafficking in cultural property, in particular through:

(i) Awareness-raising, capacity-building, technical assistance and interdisciplinary coordination;

(ii) Criminalization in the context of prevention;

(iii) Measures designed to safeguard cultural property, including means for the identification of cultural property and physical protection measures;

(c) Emerging trends (such as use of the Internet, electronic commerce and auctions) and adequate responses;

(d) International, regional and bilateral cooperation, within the mandate of UNODC, in preventing and combating trafficking in cultural property, including through mutual legal assistance, private/public partnerships and mechanisms for the restitution and return of such property, with due regard to the role of technical assistance.

19. It had also been decided that nominations for panellists should be submitted through the Chairpersons of the regional groups by 1 March 2010 at the latest.

3. Preparations for the Twelfth United Nations Congress on Crime Prevention and Criminal Justice

20. It was recalled that the Twelfth Congress would be held in Salvador, Brazil, from 12 to 19 April 2010, with pre-Congress consultations to be held on 11 April 2010. Informal open-ended consultations would be convened by the Government of Brazil to discuss a draft declaration for the Twelfth Congress.

4. Input to the annual ministerial review of the Economic and Social Council

21. It was recalled that the President of the Economic and Social Council had invited the Chairperson of the Commission to provide written input on how the Commission could contribute to the 2010 annual ministerial review of the Economic and Social Council on the theme “Implementing the internationally agreed goals and commitments in regard to gender equality and empowerment of women”. Member States had been invited to provide their input to the secretariat for inclusion in a reply to the President of the Council; the reply would include the input received from the observer for Sweden on behalf of the European Union and other input received.

Chapter IV

Adoption of the report of the Commission on its reconvened eighteenth session

22. At its 16th meeting, on 4 December 2009, the Commission adopted the report on its reconvened eighteenth session, as orally amended (E/CN.15/2009/L.1/Add.7-9).

Chapter V

Organization of the session and administrative matters

A. Opening and duration of the session

23. The Commission on Crime Prevention and Criminal Justice held its reconvened eighteenth session in Vienna on 3 and 4 December 2009. The Chairperson opened the reconvened eighteenth session. At the 15th meeting, on 3 December, the Executive Director of UNODC made an opening statement.

B. Attendance

24. The session was attended by representatives of 30 States members of the Commission (Cameroon, the Comoros, the Democratic Republic of the Congo, Jamaica, Kenya, Lesotho, the Libyan Arab Jamahiriya, Nigeria, Sierra Leone and the United Arab Emirates were not represented). Also attending were observers for 45 other States Members of the United Nations, 1 non-member State, 1 entity of the United Nations system and 1 institute of the United Nations Crime Prevention and Criminal Justice Programme network, 4 intergovernmental organizations, 1 entity maintaining a permanent observer office to the United Nations (Vienna) and 10 non-governmental organizations in consultative status with the Economic and Social Council. A list of participants is contained in document E/CN.15/2009/INF.1/Add.1.

C. Documentation

25. The documents before the Commission at its reconvened eighteenth session are listed in annex II of the present report.

D. Closure of the reconvened eighteenth session

26. At the 16th meeting, on 4 December, the Chairperson of the Commission made a closing statement.

Annex I

Financial statement on the draft resolution entitled “Budget for the biennium 2010-2011 for the United Nations Crime Prevention and Criminal Justice Fund”*

1. The present statement was made in accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council.
2. At the request of the Commission, as indicated in operative paragraph 16 of the draft resolution, an independent evaluation unit would be established under the Office of the Executive Director. This unit would be funded partly through redeployment of resources from the regular budget of the United Nations and partly through voluntary contributions. The proposal to fund the post of the head of the unit from the regular budget of the United Nations would not entail any additional requirement to the proposed programme budget for the biennium 2010-2011, as it is proposed to redeploy a regular budget post at the P-5 level, corresponding to the Chief, Strategic Planning Unit, which is currently vacant and allocated under subprogramme 2, Policy and trend analysis, to executive direction and management.
3. In addition to the regular budget post at the P-5 level, voluntary contributions would be required to ensure the effective and operational functioning of the independent evaluation unit. To be fully operational, the unit would need (a) to be staffed as follows: one P-5, head of unit, funded from the regular budget of the United Nations, and five positions funded from voluntary contributions (one P-4, one P-3, one P-2 and two GS (Other level)); and (b) to have an operational budget for evaluation work. In addition to the regular budget post, this would represent a requirement of \$1,560,000 per biennium to be funded from voluntary contributions. The current level of voluntary contributions available for evaluation being \$800,000, an additional \$760,000 would be required to ensure the effective functioning of the independent evaluation unit in 2010-2011.
4. As a consequence of the redeployment of the regular budget post at the P-5 level (Chief, Strategic Planning Unit) to the independent evaluation unit, the Strategic Planning Unit would be fully funded from voluntary contributions. To ensure the proper undertaking of strategic planning functions, resources would be required to provide for six positions (one P-5, one P-4, one P-3, one P-2 and two GS (Other level)) and an operational budget. This would represent a requirement of \$1,680,000 per biennium to be funded from voluntary contributions. The current level of voluntary contributions available for strategic planning being \$739,200, an additional \$940,800 would be required to ensure the effective functioning of the Strategic Planning Unit in 2010-2011.
5. While administrative support to the independent evaluation unit could be easily provided if it were located in a larger division, its location in a small office such as the Office of the Executive Director means that administrative functions would have to be carried out within the independent evaluation unit itself. The unit

* For the final text of the resolution, which originally appeared under the symbol E/CN.15/2009/L.15, see chapter I, resolution 18/6. For the discussion, see chapter II, section A.

would remain independent to the extent that the performance appraisal of the Chief of the unit would be conducted by the Executive Director. All other administrative functions, including operational decision-making and certification, would be done within the unit itself and would be shared between the Chief and the deputy. Those arrangements would be workable if the extrabudgetary funding specified in paragraph 3 above was made available.

6. The attention of the Commission was drawn to the provisions of section VI of General Assembly resolution 45/248 B, in which the Assembly reaffirmed that the Fifth Committee was the appropriate Main Committee of the Assembly entrusted with responsibilities for administrative and budgetary matters, and reaffirmed also the role of the Advisory Committee on Administrative and Budgetary Questions.

Annex II

List of documents before the Commission at its reconvened eighteenth session

<i>Document symbol</i>	<i>Agenda item</i>	<i>Title or description</i>
E/CN.15/2009/1 and Corr.1	2	Provisional agenda and annotations
E/CN.15/2009/1/Add.1	2	Annotations to the provisional agenda
E/CN.7/2009/13–E/CN.15/2009/23	7	Report of the Executive Director on the consolidated budget for the biennium 2010-2011 for the United Nations Office on Drugs and Crime
E/CN.7/2009/14–E/CN.15/2009/24	7	Report of the Advisory Committee on Administrative and Budgetary Questions on the consolidated budget for the biennium 2010-2011 for the United Nations Office on Drugs and Crime
E/CN.7/2009/15–E/CN.15/2009/25	7	Note by the Secretariat on the work of the standing open-ended intergovernmental working group on improving the governance and financial situation of the United Nations Office on Drugs and Crime
E/CN.15/2009/L.1/Add.7-9	10	Draft report of the Commission on its reconvened eighteenth session
E/CN.15/2009/L.15	7	Budget for the biennium 2010-2011 for the United Nations Crime Prevention and Criminal Justice Fund: draft resolution
