

What is the role of criminologists in informing United Nations public policy?

Cindy Smith

As I sit in the annual United Nations Commission on Crime Prevention and Criminal Justice (Crime Commission)¹ meetings in the conference room of the UN building in Vienna, Austria, I feel the magical energy of high level bureaucrats drafting crime resolutions using the consensus model. Most of the week is filled with discussion among the representatives of the 40 Member States, as well as country representatives that attend as spectators, about whether the word *invite* should replace *encourage* in the opening paragraphs of the draft resolution². This negotiation, however trivial it seems, is very important to ensure support and the resulting action by the countries throughout the world. This level of word-smithing is even more amazing to me when I look around the theatre style room at the roughly 100 countries represented at a typical meeting, each wearing a headset and listening to or speaking one of six official UN languages. The interpreters, two to a booth, are housed in the glass enclosed private boxes over-looking the floor from the second level of the theatre. Which word will interpret the best? Which word will give each country the same meaning and the same feeling? Which word will elicit the response intended?

In the halls surrounding this semi-circular room, the non-governmental organizations (NGOs), representing civil society, discuss their latest report or program, while standing in line at the coffee bar with a representative from one of the Member States who (they think) might agree to request the selected word be enhanced by adding *strongly* to *encourage*. Each NGO is an advocate for an agenda, a bias, to promote resolutions that will favor their constituency. Each government official has an agenda, a bias, to find consensus that favors their citizens. But, who is promoting data driven policy?

In a perfect world, crime theory would allow policy makers to anticipate crime and know what to do about it before it happens. They would not need researchers to translate the volumes of literature on each topic because the theory would be the summary. In a slightly less perfect world, policy makers would anticipate crime and actively seek out the prominent researchers on each topic to provide guidance and wisdom on prevention and intervention prior to developing a resolution. Researchers would develop theories that would not only explain crime globally, but identify potential crime, conduct research, and enable the development of prevention and intervention models that account for the intended and unintended consequences of particular policies. This would permit policy makers and researchers ample opportunity to examine a problem from all angles before making a final policy decision; thereby avoiding policies that create new problems or are

¹ The development and history of the Crime Commission is detailed in Roger S. Clark's 1994 book, *The United Nations Crime Prevention and Criminal Justice Program Formulation of Standards and Efforts at their implementation* (University of Pennsylvania Press: PA).

² See Merry (2006) for a detailed account of word-smithing in the Commission on the Status of Women, which is very similar to the events in the Crime Commission.

not effective in reducing the current problem. When an inadequate policy is implemented, it takes years to adjust it, leaving victims of unintended consequences in the wake; thus the importance of basing policy on good research. However, the world is not perfect, nor slightly less than perfect. Therefore, someone needs to assemble the volumes of knowledge into something that is usable by policy makers to create data driven policy.

Expecting policy makers to assemble and digest the volumes of academic literature is problematic for two reasons. First, much of the high quality research is held only in the peer reviewed journals that are full of academic jargon, statistics, and difficult to obtain. This is particularly true in a global society where reports are written in various languages, albeit more dominant in English, across the almost 200 member nations in the UN. Secondly, many of the cutting edge research reports are housed in government offices and not easily obtainable. These reports are more likely to be in the native language of the country, including those languages outside the six UN languages.

This problem begs for a discussion of the research community's responsibility. Is it within the purview of the field of international criminology/criminal justice to research policy relevant issues? Should we do more than pure research? If so, is it our responsibility to make that research accessible to outside readers?³ The ASC has taken a position on this issue and developed its second journal, *Criminology and Public Policy*. However, a review of the topics included in the journal reveals a focus on crime issues that have been researched for many years (i.e., prison population growth). The legislation is already passed, the policies are in place, and the research lags behind. This does not make this research unimportant, but it is reactive instead of proactive.

Is it possible for researchers to be on the cutting edge of a new crime problem? This question has been discussed peripherally in the crime literature for many years. Blumer (1971) suggests that researchers do not become aware of social problems until government or civil society raise awareness about them. According to Blumer's model, this results in researchers entering the process at the third stage of problem definition, which is often too late to impact the initial legislation⁴ In this model it is more likely that the researcher will be called in to conduct a program evaluation years after the program has been in operation, but little to no data have been collected. To research a problem before the legislation means the researcher must be involved at the level of initially identifying the problem.

In the international arena, there is at least one way for researchers to anticipate the upcoming legislative topics and to begin their research at least one year prior to the sessions of the Crime Commission. For many years, a summary report has been posted on the web page of the United Nations Office on Drugs and Crime (UNODC) under the Crime Commission (see, for example,

³ The Office of Justice Programs suggests that it is our responsibility in remarks given April 13, 2000 at the Tenth United Nations Conference in Vienna (<http://www.ojp.usdoj.gov/nij/international/uncongre.html>).

⁴ See Smith, 2005 for an example and more detailed discussion.

http://www.unodc.org/unodc/en/crime_cicp_commission.html). In this final report of the session, the work for the next Commission meeting is outlined. For example, the Commission meeting in 2005 (E/2005/30) summary report identified that the topics of discussion for spring of 2006 included economic crime with an emphasis on money-laundering and the financing of terrorism and combating transnational crime (http://www.unodc.org/unodc/en/crime_cicp_commission_session_15.html, E/2006/30, E/CN.15/2006/20).

If this information has been available to researchers for many years, why have more not taken advantage of it? Why is this issue so important today? The first question might be answered by examining the number of researchers who have been interested in international issues. The ASC membership has remained relatively constant with approximately 20 percent of its membership being non-US citizens. Currently the ASC membership is 2993, with 678 non-US citizen members. The number of US and international members conducting international research is small, which results in a small number of protégé being developed in the area. However, as the world shrinks, more crime is linked to its international dimensions, and criminology/criminal justice education fully integrates the international and transnational nature of crime, this number should increase.

The second question is more complex. Recent changes in the Crime Commission working structure have raised concern among civil societies. Two of the three Crime Commission working groups appear to have changed in the overall structure. Although this happened over time, the retirement of Executive Director Eduardo Vetere of the Secretariat of the Crime Commission focused attention on the structure as the field waited for his replacement to be announced.

Three main groups participate in the Crime Commission work; the Secretariat, Member States, and non-governmental organizations (NGOs). The Secretariat staff is primarily composed of business-oriented professionals (i.e., MBA, PhD. in Economics), although there continue to be some crime experts. In the past, the Secretariat employed numerous well known criminologists (i.e., Gerhard Mueller) and the research division of the UNODC was vibrant with specialists who informed the Member States on many topics. But, as we fast forward to 2006, we find a different Secretariat. Under this new *lean and mean* business model structure, the Secretariat is planning the *Think Tank* model. In this model, the UNODC will have the specific expertise of a limited number of staff and fill in the gaps with consulting experts as funding permits.

Secondly, 40 of the 191 UN Member States are elected to serve on the Crime Commission for two year terms. They are composed of primarily foreign ministry political types that address all topics (i.e., professional law makers, general foreign policy). Some do have expertise in criminology, but the vast majority does not and does not have the funding to hire consultants to review documents for them prior to or at the Crime Commission meetings.

Finally, the NGOs represent civil society, some of whom have criminology expertise, others of whom have extensive expertise in related issues (i.e., victimology). These groups are the topical experts upon whom the Member States rely. NGOs sometimes participate behind the scenes (i.e., in the hallway) as discussed previously, helping Member States draft legislation, encourage grass roots topics to be considered on the Commission floor and they have some ability to speak from the floor after all Member States have completed their comments.

In addition to these three groups, there are other groups, such as intergovernmental groups, the fourteen institutes, and special experts called upon for their expertise and perspectives. Many of these experts are known to and members of the ASC. However, the pool is limited to funding availability and the perspective presented can be narrowly focused. Under the current conditions, the concern was eloquently posed by the US representative in the closing comments of one of the key sessions at the 2006 Crime Commission meeting. The representative pleaded with the NGO community to be active in informing the Member States in the details of the issues because often the representatives lack criminology/criminal justice expertise. It is this plea, from the US delegation, that makes the issue so timely. It is the first time the NGOs have heard the US support their involvement.

If Member States are relying on the expertise of the NGO community, what information will they learn? Who are these NGOs and what are their biases? NGOs include a variety of organizations, such as the World Society of Victimology, Pax Romano, and the Soroptimists. In fact, there are over 1500 NGOs with special consultative status to the Economic and Social Council (ECOSOC) of the UN (See http://www.unodc.org/unodc/ngos_database.html for a brief description of their missions). Some are more active than others, but each brings its own bias and advocacy agenda. Not all bias is negative to the process. The ASC has this consultative status, reported in the November 2003 *Criminologist*, and it has a biased agenda. This ASC agenda is found in the second section entitled *Purpose and Objectives* of the ASC Constitution (<http://www.asc41.com/const.htm>). The ASC's bias stems from our purpose of disseminating knowledge from research results. We want policy to be based on this knowledge.

In response to the question, "Why is this issue so important today?" I offer the following thoughts: The Secretariat of the UNODC and the related staff are primarily business people, ensuring the work is completed in a timely and efficient manner. Many of the Member States are developing recommendations for crime related resolutions to ECOSOC without the benefit of crime expertise input from the Secretariat or from their own ranks. This results in the majority of the expertise coming from the NGO community. Recognizing that the majority of the NGOs are advocates for a specific cause, if the general attending group of NGOs provides guidance to the Member States, the results will be biased toward their agenda. The direction of the bias can be anticipated by the list of regular attendees found at the end of each report on the Crime Commission (See, for example,

http://www.unodc.org/unodc/en/crime_cicp_commission_session_15.html, E/2006/30, E/CN.15/2006/20).

Attendance at the Crime Commission in Vienna each year yields a much clearer understanding of what is said, by whom, and in response to whom. This interaction places the data in context. While supporting the Member States to develop resolutions begins long before the Crime Commission meeting, attendance is an important dimension for each stakeholder. First, as the word-smithing occurs, the meaning of the resolution can be changed considerably. Having crime experts in attendance allows Member States immediate or last minute consultation. However, this generally does not occur unless personal rapport has been fully developed between the representative of the Member State and the NGO participant. Second, merely having the presence of civil society provides one check and balance on the governmental process. Finally, having NGO statements offers moral and technical support to the Secretariat personnel. Thus, the NGO community must attend and participate in the process to fully support the process. The nature of participation is dependent on the mission of each NGO.

The ASC takes very few policy positions, most notably limited to the death penalty at this time. However, the Member States do not want opinions or NGO policy statements from the supporting NGOs. Instead, they want reliable research results in a usable format. One good example of how this has been implemented occurred in 2004. The papers published on the death penalty in *Criminology and Public Policy* were reproduced for the Member States for the 2004 Crime Commission meeting. The presence of these papers, along with other informal discussions by ASC members attending the meeting, resulted in the discussion of the death penalty being allowed to occur on the Crime Commission floor. The Member States were informed and it was evident that they had received and at least perused the documents, albeit doubtful they had time to read them. These documents were peer reviewed journal articles, not opinion or advocacy papers, bundled in a package with the ASC policy paper summary. It is this unbiased knowledge that the ASC promotes. It is unimportant that the ASC takes a position on the death penalty. What was important was the research evidence that the ASC members could provide to the Member States so they could make informed decisions.

If the ASC – the world's largest and most productive group of criminologists - does not offer the Member States and Secretariat unbiased research results in a format that is easily digestible, then who will? And with what result? I suggest it will be the biases of those who regularly attend and have developed a rapport with the delegates of the Member States. These same organizations will provide the technical assistance to developing countries. Researchers who are interested in learning more will find informative sessions at the annual ASC meetings.

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Cindy Smith is the Chair of the Division of International Criminology of the American Society of Criminology.