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"No Security or Development Without Justice"

Will this Crime Prevention Congress meet the challenge?

SALVADOR, 18 April (UN Information Service) – The following is the text of the speech by Antonio Maria Costa, Executive Director of the United Nations Office on Drugs and Crime (UNODC) to the High-Level Segment of the 12th United Nations Congress on Crime Prevention and Criminal Justice.

Excellencies, Ladies and Gentlemen,

So far, this Crime Prevention Congress has put the world's criminal justice system on trial – if you allow me the metaphor. I would not be surprised if your verdict were to be harsh. In too many parts of the world:

- Cities, even states are not able to provide public order. Income inequalities within, and across nations, have turned into mal-distribution of justice and security: private guards around gated communities protect the rich, while ghettos are ruled by gangs;
- Police are under fire from well-equipped and well-connected criminals. Most often salaries are low and the temptation for bribery high;
- Prosecutors lack the skills and the equipment to collect evidence, while criminals hire the world's best lawyers to stay out of jail;
- Judges are intimidated, bribed, even murdered. In so many countries they are overwhelmed, resulting in justice delayed -- which is justice denied;
- Prisons, overcrowded with people in pre-trial detention or guilty of minor offences, have turned into incubators of infections and universities of crime;
- Money-laundering corrupts entire economic sectors, inducing a sense of inequity that law-abiding, common people resent.

Yet, if criminal justice were really on trial, the case would be dismissed for lack of evidence. Unlike in other domains where the UN is the world's best information provider, we don't have the definitions, data and logical framework to report on crime trends, understand its causes and measure its size. Unable to assess progress, we cannot tell you whether your policies are succeeding -- or not.

All we see are the consequences, the material costs and the suffering caused by crime. Let me focus especially on organized crime, as this is what is causing havoc.

A threat to security

In the past quarter century (namely since the Cold War), unprecedented openness in trade, finance, travel and communication has improved economic growth and living standards. Yet, the fact that global governance has failed to keep pace with economic globalization has allowed international mafias to prosper. Organized crime has become a business with macro-economic dimensions, comparable to the national income of many countries and the turnover of the world's largest corporations. Because of its size and the ways it operates, organized crime has also become a threat to security:

- drug cartels are spreading violence in Meso America, West Asia and West Africa;

- collusion between insurgents and criminal groups (in Central Africa, the Andeans and South-East Asia) fuels terrorism and plunders natural resources;
- smuggling of migrants and modern slavery have spread in Europe and the Maghreb, as much as South-East Asia and Latin America;
- gun trafficking from rich, arms-surplus nations in North America, Europe and Asia is empowering criminals and fuelling conflicts;
- pirates from some of the world's poorest countries (the Horn of Africa) hold to ransom ships from the richest nations and keep at bay the strongest navies;
- counterfeit goods undermine licit trade and intellectual property, pirated medicines endanger the lives of the most needy;
- natural resources illicitly exploited under- (precious minerals, oil) and above-ground (timber and rare species) enrich criminals and impoverish the planet;
- cyber-crime steals individual identity to commit fraud. It also threatens civil infrastructures and thus the security of nations;
- money laundering has become rewarding to the point that, at a time of financial crisis, white-collar business competes for the liquidity in the hands of organized crime.

So serious is the organized crime threat that the UN Security Council has on several occasions considered its implications on many theatres (West Asia, Central America, West and East Africa), and in relation to several themes (trafficking of arms, drugs, people, and natural resources). UNODC, often invited to provide evidence, is honoured to have been asked to report periodically in the future.

A threat to development

Organized crime also poses a threat to the welfare of nations. Crime creates instability that hampers investment -- in a vicious circle that breeds conflicts, mass poverty and environmental deterioration. Crime has turned into an impediment to the realization of the Millennium Development Goals (MDGs).

I used to think it strange that fighting crime was not included among the MDGs. But now I am pleased to see that the pursuit of justice is more than a mere additional Millennium goal: it is the basis for all MDGs. There can be no development without justice -- and vice-versa.

To illustrate all this, take a map of countries ravaged by crime and corruption, and overlay it with a map of conflicts. Then juxtapose a histogram of per-capita incomes. You will see that crime, violence and underdevelopment overlap. And these countries, of course, coincide with UN peacekeeping operations. How can these countries meet the MDGs? There is a bimodal correlation between weak rule of law and weak socio-economic performance. And I speak of correlation, as I am a professional social scientist; other less technically prone, yet more compelling analysts would call this causality. Namely, crime is indeed causing poverty.

We cannot just throw money and blue-helmets at crisis situations: it is the pursuit of justice that will create the conditions for security and development. I thus invite this Congress to contribute to the Millennium Development Summit called by the Secretary General for September and facilitate implementation of the MDGs in the third and final period (2011-15).

How can the Crime Prevention Congress help?

Thus far I made the case that organized crime is a threat to security and development. I am not alone to say this: in so many surveys, crime is now emerging as the menace common people fear as much, or even more than terrorism, unemployment or climate change. With much of humanity expecting better, quicker and more honest justice, how can this Congress help? Do we discuss endlessly draft declarations, or do we act so as to facilitate the delivery of justice? The world is expecting your guidance: don't let down "We, the people..."

- First and foremost, is the question of human rights. At the World Summit in 2005, Member States resolved that the protection of human rights should be integrated into national policies. In 2008, the Secretary-General asked all UN institutions to do likewise. While progress has been made in

many areas, criminal justice policies and practices are not among them. As human beings, as well as members of the community of civilized nations, we have a shared responsibility to place human rights at the heart of the justice system: whatever the crime, people under investigation or behind bars have not lost their humanity.

- The pursuit of human rights hinges on bringing the administration of justice to our age. In Salvador a consensus must emerge on the imperative to review and update systematically all criminal justice standards and norms. They have been the intellectual capital created over half a century of Congress deliberations: like for all other forms of investments, decreasing returns (namely, obsolescence) is inevitable for current norms and standards.
- The Doha Conference of the Parties for the UN (Merida) Convention against Corruption (UNCAC) agreed on a mechanism to review implementation. This Congress will hopefully call for this mechanism to be put in place speedily, effectively and universally. In this way, at the 2015 session you will be able to assess the progress made against corruption, identify the areas of improvement and calibrate domestic policy on the basis of evidence. Nothing of this sort is feasible at present.
- By the same token, I will find it disappointing if this Congress adjourns without a resounding call to agree, at the next Conference of the Parties (CoP in Vienna), on a similar mechanism to review implementation of the UN (Palermo) Convention against Organized Crime (UNTOC). You can sense my frustration. On the one hand, delegates gathered here have unanimously manifested concern about the economic and fire power of organized crime. On the other hand, previous UNTOC/CoPs have failed to agree on mechanisms helpful to measure progress and identify needs for assistance.
- And then we must ask ourselves: are we equipped to oppose new crimes (in cyber space, against the environment, and counterfeiting) as well as re-emerging crimes (piracy and the trafficking of artefacts)? While reshaping existing instruments (concerned with physical threats), let us not shy away from creating new ones, to deal with crime by stealth: through the internet, the supply chains and, the financial system. These threats are hard to capture: they travel as bytes, disguised as licit transactions, sourced in hard-to-define jurisdictions – yet, their complexity must not be a deterrent: they hurt, really.

Governments can do so much, and yet so little

Before closing, your Excellencies, let me talk about something that gives me anguish: the important role society at large must play in promoting justice.

I start from an observation that must have occurred to you as well: the incongruence between the (silent) majority in society that is sickened by crime, and the (vocal) minority that is attracted by it – for profit, and/or for fun.

Do look around please, and meet the willing associates of organized crime. Irresponsible journalists (oblivious of colleagues killed because of their investigative reporting) turn mobsters into stars and glamorize violence. Financial reporters list major criminals among the world's rich and famous. Bankers rush to invest their bloody proceeds, while an army of white-collar lawyers, accountants, tax advisers, rating agents and real-estate developers take huge cuts of the loot.

And then there is the entertainment industry: entire genres of films, literature, music and video games glamorize gangsters, bandits and contract-killers. Popular TV series celebrate mafias, their cars and guns, and the long-legged bimbos at their side. Musicians turn narco-traffickers into folk heroes and sing about getting stoned. Models are photographed snorting coke, despite the fact that it was trafficked in, and excreted from the intestines of distraught mules.

Are all these people blind? Stupid? Mercenaries? I do not know: perhaps all of the above, and more. For sure they are oblivious of the miserable farmers who till arid land with bare hands to satisfy drug habits on the other side of the world; girls sold by parents into brothels; children forced into hard labour to manufacture expensive garments; the unemployed youth who turn into foot-soldiers of international mafias; the illegal migrants enticed into sweat shops; or the thousands of unlucky common people who die in the cross-fire of cartel violence.

What is my point? The law will not rule unless we launch massive efforts to engage common people and make society at large willing to promote the culture of justice -- as it is happening in

equally titanic struggles against climate change, pandemics and poverty. I salute the vibrant participation of civil society at this Congress.

There can be no security, no development without justice. Crime prevention and criminal justice are not ends in themselves: they create safer and richer societies. *Fiat justitia et perat mundis* (let justice be done, though the world perish), my Latin ancestors would say. I invite you to turn this around: Let justice be done, to save the world. Thank you for your attention.

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For further information:

To download the press kit and other information (also in Portuguese), visit:

www.unis.unvienna.org/unis/en/events/2010/12th-crime-congress.html

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For live webcast: www.un.org/webcast/crime2010