



A Glimpse at International Police Cooperation



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Abstract

Aim: The aim of the study is to mark the centenary of the establishment of INTERPOL and underline the need for innovative approaches to international police cooperation.

Methodology: The study is based on the personal recollections of practitioner.

Findings: Effective tackling of global criminal challenges, in particular those emerging from technological advancements and globalisation, undoubtedly requires more networked international police cooperation not limited to national law enforcement bodies. International police cooperation and intelligence sharing structures have been continuously seeking an upgrade and agencies such as INTERPOL and Europol play a crucial role in facilitating the innovative process and adequate support to national law enforcement authorities. In this contribution, the author reflects about her experience as a member of the INTERPOL Executive Committee and as Executive Director of Europol looking at the recent transformation of international police cooperation, providing clues on the prevailing challenges and the need to identify innovative approaches to the fight against serious and organised crime through multi-disciplinary partnerships and engagements.

Value: The study shows the personal insider experiences of a senior police executive at national and international level (INTERPOL and Europol).

Keywords: INTERPOL Executive Committee, international police cooperation, law enforcement, fight against organised crime

The architecture of international police cooperation looks fundamentally different today than it did at the start of the 20th century when the International Police Congress decided to establish INTERPOL as the International Criminal Police Commission (ICPC) at its meeting in Vienna on 7 September 1923. While the architecture and practices of police cooperation have changed, their operating environment has completely transformed over the last twenty years, possibly more than in the previous 80 years. Indeed, with the greater hold of information technology on society, comes the greater dominance of speed and accelerating change.

The rapid pace of technological advancement, coupled with intense globalisation, has led to a highly interconnected world, characterised by the unprecedented movement of goods, services, people and ideas both across and within borders. These changes have fundamentally altered the nature of threats to international society. Global organised crime constitutes now a growing challenge for law enforcement authorities in every country. Criminal actors will soon carry out almost all of their business as part of a virtual and global criminal underworld, which knows no borders or jurisdictions. However, the dimension of the problem has not entailed a parallel globalisation of law enforcement cooperation to a degree necessary to effectively counter the threat.

The centenary of the foundation of INTERPOL is a good opportunity to pause and reflect on the recent transformations of international police cooperation. This publication is an excellent occasion for me to share some thoughts based on my experience at both INTERPOL and Europol.

My Experience at the INTERPOL Executive Committee

In November 2015, in the Rwandan capital Kigali, the INTERPOL General Assembly elected me as European representative on the INTERPOL Executive Committee. At the time, I was Commissioner General of the Belgian Federal Police and was the first Belgian to occupy this position. The INTERPOL Executive Committee was presided by Mireille Ballestrazzi from France who did a wonderful work. My three-year tenure in the governing body of INTERPOL in charge of supervising the execution of the General Assembly's decisions and the administration and work of the General Secretariat was particularly interesting and rewarding, professionally and personally. My objectives at the Executive Committee were to promote transparency in international police and advocate better access for Member States to information, as well as a strengthened approach to terrorism, foreign fighters, cybercrime and large-scale drug trafficking.

This period also coincided with a very complex and difficult time back home with the terrorist attacks in Brussels in March 2016. One key lesson from that experience was that cooperation at all levels is vital. There was a critical need to cooperate with all the services involved at national level, but also on the European and international levels.

Both experiences and, in particular, the opportunity of combining national and international responsibilities, very much shaped my vision of international police cooperation and allowed me to draw a number of assumptions, which I would summarise around three basic features.

First, is the commonality of many policing challenges to most countries, despite the very different police cultures, constituencies, political systems and economic capacity. Often, the issues are the same or very similar in most countries, most often revolving around resources, both human and financial. This is a structural and enduring issue, which affects all police forces on a global level, although obviously the baseline is not same in all countries, nor are the needs. One key aspect is about having the right profiles to carry out complex and highly specialised tasks in the context of a competitive job market. This requires constant (re)prioritisation and (re)assessment of where law enforcement should deliver, where to outsource and where private sector solutions are preferable. Police forces need investing constantly in training and upskilling of staff to keep up with new and emerging technologies. At the same time, retaining talent becomes challenging as expert law enforcement specialists are often attracted by other actors like internet service providers, social media companies or financial institutions.

Despite the resource and technological gaps between the police forces of our respective constituencies, all members of the Executive Community had a deep awareness that the technological changes were fundamentally affecting national and international policing. It was clear that in order to provide for future effective policing, all law enforcement agencies – irrespective of their size and capacity – had to address as a priority the continuous and swift digital transformation.

A second lesson-learnt is about the politics of policing. Law enforcement is by essence a governmental function and, as such is connected to a multitude of actors involved in the conduct of government. The police, perhaps more than any other government entity, functions in a complex political environment in the broader sense of the term. However, police officials represented in the INTERPOL Executive Committee had a genuine interest in pursuing a professional policing approach aimed at serving the public interest, while avoiding political influence by partisan politics. The general goal was to ensure impartiality and neutrality, and thus non-arbitrary lawful professional decision-making

by the police leadership. Certainly, the political context varies from country to country and the rule of law and democratic policing do not have the same significance in all parts of the world. Political and cultural realities shape policing. If the State system has not adopted democratic values, the police is not likely to defend such values. Police come from the society they police and will adopt and express similar attitudes. However, there was a shared concern of the need to ensure autonomy and operational independence. As the European representative in the Executive Committee, my role was to promote democratic policing, the rule of law, the respect for fundamental rights, accountability, police legitimacy and gender balance. One important achievement was the establishment in 2016 of an initial compliance checks and control system for INTERPOL notices. Indeed, the Notices and Diffusions Task Force (NDF), comprised of lawyers, police officers and operations specialists, was created to conduct a quality and legal compliance review of incoming Notice and Diffusion requests prior to their authorisation by the General Secretariat. In 2018, this capability was expanded to review existing Red Notices and Wanted Persons Diffusions (WPDs). There was also a noticeable improvement in women's representation in INTERPOL, for example in the legal service.

A third aspect, I would like to highlight is the importance of trust and confidence, internally and externally. Senior police officials are acutely aware that their institutions are entrusted with important powers that can affect people's lives. Such public offices are position of trust, implying a duty to act in the public interest. The concept of policing by consent is central to the model of policing in the European Union and other European countries and asserts that the power of police to execute their duties depends on the common consent of the public. For this to be effective, the police require the trust and confidence of the public. At an internal level, within the Executive Committee, I was positively surprised by the level of trust and confidence among its members. We could openly discuss all issues, even sensitive ones, in an honest and frank environment. In this regard, there was a sense of belonging to a professional police community, despite the cultural and political differences. Probably because at the end of the day we shared many concerns about resources, the well-being of police officers or the need to avoid political interferences.

The Cornerstone of International Police Cooperation

The sharing of intelligence has been the traditional Achilles heel of international policing. In view of the growing complexity and sophistication of organised

crime, there is a need to provide a more sophisticated international response and upgrade the global intelligence-sharing structure and information management architecture. Most sharing of information continues to be driven by specific criminal investigations, while it should be a routine act. Sharing and exchanging law-enforcement information between countries and with relevant international law enforcement agencies is best achieved through building trust, rather than creating obligations. In this trust-building process, it is useful to reach a common understanding on the use to be given to the information and how it will support joint analysis and decision-making, for example by defining the objectives of information-sharing and the specific intelligence products, which should result from it.

Throughout my national and international experience in police cooperation, I observed that, all too often, there remains some level of reluctance among countries to exchange information. In some cases, this affects how we detect certain criminal groups, identify specific threats or manage difficulties in organising ourselves at a national and international level. If we want to progress, we need to abandon these reservations. We must build on our commonalities and grow as one law enforcement family, more open and transparent with each other.

It is evident to me that, after one hundred years of police cooperation and of INTERPOL's existence, we can do more to improve the exchange of information on a global level. I am convinced that international cooperation should not be limited to a central national level and that – where possible – it is our responsibility to connect further at a decentralised level in order to get the right information to and from the right place. For non-common law countries, a closer relationship with the judiciary at national level will also be crucial, as the judiciary often determines the scope of the investigation. This is not easily achieved. It will require efforts in each Member State of the European Union at the organisational, technical and functional level. However, it is possible to do it, as is the case in my home country Belgium, which has recently taken initial steps in that direction.

At the European level, we cannot expect the EU to take on all specific national criminal threats and priorities at once. This highlights the importance of adopting a methodological and planned approach such as the EMPACT cycle. I am absolutely convinced that this is the right way to tackle serious and organised crime operating at the international level. However, these mechanisms need to focus even further on tangible operational action. I sincerely hope that, if all Member States and agencies commit to this, we will end up with evaluation reports showing concrete outcomes, such as the number of arrests and criminal groups disrupted, instead of seeing reports calling for more operational actions

and the appointment of drivers with the right profiles. Furthermore, I believe it is very important for INTERPOL to become a partner in these projects, whenever possible and deemed relevant.

The Technological White Whale

Policing and police forces are being shaped by technology, not the other way around. Yet, technological advances hold significant opportunities for a more efficient and effective exchange and analysis of information. Technology can also transform the way we approach international police cooperation. This path however is not a straightforward one.

In the EU, as well as at global level, initiatives to maximise on these advances are being launched. One example is the much-needed interoperability project, which aims at enhancing cooperation with INTERPOL and Europol and at enhancing the investment into Artificial Intelligence. The success of the Secure Information Exchange Network Application (SIENA) proves that well-functioning tools quickly improve information flows and generate ideas for further development.

Additionally, innovation is crucial to stay on top of policing issues in today's fast-changing world where criminals are quick to exploit technology and opportunities. Both Europol and INTERPOL continuously invest in Innovation and Research. This means that, in this area as well, there is strong need to ensure complementarity between both institutions in order to avoid overlap. We need to ensure that, based on our mandate and roles, we can adequately support national authorities that need technological support.

At the same time, as police we need to respect data protection and human rights. I remain strongly convinced that this aspect of law enforcement work is a fundamental necessity. However, recent developments at the national and EU levels indicate that it is sometimes challenging. For INTERPOL, at a global level, implementation of certain rules may be even more challenging. International law enforcement can benefit from an increasing role of INTERPOL in this area, in terms of awareness-raising and expertise on Data Protection frameworks that are being implemented worldwide.

A Global Outlook

Security threats are not confined by borders anymore. Internal and global security are mutually dependent and interlinked. Many of today's internal security

concerns originate from instability in many countries' neighbourhood and from changing forms of violence. Nations with scarce resources or where there is a security vacuum can become safe havens for criminal organisations or terrorist groups. Local police services often do not have the means or the will to effectively deal with the problem and in the absence of adequate funding they are more vulnerable to corruption. The increasing sophistication of modern technology also creates a global divide between the have and have not.

In this context, organisations such as INTERPOL and Europol need to have the ability to respond to a highly dynamic and diverse criminal landscape. Global criminal challenges require quick responses and solutions that can only be delivered by agile organisations that embrace change but who also work jointly in complementarity. Therefore, progress needs to be made in developing security responses and solutions in cooperation with INTERPOL. A clear example of this is the problem of foreign fighters, which requires cooperation between EU and non-EU countries.

Europol and INTERPOL have as their primary customers national law enforcement authorities. We must work for the benefit of ours by setting common strategic goals, agreeing on operational objectives, and carrying out joint activities and this in complementarity.

Conclusion

International police cooperation cannot continue to be organised by geography only, while crime is not. This calls for a more networked, context-aware and knowledge-sharing approach to international police co-operation. Social interconnectivity and interdependency require a parallel inclusive approach on the part of law enforcement and innovative approaches to crime management. This is best achieved through multi-disciplinary partnerships with civil society and the industry, as well as targeted engagement with sector-specific actors. The international framework should support a multi-actor environment in which all relevant stakeholders can perform their respective roles without unnecessary competition, overlaps or redundancies. International law enforcement organisations must certainly respect sovereignty issues and national systems, but at the same time have to be able to adapt to changing realities and transcend constituencies in a pragmatic way.

It should also be possible to envisage an international responsibility to protect also in the context of transnational crime. Every State should have the responsibility to provide its own police authorities with the tools and competences to

engage in the internationalisation of their national law and order infrastructures. Staying local or going at it alone is not an option anymore. Here, international police cooperation organisations have a legitimate role and opportunity for engagement by enhancing operational cooperation, raising awareness, supporting the contracting environment and building capacity.

International law enforcement agencies must continue to create a secure environment and protect citizens by focusing on strengths while ensuring complementarity. They must become shock-resistant by design, able to quickly absorb change and implement efficient responses to meet the challenges of emerging threats and to effectively protect individuals and the most vulnerable.

Reference of the article according to APA regulation

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