CHAPTER 7: INTERPOL’S FUTURE: PROBLEMS AND PROSPECTS

An attempt has been made in this chapter to highlight the challenges, both structural and functional that Interpol faces. In particular, it focuses on the constitutional constraints on the organization, issues such as sovereignty and its implication on international cooperation, the heavy burden of Interpol’s history—those relating to its treatment of international terrorism, and the need for a universal extradition arrangement. The chapter also highlights the strengths of the organization which can help augment its capacity to counter international crime.

As the world enters a new era, it is confronted by the transitional nature of crime that affects developed countries as much as it does underdeveloped ones. Drug trafficking, terror, arms traffic, and money laundering are the most destructive and destabilizing forms of crime that are at the leading edge of power held by criminals.

With technology and science at their service, criminals can manipulate their applications, causing drastic impacts, much more devastating and challenging than those of the positive applications. Embroiled in all these misdeeds, the world relaxes as it sees Interpol—an international police organization—combating the crimes of the 21st century. Yet, the extent to which Interpol is equipped to meet the challenges is a matter of debate.

Interpol’s top concerns are drug trafficking, terrorism, arms traffic, and money laundering—leading crimes of the 21st century. To combat these crimes, it has developed applicable special crime control systems. It has established multinational police cooperation processes, developed terrorist defining procedures, and drafted an anti-money laundering strategy. Though these crime control systems have been described as the “20th century’s only new operational
approach" (Fooner 1989: vii), they fall short of the expectations of the international community.

Drug trafficking is the only area in which Interpol has done significant work. It has take up the issue of illicit drug dealing right from its inception and has succeeded in curbing the problem to a certain extent. Though its results have been commendable, there is much more that Interpol can achieve with its international contacts and repute. Interpol has been regularly busting drug cartels and dismantling narcotic rings. It has also been successful in utilizing ‘control delivery’ as an effective technique to nab criminals. What it lacks is a more aggressive role in coordinating legislation and government policies in member nations. The problem that Interpol confronts here is that many countries do not have adequate legislation to fight the drug problem. Recently Interpol has adopted the procedure of inducing governments, mainly consumers, to formulate legislation to counter the problem of drug abuse. In the 13th Asian Regional Conference in New Delhi, Interpol’s Secretary-General Raymond Kendall said, “It is time that consumer countries did their bit in dealing with the problem” (The Hindu 1998: 8). Though Interpol has taken these initiatives, it still needs new techniques and strategies. Drug cartels are broken up on a regular basis but replaced almost immediately. Interpol needs an effective strategy, which can coordinate among other agencies and bring about simultaneous crackdowns of drug cartels. Such a move would strike at the very source of the drug suppliers.

As mentioned earlier, Interpol’s contribution to anti-drug operations has been significant. This is in comparison with its contribution towards anti-terrorism operations, where it is found significantly wanting. Including terrorism very late in its mandate has posed two problems for Interpol. When Interpol refused to consider terrorism under the parameter of ‘ordinary law crimes’, member countries that felt the need for anti-terrorist organizations formed smaller ones in their own regions. Thus came into existence the Trevi Group and Police Working Group on Terrorism. When Interpol finally managed to set up the anti-terrorist unit—TE Group—in 1986, it was confronted with the problem of indifference. No one wanted it because they already possessed some or the other anti-terrorist
Having got over the initial resistance, Interpol faced another problem. Having been operationalized so late, the TE group was an infant trying to fight terrorism that had assumed cancerous proportions. Only in 1984 did Interpol clearly state that extortion, pain, cruelty, death, robbing, or kidnapping inflicted by partisans, rebels, dissidents, and guerrillas can be acceptable as legitimate exercises of the human right to self-determination and that such activities are immune to police action if aimed against persons and groups holding the power they are challenging but not when practised against men, women, and children outside the conflict area (Fooner 1989: 146). Interpol was found wanting in anti-terrorist tactics, theories, and systems apart from the fact that it failed to provide a clearer definition of terrorism.

There has been a tremendous increase in terrorist activities since the 1980s. Hijacking, bombing, and kidnapping have become the order of the day. To the question of what Interpol has done to reduce terrorism, the answer is in the negative. It has conducted seminars, symposia, and training sessions but when attention is focused on action-oriented programmes, there is still another void. In its drug traffic subdivision, Interpol has the operations group comprising liaison officers who are more involved in the field by studying particular problems, analysing strategies to crackdown cartels, and investigating cases. The TE Group lacks such an organization of groups of officers who would be assigned specific areas, and thus be able to concentrate on those problems more effectively.

Until recently, Interpol had only 250 persons on its active list of international terrorists (The Hindu 1994: 14), who are monitored regularly. While terrorist groups like the Kurdistan Workers' Party (PKK) and the Irish Republican Army (IRA) were listed under international terrorist groups, others such as the Liberation Tigers of Tamil Eelam (LTTE), Korean groups, and Vietnamese organizations were not classified under international terrorist groups but merely as 'regional organized criminal gangs with significant international influence' (Kendall 1991: 4). This, however, has changed with the occurrence of 9/11 and Interpol now has a much larger list that it originally worked with. The section on
post 9/11 scenario in the previous chapter lists out the range of terrorism related work the Interpol in involved in.

Apart from the various new initiative on terrorism, Interpol I also engaged in integrating organized crime within the matrix or ordinary law crime and international crime. This is because of the understanding that besides jealousy, bad temper, laziness, cupidity, vice, disease, and maladjustment being motivating factors of crime, crime by itself could offer lucrative business. The gap between individual and organized crime is quite prominent now and it is deemed to increase with the former spontaneous type remaining much the same and the latter becoming more technical, better planned, and increasingly more mobile as years go by.

Despite its success in these challenging fields of crime prevention, an issue that Interpol continues to struggle with is extradition. It is one of the most effective provisions of a treaty whereby serious forms of international crime are suppressed. It is inevitable that such a provision is made available to the international organization whose main aim is to combat crime of any order. Efforts made in investigating, communicating, tracking, and arresting are rendered useless when after all the toil the country refuses to extradite the criminal. Interpol feels that extradition is basically connected with government and judicial authorities (Fooner 1989: 140). Interpol can request extradition but it cannot persuade a country to comply with the request, as doing so would undermine the nation’s sovereignty. Moreover, ideological issues like political asylum and hospitality for refugees render the task more difficult. It is unfortunate that Interpol has adopted a dogmatic stand towards its view of extradition. It is opined that “extradition, however, is not part of our work. If a country refuses to extradite a wanted person, there is nothing we (Interpol) can do about it” (The Hindu 1994: 14). Thereby Interpol possesses no sphere of influence over its member countries and extradition is possible only through bilateral treaties concluded between member countries. Though Interpol has not been successful in incorporating the extradition principle in its governing structure, it does persuade member countries to enter bilateral treaties, whereby multinational police cooperation could be achieved. As
of now, extradition is a major constraint on Interpol's efficiency. If at any time it is incorporated into the organization, it would enhance its power and influence.

When through the Interpol, time-consuming diplomatic channels are bypassed to obtain extradition, it would become the priority of many countries and the organization's significance would be highlighted. Interpol could chart out a list of specifications, on satisfying which a criminal could be extradited. Such a charter could be made acceptable to all member countries. An agreement of this nature is not difficult to procure, as the principles of extradition would be based solely on 'ordinary law crimes', not intruding into the realms of political or racial crimes. An arrangement of this order is surely conceivable with Interpol's expertise and international influence.

The next serious constraint to Interpol's efficacy is its Constitution. Interpol's working is based on multinational police cooperation. If a member country refuses to cooperate, there is nothing that Interpol can do about it as the Constitution makes no provisions for the organization to reprimand any member country in such a case. Article 2 states, "...to ensure and promote the widest possible mutual assistance...within the limits of the laws existing in different countries..." (Interpol 1956: Article 2). Thereby the member countries are not in any way obliged to comply with the demands of the General Secretariat. The absence of provisions ensuring obligation does make a significant difference as such a provision incorporated in the United Nations (UN) charter has made it more powerful and authoritative, while its absence has left Interpol at an obligated position to its member countries. Any global organization should possess the power to make its members obey its decisions. It should be in a commanding position to ensure smooth execution of its decisions, especially when members come from diverging geographic areas with varying, if not opposing, ideologies. While one country would have terrorism as its priority, another would bypass it to pursue foreign policy goals. Therefore it is necessary that Interpol has "within the limits of existing laws" a provision to bring about uniformity in police cooperation and "mutual assistance".
The next limiting factor that Interpol is faced with is its strict guideline of according priority to national sovereignty. Jean Népote, former Secretary-General of Interpol, writes, “National sovereignty cannot be ignored whether one likes it or not” (Népote 1983: 18–23). This guideline is carried to unimaginable heights and member countries are not obliged to do anything. In fact, a member country can have its personal interest brought to the forefront under the garb of national sovereignty. By outlining within the limits of the laws existing in different countries, member countries are offered full freedom to maintain their individual interests in a group. This poses severe restrictions in the governance of Interpol. This fact can be understood clearly when compared with the provisions of another international organization—the UN. The UN stresses on action deliberated on the basis of group interest or general good; private and individual interest plays no role in its decision-making. It has laid down these procedures with ‘political obligation’ as its basis. It is these regulations that have established the UN as a powerful deliberative body; member countries dare not deviate from its decisions for fear of negative world opinion.

On the contrary, Interpol is a very mild organization which focuses on individual interest, however harmful it could be for collective good. Moreover, the basis of cooperation is a moral obligation. It is imperative that Interpol amends its Constitution to enable it to adopt a more aggressive policy. It would then be able to demand allegiance from member countries. It is time Interpol abandons its soft-pedalling and adopts an assertive position as a supra-national police force.

Though Interpol is faced with these limitations, pressures, and certain drawbacks, it has been functioning quite satisfactorily. It is constantly trying to improve multinational police cooperation among members. This cooperation is invoked at General Assemblies and Regional Conferences where officers from all member countries meet and interact.

Regionalism is a recent phenomenon emerging in Interpol. Contrary to the common belief that regionalism could undermine the centre’s authority and efficiency, regionalism in Interpol enhances efficiency. Already regional bureaus
have established in Africa and Europe. The prospect of having a regional bureau in Asia was discussed in the 13th Asian Regional Conference held in New Delhi in December 1994. The principle behind the regional bureau is that it acts as a General Secretariat for members of a particular region. It is also beneficial because crimes in that particular area are of the same origin. The nature and impact of regional crime are very much the same. Thereby identical problems could be studied and solutions to them found in regional conferences.

An added advantage is that certain issues that the General Assembly overlooks for want of time are given prominence at the regional level. India's problem in drug abuse and transit is caused by its strategic position between the Golden Crescent and the Golden Triangle area. An issue of this nature would be highlighted in the regional conference whereby some solution could be reached. The possibility of achieving some consensus over Pakistan-sponsored terrorism is also foreseen if the regional bureau is set up (personal communication, L C Amarnathan, 26 December 1994).

Interpol has been helping the police forces of underdeveloped and developing countries by providing specialist training to their police officials. It could play a better role if it conducted more such programmes and organized specific studies on areas of concern. Till date, Interpol has conducted studies only at the request of member countries. It should now undertake a study as soon as a problem is identified, and not wait for it to reach alarming proportions, compelling concerned countries to request such a study.

Interpol has pioneers in policing from most countries in its organization. With their expertise and experience, Interpol can play a leading role in the development of police philosophy.

Since its inception in 1923, the International Criminal Police Organization-INTERPOL has been the driving force behind international cooperation to combat ordinary criminal offences. The task is by no means an easy one and experience has shown that law-enforcement efforts are in constant danger of being frustrated by the ingenuity
criminals display and by the considerable resources some of them have at their disposal. Over the years, Interpol’s working methods, facilities and machinery have been fashioned in the light of its practical experience of day-to-day police work. And precisely because of this, the Organization can be of invaluable assistance to police forces throughout the world. But its activities must be expanded and intensified to cope with the increasingly alarming trends in international crime: making use of the latest and most advanced techniques will obviously help in meeting this challenge. The results achieved bear witness to the great importance Member States attach to pursuing the Organization’s aims.  

In today’s world when most donor countries are focusing on security sector reforms in countries where their money is flowing to, Interpol has something unique to offer. Police reforms are a crucial component to security sector reforms. In its own limited way, Interpol has been sensitizing its member countries on white collar crimes, standardization of investigation procedures, providing model legislations on money laundering etc. It has also been helping countries hosting international events to evolve a strategic plan with regard to crime control and potential terrorist attack during the international event. It would be worthwhile if Interpol could explore and expand its role in mentoring police forces in countries which require such help. This is already happening in a limited context, and the foray into police reforms remains unexplored.

---

72 Available online at <http://193.123.144.14/interpol.com/English/concl.htm>, last accessed on 3 August 2006