

Output Document Draft1
(Work in progress)

COPS WITHOUT BORDERS

A concept for enhancing global law enforcement

Organized crime has developed into a giant global industry of more than US\$130 billion annually, spanning multiple criminal markets. That does not include the cost of these activities in social, physical and emotional terms. Nor does it reflect the consequences of the breakdown in governance and weakening of state institutions that it has caused in many countries. The cost of organized crime is simply staggering.

Law enforcement experts are reluctant to admit in public what they increasingly concede in private – that the fight is being lost. Effective law enforcement coordination is restricted to a limited number of police agencies and in many developing countries police capacity is weakening.

International assistance to strengthen law enforcement capacity has shown mixed results. It is expensive without achieving the necessary results: in the first six months of 2009 alone, judicial and law enforcement support for the hard hit countries of the West African coast was some US\$ 1.3 billion. There is not enough to show for this investment.

Yes, there are successes, but not enough to claim that law enforcement is catching up with organized crime. The speed of globalization and related developments has law enforcement institutions, which were designed in a different era, on the back foot. There is mounting evidence, most particularly in the degree to which criminals are making use of cyberspace, that our current policing systems will not be able to face a new tidal wave of crime. As the world is becoming smaller, opportunities to commit international crimes are increasing.

The end of the world as we know it

Public sector policing as an institution is relatively young – far younger than the military. It was created less than 200 years ago to meet a set of specific challenges. Policing models in different parts of the world have many similarities – although in many countries policing is badly broken and corrupt.

Whatever the differences in policing approach, there is a single defining feature – police institutions are confined to particular jurisdictions. They, for a variety of reasons, most notably issues of national sovereignty, have had great difficulties in cooperating with each other across national borders.

Policing was always designed to focus on a specific community. Globalization and technology change mean that the nature of that community has changed – it has gone global. We are using the wrong set of tools to face the challenge.

Also, policing in many communities in both the developed and developing world is now conducted by the private sector. Multinational companies, particularly but not limited to those in the technology field, now have a major influence on the success or failure of cross-border law enforcement.

International law enforcement faces three key inter-related challenges:

- The building blocks of global law enforcement are often weak;
- They can't work together; and
- Confined to their national jurisdictions, they are being overtaken by events.

A paradigm shift

There has been much talk about the impact of rapid globalisation and technology change on crime. There have been rapid changes – but little ability to keep up with these changes. We are not prepared to face either what is occurring now or what is coming our way.

Technology change means that we are dealing with an unprecedented set of new trials – as evidenced in the volume, complexity and cross-border nature of crime. Increasingly, crime prevention and law enforcement are regarded as critical emerging components of development work – strengthening state institutions in developing, transitional or fragile states to ensure effective governance. But it is being badly done. It is often ad hoc, uncoordinated, ineffective, and unstrategic. Yet crime threatens national, and therefore global stability.

Crime is not only confined to small and fragile states – a new set of emerging middle powers (the BRICS) are both sources of and targets for criminal activity. These states are eager to influence the international system and face a real challenge in controlling crime with global connections – particularly in a burgeoning set of mega-cities.

Taking some giant leaps

We need to get serious about improving global cooperation and global law enforcement. The institutions we now have (the UN and INTERPOL) are not able to meet the challenge within current frameworks and processes. Our own forms of cooperation are often bilateral, but too slow and too restricted to a few like-minded states.

We should:

1. **Build more effective political consensus** on the nature of the problem that we face now and in the future. The current ‘political’ instrument (the UN Convention against Transnational Organised Crime) is underutilised and not achieving nearly enough. Global political mobilisation is needed. Individual country performances and needs have to be reviewed to strengthen the law enforcement building blocks of the global system.
2. **Facilitate a readily deployable law enforcement capacity** with the relevant skills and powers. States with broken law enforcement institutions (and there are many) are unable to cope with the challenge – there should be a mechanism where they can request help for undertaking a specific task over a specific period. Such deployable capacity could also be utilised at regional level and draw on the expertise and resources of emerging powers to bolster south-south partnerships.
3. **Strengthen capacity building at every level** by coordinating crime prevention and law enforcement strategies – we need a focus on states that are the “weak” link in the global enforcement chain and consider develop needs in doing so. That means joint assessments within an agreed upon mechanism to identify what the problem is and where scarce funding resources should be allocated. We must also critically review whether external law enforcement assistance is effective and make changes to ensure that it is.
4. **Activate a global law enforcement body.** There is no global law enforcement body. INTERPOL’s mandates and capacities are unable to fulfil this function. The question must now be asked: Do we not need a global body for specific and clearly defined crime areas and challenges, which simply cannot be controlled by one state?

Who we are and our process

We are a group of senior law enforcement officials and experts from multiple countries acting in our personal capacity. We have had off the record meetings and the views set out in this document reflect a broad consensus (See Annex for names of participants in the most recent meeting). We are dedicated to the safety and prosperity of the communities we serve. This means increasingly that we need to pay attention to the conditions of law enforcement further afield – not only to protect our own societies but in seeking to support a better life for all citizens of the globe.

The initiative to bring us together was taken by the International Peace Institute (IPI) in New York. We envisage that by mid 2012, this initiative will have grown and will then lead to the establishment of an autonomous global initiative with its own identity, name and work programme.

This draft paper constitutes work-in-progress and is a first attempt to put forward some ideas and to promote a discussion. In the next months we will:

- Invite additional experts from different parts of the world to join this initiative.
- Meet on 7 and 8 February 2012 to consider some of the tentative proposals that have been made and to further develop this document.
- Raise funds to enable us to continue our work. We see ourselves as an informal law enforcement 'brains trust' attempting to initiate debate and to test new options outside the available political processes.
- Link our ideas with others working on the same issue. We recognise that if a giant leap forward is to be taken we will have to bring many along with us.

We are convinced that global crime is an issue that has enormous economic, social and political implications. There is a window period for action. We are committed to doing our part in putting forward solutions.

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Annex

Participants

Expert roundtable meeting, New York, October 19 and 20, 2011

“Considering options for enhancing global law enforcement cooperation”

1. **Mark Bishop:** Head of Strategy, Co-ordination & Development, International Department, SOCA, London
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4. **Sarah Cliffe:** Director and Special Representative WDR 2011, World Bank, Washington DC
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6. **Peter Gastrow:** Senior Fellow and Director of Programs, International Peace Institute, New York
7. **Geoff Gruson:** Executive Director, Police Sector Council: Canada, Ottawa
8. **Walter Kemp:** Director for Europe and Central Asia, International Peace Institute, Vienna.
9. **Nick Lewis:** North American Regional Manager, Serious Organised Crime Agency (SOCA), British Embassy, Washington, DC
10. **Odd Berner Malme:** Police Adviser and Minister Counsellor, Permanent Mission of Norway to the United Nations, New York
11. **Troels Oerting:** Assistant Director, Deputy Head of Department, Operations, Europol, The Hague
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13. **Herman Prit Singh:** Inspector General of Police, Headquarters, West Bengal Police Kolkata, West Bengal, India
14. **James Soiles:** Assistant Special Agent in Charge, Drug Enforcement Administration (DEA), Special Operations Division, Washington DC
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