



Università
Ca' Foscari
Venezia

Master's Degree
in Comparative International Relations

Final Thesis

Institutional change in International Organisations: the case of Interpol

Supervisor

Ch. Prof. Stéphanie Novak

Assistant supervisor

Ch. Prof. Sara De Vido

Graduand

Lucia Pizzato
844886

Academic Year

2018 / 2019

CONTENTS

- ABSTRACT.....1**
- INTRODUCTION.....9**
- 1. CHAPTER ONE: THEORETICAL FRAMEWORK IN THE ANALYSIS OF INTERNATIONAL ORGANISATIONS IN INTERNATIONAL RELATIONS..... 27**
 - 1.1 Tools for the understanding of IOs’ nature: a theoretical framework.....28**
 - 1.1.1 Realism and Neorealism.....28
 - 1.1.2 Liberalism and Neoliberalism.....29
 - 1.1.3 Social constructivism.....30
 - 1.2 Rationalist model for the analysis of IOs’ behaviour: Principal-Agent Theory.....34**
 - 1.3 The Social Sciences input to International Relations studies.....38**
 - 1.3.1 Rational Choice Theory.....39
 - 1.3.2 Neofunctionalism.....40
 - 1.3.3 Historical Institutionalism.....42
 - 1.3.4 Other sociological contributions.....47
- 2. CHAPTER TWO: HISTORY OF THE RISING OF INTERNATIONAL POLICE COOPERATION.....51**
 - 2.1 The rise of modern police in European States.....52**
 - 2.1.1 The concept of modern police.....52
 - 2.1.2 International police cooperation in Europe.....54
 - 2.2 International Police Cooperation in the Americas and The International Police Conference.....68**
 - 2.3 The International Criminal Police Commission.....71**

3. CHAPTER THREE: THE HISTORY OF CHANGE IN INTERPOL AND ITS REACTION TO INSTITUTIONAL PRESSURES.....	77
3.1 Organisational theories and bureaucratic culture.....	78
3.1.1 The strategic responses of organisations facing institutional pressure.....	78
3.1.2 Pathologies of IOs.....	81
3.2 Historical and institutional development of Interpol.....	82
3.2.1 The ICPC and the Nazification during World War II.....	83
3.2.2 The ICPC after WWII and the birth of Interpol.....	91
3.2.3 Interpol and the threat of terrorism: from the apolitical stance of the ‘60s to the current activities.....	97
4. CHAPTER FOUR: INSTITUTIONAL PRESSURES ON THE ISSUE OF RED NOTICES AND HOW INTERPOL IS DEALING WITH THEM.....	109
4.1 The system of notices and diffusions in the Interpol network.....	110
4.1.1 Red Notices and Diffusions: nature and functioning mechanism.....	112
4.2 Red Notices and Diffusions as threats to human rights.....	119
4.2.1 The violations of the spirit of the Universal Declaration of Human Rights committed through the abuse of the system of notices.....	120
4.2.2 Practical examples of Red Notices and diffusions cases.....	124
4.3 Institutional pressures on the system of notices and how Interpol deals with them.....	127
4.3.1 The choice of strategy to pursue environmental pressures on the matter of the misuse of the system of notices.....	128
4.3.2 How to frame the issue of data management in Interpol’s procedures....	129
4.3.3 The Commission for the Control of Interpol’s Files.....	130
4.3.4 Provisions taken to face the abuses.....	133
CONCLUSION.....	137
BIBLIOGRAPHY.....	141

ABSTRACT

La seguente tesi analizza i cambiamenti istituzionali avvenuti nell'ambito dell'ICPO (*International Criminal Police Organization*) o Interpol, dalla creazione fino ad oggi. L'analisi è caratterizzata da tre diversi stadi che sono stati individuati ogni volta che un cambiamento ha avuto luogo.

Il primo passo è consistito nell'identificare e definire la fonte di tali cambiamenti, ovvero le pressioni istituzionali che in determinati momenti richiedono alle organizzazioni internazionali e ai loro funzionari di adattarsi a queste nuove richieste.

In seguito, si sono ricostruite le decisioni prese dai quadri manageriali dell'Interpol in risposta a tali pressioni. Sfruttando le nozioni sviluppate dal costruttivismo sociale nell'ambito del campo di studio delle Relazioni Internazionali, l'accento è posto sul fatto che i funzionari dell'Interpol hanno una precisa immagine del ruolo e compito dell'organizzazione di cui fanno parte e di conseguenza anche di quale strategia l'organizzazione debba intraprendere. Questo significa che i valori a cui l'organizzazione dovrebbe tenere fede hanno un impatto fondamentale sul percorso che l'organizzazione prende in seguito a tali pressioni. Questa prospettiva non intende in alcun modo tralasciare l'importanza innegabile che le risorse materiali su cui l'organizzazione deve sostenersi per la sopravvivenza, come anche la propria autonomia e legittimità, hanno sulle scelte strategiche adottate dai funzionari. Infatti, il riconoscimento della legittimità dell'organizzazione è stato un bisogno presente nelle considerazioni dei funzionari dell'Interpol in ogni momento di importante cambiamento istituzionale, come vedremo nei capitoli tre e quattro.

Infine, si è valutato quali siano state le conseguenze a cui la strategia decisa dai funzionari dell'Interpol ha portato. In questo caso si è cercato di evidenziare anche le conseguenze dei cambiamenti istituzionali sull'organizzazione stessa.

La tesi è strutturata come segue: nel primo capitolo la struttura teorica utilizzata per lo studio dell'Interpol viene discussa. Sono considerate le classiche teorie che caratterizzano lo studio del campo delle Relazioni Internazionali, così come le potenzialità o i punti a sfavore rispetto al loro uso nell'analisi dell'evoluzione dell'Interpol. Per questo, viene eseguita una

valutazione dei contributi che le teorie come liberalismo, realismo e costruttivismo sociale hanno apportato allo studio della natura delle organizzazioni internazionali, la loro autorità e il loro potere.¹ Questa analisi si rivelerà utile nella valutazione dei cambiamenti istituzionali che l'Interpol ha subito nel corso della sua storia, dal momento che il riconoscimento del ruolo dei funzionari delle organizzazioni internazionali è di vitale importanza per comprendere a fondo la natura e le implicazioni di tali cambiamenti.

In seguito, vengono considerati altri approcci sviluppati finora con lo scopo di comprendere e definire le caratteristiche del comportamento delle organizzazioni internazionali e dei loro funzionari. Questo è il caso, ad esempio, del modello principale-agente, che considera le organizzazioni internazionali principalmente come attori orientati esclusivamente al raggiungimento dei propri obiettivi. Il modello viene considerato con i suoi meriti ma anche i suoi limiti in questo caso specifico, dal momento che la cultura che permea le organizzazioni non viene considerata come un fattore ugualmente importante per la spiegazione delle scelte compiute dalle organizzazioni internazionali. La concezione tipica del costruttivismo sociale, secondo cui le idee e le convinzioni sono importanti, viene applicata ai successivi capitoli dove risulterà chiaro che le stesse hanno ricoperto un ruolo fondamentale nelle scelte operate dai funzionari dell'Interpol, nei momenti di maggiori pressioni istituzionali.

Nella parte finale del capitolo, alcuni approcci originati dal campo delle scienze sociali e in seguito applicate alle Relazioni Internazionali vengono valutati come validi strumenti per comprendere il comportamento delle organizzazioni internazionali. Tali approcci, infatti, sono già stati utilizzati anche nel campo delle Relazioni Internazionali per spiegare i meccanismi di cambiamento delle organizzazioni internazionali. Le teorie considerate comprendono la teoria della scelta razionale, il neofunzionalismo e l'istituzionalismo storico, tra gli altri. L'attenzione si concentra sui meriti dell'istituzionalismo storico che permette di adottare una prospettiva comprensiva sulla natura delle pressioni applicate alle organizzazioni internazionali, sia dall'ambiente interno che esterno. Entrambi questi tipi di pressioni sono ugualmente importanti nel determinare la natura del cambiamento nelle organizzazioni internazionali; come vedremo nel terzo capitolo, infatti, la questione delle pressioni originate dall'organizzazione stessa saranno fondamentali per la completa comprensione delle motivazioni dei funzionari

¹ Park, S. 'International organizations in world politics', in J. Baylis, S. Smith and P. Owens, *The Globalization of World Politics: An Introduction to International Relations*, OUP Oxford, 2016, pp 316-329.

dell'Interpol di perseguire certe strategie specifiche, che hanno creato le circostanze per dei cambiamenti importanti e permanenti in seno all'organizzazione.

Il secondo capitolo è dedicato all'analisi della storia della formazione iniziale della cooperazione internazionale delle forze di polizia. L'analisi di tale processo è importante perché riesce a spiegare la peculiare natura che caratterizzerà la cooperazione in ambito internazionale delle forze di polizia, con il risultato della creazione di un'organizzazione come l'Interpol.² L'accento viene posto sul fatto che, in ultima analisi, la cooperazione internazionale di polizia fu il frutto di un accordo tra attori sub-statali, ossia degli apparati burocratici di polizia degli stati

Il capitolo è diviso in tre sezioni; nella prima si rintraccia il percorso della formazione della polizia moderna negli stati europei a partire dalla metà del XIX secolo. Successivamente vengono considerati i primi tentativi di stabilire con successo dei collegamenti tra le forze di polizia in ambito europeo nello stesso periodo; esempi di tali tentativi sono l'Unione di Polizia degli Stati Tedeschi, la Conferenza Internazionale Anti-Anarchica di Roma, gli incontri per il controllo della tratta delle donne bianche come schiave, e infine il Congresso Internazionale di Polizia Criminale. Questa serie di esperimenti non ottiene il risultato di stabilire una effettiva collaborazione tra le forze di polizia perché si svolgono principalmente a livello diplomatico, senza tenere conto dei bisogni effettivi degli agenti e senza che gli agenti stessi vi partecipassero in maniera attiva.

Nella seconda sezione si analizzano brevemente le caratteristiche della cooperazione internazionale di polizia in un contesto non europeo. Si considera la situazione delle forze di polizia presenti negli Stati Uniti, che risulta aver raggiunto un livello di autonomia meno avanzato rispetto a quello dei corrispettivi europei. Si riflette anche sullo stato della collaborazione tra forze di polizia statunitensi e degli stati dell'America Latina, che risultano non aver raggiunto risultati significativi a livello operativo.

Nella parte finale del capitolo viene presentato il caso della Commissione Internazionale di Polizia Criminale, iniziativa che nacque in Europa nel 1923. Fu il risultato della proposta di

² Deflem, M. *Policing World Society: Historical Foundations of International Police Cooperation*, Oxford, Oxford University Press, 2002. e Liang, H. H., *The rise of modern police and the European state system from Metternich to the Second World War*, UK, Cambridge University Press, 1992.

alcuni ufficiali di polizia e fu un esperimento che risultò avere successo, in particolare perché non avvenne a livello diplomatico e perché le forze di polizia avevano ormai guadagnato un significativo livello di autonomia rispetto dai centri di potere statale. All'incontro che avrebbe segnato l'inizio di tale cooperazione, infatti, non parteciparono rappresentanti di stato ufficiali, ma membri delle forze di polizia effettive. Questa relativa autonomia si sarebbe rivelata un aspetto fondamentale nella formazione dell'identità dell'Interpol dopo la seconda guerra mondiale.

Come ultima annotazione, è necessario sottolineare il fatto che in questo capitolo l'attenzione è posta in particolar modo sulla situazione storica europea, rispetto alle altre realtà nel resto del mondo. Questo fatto non è dovuto ad un'ottica eurocentrica, quanto piuttosto al fatto che l'Interpol nacque nel contesto europeo e in un primo periodo, nonostante contasse svariati rappresentanti provenienti da nazioni non europee, veniva considerata essenzialmente un affare europeo dagli altri enti di polizia. Questo era il caso, ad esempio, dell'FBI, che registrò un interesse piuttosto incostante nella partecipazione attiva in organizzazioni come l'Interpol.

Nel terzo capitolo, viene analizzata l'evoluzione storica dell'organizzazione, che viene divisa in tre episodi principali.³ La prima sezione del capitolo è dedicata alla riflessione su alcune teorie relative alle strategie adottate delle organizzazioni internazionali nei momenti di pressioni istituzionali, che verranno applicate al caso dell'Interpol.

Nella seconda sezione viene riportata la storia dell'ICPC dell'anteguerra che era destinata a prendere una direzione particolare come risultato dell'infiltrazione nazista avvenuta ai livelli della direzione dell'organizzazione. Le forze di polizia tedesche, infatti, sfruttarono il tumulto causato dalla seconda guerra mondiale per prendere il controllo dell'organizzazione, gettando quindi un'ombra nella storia dell'istituzione di quel periodo. Questo periodo risultò infatti talmente compromettente che alcuni studiosi, come pure alcuni funzionari di polizia facenti parte dell'organizzazione prima del 1939, sostennero che l'organizzazione non fosse attiva durante quegli anni, nonostante esistessero prove concrete che attestassero il contrario.

³ Anderson, M. *Policing the World: Interpol and the Politics of International Police Co-operation*, Oxford, Calendon Press, 1989; Bresler, F. *Interpol*, Paris, Presses de la Cité, 1993.

La seconda fase di evoluzione dell'Interpol inizia dopo la fine della seconda guerra mondiale. L'ICPC, infatti, riuscì a rinascere, e il modo in cui venne riorganizzata ne rese possibile la sopravvivenza e lo sviluppo, fino ad oggi. Questo è il contesto in cui uno dei più importanti cambiamenti istituzionali dell'organizzazione ha avuto luogo, ovvero la rielaborazione dello statuto dell'organizzazione nel 1956. Nella nuova costituzione, i funzionari decisero di delineare le caratteristiche fondamentali dell'Interpol, in modo che fossero conformi a quelle delle altre maggiori organizzazioni internazionali dell'epoca e quindi risultassero più legittime di fronte all'intera comunità internazionale, i cui valori vennero ripulmati dopo la fine della seconda guerra mondiale. In questo caso, nel testo si cerca di sottolineare l'importanza sia delle risorse materiali di cui l'Interpol aveva bisogno per sopravvivere, sia della possibilità che la nuova costituzione dava ai funzionari dell'Interpol di conservare l'autonomia e la neutralità dell'organizzazione, evitando in questo modo di rinunciare ai valori fondanti della stessa.

La terza fase analizzata, che segna un ulteriore cruciale momento di cambiamento, avvenne nel corso degli anni '80 quando la violenza del terrorismo si manifestava in tutto il mondo. Anche in questo caso i funzionari dell'Interpol cercarono di rimanere fedeli il più possibile alla cultura propria dell'organizzazione che considerava il principio di neutralità, stabilito nell'Articolo 3 della costituzione, una delle fondamentali caratteristiche dell'organizzazione stessa. In questo caso, le pressioni istituzionali che spingevano l'Interpol ad adattarsi alle nuove richieste di reinterpretazione dell'Articolo 3 provenivano sia dall'ambiente esterno all'organizzazione -in particolar modo dagli stati occidentali-, sia da alcuni funzionari interni. In quest'occasione, viene evidenziato come anche la questione delle patologie delle burocrazie possano portare a pressioni che influenzano l'evoluzione dell'organizzazione. Infatti, all'epoca, alcuni funzionari dell'Interpol erano convinti che l'organizzazione stesse seguendo le proprie regole come fine a se stesse, senza prendere in considerazione il contesto più ampio che si era venuto a creare. Dal momento che l'Articolo 3 impedisce all'organizzazione di intraprendere azioni che implicino un coinvolgimento in questioni politiche, di razza o di religione, il terrorismo veniva escluso dal mandato dell'Interpol, in quanto era considerato un fenomeno nato da motivazioni politiche. Questo principio risultava, secondo loro, controproducente e metteva a rischio il fine concreto dell'organizzazione. La disputa riguardante l'interpretazione dell'Articolo 3 portò al cambiamento della sua interpretazione, che rese possibile l'espansione del mandato

dell'Interpol ai crimini commessi dai terroristi a livello internazionale. Nonostante l'esito finale delle pressioni istituzionali risultarono nel cedimento alle stesse da parte dei funzionari dell'organizzazione, alla fine del capitolo l'attenzione è posta sul fatto che i funzionari cercarono in tutti i modi di non tradire la loro cultura interna, e fecero questo sottolineando comunque la neutralità delle loro azioni, confermando di agire considerando solo gli elementi criminali ordinari degli episodi di terrorismo. Anche in questo caso la questione della legittimità dell'organizzazione non può essere tralasciata; alcune nazioni membri dell'organizzazione, infatti, cominciarono a creare forum diversi con compiti che si sovrapponevano a quelli dell'Interpol per la risoluzione dei problemi di terrorismo transnazionale, quindi creando un pericolo per l'esistenza stessa dell'organizzazione. Il cambiamento riguardante l'interpretazione dell'Articolo 3 riuscì a far recuperare almeno una parte della legittimità dell'organizzazione.

Il quarto e ultimo capitolo è dedicato al problema più recente che l'Interpol ha riscontrato, ovvero la questione delle *Red Notices* e *Diffusions*. Questi strumenti di cooperazione internazionale di polizia hanno sollevato serie preoccupazioni in seno alla comunità internazionale; infatti, non era raro che i membri dell'organizzazione sfruttassero il sistema degli avvisi, in particolar modo quelli che risultavano essere governati da regimi autoritari, con lo scopo di inseguire e intimidire i soggetti che mostrassero aperto dissenso alla classe politica del regime. Questo comportamento, quindi, ha portato al mancato rispetto di alcuni diritti umani fondamentali; da qui, una serie di organizzazioni non governative, assieme agli individui colpiti dall'abuso del sistema di avvisi creato dall'Interpol, hanno cominciato a fare pressione sull'organizzazione perché introducesse maggiori controlli e garanzie nel processo di compilazione e diffusione di tali avvisi. La controversia riguardante questi potenti strumenti di collaborazione internazionale di polizia è sorta in tempi relativamente recenti, dal momento che l'uso delle *Red Notices* e *Diffusions* è salito vertiginosamente tra il 2008 e il 2009, quando l'*I-Link system*, ovvero il sistema online con cui l'Interpol distribuiva gli avvisi tra i propri membri senza eseguire controlli a fondo, è stato creato.

Il capitolo è diviso in tre sezioni; nella prima viene discusso il sistema degli avvisi creato dall'Interpol. Dopo aver presentato il sistema nella sua interezza, l'attenzione viene posta sugli avvisi più controversi, ovvero le *Red Notices* e le *Diffusions*, che spesso richiedono l'arresto

preventivo di un individuo in vista di una richiesta di estradizione che si svolgerà in un secondo momento. La natura di tali avvisi viene analizzata; si sottolinea il fatto che, pur non essendo legalmente vincolanti per i membri dell'organizzazione, spesso la richiesta di arresto contenuta negli avvisi viene di fatto soddisfatta. Il fatto che non ci siano controlli estesi o garanzie nei confronti degli individui coinvolti è il fattore di controversia in questo frangente, dal momento che in questo modo, per i regimi autoritari, è più facilmente sfruttabile per perseguire obiettivi politici.

Nella seconda sezione del capitolo, dopo una breve considerazione sullo stato dei diritti umani a livello internazionale, viene messo in luce il fatto che l'abuso del sistema di avvisi perpetrato da alcuni membri e le mancate garanzie fornite dall'organizzazione creano un problema di legittimità nei confronti dell'organizzazione che nella costituzione si impegna a svolgere le proprie attività nei limiti dello spirito della Dichiarazione Universale dei Diritti Umani, oltre che nei limiti delle leggi nazionali. In seguito, vengono considerati due casi concreti in cui i diritti umani fondamentali di due individui sono stati infranti in seguito alla distribuzione da parte dell'Interpol di una *Red Notice* e una *Diffusion*, rispettivamente.

Nell'ultima sezione del capitolo si considerano le conseguenze delle pressioni istituzionali esercitate dalle organizzazioni non governative impegnate nella difesa dei diritti umani, che rinforzano la questione della legittimità o meno delle pratiche dell'organizzazione. Tali pressioni, che richiedono la creazione di un regime di regole più severo nei controlli effettuati dall'organizzazione prima della diffusione delle *Red Notices* e *Diffusions*, hanno avuto l'effetto di spingere i funzionari dell'Interpol a valutare il bisogno di mantenere la propria efficienza e il bisogno di legittimità, e infine a prendere dei provvedimenti in merito a tali avvisi. Adottando una strategia di compromesso, i funzionari hanno parzialmente ceduto alle pressioni, introducendo una serie di cambiamenti che allo stesso tempo impongono più controlli del trattamento dei dati sensibili da parte dell'organizzazione, ma anche cercano di proteggere la segretezza dei dati in questione essenziale per la riuscita delle operazioni di polizia.

Nelle conclusioni si nota che il tema riguardante la collaborazione internazionale delle forze di polizia non è stato ancora oggetto di un gran numero di approfondimenti nell'ambito delle Relazioni Internazionali. Neppure lo studio del comportamento delle organizzazioni

internazionali, in particolare il loro ruolo di attori sufficientemente indipendenti dagli stati membri che le formano, è stato ancora affrontato in modo esauriente.

Considerando questi elementi, si nota che la seguente ricerca ha analizzato in maniera approfondita l'andamento dei cambiamenti istituzionali che ha sperimentato l'Interpol nel corso della sua storia, considerando le fonti di pressioni interne ed esterne che hanno spinto verso il cambiamento. Inoltre, all'inizio della ricerca viene evidenziato uno dei principi cardine del costruttivismo sociale, ovvero il fatto che le idee e le convinzioni siano fondamentali nella considerazione delle organizzazioni internazionali come attori e nella spiegazione delle loro azioni. La ricostruzione storica eseguita ad ogni momento di cambiamento istituzionale è tesa a rafforzare questa prospettiva, perché mette in luce lo sviluppo delle opinioni condivise nell'ambiente interno ed esterno all'organizzazione. In aggiunta, si noti che la questione delle *Red Notices* e *Diffusions* viene messa in luce in maniera differente rispetto alle ricerche condotte finora, che si sono rivelate di natura prevalentemente giuridica. Per farlo, sono state applicate le teorie riguardanti il cambiamento istituzionale e il comportamento delle organizzazioni internazionali -indipendentemente dalle influenze degli stati membri- di cui sono state analizzate le conseguenze. Si conta di aver analizzato sufficientemente le complesse dinamiche dell'ambiente che possono portare a cambiamenti istituzionali e del fatto che portano i funzionari dell'organizzazione a fare scelte ben ponderate riguardo il loro comportamento strategico.

Infine, si è sottolineato il fatto che la legittimità sia un fattore di considerevole importanza per i funzionari dell'Interpol nei momenti più intensi di cambiamenti istituzionali. Il bisogno di accrescere o di mantenere un certo livello di legittimità è stata una motivazione per cui i funzionari dell'Interpol hanno cambiato la struttura dell'organizzazione, modificato l'interpretazione dell'Articolo 3 della costituzione e apportato cambiamenti al sistema di avvisi utilizzati per la cattura di criminali internazionali. Quindi, le strategie che i funzionari hanno implementato in queste occasioni hanno sempre tenuto in considerazione anche il fine di aumentare le fonti di legittimità dell'organizzazione, ovvero le procedure e le prestazioni, tanto quanto l'importanza di mantenere un certo livello di autonomia. Questo modello di comportamento può essere rintracciato in ciascuno dei momenti di cambiamento istituzionale avvenuti nell'organizzazione, analizzati in particolare nel terzo e nel quarto capitolo, e si rivela particolarmente rilevante nell'analisi dell'abuso del sistema di avvisi creato dall'Interpol.

INTRODUCTION

This dissertation focuses on the International Criminal Police Organisation (ICPO), also known as Interpol, and its institutional development that marked its long history. The idea of writing a thesis over this subject seemed intriguing at first, because of the objectives at which the organisation is aimed and of its field of work, namely international police cooperation. The institutional development of the organisation was marked by a specific intention of Interpol's officials to gain legitimacy in front of the international audience, especially after the reconstruction of the organisation at the end of World War II.

There is a vast misconception surrounding this organisation; indeed, several novels, comics and movies depicted Interpol as an association of international investigators and spies that travelled all over the world, in order to foil the evil actions of international offenders and criminal organisations.⁴ This image, however, could not be farther from reality. How an important number of scholars and journalists have pointed out in several instances, indeed, "There isn't any such a thing as an Interpol officer, and the people who work from Interpol can't conduct investigations or make arrests".⁵ Interpol, in fact, mainly deals with knowledge work, handling information provided by all of its member countries in order to tackle more efficiently transnational crime. It acts as a sort of interface for the national police units that take part into the organisation; they willingly share data within the frame of the organisation and Interpol officials collect and store the given data, processing and analysing them so as to produce accurate final intelligence.⁶

The aim of this thesis is to analyse the institutional changes that characterised the history of Interpol, since its creation until more recent times. This analysis of the organisation's evolution is structured into three stages, that I attempted to retrace every time a significant change occurred. Firstly, I tried to identify and define the origin of these changes, namely the

⁴ S. G. Ibrahim and M. L. Yansaneh, 'Global Integration and International Criminal Police Organization (Interpol)', *International Journal of Social Sciences and Human Research*, vol. 1, no. 1, 2017, pp 23-24.

⁵ K. Gilsinan 'Interpol at 100: Does the World's Police Force Work?', *The Atlantic*, 12 May 2014.

⁶ N. Gerspacher 'The Roles of International Police Cooperation Organizations-Beyond Mandates, toward Unintended Roles', *European Journal of Crime, Criminal Law and Criminal Justice*, vol. 13, no. 3, 2005, pp 413-414.

institutional pressures that from times to times require the IOs and their officials to adapt to new requests. Then I went on to retrace what Interpol's management board decided to respond to these pressures and how they dealt with them. Taking advantage of the notions of social constructivism, great attention is given to the fact that the organisation's officials have a precise self-image of what the strategy the organisation should or should not pursue. This means that the idea of the values⁷ to which the organisation should be faithful to have an extremely significant impact on the path that the organisation would take to face the pressures of the time. This, of course, is not intended to completely rule out the undeniable importance of the material resources upon which the organisation had to rely for its survival, as well as its autonomy and legitimacy. These are all factors that, indeed, were weighted when a strategy of action was considered within the organisation's board, and that sometimes led to a solution rather than another. Finally, I considered the outcome of the strategy ultimately pursued by Interpol's officials. In this instance I highlighted also the consequences of the institutional changes on the organisation itself.

The issue of legitimacy and its achievement by the organisation's officials often surfaced throughout my research. Legitimacy is a concept that refers to the perceived appropriateness that other actors may have regarding the way in which institutions exercise their right to take decisions and actions in a specific field. Since it is a relational property, it cannot exist outside of the social environment in which it is embedded.⁸ All institutions -including IOs- engage in legitimization practices in order to reinforce and support their legitimacy and authority that they gained in their field of action. These practices can be identified as discursive and behavioural; the former are related to official communications, texts and statements provided by the organisations' officials themselves, while the latter consist of the establishment of a series of rules, procedures or policies that give a new sense of legitimacy to the IOs.⁹ Interpol's officials have engaged in these practices to gain more legitimacy in three main moments of institutional change, as it will be clear from the two last chapters of this dissertation.

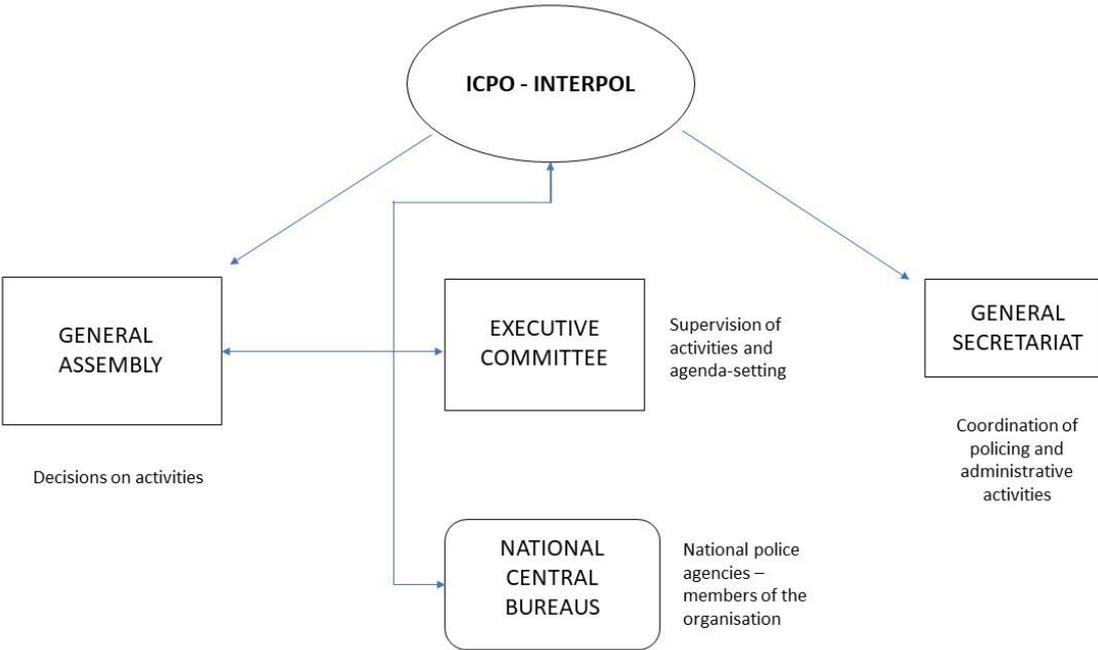
⁷ Since I did not have the opportunity to conduct interviews with Interpol's officials, I relied on authors that did so, such as Andresen, Bresler, Fooner.

⁸ J. Tallberg and M. Zürn, 'The legitimacy and legitimation of international organisations: introduction and framework', *The Review of International Organizations*, 2019, p 6.

⁹ J. Tallberg and M. Zürn, 'The legitimacy and legitimation of international organisations: introduction and framework', *The Review of International Organizations*, 2019, p 9.

As of 2019, the International Criminal Police Organisation (ICPO) counts a total of 194 member countries. With the General Assembly of November 2018 held in Dubai, the organisation gained two new members, namely Kiribati and Vanuatu; this officially characterised Interpol as the largest police organisation in the world. The request for membership submitted by Kosovo was rejected, since it did not satisfy the standards established in the Resolution no. 1 of the General Assembly of 2017, according to which the requesting country should meet the classical conditions for statehood.¹⁰

According to the organisation’s website, Interpol is formed by the following official bodies: the General Secretariat, the General Assembly, and the National Central Bureaus.¹¹ The picture shown below represents the relationship among the main bodies of the organisation and what are their functions.



The organisation currently is engaging in contrasting a vast array of crimes, namely corruption, the counterfeiting of currencies and documents, crimes against children, cultural heritage crimes, cybercrime, drug trafficking, environmental crime, financial crime, firearms

¹⁰ INTERPOL Resolution no.1, 2017.

¹¹ <https://www.interpol.int/Who-we-are/What-is-INTERPOL>

trafficking, human trafficking, traffic in illicit goods, maritime crime, organised crime, people smuggling, terrorism, vehicle crime and war crimes. The main project that the organisation supports regard counter-terrorism, organised and emerging crime and cybercrime. However, Interpol holds activities of a varied nature; in addition to the management and storing of data supplied by the participating parties, indeed, the organisation engages in measures aimed at building capacity in member countries,¹² meetings to discuss the role of technology in criminal investigations¹³ and forensics,¹⁴ and developing task forces to deploy during mass-events, such as the Olympic Games and FIFA World Cup tournaments, in order to ensure their success without the possible threats that international crime could cause during enormous gatherings.¹⁵

At first, I thought that my research should focus on the understanding of the reason why states decided to create an organisation such as Interpol. This was especially interesting, considering the fact that police agencies and the security management are areas where states are reluctant to share their knowledge and power with other entities. However, the more I read about the foundation of Interpol, the more I thought that I needed a different approach in order to understand the organisation; for this reason, I decided to shift the attention of the initial question.

Indeed, the historical accounts available to the public highlight the fact that Interpol was not set up as a result of the will of states; rather, it was the outcome of the proposals that came from the police officers of the time, that felt the need to improve international police cooperation without going through the official channels of diplomacy.¹⁶ This is what created the following uncertainties about the nature of the organisation, whether it was an IO or rather a private-like type of organisation. The fact is that back in 1923, when the official forerunner of the current Interpol -the International Criminal Police Commission- was created, there was not a formal treaty signed by states that established the international recognition. This lack of formal

¹² <https://www.interpol.int/How-we-work/Capacity-building>

¹³ <https://www.interpol.int/How-we-work/Innovation>

¹⁴ <https://www.interpol.int/How-we-work/Forensics>; and J. Scanlon, 'Identifying the Tsunami Dead in Thailand and Sri Lanka: Multi-National Emergent Organizations', *International Journal of Mass Emergencies and Disasters*, vol. 26, no.1, 2008, p 2.

¹⁵ <https://www.interpol.int/How-we-work/Project-Stadia>

¹⁶ M. Deflem, *Policing World Society: Historical Foundations of International Police Cooperation*, Oxford, Oxford University Press, 2002; M. Deflem, 'Bureaucratization and Social Control: Historical Foundations of International Police Cooperation', *Law & Society Review*, vol. 34, no. 3, 2000, pp 739-778; R. B Jensen, 'The International Anti-Anarchist Conference of 1898 and the Origins of Interpol.', *Journal of Contemporary History*, vol. 16, no. 2, 1981, pp 323-347.

recognition as a proper international organisation influenced the birth of a legitimacy issue regarding the organisation.¹⁷

At this point, my interest shifted on the characteristics of the organisation as an international actor, since it was created by the will of national police officials and was not established through a formal treaty. In International Relations there are several theoretical currents that have been used to approach the study of the essence of IOs; the main theories that characterise this specific study are principally the liberal and neo-liberal, realist and neo-realist, social constructivist and Marxist.¹⁸ Once decided which was -in my opinion- the most compatible approach to study the case of Interpol, namely social constructivism, the attention refocused once again. Since the analysis of how IOs behave have been overlooked for a certain time, as some of the principal theories in IR did not assume that IOs could have the sufficient autonomy from the states that created them for determining their own behaviour,¹⁹ it became an interesting topic of research. The social constructivist approach seemed the most suitable one to investigate this aspect of IOs, since apart from considering the influence that the need for material resources and the research for more power has on IOs' behaviour, it considers also the influence that culture and morals have on their officials.²⁰ This, as it will become clear throughout the dissertation, will lead to certain decisions of Interpol's management board to consider acting in a certain way so as not to betray the values upon which the organisation was built.

The fundamental thoughts that social constructivist theory has contributed to the dialogue of theories within the IR field are mainly three; first, the importance that is given to ideas and beliefs in determining human and -most importantly- social action, therefore also the behaviour of IOs. Secondly, the fact that these aforementioned beliefs are widely shared throughout the entire society, and not just the single individuals, is crucial for understanding the full potential of ideas. Finally, it maintains that ideas and beliefs are what create the identity and purposes of intentional actors. Therefore, the most prominent features that constructivist theory holds in

¹⁷ M. Stalcup, 'Interpol and the Emergence of Global Policing', in W. Garriot (ed.), *Policy and Contemporary Governance: the Anthropology of Police Practice*, New York, Palgrave Macmillan, 2013, p 236.

¹⁸ S. Park, 'International organizations in world politics', in J. Baylis, S. Smith and P. Owens, *The Globalization of World Politics: An Introduction to International Relations*, OUP Oxford, 2016, p 317.

¹⁹ M. Barnett and L. Coleman 'Designing police: Interpol and the Study of Change in International Organizations', *International Studies Quarterly*, vol. 49, no. 4, 2005, pp 593-594; Park, 'International organizations in world politics', p 327.

²⁰ Park, 'International organizations in world politics', p 328.

contrast with the other IR theories are on the one hand the focus on the social community as a whole, and not just the individuals and their personal ideas; on the other hand, it also goes against the fact that individuals and entities are solely guided by interests and material goals. However, this is the main framework in which one could consider a particular issue; indeed, this approach does not imply or reveal what are the beliefs, ideas and norms that guides actors in society; it merely states that they are fundamental for the comprehension of their nature and behaviour.²¹

Since ideas and beliefs matter, but the constructivist approach does not specify what these factors contain, at this point it was fundamental to gain a better understanding of the subculture that is typical of the field to which Interpol belongs, namely the subculture of policing. James Sheptycki, in his study on the subject, maintains that, if we take a closer look at the daily activities of police officers, it becomes clear that the largest part of their work consists of knowledge work, such as the elaboration and sharing of information about crime and security.²² The idea of police subculture, according to the author, has changed from a previous perspective that considered only danger and authority its main characteristics. This assessment is especially fitting if we look at the fact that the officials that engage in the daily activities of Interpol have to deal with the management of information and data that the national police forces participating into the organisation share through the channels of the organisation, rather than the work in the field. The fundamental factors to determine the current police subculture are, according to the author, the role of technological developments, the legal framework, the political and the managerial regime;²³ one last factor that characterises the police subculture is the concept of coercive force, that is also one of the fundamental features of state sovereignty.²⁴ Indeed, these are all factors that have a great influence on the transnational policing, as it will become clear in the actual dissertation.

A significant element to take into account when considering this dissertation is the fact that there is a certain lack of sources regarding the history of the organisation. This is due

²¹ M. Finnemore and K. Sikkink, 'Taking Stock: the Constructivist Research Program in International Relations and Comparative Politics', *Annual Reviews Political Science*, vol. 4, 2001, p 393.

²² J. W. E. Sheptycki, 'The Global Cops Cometh: Reflections on Transnationalization, Knowledge Work and Policing Subculture', *The British Journal of Sociology*, vol. 49, no. 1, 1998, pp 58-59.

²³ Sheptycki, 'The Global Cops Cometh: Reflections on Transnationalization, Knowledge Work and Policing Subculture', p 60.

²⁴ Sheptycki, 'The Global Cops Cometh: Reflections on Transnationalization, Knowledge Work and Policing Subculture', p 66.

to several factors; for instance, as we already mentioned, Interpol decided to maintain a low profile during its life as an IO, at least until the appearance of terrorism as a worldwide phenomenon. It has been widely written that the reasoning behind this low-profile stance was that the organisation did not want their actions to be influenced, especially from states.²⁵ Indeed, if the organisation wanted to tackle the issue of transnational crime without becoming trapped in controversial political disputes promoted by states, the strategy to pursue was not to gain too much visibility. And so did Interpol's officials.

However, the consequence of this choice was that a series of misconceptions or pure lack of knowledge surrounded the idea of the organisation. On the one hand, indeed, even members of the police were not fully aware of what the organisation's purpose and concrete mechanisms consisted into.²⁶ Also scholars, unfortunately, suffered from this initial lack of consciousness about the exact role of the organisation. Alternatively, the studies conducted on the argument were not completely impartial; they were rather directed at the appraisal of the organisation, without the critical consideration of the most controversial aspects of it.²⁷ On the other hand, a whole set of misinformed publications was circulating since the '70s.²⁸ This was caused by a particular dispute that occurred between the organisation and the Church of Scientology, that can be traced back to 1957. The founder of the Church, Ron Hubbard, was investigated by a considerable number of countries for fraud; for this reason, he took off and began to conduct his business from a yacht stationing in international waters, so as to escape every kind of jurisdiction and continue with his profitable activities. This, until the countries that were investigating Hubbard requested the help of Interpol. At this point, the highest rank personalities of the Church began a heavily detractive campaign with regard to the organisation,²⁹ thus creating a series of sources heavily biased, therefore not useful for academic research. An impartial and more scholar-friendly sources began to face during the '80s and onwards.

²⁵ F. Bresler, *Interpol*, p 134.

²⁶ N. Gerspacher, and V. Pujas. 'International Police Organizations: The Missing Link to Effective Cooperation', in F. Lemieux (ed.), *International Police Cooperation: Emerging Issues, Theory and Practice*, Cullompton and Portland: Willan Publishing, 2010, p 252.

²⁷ J. Sheptycki, 'The Accountability of Transnational Policing Institutions: the Strange Case of Interpol', *Canadian Journal of Law and Society*, vol. 19, no. 1, 2004, p 115.

²⁸ Fooner, *Interpol: Issues in World Crime and International Criminal Justice*, pp 12-13.

²⁹ M. Stalcup, 'Interpol and the Emergence of Global Policing', in W. Garriot (ed.), *Policy and Contemporary Governance: the Anthropology of Police Practice*, New York, Palgrave Macmillan, 2013, p 236.

In addition to this, almost all the fundamental historical sources concerning Interpol have been built upon the archives of the organisation and also interviews of its officials.³⁰ I did not have access to neither of these sources, therefore I had to rely on the ones that were available. One thing worth to mention is that there is not an entire monograph dedicated to the more recent history of the organisation, other than the one written by Bresler in 1992. To retrace the history of the organisation, until more recent times, thus, I had to rely on papers that dealt with specific issues,³¹ or alternatively on the information provided by Interpol on its website.³² I infer that this is a consequence of the purposeful will of Interpol's officials to preserve the secrecy surrounding its operations; this, of course, not for a precise intention to avoid transparency, but to ensure that there are not security breaches or vital information leaks.³³

Other two major sources for my research are the works by Anderson³⁴ and Fooner³⁵, who managed to trace a fairly detailed account of the evolution of the organisation; All these accounts defined, in various degrees of in-depth analysis, of the context in which the organisation was created; the history of its development, accounting in detail the internal dynamics that made the change possible; its structure and mandate. However fundamental these sources have been, hopefully a more detailed and updated historical analysis will be compiled, so that other researches will be able to look at a comprehensive history of the organisation until more recent times.

As for the sources regarding the history of international police cooperation, this field has registered several meaningful contributions. The works that I managed to gather to gain a comprehensive insight of the issue, however, are mainly focused in the areas of Europe and the U.S., thus not considering in depth the other areas of the globe. This could be due to the fact that these are the main areas where international police cooperation first developed, as it was highlighted in these studies. The main works upon which I relied to comprehend the

³⁰ See id. at 20 and F. Bresler, *Interpol*.

³¹ Savino, M. 'Global Administrative Law meets Soft Powers: The Uncomfortable Case of Interpol Red Notice', *New York University Journal of International Law and Politics*, vol. 43, no. 2, 2010, pp 263-336; Calcara, G. 'Preventing the Misuse of Interpol: A Study on the Legal Safeguards of the Organization', *Nordic Journal of International Law*, vol. 87, no. 1, 2018, pp 56-78. Et al.

³² <https://www.interpol.int/>

³³ M. Stalcup, 'Interpol and the Emergence of Global Policing', p 234.

³⁴ M. Anderson, *Policing the World: Interpol and the Politics of International Police Co-operation*, Oxford, Calendon Press, 1989.

³⁵ M. Fooner, *Interpol: Issues in World Crime and International Criminal Justice*, Ney York, Plenum Press, 1989.

development of this phenomenon are the ones conducted by Hsi-Huey Liang³⁶ and Deflem³⁷. To a lesser extent, I took advantage of the work of Andreas and Nadelman, since in their work a great emphasis was posed on the issue of international crime control in the U.S. area.³⁸ As the aforementioned authors abundantly stressed, Interpol was born as a result of a predominantly European set of circumstances, even though the ultimate goal of these first meetings was to spread the nets of police cooperation possibly worldwide.

The work of Hsi-Huey Liang was centred in particular on the development of the modern police in the context of European states, starting from the middle of the 19th century until World War II. His work offers a valuable insight on the nature and role of the modern police institution, comparing it with the previous systems of social control in the area. It was essential to gain a better understanding of the police functions and of the historical context in which it developed.

As for the actual evolution of international police cooperation, the main sources for my dissertation were the works by Deflem.³⁹ Deflem focused his attention mainly on the development of this phenomenon from the sociological standpoint; he, indeed, highlights the fact that the forms of social control had been rather overlooked in the field of sociology.⁴⁰ The author develops an original view on the nature of international police cooperation; he starts from the concept of bureaucratisation of the national police agencies, that gain autonomy from the centres of power of their respective governments. It is for this exact reason that police officers from Europe in the 20th century were finally successful in the establishment of an international police cooperation organisation. This insight is fundamental for the understanding of the culture of international police cooperation that pervaded the ICPC first, and then Interpol. Indeed, the independence from the state became a fundamental value within the organisation, since it allowed the cooperation among a considerable number of nations around the globe, despite the differences of their forms of government. This trait had a major role into the shaping

³⁶ H. H. Liang, *The rise of modern police and the European state system from Metternich to the Second World War*, UK, Cambridge University Press, 1992.

³⁷ Deflem, 'Bureaucratization and Social Control: Historical Foundations of International Police Cooperation'; Deflem *Policing World Society: Historical Foundations of International Police Cooperation*.

³⁸ P. Andreas and E. A. Nadelmann, *Policing the Globe: Criminalization and Crime Control in International Relations*, New York, Oxford University Press, 2006.

³⁹ Deflem, 'Bureaucratization and Social Control: Historical Foundations of International Police Cooperation'; M. Deflem, 'International policing in nineteenth-century Europe: The Police Union of German States, 1851-1866', in *International Criminal Justice Review*, vol. 6, 1996, pp 36-57.; Deflem, *Policing World Society: Historical Foundations of International Police Cooperation*.

⁴⁰ Deflem, *Policing World Society: Historical Foundations of International Police Cooperation*, pp 4-10.

of the culture of international police cooperation, in my opinion; indeed, the value of political neutrality, embedded in the Article 3 of Interpol's constitution, reflects this independence of police forces. The principle of national sovereignty has a central role in the definition of international police cooperation activities as well, without any doubt.⁴¹ However, autonomy was and is one of the core principles instilled in the organisation.

In spite of the fact that the literature regarding Interpol lacks a more recent overview on its comprehensive evolution, several studies have been carried out from specific standpoints. It is worth to mention that Interpol, for instance, has originated a great amount of interest among scholars because of its peculiar nature. More specifically, it was the organisation's legal status the source of curiosity of a good number of scholars and law experts.⁴² As we mentioned in the reconstruction of the history of the organisation, indeed, neither the ICPC nor the current Interpol were established by means of an international treaty.⁴³ During the organisation's existence, this proved to be a fundamental matter, since it was not clear whether it should be treated and considered as an actual international organisation or not. This issue, however, was not a mere academic exercise, since the development of the organisation would be certainly be influenced from the label that it would receive.

Initially, the fact that the organisation was founded without a formal treaty placed it in the category of non-governmental organisations, following the distinction drafted by the United Nations;⁴⁴ this also highlighted the private-like character that the organisation was given since its first creation in 1923. Despite of this fact and the initial allegations of illegitimacy as an international organisation,⁴⁵ Interpol slowly began to be considered as an actual inter-governmental organisation, both informally and as a result of several small steps taken into the field of international law. The path towards recognition began when the organisation's officials requested to the ECOSOC to be inserted in the list of NGOs; the organisation ultimately was granted the status of NGO and began to actively participate into supervision activities with the UN, especially regarding the control of drug trafficking. Finally, the breakthrough happened in 1971, when a special arrangement with the UN was reached. The ECOSOC, indeed, determined

⁴¹ Sheptycki, 'The Accountability of Transnational Policing Institutions: the Strange Case of Interpol', p 132.

⁴² M. Savino, 'Global Administrative Law meets Soft Powers: The Uncomfortable Case of Interpol Red Notice', *New York University Journal of International Law and Politics*, vol. 43, no. 2, 2010, p 271.

⁴³ Anderson, *Policing the World: Interpol and the Politics of International Police Co-operation*, p 57.

⁴⁴ Sheptycki, 'The Accountability of Transnational Policing Institutions: the Strange Case of Interpol', p 119.

⁴⁵ Stalcup, 'Interpol and the Emergence of Global Policing', p 236.

that Interpol should be considered *as if* it was an international organisation, rather than a non-governmental one, but only in certain instances; furthermore, it established a formal collaboration between Interpol and the UN regarding the fight against crime. This consideration was later backed up by the recognition that Interpol received by other organisations that operated transnationally. The situation of the legal status of Interpol continued to change, and the next step was signed with the Headquarters Agreement that the organisation signed with France, the state where the its headquarters were established. As already reported in chapter 3, the agreement stemmed initially from the will of the French government to apply the new protection of data laws on the Interpol archives. However, one of the most significant legal consequences of this agreement was the legal status with which the French government provided Interpol. The document, indeed, marked the first time that a nation recognised Interpol as an independent international organisation with all the typical immunities of this set of international actors.⁴⁶ Another similar recognition came from the U.S. under the Reagan administration, in 1985. This evolution of the legal status of Interpol was carried out by several scholars, who were interested in the reconstruction of the historical path of the organisation.⁴⁷

The most extensive study carried out on the legal status of Interpol, however, was conducted by Martha Rutsel Sylvestre,⁴⁸ a former manager of the organisation's Office Legal Affairs. His analysis revolves around the nature of IOs and the evidence that Interpol is one of them. He analysed in detail the concept of what constitutes an international organisation, and why Interpol should be considered as such. After this consideration, he contributed to the study of the organisation pointing out and examining its objectives, as they are stated in Interpol's constitution, and also how the organisation's practical actions function in sight of these ultimate goals. Moreover, he analysed the structure of the organisation, its legal accountability and its activities. Indeed, also the accountability of the organisation was a topic that raised perplexities among scholars,⁴⁹ since Interpol often was referred as an organisation that acted above the law, having no one to which have to be accountable for.⁵⁰

⁴⁶ Sheptycki, 'The Accountability of Transnational Policing Institutions: the Strange Case of Interpol', p 120.

⁴⁷ See id. at 44.

⁴⁸ R. S. J. Martha, 'Challenging acts of INTERPOL in Domestic Courts', in A. Reinisch (ed.), *Challenging Acts of International Organisations before National Courts*, Oxford University Press, 2010, pp 206-238.

⁴⁹ J. Sheptycki, 'The Accountability of Transnational Policing Institutions: the Strange Case of Interpol', *Canadian Journal of Law and Society*, vol. 19, no. 1, 2004, pp 107-134.

⁵⁰ Fijnaut, 'The internationalization of Police Cooperation in Western Europe', p 13.

Other researches focus on the legal structure of the organisation and on the legal aspects of its activities, so as to gain a deeper insight on its methods of prevention and contrasting international crime.⁵¹ Also, from the legal standpoint, the issue of Red Notices and the threat that they pose on the respect of human rights have been covered by a certain number of authors. A part of the researches conducted on the system of notices of Interpol have been carried out in the academic environment; experts such as Savino⁵², or Calcara,⁵³ lingered on the legal analysis of this tool of international cooperation. More specifically, they highlighted the fact that this system, supported by Interpol, was easily turned into a tool that the authoritarian regimes participating into the organisation exploited to track down and possibly silence the persons that posed a perceived threat to the current status quo of the regime -or that, at least, showed open dissent to it. After having produced evidence of these alleged abuses -usually consisting of concrete cases of unjustified arrests from national police forces under the request presented by means of a Red Notice or a Diffusion-, these researches usually present what were the areas that required an improvement. This means that they identified the points of the regulations that determine how the system of notices is regulated that were in need of an amendment that guaranteed a higher degree of respect of human rights -or alternatively, a minor extent to which they could be abused by members with hidden political motivations. Despite making these observations, the authors of these studies highlight the importance of the international cooperation taking place under the auspices of Interpol. So do other reports focused on highlighting the lack of guarantees that individuals have to directly challenge a Red Notice or a Diffusion distributed by Interpol among its members.⁵⁴ In this case, the authors, belonging to an NGO dedicated to the support of individuals that face unjust trials all over the world,⁵⁵ analysed in deep detail the violations of human rights perpetrated towards individuals only because of political reasons by regimes that have a low threshold of human rights guarantees⁵⁶ and pointed towards solutions that involve the change in the internal mechanism of dispute that the individual could access.

⁵¹ M. Seyedi, 'The Legal Structure of Interpol', LL.M, Near East University, 2016.

⁵² See id. at 42.

⁵³ G. Calcara, 'Preventing the Misuse of Interpol: A Study on the Legal Safeguards of the Organization', *Nordic Journal of International Law*, vol. 87, no. 1, 2018, pp 56-78.

⁵⁴ Fair Trials International, *Dismantling the tools of oppression: ending the misuse of INTERPOL*, 2018; Fair Trials International, *Strengthening respect for human rights, strengthening INTERPOL*, 2013.

⁵⁵ <https://www.fairtrials.org/who-are-fair-trials>.

⁵⁶ Bromund and Kopel, 'Necessary Reforms Can Keep Interpol Working in the U.S. Interest', p 11.

In addition to this portion of literature, there have been other studies aimed at an analysis of the functions performed by Interpol, and its success or lack of thereof at reaching its goals. These researches focused on the efficiency of the organisation in terms of international policing and the fight of transnational crime. The studies on the organisation carried out until now obviously included all the approaches on IOs, their nature and their role already presented in chapter one.

Some studies, for instance, focus on the role that had the national states in the creation of the organisation; but, more importantly, they are meant to highlight the degree of influence that governments can have on the organisation's activities and performances. An analysis carried out by Fijnaut, for example, recognises this pattern in the development of international police cooperation in the context of the European Community -the paper was published in 1991, thus before the treaty of Maastricht. The author considers the pattern of this phenomenon starting from the assessment that the monopoly of violence, one of the main characteristics of state sovereignty, is not something that encourages international cooperation. This is the reason why cooperation went a step further only when the social order seemed to be disturbed or at risk.⁵⁷

Another example of study that highlighted the influence that states have on international police cooperation, especially in the context of Interpol, is the one by Gerspacher and Pujas; they recognise the fact that, despite of the fact that a rational choice and neo-functionalist perspective would imply that there are more than one reason for states to engage in international police cooperation to combat transnational crime, they often choose the option of deceit, or they are simply unable to carry out successfully the cooperation plan. It is important not to dismiss these perspectives with excessive speed; indeed, they shed light on important issues regarding the efficiency of the organisation relatively to the aims that it is meant to pursue. The central issue in this instance is that Interpol is an organisation that is meant to promote international police cooperation, but it has not an enforcement role. Since the organisation relies on its member countries to share all the information on crime they possess in order to facilitate international crime fighting, it is essential for its efficiency that all member countries share mutual trust and understanding. This, however, is not always the case; given the wide variety of political regimes participating into the organisation, these scholars argue that it is actually

⁵⁷ Fijnaut, C. J. C. F. 'Policing Western Europe: Interpol, Trevi and Europol', *Police Studies*, vol. 15, no. 3, 1992, pp 101–106.

upon the will of states to support the success or the failure of the organisation itself. The key to an effective international police cooperation, for this reason, rely principally on the development of a political and operational ability, that allows the organisation to influence the domestic actors that engage in its activities and therefore reach beyond its mandate. This capacity, however, is considered to be achieved by the younger Europol rather than Interpol.⁵⁸

Other researches consider the role of Interpol in the development of the concept of global policing; through its vast array of activities, such as information sharing, support for the creation of valid infrastructure in member countries that have not developed a proper one yet, training courses and so forth, the organisation influences the practices of global policing, even though not everywhere alike. Despite this development of common policies, protocols and practices, the organisation did not manage to level the philosophical differences of different constituencies, though tried to seek a common political framework to face certain issues such as terrorism.⁵⁹ The rise of terrorism itself and how Interpol's role in framing and addressing the issue have been another aspect of international police cooperation for several scholars. In more than one instance, Arce and Sandler⁶⁰ considered the effects of the counterterrorist activities promoted by Interpol, and the reactions of the member countries to them. Through an analysis of the benefit-cost ratios that member countries face when supporting Interpol activities is actually advantageous and, more importantly, efficient in the fight of transnational terrorism. Thus, the analysis implies that actively participating into Interpol's activities is something to promote, since the outcomes are positive.⁶¹

Another good portion of the literature about Interpol is composed by comparative studies, especially with Europol, circumscribed to the European area. The first insights on the issue were given by Fijnaut, in the days when Europol was moving its first steps. The author, in several instances, considers the conditions of international police cooperation within the European area. In a paper published in 1993, the entity that was appointed to discuss the best strategies in the European Community to combat all sorts of serious crime -and especially

⁵⁸ Gerspacher and Pujas, 'International Police Organizations: The Missing Link to Effective Cooperation', pp 245-246.

⁵⁹ Stalcup, 'Interpol and the Emergence of Global Policing', intro e p 253.

⁶⁰ D.G. Arce and T. Sandler, 'Terrorist Spectaculars: Backlash Attacks and the Focus on Intelligence', *The Journal of Conflict Resolution*, vol. 54, no.2, 2010, pp 354-373.

⁶¹ T. Sandler, D. G. Arce, 'An evaluation of INTERPOL's cooperative-based counterterrorism linkages', *The Journal of Law and Economics*, 2009, pp 29-30.

international terrorism- was the TREVI group, composed by the Ministers of Interior of the member states of the EC. He then considers the main institutional difference that characterised the then TREVI mechanism and Interpol, namely the its real international governmental character. The TREVI group would be surpassed by the foundation of Europol, officially founded in 1999 and initiated thanks to German police efforts; this was yet another fundamental change in the field on international police cooperation in Europe. However, since Europol came into action only later on, the author focuses on the confrontation between TREVI and Interpol. The author notes that, at least in the European area, the fields of action of Interpol and Europol were meant to overlap; he states that Interpol, in the long run, could as well become obsolete and lose its role in favour of Europol. Apart from the different institutional position that the two agencies had, there were also similarities between them; for instance, their confidential character, that included the lack of accountability mechanisms and the withdrawn nature of their activities from the public scrutiny.⁶² The creation of Europol marked a new stage on the history of international police cooperation, and the threat of it taking over the role of Interpol seemed a reality. This analysis was based on three main factors; first of all, the sense of political identity that was being hoped to form within the European Community could lead the European leaders to create another agency of international police cooperation that was exclusively a matter of the community itself. Secondly, the European members of Interpol could be less inclined to invest in both organisations and could choose to do so in the one that was meant to bring the most desired results, namely Europol. Thirdly, the police agencies could engage the same police officers in the European area in both the organisations, but since they would be more interested in the European affairs, they would soon dismiss the engagement with Interpol. The position of Interpol in Europe after the creation of Europol is unclear, since its lack of political development.⁶³

Other studies went further into researching the operational aspects of cooperation between the two agencies; Calcara,⁶⁴ for instance, carried out a study of the efficiency of cooperation between Interpol and Europol, more specifically in the field of cybercrime and child

⁶² C. J. C. F. Fijnaut, 'The internationalization of Police Cooperation in Western Europe', in C. J. C. F. Fijnaut (ed.), *The internationalization of Police Cooperation in Western Europe*, Arnhem, Gouda Quint, 1993, p 16.

⁶³ P. Swallow, 'Of limited operational relevance: a European view of Interpol's crime-fighting role in the twenty-first century', *Transnational Organized Crime*, vol. 2, no. 4, 1996, p 126.

⁶⁴ G. Calcara, 'The Role of INTERPOL and Europol in the Fight against Cybercrime, with Particular Reference to the Sexual Exploitation of Children Online and Child Pornography', *Masaryk UJL & Tech*, vol. 7, no. 19, 2013, pp 19-33.

pornography. In 2013, the author registered a potential that was not fully seized by the member countries of the two organisations; indeed, in spite of the fact that both agencies have put considerable efforts into the fight against this specific crime that resulted in positive outcomes, there is still room for improvement. In this specific instance, for example, the two agencies could unite both their databases on child pornography crimes and thus creating something more powerful; however, due to specific legal differences between the two agencies, the plan is difficult to work through.⁶⁵

Even though a particular interest has been registered in the studies regarding the comparison between the two organisations, Europol is not the only international police cooperation agency at regional level whose role partially overlap with Interpol. Other regional police cooperation agencies were created, such as ASEANAPol⁶⁶ in Asia; in Africa, the African Union has become an important partner to Interpol in the matter of transnational crime.⁶⁷ However, the relationship between these regional organisations and Interpol, that should already cover these areas, has not been researched into at scholar level. This is a branch of research that should be pursued, in my opinion; indeed, it would shed more light on the fate of the future of Interpol. Over the years, with the sprouting of regional international police cooperation agencies, the role of Interpol has often been doubted, along with its efficiency compared to the ones of the partner regional organisations. Since it is an issue that seems to be of vital importance for the organisation considered, it should be investigated in more depth.

To conclude, the dissertation is structured in four chapters. The first one is to be considered as a theoretical framework, that has the aim to clarify the direction of the following research, identifying which approaches and theories I decided to consider in order to explain the institutional development of Interpol.

The second chapter is dedicated to the analysis of the phenomenon of international police cooperation and how it developed, especially in the European continent, since the second half of the 19th century. Here, the aspect of bureaucratic independence of national police agencies

⁶⁵ G. Calcara, 'The Role of INTERPOL and Europol in the Fight against Cybercrime, with Particular Reference to the Sexual Exploitation of Children Online and Child Pornography', *Masaryk UJL & Tech*, vol. 7, no. 19, 2013, pp 32-33.

⁶⁶ W. L. Cheah, 'Mapping Interpol's Evolution: Functional Expansion and the Move to Legalization', 2015, p 28.

⁶⁷ <https://www.interpol.int/Our-partners/International-organization-partners/INTERPOL-and-the-African-Union>

from their respective governments will be explained in more detail, as well as the events that ultimately led to the creation of the International Criminal Police Commission, the forerunner of Interpol, in 1923.

In the third chapter the institutional development of Interpol will be considered in detail. In particular, two fundamental moments of institutional change will be analysed, as well as the behaviour of Interpol's officials to face institutional pressures stemming from internal and external environment. The analysis reveals that the quest for legitimacy from the organisation's officials was an important factor that influenced the institutional development of Interpol was the need to gain more legitimacy, since the standards required by the international community set a higher threshold. This need was nonetheless paired with the will of Interpol's officials to preserve the organisation's autonomy from the influence of its member countries' influence.

In the fourth chapter the controversy surrounding the system of notices ideated by Interpol will be discussed. NGOs involved in activities aimed at promoting the respect for human rights principles began to put pressure on Interpol, following alleged abuses perpetrated by some member countries towards individuals that showed dissent towards authoritarian regimes. The process of change in the organisation as a result of these pressures will be analysed, as well as the strategy that Interpol's officials chose to deal with them. In this instance the issue of legitimacy is present, too; indeed, the unsuccessful respect of the spirit of the Universal Declaration of Human Rights raised a decrease in legitimacy perceived by several actors in the international arena, leading Interpol's officials to face the issue of the abuse of the system of notices.

CHAPTER ONE: THEORETICAL FRAMEWORK IN THE ANALYSIS OF INTERNATIONAL ORGANISATIONS IN INTERNATIONAL RELATIONS

In this first chapter I will define the approach that characterises the analysis of Interpol. In doing so, I will try to explain the reasons why I choose to draw from certain theories rather than from others, based on the characteristics of the creation and evolution of Interpol.

Firstly, the classical theories that characterise the field of International Relations (IR) and gained an appropriate authority among scholars will be considered; these consist of realism (and later neorealism), liberalism (evolved eventually in neoliberalism) and finally social constructivism. It is worth to mention the fact that the nature and the role of international organisations (IOs) in the international arena have been overlooked for a long time. Indeed, the early theories of IR, namely realism and liberalism (and their successors, neorealism and neoliberalism), limited the capacity of action in the international system to states only. In relation to this issue, I will therefore focus the attention on the theory of constructivism among the three presented, because it is the one that allow us to take into consideration IOs, and not only states, as basic actors of the international arena, with their own independence from their creators.

Secondly, I decided to see in more depth the principal-agent model, that is commonly used among rationalist scholars in order to explain how IOs behave. This model focuses on the concept that IOs and their officials (agents) tend to behave according to the directions given by the states that created them (principals-member states). This model is in contrast with the concept of organisational culture used by social constructivist theorists, who maintain that the internal culture of IOs and its norms highly influence the behaviour adopted by IOs' officials. I decided to take advantage of this concept to analyse the behaviour and changes of Interpol throughout its history.

Thirdly, I will present other approaches that will be useful to explain with enough satisfaction the issue of the change in IOs. Various approaches will be considered, namely rational choice theory, neofunctionalism and historical institutionalism, as well as other

institutional and neo-institutional theories (with particular interest to the streams of historical and sociological institutionalism). Finally, other approaches that can cast new light on the change perpetrated by IOs will be discussed, approaches that have already been used to deepen the understanding of the behaviour of IOs will be mentioned, for instance the resource dependence theory.

At the end of the chapter I will try to propose a final synthesis of the theories chosen from the vast range of the ones available in order to explain why I consider them the most suitable to explain the creation and evolution of Interpol throughout almost one century of its existence.

1.1 Tools for the understanding of IOs' nature: a theoretical framework

As stated earlier, I decided to adopt a constructivist perspective to the case study of Interpol. This school of thought seemed particularly suitable to study the nature of IOs, and even more the specific case of Interpol, for several reasons. It provides a completely different perspective from the other classical schools of thought typical of the IR field of study, especially the realist and liberal views, as explained below.

1.1.1 Realism and Neorealism

Firstly, the classical realist perspective has an instrumental conception of IOs. Realist scholars normally conceive all kinds of IOs as “epiphenomenal”,⁶⁸ or as a by-product of the will of states; alternatively, IOs were considered merely instruments through which the nation states can achieve a sort of equilibrium. Practically, IOs are the channel through which the inter-state diplomacy works. Consequently, realists dismiss the idea that IOs can actively or severely influence the dynamics of the international arena. In a more recent approach, the stream of thought of neorealism formed a slightly different view of IOs; these scholars consider IOs as the incarnation of the states' interest that created them. Therefore, following this perspective, IOs embody the dynamics of power among the national states that participate in them; but even

⁶⁸ M. Tierney and C. Weaver, 'Principles and Principals? The Possibilities for Theoretical Synthesis and Scientific Progress in the Study of International Organizations', 2014, p 8.

if more articulated than the first formulation of the nature of IOs of the realist perspective, also the neorealist point of view is not the most satisfactory to analyse the behaviour of IOs, simply because this perspective does not conceive organisations as actors with a personal individuality and independence from the states that created them.⁶⁹

This point of view should clearly not be dismissed too hastily, because of course certain IOs reflect and reproduce the interests of the states that take part in them. However, at least in the specific case of Interpol, I would tend to exclude it as a main method of explanation for the creation and transformation of the organisation throughout the years, the reason being that the participants in the organisation have always had a considerable degree of independence from the state that they represented in the forum of the organisation, as we will see in the third chapter in more detail.

1.1.2 Liberalism and Neoliberalism

Secondly, the liberal theory follows a functional view of IOs. In a first period, indeed, IOs were considered as bodies that helped to spread the wealth among countries that participated in them, especially by creating a bridge to facilitate the commerce among nation states, thus enhancing the ways in which the market worked. Moreover, and perhaps more importantly, IOs were seen as an optimal solution to implement peaceful relationships among countries. After the Great and the Second World War broke out, however, it became apparent that this point of view did not mirror the reality. Even though states experimented the advantages of peaceful cooperation, indeed, the conflict of interests nonetheless prevailed, leading the world down to the path of destruction. It is exactly in this period that the realist perspective became predominant, for the liberalist assumptions were at this point considered idealistic.⁷⁰

During the '50s, however, the academic world assisted to a revival of the stream of thought of liberalism, even though the perspective slightly changed. This new stimulus was brought thanks to the European experience of the period. A neo-functionalist theory became more popular in this field; it considered that integration was still possible if sustained and promoted

⁶⁹ S. Park, 'International organizations in world politics', in J. Baylis, S. Smith and P. Owens *The Globalization of World Politics: An Introduction to International Relations*, OUP Oxford, 2016, pp 323-324.

⁷⁰ M. Barnett and M. Finnemore, 'The Politics, Power and Pathologies of International Organizations', *International Organization*, vol. 53, no. 4, 1999, p 701.

by international bureaucrats that were aware of the existing political dynamics. Further on, during the '80s, another theory emerged, after the dismissal of neofunctionalism. The new stream of thought, called neoliberal institutionalism, was based on the same assumptions of the neorealist one. The national states, indeed, were considered as the base unit of the international system; IOs – and more in general all institutions- were seen through a functionalist lens. Thus, their role was to allow states to achieve the maximum benefit in different fields from cooperation among states.⁷¹

1.1.3 Social constructivism

Finally, it is apparent that social constructivism allows us to have a completely different view of the nature of IOs, how they exert power in world politics and contribute to the shaping of society⁷². This stream of thought was born during the 1990s and brought great influx of new views in the IR field.

Some scholars⁷³ trace the birth of this approach to two main historical events that changed the perception of the reality of the academic community of that period. The first shift recorded took place at the beginning of the beginning of the 20th century. In this period of time, indeed, intellectuals started to cast a doubt on the developments of modernity; Max Weber was one of the first authority in the academic field who started to theorise the dangers of the loss of clear moral values, given by the faith in progress (conceptualised in the image of the “iron cage of bureaucracy”). From the economic and ecological disasters stemmed the initial critique of the modern industrialised society; the idea of unlimited progress and the control over nature was gradually dismissed. From this point the current of postmodernist thought began to arise, with its main contribution to start to think outside the frame of pure rationalism. It is in this broader picture that the concept of “reflexive modernity” -in other words, the modernity that revolves against itself- must be inserted. After these shocks, Western philosophy and social science thinkers began to redefine their identity and to undertake an empirical analysis of the social

⁷¹ S. Park, 'International organizations in world politics', in J. Baylis, S. Smith and P. Owens *The Globalization of World Politics: An Introduction to International Relations*, OUP Oxford, 2016, pp 322-323.

⁷² Barnett and Finnemore, 'The Politics, Power and Pathologies of International Organizations', p 700.

⁷³ S. Guzzini, 'A Reconstruction of Constructivism in International Relations', *European Journal of International Relations*, vol. 6, no. 2, 2000, pp 147-182, and E. Adler, 'Constructivism and International Relations', in W. Carlsnaes, T. Risse and B. A. Simmons *Handbook of International Relations*, Sage Publications, 2002, pp 127-158.

construction of their identities and of others'. This approach was considered since the beginning the main opposer of the rational choice approach, that implied that the identity of the actors is formed prior to the definition of their interests.⁷⁴

The second historical event that prompted the birth of the constructivist approach was the end of the Cold War. This, indeed, could be a proof that the structure of the international society was not something objective, fixed and "natural", since the collapse of the two-blocks system was determined mainly by political choices. This, in turn, led to the realisation that the *status quo* was not an unchanging situation; in this way, the main core believes widely held throughout the '80s, the deterministic view of the world and the relations among its components, did not prove to be the only possible explanation.⁷⁵

In a first moment, however, the new constructivist approach to reality experienced two main incorrect interpretations; on the one hand, it was firstly believed that constructivism was mainly a critique of the lack of foreseeing capacity of the other approaches in IR at the time. This vision is not entirely correct; indeed, the constructivist approach was intended to dismiss that the international system was basically an anarchic system, as realists claimed, because it lacked a central government. Constructivists claimed that the international system was not without a rule; instead, it was subjected to a set of norms that were created and reproduced by the same actors that were part of the system. On the other hand, a second misunderstanding stemmed from this vision of the international system; indeed, constructivism was perceived to suggest a purely voluntarist view of the world, meaning that it based the construction of the world mainly on the will of the actors involved. This turned out to be a simplistic understanding of the approach; constructivist intellectuals assumed that the rules and the norms that influenced the international system could not be changed by the individual will only, because they have an intersubjective nature. The change of behaviour, in conclusion, would take place at a normative level, and not on an individual one.⁷⁶

⁷⁴ Guzzini, 'A Reconstruction of Constructivism in International Relations', pp 150-153.

⁷⁵ Guzzini, 'A Reconstruction of Constructivism in International Relations', pp 154-155.

⁷⁶ Guzzini, 'A Reconstruction of Constructivism in International Relations', p 155.

Authors like Adler refer to constructivism as a middle ground approach in IR.⁷⁷ The other two ends of this field of study are identified with realists and neorealists on the one hand, and postmodernists, poststructuralists, critical and feminist theorists on the other. While the thinkers of the former group view what happens in IR as a behavioural response to some objective forces that exert pressures on the actors from the outside, the latter are convinced that social international relations have the nature of ideas, and therefore must not be taken for granted, but studied and most importantly discussed. This difference can be summed up as a rationalist (the former) versus relativist (the latter) approaches. Adler gives a really clear definition of constructivism, maintaining that this approach is the real middle ground between the other mentioned theories; according to him, “Constructivism is the view that *the manner in which the material world shapes and is shaped by human action and interaction depends on dynamic normative and epistemic interpretations of the material world*”.⁷⁸ He goes on asserting that institutions were formed upon human understanding that was created by human themselves and replicated throughout time; in this way, they gain legitimacy and are accepted and taken for granted by everybody. And here lies the important contribution that constructivism added to the IR studies; theorists of this current believe that international relations are social facts and that they exist only because they are accepted like so by humans. Nonetheless, constructivists do not deny the existence of the real world, and they even agree on the fact that it resists to human action. In this sense constructivism can be conceived as the middle ground between the rationalist approach (given that they recognise the existence of reality) and the relativist one (for the emphasis on the social nature of IR facts and on intersubjectivity).⁷⁹ In this sense, some authors claim that constructivism is not considered a completely formed theory of IR, like realism or liberalism,⁸⁰ but like a sort of meta- theory that can bridges different points of view.⁸¹ However, now it is considered as a fundamental approach in IR field, for the time being, ad it has led to fruitful debate inside this area of study.

⁷⁷ E. Adler, ‘Seizing the Middle Ground: Constructivism in World Politics’, *European Journal of International Relations*, vol. 3, no. 3, 1997, pp 319-363.

⁷⁸ Adler, ‘Seizing the Middle Ground: Constructivism in World Politics’, p 322.

⁷⁹ Adler, ‘Seizing the Middle Ground: Constructivism in World Politics’, p 323.

⁸⁰ See *id.* at 77.

⁸¹ Guzzini, ‘A Reconstruction of Constructivism in International Relations’, p 147.

Initially, the debate among the constructivist thinkers stirred different positions within the newly created current. The objects of the internal discussion revolved around three main themes, namely the observation, the methodological intersubjectivity and the concept of power. Three different branches of constructivist thought stemmed from these themes; from the reflection on the first issue the current of epistemological constructivism was born, while the debate on power challenged openly the tenets of the mainstream IR theories, opening new visions of the world and the point of view of “the art of the possible”.⁸² The discussion on intersubjectivity opposed to individualism promoted the blooming of social constructivism; in this case, the stress was put on the critic against rational choice theorists, who considered the actors to seek egoistic goals, or at least that they acted in a “value-maximization way”, meaning that actors in certain situations could even take altruistic decisions. However, this would imply that the actor’s behaviour is difficult to predict and that possibly the rational choice approach could be never wrong in its explanation of human behaviour. Moreover, this approach would not provide a complete understanding of rules and norms, since the behaviour of the actors is based on an individualistic assumption. Constructivists, on the contrary, firmly believe that intersubjectivity is the key to understand human behaviour and practices.⁸³

Going ahead and considering the core tenets of the theory, the basic assumption of social constructivists is that the agents do not exist independently from the social environment -and its culture- in which they are embedded. Norms and rules affect the behaviour of all the actors in the international arena, who will act following what is perceived as “good” and appropriate, rather than only pursue their specific interests. Moreover, discourse and communication are fundamental to social constructivist analysis, because they are important indicators of the causes of agents’ behaviour, since they offer an insight in how agents make sense of the world. Applying this paradigm to the study of the behaviour and change of IOs, it is possible to highlight several crucial points. First of all, social constructivists dismissed the idea of IOs as mere tools through which states act or as forum of discussion and cooperation among states. A fairly amount of IOs, in fact, are active agents that carry out activities that states have previously agreed. This means that IOs are in practice autonomous and with a clear bureaucratic

⁸² Guzzini, ‘A Reconstruction of Constructivism in International Relations’, p 156.

⁸³ Guzzini, ‘A Reconstruction of Constructivism in International Relations’, p 164.

structure⁸⁴, that characterizes them as actors in the international arena. Stated that ontological consideration about IOs, social constructivists became interested in analysing the various IOs' range of actions; for instance, they examined how IOs develop their own view of the world surrounding them, how they create their own agenda or how they are able to spread norms that become accepted in the entire international arena, even by the states that created them. Constructivist scholars present an interpretation that explains "how the IOs themselves take a proactive role in defining their core missions, taking on new tasks, and governing their own operations".⁸⁵To conclude, social constructivism offers an important insight on the behaviour of IOs and especially how their internal culture can shape it in a significant way.⁸⁶

However, it is important to state that it is not advisable to completely obstruct any sort of dialogue among the various theories. Indeed, there is not one single paradigm that is able to explain completely the nature and behaviour of IOs in all of its aspects; therefore, a sensible solution would be to adopt a more flexible point of view.⁸⁷ In any case, for the specific instance of Interpol, the most suitable perspective seemed to be the social constructivist one. As we will see later, Interpol was not born from a specific will generated from nation states; thus, a state-centric approach, like the one suggested by the rationalist paradigms, would not allow us to understand the exact nature and the behaviour of such an IO.

1.2 Rationalist model for the analysis of IOs' behaviour: Principal-Agent theory

After having analysed the various theories that are meant to explain the reason why IOs are created, I will present the different models through which the scholars of the various schools of thought have ideated to theorise the behaviour of IOs. Of course, the following models will reflect the main stances regarding the nature of IOs that stand behind the currents of neoliberalism and finally of social constructivism.

⁸⁴ T. Risse, 'Social Constructivism meets Globalization', in D. Held and A. McGrew (eds), *Understanding Globalization: Theories and Controversies*, Cambridge: Polity Press, 2007, p 5-7.

⁸⁵ Tierney and Weaver, 'Principles and Principals? The Possibilities for Theoretical Synthesis and Scientific Progress in the Study of International Organizations', p 10.

⁸⁶ S. Park, 'International organizations in world politics', p 324.

⁸⁷Tierney and Weaver, 'Principles and Principals? The Possibilities for Theoretical Synthesis and Scientific Progress in the Study of International Organizations', p 5.

I did not mention the current of neorealism for obvious reasons; indeed, as already stated in the paragraph dedicated to this current of thought, the scholars that share the same beliefs do not consider IOs as real actors. Since they are purely seen as a tool for states to pursue their interests, IOs are not invested of any degree of autonomy; therefore, it is assumed that their behaviour is purely the reflection of states' preferences, and it is not something that can be studied as something with an independent value.

For this reason, I will consider mainly two methods that have been used by scholars about IOs behaviour, namely the principal-agent theory, used mainly by rationalist scholars (that share the line of thought of neoliberalism), and the model of organisational culture, that was drafted by social constructivists.⁸⁸ Now we will see the principal-agent theory more in depth, since the concept of organisational culture was already covered in the section regarding social constructivism.

Principal-agent (PA) theory is described by Tierney as follows: "PA models (..) draw upon micro-economic theories of the firm in order to explain why states might delegate authority to IOs and how they attempt to structure the delegation contract in order to manage the risks and costs associated with delegation"⁸⁹ In a previous work,⁹⁰ other scholars such as Hawkins, Lake, Nielson and Tierney have well defined the approach known as principal-agent model, mentioning firstly its role in the field of economy and American comparative politics, in order to gain a better understanding of the role of IOs in relation to the states that are their members.

In an essay that serves as an introduction to a book entirely dedicated to the concepts of delegation and agency of IOs, the aforementioned authors frame the issues of the ideas at stake. They first start by affirming that they consider IOs as actors by their right, and active ones that try purposefully to achieve their goals; they then claim that they are interested in investigating how and in what measure states delegate authority to IOs, how IOs behave once they are invested with delegation and whether they continue to follow the states interests or not.

⁸⁸ Park, 'International organizations in world politics', pp 327-328.

⁸⁹ Tierney and Weaver, 'Principles and Principals? The Possibilities for Theoretical Synthesis and Scientific Progress in the Study of International Organizations', p 8.

⁹⁰ D. G. Hawkins, D. A. Lake, D. L. Nielson and M. J. Tierney, *Delegation and Agency in International Organizations*, New York, Cambridge University Press, 2006.

They proceed to present more in detail the PA model, analysing the several components of it: the concept of delegation, the nature of the agent, the problems it implies, the mechanisms of principals' control over the agents and finally the view of agents as actors. If we apply the model to the relation that occurs between states and the IOs created by them, states are considered the principal, while IOs the agent. States, the authors argue, delegate authority and power to IOs because they see clear benefits from it; for example, IOs may facilitate the collective decision-making process -reducing the risks of international quarrels-, the control of policy externalities and international cooperation. However, delegation is not always the best alternative seen by states, especially if they do not agree about a possible common policy or if the power of the states and institutional rules are not compatible.⁹¹

The core belief of this model is the fact that agents are self-interested actors who seek to pursue their goals, while at the same time being limited by their principals. Given this picture, it is immediately clear that if agents and states preferences are not in perfect harmony, there will be a certain degree of conflict, based on the measure of disagreement between the parties. This kind of relation between the principal and the agent, if not handled well, can lead to problems of agency loss; if the states perceive that delegation of power and authority could possibly lead to severe agency losses, they might not involve in such a relation, therefore IOs would not be invested with such features. The nature of agency can also arise two other problems regarding the PA relation; firstly, whether the tasks that IOs perform are pursued successfully or not, the states (principals) cannot be completely sure if this can be totally attributed to the ability of the agent, given the uncertainty of the environment that do not allow the principals to assess clearly the performance of a given agent. Secondly, the specialisation of the agent, that is one of the main reasons why principals may choose to delegate power and authority, may lead to the decision to avoid disclosing the agent actions to the principal. Both these issues may lead to the problem of agency slack, that is the limited efficiency to pursue the principal's interests.⁹²

The nature of the agent is normally considered as a creation of the principal, therefore not possessing much of an independent character itself. This is not completely shared by the

⁹¹ Hawkins et al., *Delegation and Agency in International Organizations*, pp 12-20.

⁹² Hawkins et al., *Delegation and Agency in International Organizations*, pp 14-23.

authors, however. They suggest that for the principals it is not easy to find an agent that reflects all its interests, and that the costs of creating a new one (a new IO) that respects this criterion may exceed its benefits. Therefore, it is possible to acknowledge some instances where the agents have a certain degree of autonomy from their principals. However, we should not give excessive weight to this condition, because principals will not engage in delegation if they perceive that the possibility of the agent's independency would be high from the beginning.⁹³

When these initial assessment of risks on the principals' part is revealed to be inaccurate, states resort to constrain methods on the agents, in order to align the interests of both parties. The authors identify five main mechanisms of control; these are the PA contract based on specific rules that the agent must follow, the monitoring of the agents' action by the principals, the selection of agents with similar procedures and rules of the principals, the introduction of checks and balances in the PA contract and the use of sanctions to punish the undesired agents' behaviour.⁹⁴

Finally, it is considered the possibility that the agents may influence actively the future behaviour of the principals, and not just not comply to their expectations -as the concept of "agency slack" implies. This can be achieved through a series of strategies on the part of the agents, for example the negotiation of their contract with the principals, influencing their interests through knowledge and resources, obtaining more autonomy from their principals through additional delegation.⁹⁵

However, this paradigm has been criticised by other scholars of different schools of thought for some of its core assumptions and conclusions. One of the reasons why the model is criticised is that it assumes that IOs are rational actors and goal-oriented. This aspect was not a shared belief by both constructivist theorists and rationalists; on the one hand, constructivists claim that IOs are more culture-oriented than goal-oriented, given the fact that this is a common occurrence in bureaucracies. On the other hand, rationalists argue that this point of view overlooks the possibility of organisational fragmentation within IOs, that would render impossible the functioning of the external controls of the principals over the agents. Moreover,

⁹³ Hawkins et al., *Delegation and Agency in International Organizations*, pp 25-26.

⁹⁴ Hawkins et al., *Delegation and Agency in International Organizations*, pp 26-30.

⁹⁵ Hawkins et al., *Delegation and Agency in International Organizations*, pp 31-33.

the PA model does not consider seriously other forms of IOs influence other than the formal decision-making process. There is the possibility of a unilateral form of influence exerted by the states in order to shape IOs' behaviour outside the formal channels; this would mean that also material power should be taken into consideration, and not just the formal power of the principal.⁹⁶

I think that this paradigm, albeit offering valid points in the analysis of IOs behaviour, should be set aside to understand the behaviour of Interpol. In my opinion this is particularly the case because Interpol is not an organisation based on a formal treaty among the different parties, therefore it would lack one of the fundamental bases of analysis suggested by the PA model. Moreover, as assessed by scholars such as Barnett and Coleman, some of Interpol's decisions on essential themes -such as terrorism-, were not taken following an interest-oriented direction, but following what the IO's officials considered to be the best moral and cultural choice in their field of action, even though it did not reflect the states' preferences.⁹⁷

1.3 The Social Sciences input to International Relations studies

As many authors stated in more than one instance, it is essential to adopt different perspectives in order to achieve a more complete analysis of the issue at stake.⁹⁸ This means that it is advisable to integrate theories of different fields of study if we want to improve the depth of the researches of a discipline. In the subject of IR there has been a consistent number of contributions from the theoretical tradition of social sciences.⁹⁹

In this section, following the categories that Lawrence Helfer identified as the ones that try to explain the mechanism of change in IOs,¹⁰⁰ three main theories will be analysed; they are embedded in both the fields of political science and social sciences and have been used to face

⁹⁶ T. Hanrieder, 'Gradual Change in International Organisations: Agency Theory and Historical Institutionalism', *Politics*, vol. 34, no.4, 2014, p 326.

⁹⁷ Park, 'International organizations in world politics', p 328.

⁹⁸ M. Finnemore, 'Norms, Culture and World Politics: insights from sociology's institutionalism', *International Organization*, vol. 50, no. 2, 1996, p 326.

⁹⁹ L. R. Helfer, 'Understanding Change in International Organizations: Globalization and Innovation in the ILO', *Vanderbilt Law Review*, vol. 59, no. 3, 2006, p 658.

¹⁰⁰ Helfer, 'Understanding Change in International Organizations: Globalization and Innovation in the ILO', p 656.

the issue of the nature and the behaviour of IOs. At the same time, I will argue why some of them are not the convenient choice to address the specific case of Interpol.

1.3.1 Rational Choice Theory

A first perspective that analyses why IOs are created, how they change and the reason why change happens is the so-called Rational choice theory. From the fundamental characteristics of this approach, it is possible to recognize some similarities to the neorealist school of thought of IR. Indeed, IOs are considered a product of nation states, whose aim is to limit the conditions of anarchy of the international system and to achieve advantages that states could not reach by themselves. According to rational choice theorists, it is possible to provide different explanations for the change in IOs; transformations may occur due to the transition of the preferences of the states that created the organisation.¹⁰¹ Another source may be the relocation of material resources or power of the states. Others argue that government agencies or non-state actors influence the change of IOs. Finally, some scholars consider the difficulty of creating different IOs perceived by states, leading thus to organizational change rather than a fresh start. What is apparent, however, is how rational choice scholars conceive change in IOs as a driving force that has its origin outside the organization,¹⁰² therefore limiting the autonomous role of organizations and highlighting their dependence on the environment -and especially on the nation states.

This theory is not the best way to approach the case of Interpol for two main reasons. First of all, as it will become clear later in the analysis, this specific organisation was born as a result of an informal agreement among the police officials of several countries. The important element to stress in this case is the significant independence of the founders of the organization; they were not delegates of nation states, who gave them the authority to negotiate a treaty and establish an official IO. In fact, Interpol was not classified as an international organisation until 1971, when the UN granted it the status of IGO.¹⁰³ Thus, it is almost impossible to apply the rational choice theory to the study of this specific IO, because states preferences cannot be

¹⁰¹ See *id.* at 79.

¹⁰² Helfer, 'Understanding Change in International Organizations: Globalization and Innovation in the ILO', pp 661-663.

¹⁰³ M.Fooner, *Interpol – Issues in World Crime and International Criminal Justice*, New York; London: Plenum, 1986, p 52.

considered the fundamental perspective to understand the birth and at least the first period of development of the organization. Rational and self-interested choices promoted by the single individuals who represent the various states can be taken into consideration, but in my opinion are not the driving forces that can thoroughly explain the path taken by the organisation in several instances. The main reason is that, as we will see more in depth in chapter three, what was more important for the delegates was the understanding of their role on the international level, rather than the pure and simple achievement of the interests dictated by the states.

Secondly, according to rational choice theorists, transformation in IOs can happen exclusively as a consequence of external shocks, or “critical junctures”; this indicates that whatever change may occur in IOs, this would be merely the result of the shift of state preferences due to other changes in the external environment, that will consequently exert pressure on their delegates in order to pursue it.¹⁰⁴ This means that in this way, however, the autonomy of the officials of Interpol to make key decisions independently from the domestic constituencies would be overlooked, while it was certainly one of the major driving forces of Interpol.

1.3.2 Neofunctionalism

The basic features of this current of thought in the first section have already been outlined, in the context of liberal and neoliberal theories of IR. Neo-functionalists start from the same assumption as rational choice theorists, that is that actors are devoted to satisfying their self-interest and seek to gain the maximum from cooperation with one another.¹⁰⁵ However, the similarities between the two currents end here. Indeed, according to neofunctionalism, states resolve to create IOs to reach the optimal allocation of resources and to deal with specific situations that they are not able to manage by themselves efficiently.¹⁰⁶ The states, normally, turn to IOs to solve technical issues that request trans-border cooperation; therefore, they confer IOs the necessary autonomy to solve these specific issues. However, neo-functionalists go further and analyse how the sub state actors and the officials of the IOs use their initiative to

¹⁰⁴ Helfer, ‘Understanding Change in International Organizations: Globalization and Innovation in the ILO’, p 662.

¹⁰⁵ Helfer, ‘Understanding Change in International Organizations: Globalization and Innovation in the ILO’, p 664.

¹⁰⁶ Barnett and Finnemore, ‘The Politics, Power and Pathologies of International Organizations’, p 710.

amplify the goals of cooperation;¹⁰⁷ this leads to a concept of endogenous change of IOs, generated mainly by the IOs officials that use their autonomy to promote a “slow but inexorable progress toward integration”.¹⁰⁸

Notwithstanding this step towards the consideration of autonomy of IOs as active subjects, the neo-functional theory does not allow to understand fully the nature of change in IOs. Barnett and Finnemore¹⁰⁹ explain in a convincing way this point of view; in particular, they draw the attention on the fact that this approach limits to a considerable extent the real nature of IOs in the international arena. On the one hand, they argue, functionalist views focus particularly on the technical capabilities and achievements of the organizations and their officers; in doing so, the only fundamental feature of IOs is to pursue their goals, omitting the political influence that they can have on the international arena. On the other, they highlight the goal of cooperation enhancement among states, without considering the IO’s power to define the boundaries of cooperation. Again, the focus is mainly on the stated functions that IOs decide to fulfil; the power of IOs and of the individuals that work in them is, in fact, to be actor who shape through their perceptions and discourses the social world where their actions are staged. This enables IOs and their officials to influence and frame the shape of the interests of the parties involved.¹¹⁰ On top of that, neo-functional theory does not fully explain what seem to be dysfunctional changes that sometimes occur within IOs.¹¹¹ All these points make clear that also the neo-functional perspective is not the most suitable to face the behaviour and the case of change in the organization of Interpol, because it does not consider the external sources of transformation that happen during the relatively long history of the organization. One of the episodes that we will consider later, in the second chapter, is the change that Interpol had to introduce to face the external pressures on the thorny issue of terrorism.¹¹²

¹⁰⁷ See *id.* at 75.

¹⁰⁸ Helfer, ‘Understanding Change in International Organizations: Globalization and Innovation in the ILO’, p 665.

¹⁰⁹ M. Barnett and M. Finnemore, ‘The power of liberal international organizations’, in M. Barnett and R. Duvall, *Power in Global Governance*, New York, Cambridge University Press, 2005, pp 161-184.

¹¹⁰ M. Barnett and M. Finnemore, ‘The power of liberal international organizations’, pp 161-162.

¹¹¹ Helfer, ‘Understanding Change in International Organizations: Globalization and Innovation in the ILO’, p 666. See also Barnett and Finnemore, 1999, p 717.

¹¹² See M. Barnett and L. Coleman, ‘Designing Police: Interpol and the Study of Change in International Organizations’, *International Studies Quarterly*, vol. 49, no.4, 2005, pp 593-619.

1.3.3 Historical institutionalism

A third possible approach to the study of IOs is historical institutionalism. Its most prominent feature is that it does not consider IOs on their own, starting from axioms that can be applied to any context. On the contrary, this category of institutionalists relies on the analysis of the specific historical context in which the organisation and its transformation are situated. This perspective, moreover, considers the heterogeneity of the preferences of the actors that created them and recognizes that these discrepancies will make impossible for their creators to control IOs in the long run.¹¹³ But, most importantly, historical institutionalists claim that IOs can be the promoters of change, due to their effective autonomy from their founders. This theory allows us to consider both sources of organizational change, endogenous and exogenous, unlike the previous theories considered. This enables us to see a broader picture of the causes of organizational behaviour and change.¹¹⁴

However, it is important to follow the evolution of the institutional theory, so that it is possible to preserve the useful inputs of this stream of thought. Historical institutionalism is inserted in the more extended current of new institutional theories, risen during the mid- '80s, that intended to take a step further compared to the previous paradigm of institutionalism and organizational theory. Following the historical development traced by Alvesson and Spicer, we can trace various stages of maturity of the neo-institutional theory.¹¹⁵

The earliest stages of this new stream of thought, and the most important from the point of view of theory-building, are placed in the late '70s and early '80s; scholars such as Meyer and Rowan, Zucker, DiMaggio and Powell's works are considered the milestone of the paradigm. The innovation of new institutional theory was the concept of legitimacy as one of the major driving forces of institutional and organizational behaviour. Institutions seek legitimacy in order to survive and gain strength, sometimes even at the expenses of efficiency; this leads to certain kinds of behaviour, such as mimicry of forms of other institutions of the same

¹¹³ See *id.* at 85.

¹¹⁴ Helfer, 'Understanding Change in International Organizations: Globalization and Innovation in the ILO', p 668.

¹¹⁵ M. Alvesson and A. Spicer, 'Neo-Institutional Theory and Organization Studies: A Mid-Life Crisis?', *Organization Studies*, vol. 00, no. 0, 2018, pp 1-20.

environment.¹¹⁶ This mechanism was identified as “isomorphism”, the adaptation to a socially constructed environment. The pressures of the institutional environment on the organizations, as DiMaggio and Powell claimed, were of coercive, mimetic and normative nature. From this starting point, they advanced several hypotheses on how organizations responded to these pressures.¹¹⁷

Another important contribution of these scholars was the concept of “myths and ceremonies” that constitute the formal structure of organizations and confer them a semblance of rationality and legitimacy.¹¹⁸ This leads to the concept of “decoupling”, that indicates the process of separating the actual practices and the exterior structure of the organization; this occurs when organisations are forced to face conflicting institutional pressures, or to adopt practices that are not efficient to the goals of the organisation itself.¹¹⁹

These contributions were extremely helpful to deepen the insight into organizational behaviour and change. After a first period of new discoveries, the current of neo-institutionalism was divided into three different branches, namely Rational choice institutionalism, Sociological institutionalism and Historical institutionalism, that adopt different methodologies to study the issue of institutions and their relationship with the actors.

A certain number of scholars, in particular, adopted the institutional perspective to investigate what would be the most predictable organizational behaviour caused by specific institutional pressures. For instance, Oliver tackled the issue of strategic responses of organisations in an institutional process making use of an institutional lens, together with the help of a resource dependence perspective.¹²⁰ Considering both theories, on the one hand she argued that organisations are constantly trying to maintain stability and legitimacy; on the other hand, she recognized that organizations are also interest driven. It is highlighted how, according

¹¹⁶ P. Sleznick, ‘Institutionalism “Old” and “New”’, *Administrative Science Quarterly*, vol. 41, no. 2, 1996, p 273.

¹¹⁷ E. Boxenbaum and S. Jonsson, ‘Isomorphism, Diffusion and Decoupling’, in R. Suddabay, C. Oliver and K. Sahlin-Anderson (eds), *Handbook of Organizational institutionalism*, New York: Sage, 2008, p 80.

¹¹⁸ Alvesson and Spicer, M. Alvesson and A. Spicer, ‘Neo-Institutional Theory and Organization Studies: A Mid-Life Crisis?’, p 14.

¹¹⁹ Boxenbaum and Jonson, ‘Isomorphism, Diffusion and Decoupling’, p 81.

¹²⁰ C. Oliver, ‘Strategic Responses to Institutional Processes’, *The Academy of Management Review*, vol.1, no. 1, 1991, pp 145-179.

to the institutional perspective, organisations are given a determined degree of choice when facing various pressures. The advantage of applying resource dependence theory at the same time is to widen the range of possibilities of the organisational response by the active role that organisations can play by controlling their resource flows. This analysis leads Oliver to suggest five strategies that organisations can possibly implement while facing problematic pressures, namely acquiescence, compromise, avoidance, defiance and manipulation. These single lines of action are completed with a set of determined tactics that show how, in practice, organisations implement the aforementioned strategies. Oliver's examination is really enlightening on the concrete behaviour of IOs when forced to deal with different pressures; not only does it provide us with valid tools to forecast what organisational behaviour could possibly be, but also it creates an encompassing framework to understand more completely organisational behaviour. Indeed, Barnett and Coleman¹²¹ referred to her work when they analysed the behaviour of Interpol and its responses to changes in the internal and external context.

Several years later, another significant contribution was made by Greenwood and Hinings.¹²² They too have addressed the issue of institutional change by a neo-institutionalist perspective. These scholars highlighted the validity of the neo-institutional paradigm, especially with regard to the centrality of the concept of legitimacy, of the embeddedness of organizational fields, classifications and organisational routines and scripts. They proceed by testing seventeen hypotheses, where they produce an explanation for the incidence of radical change in organisations, that can happen at both an evolutionary or revolutionary pace. They create a model of understanding organisational change that considers the important interactions that take place between endogenous and exogenous sources -such as the market and the institutional context- as well as endogenous sources, namely interests, values, power dependencies and capacity for action of an organisation. The innovation that Greenwood and Hinings brought was an understanding of the organisational practices that involve the adoption and the diffusion of new norms, rather than only patterns of conformity; moreover, they paid particular attention

¹²¹ M. Barnett, and L. Coleman 'Designing police: Interpol and the Study of Change in International Organizations', *International Studies Quarterly*, vol. 49, no. 4, 2005, pp 593-619.

¹²² R. Greenwood and C. R. Hinings, 'Understanding Radical Organizational Change: Bringing Together the Old and the New Institutionalism', *The Academy of Management Review*, vol. 21, no. 4, 1996, pp 1022-1054.

both to the sources of endogenous and exogenous change, not lingering on one of them and neglecting the other.¹²³ The two authors too, finally, stressed the importance of the convergence of different field of research, in order to deepen the understanding the dynamics of organisational behaviour and change; in particular, they referred to the importance of resource dependence theory as a complementary paradigm to the institutionalist one.¹²⁴

Over time, the empirical studies following the historical institutionalist perspective grew steadily in number. They focused on the relationship of the actors and the specific context in which they are placed; this means that the historical context assumed great relevance in the research of these scholars, and the outcomes of certain phenomena were explained after having analysed the contingent situation. Adherents to this theory, for instance scholars such as Thelen, Steinmo, Pierson and Skocpol, highlight the fact that institutions influence political practices over time, but the process works also the other way around.¹²⁵

It is important to emphasize that historical institutionalists directed their attention on the same patterns that appeared in domestic organizations or organizations of the same institutional fields across borders; IOs were not a prominent object of research in this field of study. Inside the constructivist paradigm in IR, however, a great improvement on this lack of investigation has been done by Barnett and Coleman. Using this paradigm, they analysed the behaviour of Interpol when forced to face determined pressure, both from the internal and external environment.¹²⁶

In the case of Interpol, for the reasons that we already stated above, it is advisable to adopt a perspective that does not start from the assumption of the centrality of nation states. As noted previously, in the case of Interpol is especially important to shift the attention from the role of states in the creation and the development of the organisation to the one of the various officials that made the creation and the development of the organisation possible. When we will discuss

¹²³ R. Greenwood and C. R. Hinings, 'Understanding Radical Organizational Change: Bringing Together the Old and the New Institutionalism', pp 1039-1040.

¹²⁴ R. Greenwood and C. R. Hinings, 'Understanding Radical Organizational Change: Bringing Together the Old and the New Institutionalism', pp 1041-1042.

¹²⁵ C. Hay and D. Wincott, 'Structure, Agency and Historical institutionalism', *Political Studies*, vol. 46, 1998, p 954.

¹²⁶ *See id. At 84.*

the history that led to the formation of the organisation, it will become clear that state interests were not the first and foremost reason that allowed the foundation of it. The initial founders of Interpol were simple police officials who agreed to find a common solution to the alleged frenetic rise of criminal activity that transcended the international borders, starting since the second half of the 19th century. States were not the principals of the new creation; in fact, Interpol was not founded through the classic tool of an international treaty among states, and this peculiar feature resists until now. This seems to demonstrate that the states interests were not the major driving force of the creation and development of the net of police officers through the state borders.

Furthermore, it is fundamental to take into consideration both the possible sources of change, in its exogenous and endogenous forms, that usually concur to the change of IOs. As I tried to outline in the previous description of the different theories to analyse IOs, not all of them allow the researcher to encompass both the shocks that have their source in the environment external to the organisation and the ones that are generated from the IOs themselves. Only if we consider the endogenous and exogenous sources of change can we have a broader and more complete picture that enables us to describe the change in IOs.

Finally, it is not possible to analyse and understand fully its behaviour and its reaction to changes without considering the specific historical context, that can enlighten the motives for the adoption of certain strategies to deal with different pressures. Chapter three will cast a light on this issue, where I will present the various changes that characterised Interpol from its official foundation in 1923 onwards. What I would like to point out is that the historical context can explain why the organisation changed at a certain point, not so much because of a shift in the state interests, as other theories would allow us to argue, but because there were certain processes that influenced the organisation's path during specific historical circumstances.

1.3.4 Other sociological contributions

The comprehension of the nature and behaviour of organisations has received attention also by the stream of sociological institutionalism. Authors such as Barnett and Finnemore highlighted the advantages that political scientists could enjoy from this kind of insight. Finnemore, for instance, supported the use of neo-institutionalist perspectives into the field of

IR and the study of organisations.¹²⁷ In particular, she claimed that such an approach would allow us to enrich the constructivist paradigm of political science by defining what the content of the social structure is, and not only that it matters. She specifies the global nature of social structure and stresses the importance of considering the peculiarities of the historical context in the structure is embedded, and not abstracting from it.¹²⁸

Barnett and Finnemore argued that the sociological theory conceived by Max Weber could expand the range of explanations of IOs behaviour than the classic debate between neorealist and neoliberal paradigms.¹²⁹ This Weberian perspective, if enlarged with an analysis of the content of the concept of global liberalism (that is, the global spread and acceptance of liberal values as desirable and legitimate), is a valid basis to explain the authority and power of IOs. This means that IOs do not draw their authority only by the delegation that they receive by states; on the contrary, they gain their authority from the fact that they interact through social relations. They argue that “An actor cannot have authority in a vacuum; actors have authority because of the particular relations that they have with others”.¹³⁰ Moreover, Barnett and Finnemore claim that in our society, IOs gain authority also by the fact that they actively spread what are the liberal ideas and goals, that are already perceived by the majority of the international community as legitimate and desirable. Analysing the nature of bureaucracies, the authors explain why IOs can be considered as such. They start by explaining the concept of rationalisation, ideated by Weber in the 19th century; it can be described as “the process whereby models of action structured in terms of means and ends, often using impersonal rules and procedures, increasingly dominate the world”.¹³¹ Bureaucracies embody this process in the modern world. These bodies can gain authority and power from their creators due to two main features, namely the legitimacy of the rational-legal authority that they represent and the control over technical expertise through their officials. The first element endows authority because rational patterns are recognised as something good and beneficial in modern society; as bureaucracies embody rules and rational thought, there are invested of great power in the eyes

¹²⁷ Finnemore, ‘Norms, Culture and World Politics: insights from sociology’s institutionalism’, pp 325-347.

¹²⁸ Finnemore, , ‘Norms, Culture and World Politics: insights from sociology’s institutionalism’, 327.

¹²⁹ Barnett and Finnemore, ‘The Politics, Power and Pathologies of International Organizations’, p 700.

¹³⁰ Barnett and Finnemore, ‘The power of liberal international organizations’, p 162.

¹³¹ Barnett and Finnemore, ‘The power of liberal international organizations’, pp 162- 163.

of the society, that relies heavily upon these values. The second element allows bureaucracies to have a sort of monopoly of knowledge and skills that in this way are not available to any other actor; this invest them with an important amount of power and autonomy.¹³² Bureaucracies, then, exert their power by classifying and shaping the meaning of objects, problems and issues. Finally, it is important to state the role that diffusion of norms and by bureaucracies implement a virtuous cycle that continue to increase their authority and power. According to Barnett and Finnemore, indeed, both bureaucracies and IOs feel the necessity to promote the diffusion of the values of which they are heralds, that usually identify with liberal values.¹³³

What is interesting in this interpretation of the nature of IOs is the observation of certain dysfunctional behaviour -or pathologies- that characterise these bodies, that are largely caused by the same nature of bureaucracies that define them. Barnett and Finnemore identified in particular five dysfunctional behaviours of IOs derived by its bureaucratic features, namely the irrationality of rationalization, the bureaucratic universalism, the normalization of deviance, insulation and cultural contestation. All these sources of non-efficient behaviour are considered as endogenous sources of problems in IOs, because they are caused by the structure of organisations themselves. However, the authors highlight the fact that these dynamics do not appear in isolation in reality; it is always necessary to consider also the exogenous factors that influence IOs behaviour at the same time.¹³⁴ What is important to notice in this analysis of IOs' nature and behaviour is the autonomy that they are recognized to be invested with, independently from states and their interests; this enriches and supports the constructivist perspective that I decided to adopt in this research.

I found this analysis from the sociological institutionalist approach enlightening on the nature of Interpol. Indeed, other authors adopted it to study the issue of rising of international policing; as the next historical section will show, scholars such as Deflem applied the Weberian perspective in the analysis of this phenomenon, that ultimately led to the creation of Interpol.

¹³² Barnett and Finnemore, 'The Politics, Power and Pathologies of International Organizations', p 707.

¹³³ Barnett and Finnemore, 'The power of liberal international organizations', p 171; *see also* Barnett and Finnemore, 'The Politics, Power and Pathologies of International Organizations', p 708.

¹³⁴ Barnett and Finnemore, 'The Politics, Power and Pathologies of International Organizations', pp 715-725.

The sociological perspective applied to the case of Interpol will allow us to understand what power its officials had in the development of this organisation. The strategies to cope with external pressures, as examined in the works of Oliver, Barnett and Coleman, will be fundamental in the second chapter for the explanation of the behaviour of Interpol in the different stages of change that it went through during its relatively long existence.

Conclusion

In conclusion, I want to sum up what are the theories and approaches that I will take into consideration in the analysis of Interpol. First of all, I decided to adopt a constructivist perspective because of circumstances under which Interpol was created and how it developed. As already stated, this organisation was born firstly as a result of a common urge felt by some police officers of different -mainly Western European- countries. The lack of initial governmental agreements among the officers' countries helped to spread the idea that the organisation was in fact a "policemen club"¹³⁵. This aspect, however, helped also the creation of a common culture and a sense of belonging to a shared sub-culture. Therefore, even before acquiring the sort of structure that is commonly attributed to an official organisation, this factor allowed to build a strong internal culture of the organisation, which had a huge influence on its following evolution, as I will analyse in chapter three.

The concept of organisational culture is the one that can best explain how the organisation evolved and changed over time specifically for Interpol, given the way in which it was born in the first place. Since I will use the constructivist perspective to face the case of this specific organisation, I thought it would be coherent to maintain the Weberian perspective on the IO, as Mathieu Deflem analysed in his work.¹³⁶ This highlights the fact that Interpol managed to become an independent actor thanks to the fact that the police agencies of various states gained a certain autonomy from their central governments; the cooperation was possible ultimately

¹³⁵ M. Anderson, *Policing the World: Interpol and the Politics of International Police Co-operation*, Oxford, Calendon Press, 1989, p 42.

¹³⁶ M. Deflem, *Policing World Society: Historical Foundations of International police cooperation*, Oxford, Oxford University Press, 2002.

because of the shared agenda that was created among the officers that created the organisation in 1923.

In addition, I thought to rule out the adoption of the PA model in the analysis of the creation and evolution of Interpol. The fact that this model considers the actors as value-maximisers and goal-oriented does not consider the great importance that the culture of the organisation had on the path took by Interpol over time.

Finally, I decided to follow an approach in line with that of historical institutionalism in order to analyse the institutional changes that Interpol went through during its evolution. I decided to follow this perspective because it allows to consider both the internal and external pressures that an organisation may face; this consideration is particularly important for Interpol because it operates in a field where these clashes between forces have marked several turns in its evolution.

CHAPTER TWO: HISTORY OF THE RISING OF INTERNATIONAL POLICE COOPERATION

Interpol was not the first attempt to connect the various police forces of different states in an effort to control the ever-increasing criminal actions across national borders. In fact, this organisation can be seen as the result of a long process of growing cross-border cooperation among national police, not only in Europe, but also in other areas of the world. In this section, I will take advantage of several studies carried out on this subject, that analyse how this phenomenon appeared in different areas of the world, in particular starting from the middle of the 19th century.

The first section of this chapter focuses on the meaning of “modern police”;¹³⁷ it is important to specify what this term implies because in this way it is possible to circumscribe the issue that we want to analyse. In fact, it is not immediately clear in what sense “police” cooperation is intended; the middle of the 19th century was a point of transition, particularly in the European history, since it was the moment in which the so-called “ancien régime” was being replaced by another type of system. It is widely considered a watershed, when the old regime was dismissed, and the modern history begins. Of course, several aspects of the internal organisation of the states changed; the aspect of internal security and of the police was one of these changes.

Another reason to frame the issue of what we mean by modern police is that, noticing how the organisation of internal security evolved, it is possible to recognise how police forces were able to become an administrative body and to acquire more and more autonomy from the central authorities of the states. In this way, the process through which the police system gained bureaucratic autonomy and authority can be traced; this is the reason why, ultimately, the creation of Interpol was possible even without the direct involvement of states.¹³⁸ From this process stemmed also the creation of a common sense of belonging and of a shared culture -or, even better, subculture- among the various police officers from different countries of Europe.

¹³⁷ H. H. Liang, *The rise of modern police and the European state system from Metternich to the Second World War*, UK, Cambridge University Press, 1992.

¹³⁸ See *id.* at 133.

This reasoning highlights the tenets of social constructivists and historical institutionalist theorists, according to which culture and norms shape the nature of organisations and their officials considerably, and historical patterns influence the shaping of institutions and organisations regardless of the boundaries of states.

After this section, there will be an observation of the cases of international cooperation to fight transnational crimes first in the European continent, where the results brought finally to the creation of the ICPC -considered the forerunner of Interpol. After this, a brief consideration of the same phenomenon in other areas of the world -such as the Americas-, will follow. This process is considered following the insight of different authors of the sociological field of study, who claim that the international cooperation of police forces was possible ultimately because of the bureaucratic autonomy that these administrative bodies gained from the central power of the state, in addition to a shared agenda.¹³⁹

2.1 The rise of modern police in European states

2.1.1 The concept of modern police

As already stated above, before discussing the various experiments held in Europe and in other areas of the world concerning international police cooperation, it is essential to frame the concept of modern police.

According to the historian Hsi-Huei Liang, the phenomenon of the birth of modern police, historically speaking, must be placed between the beginning of industrialisation in the 19th century and the beginning of the 20th. This period in Europe was characterised by some lengthy and complex processes that was forming a new equilibrium inside and outside of the states in the area. In turn, this required the creation of a net of police institutions that could help to trace and supervise this phenomenon both at the national and international level.¹⁴⁰

¹³⁹ See M. Deflem, 'Bureaucratization and Social Control: Historical Foundations of International Police Cooperation', *Law & Society Review*, vol. 34, no. 3, 2000, pp 739-778. See also M. Deflem, *Policing World Society: Historical Foundations of International police cooperation*, Oxford, Oxford University Press, 2002.

¹⁴⁰ Liang, *The rise of modern police and the European state system from Metternich to the Second World War*, p 3.

In general, the rise of modern police came hand in hand with the formation of independent states, the improvement of the conditions of living in the European states and the rising of a new bourgeoisie society. It worked under the new principles of justice and objectivity, thus distancing it from the idea of arbitrary police forces that worked under the dictatorial regimes of the previous century. Police was believed to follow and promote the liberal principles, thus was commonly considered with a positive assessment. The history of the rising of modern police in European states can be traced back to the Napoleonic era, after a long process that led finally to the formation of nation states in Western Europe that began in the 15th century within the city-states of the Italian territory. It is important to note that there is a difference in the development of states even within the same European continent and it was particularly noticeable between Western and Eastern European states; this in turn was reflected in the development and formation of police forces. Historically, five different types of police organisation can be traced in European states; the most important models were the ones that were used in the states of France, Swiss, Prussia, the Austrian-Hungarian empire and the Russian one. These evolutions can be traced back to the beginning of the 19th century, but our focus will be exclusively on the second half of the 19th century onwards, where the proper modern police began to play an important role both in domestic and international politics.¹⁴¹

The first and most important function of the police in the newly formed states in the post-Napoleonic era was to guarantee the maintenance of the domestic order; this objective had also considerable consequences on the credibility and reliability of the states on the international level. Having a secure situation at home, indeed, was an indication that the state could be able to control its territory and maintain whatever commitment it would take upon itself about other states. According to international laws, one of the basic features that allows the existence of a state is the control that it has over its territories the capability to sustain itself with its own strength. In this sense, the period that was referred to as characterised by the system of “balance of power” within the European continent is the one that has to be researched for the formation of modern police; from this analysis we will be able to trace the evolution of the phenomenon at the domestic level. When the police were well established as an internal force, its

¹⁴¹ See *id.* at 137.

independence from the centre of power became more and more explicit, until it became a condition that allowed the birth of an organisation such as Interpol.¹⁴²

It is worth to mention the fact that even in the 18th century the activity of the police was not, in fact, limited exclusively to the domestic level. Indeed, since the beginning of the century there were various forms of police action across borders; some of it implied the necessity of cooperation among different police national forces, others on the contrary were meant to remain undetected. Liang provides us with several examples of this declination of international police action; these sort of collaborations could take the shape of a joint expedition of armed forces to secure police situations in foreign countries, joint international surveillance projects over problematic areas or situations, and finally other police operations that could take place in foreign territories with or without the endorsement of the governments of the police forces involved.¹⁴³ Later on, several attempts to establish official channels of cooperation were made; some of them came to nothing, but others, in fact, were meant to be effective and form one -or more-¹⁴⁴ institutions that finally created a forum where formal police cooperation would take place.

2.1.2 *International police cooperation in Europe*

The German experiment

One of the first attempts to bring together police forces in the European continent is considered the Police Union of German States, founded in 1851.¹⁴⁵ Of course, we must consider that at the time, the Confederation of German states was not a unified entity; on the contrary, it was an association of single German-speaking states and other kinds of administrative units, that had been established by the Congress of Vienna of 1815. The dominant centres of the German Confederation were Austria and Prussia together, leading a federation of 38 states.

¹⁴²Liang, *The rise of modern police and the European state system from Metternich to the Second World War*, pp 3-4.

¹⁴³Liang, *The rise of modern police and the European state system from Metternich to the Second World War*, p 13.

¹⁴⁴ At the EU level see the creation of Europol.

¹⁴⁵ N. Gerspacher, 'The history of international police cooperation: a 150-year evolution in trends and approaches', *Global Crime*, vol. 9, vols. 1-2, 2008, p 171.

Therefore, there was not a unitary bureau that dealt with the criminal control of the whole area, but the police were organised on a single-state basis.¹⁴⁶

In this period, the function of the police forces started to be better defined and underwent a change in the area of tasks to perform. The evolution of the police function in the German area can be traced as follows; in the 15th century, the function of the police was principally circumscribed to the issues concerning the creation of the state or the town, often referred to as “politeia”. In the following century, however, the concept of the tasks of police began to include notions of order, welfare and security. This changed again in the 17th century, when the administrative power, or “good police”, implied the coverage of all the aspects of order and public life regarding the population happiness and wellbeing, therefore taking upon it the task of eliminating any possible threat to the public or individual safety. In the 18th century, the police tasks became to be more precisely circumscribed; in 1794, indeed, throughout the German territories the Prussian *Landrecht* law was issued, that declared that the police function was to establish public peace, security and order. It is worth to notice that initially, the “negative” function of the police -namely the prevention of crime or reaction to violations- was not included in the definition of its tasks. Later on, these functions were entrusted to another branch of the police, the security police, that afterwards had to carry out espionage activities both at domestic and international level.¹⁴⁷ Finally, in the 19th century, partly due to the 1849 upheavals, the function of the police was restored to cover also the maintenance of public order against dangers, in addition to its normal welfare functions. Besides, due to the troubled political times, the function of protecting and restoring public order was not restricted to the legal sphere of action, but also to the political one.¹⁴⁸

For this reason, the political situation of the time prompted the governments of Europe to entrust the police with another specific task, namely the protection of the governmental *status quo*. In the middle of the 19th century, indeed, Europe had been shaken by a wave of upheavals, the so-called Springtime of the Peoples. In 1848, various revolutions broke out in several

¹⁴⁶ M. Deflem, ‘International policing in nineteenth-century Europe: The Police Union of German States, 1851-1866’, in *International Criminal Justice Review*, 1996, vol. 6, pp 36-57.

¹⁴⁷ Mathieu Deflem, ‘International Policing in Nineteenth-Century Europe: The Police Union of German States, 1851-1866’, *International Criminal Justice Review*, vol. 6, no. 36, 1996, pp 39-40.

¹⁴⁸ Deflem, *Policing World Society: Historical Foundations of International police cooperation*, p 35

European states, starting from France and going through Italy, the Austrian Empire, the German Confederation -and many others. The common denominator of these uprisings was the need perceived by the European populations to overturn the conservative order established in the Congress of Vienna; the goal was to establish liberal governments in place of the various forms of authoritarian regimes of the age. This unstable situation encouraged a concerted response from the governments in charge; in this context, the Austrian Chancellor Metternich is considered one of the main promoters of the police cooperation among European countries, together with Napoleon. To achieve regime security, the various governments promoted a process of police practices and policies compatibility.¹⁴⁹

The most important promoter of the idea of a union of police forces was the General Director of the Prussian Police Friedrich von Hinckeldey; he was mostly concerned with the creation of a central point where various police officers could pass one another useful information, especially about the political opponents of the Prussian regime. His aspirations, however, were to expand this kind of hub of police channels, the reason being that the net of political opponents spread among other countries in the European continent. Therefore, in 1851 von Hinckeldey proposed to police officials from different parts of the German area to establish a common response to the political opposition of the area. This proposal eventually took the form of a conference held in the same year, that finally gave birth to the Union.¹⁵⁰ The harmonization of the various national police institutions, however, was not decided on a formal level; rather, the process advanced as a set of practical actions that were meant to empower them for the purpose of repressing the dissidents' outbursts.¹⁵¹

To understand the evolution of the nature of the police we should consider how the Union worked. In Germany the body of the police followed a structure that relied on a very strong centre -the authoritarian state- from which derived all the powers and who was responsible for assigning the tasks to perform. The regime conferred all the power that the police needed to

¹⁴⁹ Gerspacher, 'The history of international police cooperation: a 150-year evolution in trends and approaches', p 171.

¹⁵⁰ Deflem, 'International Policing in Nineteenth-Century Europe: The Police Union of German States, 1851-1866', pp 42-43.

¹⁵¹ Deflem, 'Bureaucratization and Social Control: Historical Foundations of International Police Cooperation', 748.

fulfil its assignments.¹⁵² The Union, in practice, worked through a network that was committed to sharing information and details on suspects of international illegal actions through bulletins. Its main goal was to observe the movements of people and groups involved in political activities that were considered dangerous for the established power.¹⁵³ In particular, the Union had the task to supervise different issues that crossed the borders; first of all, officers had the task of controlling the press, through the drafting of lists of companies who used to publish anti-governmental material -and not only in European states. Additionally, the Union committed itself to monitoring what were considered political activities or organisations potentially detrimental to the regimes, and particularly the ones that were thought to have connections across different national borders.¹⁵⁴

Later on, however, problems started to rise in the partnership between Prussia and the Austrian Empire; this, in turn, had effects also on the Police Union. Starting from the '50s, indeed, Prussia underwent a period of greater economic growth than its ally, due mainly to the development of the capitalist system and the consequent economic crises that it caused. In Prussia the situation became particularly heated over the fight that put up liberalist opponents of the autocratic regime that rested on King Wilhelm IV. After 1848 and the upheavals in France, the push for more liberal institutions was further supported not only by politicians, but also by the German population, who began to organise riots and revolts against the existing regime.¹⁵⁵ In addition to the economic discrepancies between Prussia and Austria, the tension escalated also because of the choices made by Wilhelm I, newly ascended to the Prussian throne in 1861. In particular, what produced stress to the bilateral relations was the highly imposing foreign line of action adopted by Otto von Bismarck when he was appointed as Minister President in 1861. The goal of the new Minister President seemed to be the exclusion of Austria's influence from the German Confederation. This did, in fact, worsen the political

¹⁵² Deflem, *Policing World Society: Historical Foundations of International police cooperation*, p 39.

¹⁵³ *See id. at 45.*

¹⁵⁴ Deflem, 'International Policing in Nineteenth-Century Europe: The Police Union of German States, 1851-1866', pp 11-12.

¹⁵⁵ Deflem, 'International Policing in Nineteenth-Century Europe: The Police Union of German States, 1851-1866', pp 38-39.

tension between the two powers, to the extent that the so-called Seven-Weeks War broke out in 1866.¹⁵⁶

The Police Union, at this point, was forced to disband. Its two members took different directions in the improvement of their police networks. On the one hand, the Austrian Empire continued to enhance its national police system; bulletins –“The International Police Records”- were distributed across several countries by the ‘90s, with the main purpose to communicate key information regarding the political dissidents, such as the anarchists and sympathisers of the communist party.¹⁵⁷ Moreover, it is important to remember that, being a multi-ethnic empire, Austria-Hungary was building a criminal record that would acquire an international character after the dissolution of the regime.¹⁵⁸

On the other hand, Germany took a different path. After the conflict with the Austrian partner, Bismarck decided to create a confederation that included only the northern German states. However, France despised the harsh line of action launched by Bismarck, in particular his project of politically insulating France itself; the tensions mounted between the two states and finally the Franco-Prussian war broke out. The German victory resulted in a newly formed German Empire, that encompassed both the northern and the southern territories of Germany together. The new-born empire had not a unitary police administrative body at first; despite this, the well-known Prussian bureaucratic machine slowly prevailed, and all the territories began to conform to this model. There was also a slight recession on the task that the police had to perform, compared to the previous model of the German Confederation.¹⁵⁹

What is noticeable about this attempt to promote an official channel of police cooperation are mainly two factors; first of all, this experiment demonstrates that the evolution of the international police work is on a parallel level than the one of the national one. During these years of international police cooperation, indeed, the police system of the individual nations that took part into the project underwent some major improvements, that in turn allowed the

¹⁵⁶ Deflem, *Policing World Society: Historical Foundations of International police cooperation*, p 36.

¹⁵⁷ Gerspacher, ‘The history of international police cooperation: a 150-year evolution in trends and approaches’, p 172.

¹⁵⁸ Fooner, *Interpol – Issues in World Crime and International Criminal Justice*, pp 6-7.

¹⁵⁹ Deflem, *Policing World Society: Historical Foundations of International police cooperation*, pp 36-37.

international cooperation to achieve more efficiency.¹⁶⁰ However, what is important to mention is that the political element was a strong feature of the Union in those years. Police officers of the German area started to cooperate explicitly to maintain the political balance, especially in the central European area. This was something that later would, on the contrary, jeopardise the project of a more widespread type of international police cooperation; not all the nations, indeed, could subscribe as its main aim to control and possibly subside a particular political party or segment of the population. Secondly, the modernisation of the entire society had a great impact on the activities that the Police Union decided to take care of. To mention only a couple of examples, the technological innovations were thought to have enhanced the chances of spreading transnational crime, thus influencing the policies of the Union; moreover, also the influence that the press and the public opinion were gaining exerted a certain extent of influence on the activities of the German area police.¹⁶¹

The Anti-Anarchist Conference of Rome

Another step that aimed at the implementation of greater cooperation was made in the arena of international diplomacy, several years after the dissolution of the German Union. In 1898, the Anti-Anarchist Conference was called by the Italian government as a response to a series of terrorist attacks that shocked the European scene since the middle of the century.¹⁶²

The various regimes of the continent, as already stated, were suffering from a severe crisis of power at the time. The anarchist movement was emerging as violently as ever; the evidence for this is on the high number of terrorist attacks that occurred in the area in the end of the second half of the 19th century. One of the first attacks led against high-ranked state personalities was the assassination of Alexander II, the Russian emperor, in 1881. Threats were made also against the emperor Wilhelm II and the German Chancellor.¹⁶³ Bombings, for instance, were a recurring method for anarchists to spread the terror among the people. In

¹⁶⁰ Deflem, 'International Policing in Nineteenth-Century Europe: The Police Union of German States, 1851-1866', p 49.

¹⁶¹ Deflem, 'International Policing in Nineteenth-Century Europe: The Police Union of German States, 1851-1866', pp 46-50.

¹⁶² Gerspacher, 'The history of international police cooperation: a 150-year evolution in trends and approaches', p 172.

¹⁶³ Liang, *The rise of modern police and the European state system from Metternich to the Second World War*, p 157.

France eleven dynamite attacks took place in the time span of roughly two years; one of the most resounding resulted in the death of the French President. The same happened in Spain, where several attacks caused a considerable number of casualties and the death of the Spanish Prime Minister. Even the representatives of the Italian government were threatened, and the King escaped miraculously a similar end. However, the most shocking terrorist attack was perhaps the murder of Elizabeth of Austria, the wife of the Emperor Franz Joseph. The Empress was stabbed to death by an Italian anarchist, Luigi Luccheni, in 1898 in Switzerland; this event spread a wave of indignation across the states adjacent to Italy, namely Germany and Austria-Hungary.¹⁶⁴

This spurt of anti-Italian protests started to instil worries in the members of the Italian regime. The states at the time did not have the tools to deal with such a crisis by themselves; the governments tried to promote anti-anarchist laws, in order to limit their power of action. Unfortunately, anarchists used to respond to these restrictions with other acts of violence; another kind of measure was required to solve the thorny issue. The hatred against people who used violence to pursue their aims had given new strength to the supporters of international cooperation who wanted to tackle with these extremists; police cooperation, in particular, was seen as a possible solution to protect the foundations of all European states and their political order.¹⁶⁵ For this reason, the Italian authorities decided to call upon a meeting of all the European countries to define a concerted line of action. In the Conference, officially opened the 24th November 1898, took part 21 European Countries. It was apparent from the beginning that the task of defining the lines of action to prevent the anarchist power would not be easy; even a shared definition of anarchism took a certain degree of discussion among the participants.¹⁶⁶

The delegates participating in the Conference had three main goals in mind; first of all, there was the need to find a common definition of what anarchism was, if the countries involved were willing to fight the threat of anarchist terrorists together. Secondly, the delegates aimed at the

¹⁶⁴ R. B. Jensen, 'The International Anti Anarchist Conference of 1898 and the Origins of Interpol', *Journal of Contemporary History*, vol. 1, 1981, pp 324-325.

¹⁶⁵ See *id.* at 148.

¹⁶⁶ Jensen, 'The International Anti Anarchist Conference of 1898 and the Origins of Interpol', pp 325-328.

drafting of a treaty that specifically indicated how the police and the magistrates of the countries involved should deal with anarchist captives. Finally, the delegates were supposed to decide upon technical arrangements among the authorities of the different states in order to deepen the mechanisms of fight against the anarchist threat.¹⁶⁷ The resolutions adopted by the governments comprised a set of laws that restricted the use of explosive, the participation to anarchist movements and the assistance given to them.¹⁶⁸ Also the matter of extradition of criminals was thoroughly discussed among the members; to take advantage of this practice, the governments decided that anarchist violent deeds would not be considered of political nature.¹⁶⁹ At the end of the conference, on the 21st December 1898, the final protocols resulted from the discussion among delegates were mostly accepted by all the participant states, with only irrelevant doubts regarding certain matters.

However, the important results of the conference were achieved in the field of practical police policies. The participating states were encouraged by the delegates of the Conference to establish a special agency to maintain a close watch over the anarchist suspects; these agencies would hold the communication among them and exchange information when needed. Moreover, a specific system of identification, the so-called “*portrait parlé*” was introduced to recognize the criminals that crossed the borders. The method was ideated by the anthropologist Alphonse Bertillon; it established the identification of the suspect thanks to the measurements of the head and other parts of the body, as well as the colour of hair, eyes and skin. The exchange of these kind of information was encouraged to be developed using the telephone and the telegraph.¹⁷⁰

In conclusion, the Conference meant to encourage cooperation among the police of different countries; despite that, the resolutions planned by the participants resulted in no real implementation in the involved parties. A couple of years after the gathering of discussion about the anarchist dangers, King Humbert of Italy was assassinated in Monza, in 1900. In 1901, the US President McKinley faced the same fate. Following these episodes, happened after a two-

¹⁶⁷ Liang, *The rise of modern police and the European state system from Metternich to the Second World War*, p 163.

¹⁶⁸ Deflem, *Policing World Society: Historical Foundations of International police cooperation*, p 67.

¹⁶⁹ Jensen, ‘The International Anti Anarchist Conference of 1898 and the Origins of Interpol’, p 329.

¹⁷⁰ Deflem, *Policing World Society: Historical Foundations of International police cooperation*, pp 67-68.

year period of quiescence by the anarchist attacks, Russia decided to try and deepen the effects of the decisions taken at the Conference, sending a memorandum to all the European countries and to the US. This led to the signing of a Protocol in Saint Petersburg in 1904; ten European countries effectively adhered to this protocol, but, like the case of the Rome Conference, the effects were limited in the real practice.¹⁷¹

Ultimately, what both the diplomatic encounters produced was the facilitation of the exchange of information among single national police institutions in the field of political criminals.¹⁷² In fact, the strong national sentiments of the participants prevented the implementation of the legislation decided in both the international meetings; one of the most illustrative episodes of this mechanism was the refusal of France to support formal international police cooperation against transnational anarchism because of its wariness to participate into a sort of international police bureaucracy. However, even though the Conference and the subsequent Protocol were not definitive successes in the official international cooperation processes, a slow trend towards a change in the attitude to a more coordinated international policy was apparent. Police officials from different countries started to have direct connections; despite the fact that the governments failed to create a central headquarters from which coordinate the national police offices, anti-anarchist bureaus were set up in every state that participated to these diplomatic encounters; bonds were formed among the police experts that were invited to the conference. These measures were considered of administrative nature, and this was the key reason why governments decided to implement them; they were perceived as truly necessary and did not involve political discussion among governments. This was a great step toward the evolution of international police culture, for it gave significant weight to the experience of the police officials.¹⁷³

Slave trade in the international arena

¹⁷¹ Gerspacher, 'The history of international police cooperation: a 150-year evolution in trends and approaches', p 173.

¹⁷² Jensen, 'The International Anti Anarchist Conference of 1898 and the Origins of Interpol', pp 337-338.

¹⁷³ Deflem, *Policing World Society: Historical Foundations of International police cooperation*, pp 71-73.

Another area that stimulated the dialogue for greater police cooperation was the white slave traffic. The International Agreement for the Suppression of White Slave traffic, indeed, incorporated a series of suppressive measures arranged by different governments in 1904.¹⁷⁴

The issue of white slave trade was not a matter raised by the police in the first place. The concern about this subject was born essentially as a moral preoccupation of the bourgeoisie class of the period and was a specific result of the Victorian society based on the moral values of respectability and sexual restraint. In the middle of the 19th century, these values were already spread throughout the entire European continent, and as a result the will to fight the scourge of prostitution was perceived as a vital need to the wellbeing of society. This mindset encouraged the growth of the number of philanthropists who were determined to handle the issue directly, spreading awareness on it. During this period, more and more international contacts to tackle certain issues were made; the problem of white slave trade was one of them. It is important to mention that the very concept of white slave trade had not been defined in a fully satisfactory manner by everyone. The term appeared first during the 1830s to indicate a specific phenomenon that was not immediately connected to prostitution. It was only in the 1870s that this traffic was perceived as a serious threat to the wellbeing of a certain segment of the population and to the morality of the society as a whole. The fusion between the Victorian moral values and the stability and security of the society were in this period cemented, the fight against prostitution became one of the main goals of the respectable and powerful people, who usually played key roles in their communities. Only then did the link between white slavery, prostitution and child abuse become a commonly shared belief. Since a legal definition of white slavery did not exist, law enforcement agencies were not immediately involved in the fight against this crime.¹⁷⁵

As a result, single public personalities, such as well-known philanthropists, and public associations decided to intervene and take the matter into their hands. One of the most significant examples of these actors, who managed to establish effective links on an

¹⁷⁴ Gerspacher, 'The history of international police cooperation: a 150-year evolution in trends and approaches', p 172.

¹⁷⁵ Jens Jäger, 'International Police Co-operation and the Associations for the Fight Against White Slavery', *Paedagogica Historica*, 2002, vol. 38, nos. 2-3, pp 568-569.

international level, was the National Vigilance Association; the organisation, created in Britain in 1885, successfully created an international bureau that worked enthusiastically in order to eradicate the problem of white slavery in the European continent on the entrance of the new century.¹⁷⁶ Starting from the 1880s, large-scale campaigns were launched in order to raise awareness on the seriously threatening menace of white trafficking; what it is worth to mention is that, however, the data available on the real cases documented about this issue showed that the publicity over this issue was very overrepresented, considering the real dimensions of the phenomenon. The reliability of the data, however, is not thoroughly clear, because of the aforementioned uncertainty of a definition of the phenomenon; therefore, it was unsure who were considered to be unwilling victims or not. What is certain is that there was general consent on the fact that this crime involved the traffic of girls or young women across different countries, abducted with false promises of a better living that was possible to be achieved in different states. These girls were thought to come from the lower classes and in particular from rural areas.¹⁷⁷

Several efforts of law harmonization were taken since the second half of the 19th century regarding the transport of prostitutes across the national borders, due to the efforts that these international and national associations put into the fight of the issue. One of the first attempts was advanced by Austria-Hungary, that tried to develop a complete range of laws about the issue in the European area; unfortunately, it did not bring a successful conclusion. In 1899 and 1902, then, two meetings on the fight of the white slave traffic were held in Great Britain and in Germany by private associations. At international level, however, a Conference was organized in Paris in 1902; on this occasion, a protocol was drafted, where the governments declared the prostitution illegal and set up extradition procedures and other administrative measures to contrast this phenomenon. Finally, as already anticipated, in Paris in 1904 another Protocol was adopted, the International Agreement for the Suppression of White Slave Traffic, ratified by 21 European countries. This was particularly important because it prompted the governments to control the individuals linked to this kind of traffic, to create specific

¹⁷⁶ R. Attwood, 'Stopping the Traffic: The National Vigilante Association and the international fight against the 'white slave' trade (1889-c. 1909)', *Women's History Review*, 2015, vol. 24, no. 3, pp 325-350.

¹⁷⁷ Jäger, 'International Police Co-operation and the Associations for the Fight Against White Slavery', p 569.

international bureaus to exchange information among themselves and to repatriate the trafficked prostitutes. In 1910 a following Convention for the Suppression of White Slave Traffic was signed by thirteen countries. The issues regulated by the provision would be handled specifically using diplomatic or official police authority channels.¹⁷⁸ What is important to highlight is that the international cooperation on white slave trade was pursued by the different national law enforcement agencies due to the pressing necessity to react to the fears of the public opinion, heavily fuelled by the press and the publicity that the various organisations against white trafficking were making at the time. The matter was perceived as partially inflated in its width by the police, therefore the commitment to face the problem was mainly a manner to positively respond to the needs of the public opinion.¹⁷⁹

Nonetheless, the fight against white slave trade marked an important shift in the matters of international police cooperation of the time; the agreements regarding white slave traffic highlighted the shift of focus of international policy from political to common criminal matters. Despite that, the results of these conferences were not successful as one might expect; as the Rome and Saint Petersburg agreements, they were discussed in the framework of international law by government representatives, but in this case police officials were not present to the forum. This resulted in a lack of sensible administrative measures, therefore failing to build another channel to increase a real police cooperation among national police bureaus.¹⁸⁰

The International Criminal Police Congress

As stated above, the efforts to adopt a common legislation throughout Europe for criminal matters did not bring the expected results. Despite that, a growing trend had been taking form slowly but steadily; the national police bureaus of different states, indeed, started to communicate and cooperate more frequently than the previous decades, thus helping the process of the creation of a common police culture among the officials of different nations.¹⁸¹

¹⁷⁸ Deflem, *Policing World Society: Historical Foundations of International police cooperation*, p 68-69.

¹⁷⁹ Jäger, 'International Police Co-operation and the Associations for the Fight Against White Slavery', pp 574-575.

¹⁸⁰ Deflem, *Policing World Society: Historical Foundations of International police cooperation*, pp 73-75.

¹⁸¹ Deflem, 'Bureaucratization and Social Control: Historical Foundations of International Police Cooperation', pp 750-751.

In 1914, the Prince of Monaco Albert I promoted the organisation of a conference to deal with technical issues among various countries. There were three main perspectives under which international police cooperation could be considered; it could be a project of formation of a multinational administrative body, whose aim was to control areas where the local control on criminal activities was not sufficient or completely absent. Alternatively, the term could imply the creation of an international law enforcement body, regarding exclusively international treaties between sovereign states; this conception of enforcement also covered the function of sanctioning the parties who did not comply to the commitments dictated by the treaties, thus becoming a body to establish sanctions on an international level. Finally, international police cooperation could be intended as a police body of a future world government, and this was the perspective under which the Monaco Conference was held. Of course, the goal was not to overstep the boundaries dictated by the sovereignty of the single nation states; the independence of each and one of them was a principle to be respected, but they would in turn help the police to prosecute crime perpetrators within the area of cooperation, facilitating the work of police institutions.¹⁸² One of the main themes discussed in the conference, thus, was the necessity to consider the legal framework of the participant governments, especially on the matter of extradition.¹⁸³ In addition to this, the efforts of the delegates were directed to process faster the criminal's procedures of arrest, to improve the means of identification of suspects throughout Europe, and finally to create a common register of fugitives and convicted persons in the continent.¹⁸⁴

At the Congress participated mainly representatives of the international diplomacy of the time; neither this time did police officials outnumber the other participants. Even though the encounter would focus on criminal and not political matters, the legal aspect of the debate prevailed, given the fact that the delegates were mainly government representatives or magistrates and not police officials. The decisions on which the participants agreed upon were the necessity to adopt one single national police system as a model to build an international one.

¹⁸² Liang, *The rise of modern police and the European state system from Metternich to the Second World War*, pp 153-154.

¹⁸³ Gerpacher, 'The history of international police cooperation: a 150-year evolution in trends and approaches', p 174.

¹⁸⁴ Liang, *The rise of modern police and the European state system from Metternich to the Second World War*, p 154.

The most plausible candidate for this task was the France police system; this, however, caused the indignation of a few other countries, for instance Germany, that stated that they would be forced to reshape their own police system in order to adapt to the French model. The German delegates, instead, were favourable to the creation of an international system of cooperation, so that every national police body would be able to preserve its own characteristics.¹⁸⁵ Retrospectively, it was apparent that there was no concrete possibility at the time that a common international system could be achieved, since the political situation in Europe in the eve of World War I. However, it was reported that already at the time of the conference high-rank police officials were complaining about the overwhelmingly abundance of diplomats that were in charge of discussing police matters. In their opinion, indeed, official channels did more harm than good in the achievement of efficient international cooperation of police bodies. In addition to this, the question of whether to build cooperation on the basis of administrative functions or on the political field under the form of fight against revolutionary political forces was yet to be completely cleared.¹⁸⁶

In this case too, police national bodies were not considered as independent actors from their respective states; again, the provisions were intended to be decided at national and official level, without considering the regional political culture that had been forming in the last decades. This, according to some authors, is the main cause for the failure of the Congress,¹⁸⁷ for some others, on the contrary, the First Criminal Police Congress constituted the harbingers for the creation of the International Criminal Police Commission in 1923.¹⁸⁸

¹⁸⁵ Deflem, 'Bureaucratization and Social Control: Historical Foundations of International Police Cooperation', pp 752-754

¹⁸⁶ Liang, *The rise of modern police and the European state system from Metternich to the Second World War*, p 155.

¹⁸⁷ Deflem, 'Bureaucratization and Social Control: Historical Foundations of International Police Cooperation', p 752.

¹⁸⁸ Gerspacher, 'The history of international police cooperation: a 150-year evolution in trends and approaches', p 174.

2.2 International Police Cooperation in the Americas and The International Police Conference

Shifting our attention from a prevalently European context to a broader one, the development of international police cooperation in the Americas will be considered. More specifically, the focus will be on the evolution of police institutions in the United States and in Latin America. Finally, the International Police Conference of 1922 held in New York will be discussed as an example of the promotion of international police cooperation from the American continent.

The studies conducted in the field of police institutions in the US since its independence have highlighted their peculiar nature as compared to their European counterparts. The US police institutions have been characterized mainly by a trend toward insulation from the world affairs during the second half of the 19th century. But before explaining this tendency, it is important to stress the fact that in this period American police forces were not arranged in a federal system yet; the FBI, indeed, would start to work in 1908. In addition to this, local law enforcement agencies of the time were not as developed and specialised as their European counterparts, and resources were not sufficient to involve in transborder investigations at that time. Moreover, the police institutions in the various states had not a well-organised structure; their operations, therefore, were limited and were backed by the actions of the military and of private detective agencies. These agencies have been fundamental for the formation of the expertise and the substantial professional standard that would shape the future US police institutions. Despite these structural deficiencies, the American police started collaborations in several instances mainly with the colleagues of the adjacent countries, in particular with Canada or Spanish Florida. The issues covered were roughly the same that troubled the European police, namely white slave trade and smugglers; other problems, on the contrary, were specific of the American area, for instance the Atlantic slave trade and issues of migrations, or the scourge of piracy.¹⁸⁹

The insulation tendencies of the US institutions were caused by several factors; first of all, there was the lack of practical means that could connect the various parts of the globe, therefore

¹⁸⁹ Peter Andreas and Ethan A. Nadelmann, *Policing the Globe: Criminalization and Crime Control in International Relations*, New York, Oxford University Press, 2006, p 107-108.

the geographical distance was a real impediment for this end. Secondly, the American police was heavily influenced by the political dynamics of the time; the European regimes were considered far too authoritarian and the police was the means through which they maintained their power. For this reason, American officials were not encouraged to create connections with their European colleagues. Finally, the very essence of the US foreign policy of the time was to avoid getting involved in multilateral international cooperation and to promote the ratification of bilateral agreements. This, obviously, inhibited greatly the possibility of developing international police cooperation from the standpoint of the US.¹⁹⁰

Since in the middle of the 19th century federal law enforcement agencies had still to be formed, the issues regarding cooperation with foreign countries to tackle cross-border crimes were to be handled by the municipal police forces; as already mentioned, also the private detective agencies -the Pinkerton agency was one of the most important and well-known-, also played a major role in the international investigations. However, the turn of the century signed an important milestone in the development of the municipal police forces, before the rise of the federal counterparts began to exist. This was due to two main reasons; firstly, a major campaign was held throughout the States against the rampant corruption spread among police officers, that had a great impact on the professionalization of law enforcement agents. Another factor that influenced this improvement was the connections that these municipal police institutions had with their European colleagues.¹⁹¹

While the sophistication of the local police forces was taking place, police officers started to realise that, in order to deal efficiently with transnational crime, police relations among the U.S. states had to be enhanced. In 1893 what was later known as the International Association of Chiefs of Police was created; this allowed police officers of the several municipalities to create contacts between one another and to make the idea of working with foreign countries' law enforcement agencies more realistic. From this point, indeed, US officials began to take directly part into the emerging world police community and were especially interested in the technological development that surfaced in the old continent. Between the end of the 19th

¹⁹⁰ Deflem, *Policing World Society: Historical Foundations of International police cooperation*, pp 84-90.

¹⁹¹ Andreas and Nadelmann *Policing the Globe: Criminalization and Crime Control in International Relations*, pp 120-121.

century and the beginning of the 20th, indeed, several officers were dispatched to different European states in order to follow the latest developments of the technologies to fight crime. U.S. law enforcement agencies were soon informed of the latest methods of identification such as the Bertillon or the finger print method. There are also cases where these new methods were used to identify and extradite international criminals from the U.S. back to Europe. Therefore, at the dawn of the 20th century American officials were enthusiastic about the new discoveries and were determined to preserve the contacts with their European colleagues in order to improve steadily their professionalism and skills.¹⁹²

In Latin America, on the other hand, the situation was slightly different. The effort of the national police of these nations started their attempt to a more cooperative system of international police started as early as the beginning of the 20th century. In 1901, indeed, the chief of an Argentinian city police section, Juan Vucetich, voiced the idea of the creation of central bureaus of police in the continents of Europe, North and South America in order to exchange information of criminals.¹⁹³ This episode did not produce an immediate response, but in 1905 the suggestion was adopted and implemented; therefore, in 1905 in Buenos Aires the first international police meeting was held and resulted in an agreement signed by the police forces of Buenos Aires, Santiago de Chile, Montevideo Rio de Janeiro and La Plata.¹⁹⁴ However, according to the records the efforts did not bring the desired results, even though the meeting of these police authorities continued until 1922 and the entrance of other countries into the initial group.¹⁹⁵

One of the most outstanding moves launched by the US authorities to create an international organisation of police officials that involved also European law enforcement agencies took place in New York, in 1922. The initiative was proposed by the Commissioner of the New York City Police department, Richard Enright. The first encounter was mainly attended by American police officers, but the following year the venture was meant to host delegates of different

¹⁹² Andreas and Nadelmann *Policing the Globe: Criminalization and Crime Control in International Relations*, pp 122-123.

¹⁹³ Deflem, *Policing World Society: Historical Foundations of International police cooperation*, p 101.

¹⁹⁴ Fooner, *Interpol – Issues in World Crime and International Criminal Justice*, p 29.

¹⁹⁵ See *id.* at 73. See also Deflem, *Policing World Society: Historical Foundations of International police cooperation*, pp 100-101.

countries; the nations that responded to the invitation were only a few, including Canada, Great Britain, Denmark, Argentina and Canada. The International Police Conference, an official international organisation of police officers, was created; unfortunately, this international character would never bear meaningful fruit. The Conference, indeed, remained predominantly composed by American law enforcement agencies, even though the number of nations represented within it grew in the following years. The organisation started with clear objectives, among which the improvement of international police cooperation and the exchange of information, aims that characterised other police associations too. The actions planned to implement these intentions were the establishment of national bureaus in each country enrolled in the organisation, the study of the policing methods applied by the different law enforcement agencies and the distribution of a monthly magazine that collected mainly investigative articles.¹⁹⁶ The International Police Conference, however, did not have concrete effects in the implementation of police cooperation; remarkably, there is no record of international investigations promoted by the organisation. According to Deflem, who carried out detailed research work on the issue, the main reason for this deficiency was due to the lack of a real -or perceived- need to fight the rise of international crime;¹⁹⁷ necessity that -on the contrary- was heavily felt in the European continent, especially after the period of WWI.

2.3 The International Criminal Police Commission

It is worth to mention the fact that the International Police Conference was created in the same period as the International Criminal Police Commission. This last initiative was implemented by an Austrian police officer, Johann Schober, in 1923. As already stated, in 1914 the International Criminal Police Congress had gathered a notable number of participants from different countries; even though the legal framework inhibited the actual international police implementation, a second meeting was planned for 1916 in Bucharest. World War I broke out in the meanwhile, therefore obviously creating impossible conditions to the direction of the

¹⁹⁶ Deflem, *Policing World Society: Historical Foundations of International police cooperation*, pp 132-133.

¹⁹⁷ Deflem, *Policing World Society: Historical Foundations of International police cooperation*, p 141.

conference.¹⁹⁸ After the end of the war, however, the idea of creating an international police organisation was not dismissed by the European officials. Together with Schober, the Captain of the Dutch criminal police van Houten decided to hold another conference on the matter; there were a significant number of delegates, in official or personal role, from the main European countries as well as other states from different parts of the globe, such as Japan, China, Egypt and the US. Schober's plans were to establish primarily an organisation that would help police institutions from around the world to have a direct and easier connection in order to exchange information; the organisation, therefore, would not be endowed with executive power.¹⁹⁹

Two main statements were done at the beginning of the conference; on the one hand, the participants proposed that the international police organisation that would be created should be affiliated to the League of Nations, born after WWI to spread the values of democracy and liberalism. On the other hand, police attachés were proposed to be let within embassies around the world. The first suggestion was not validated in the end, but the League of Nations was notified of the initiative, that was warmly encouraged by the League itself;²⁰⁰ however, the idea of becoming involved with the official channels of diplomacy was considered with general distrust. Indeed, the police officials present to the conference tended to follow the lead of Schober, who maintained that the work through diplomatic channels would not produce the same results than working with direct contacts among police agencies. Sources outside the conference noted that this resolution to keep the contacts outside the governmental official channels would have caused more damages and difficulties, due to the uncertain nature of the relations with the governments of member countries. These fears could also be connected to the risks of political instability that Europe was facing in the aftermath of WWI. The idea that also political enemies were a serious threat and should be dealt with internationally was not dismissed yet. This probably had to do with the recent wave of Communist uprisings that were

¹⁹⁸ Deflem, 'Bureaucratization and Social Control: Historical Foundations of International Police Cooperation', p 752

¹⁹⁹ *See id. at 180.*

²⁰⁰ Liang, *The rise of modern police and the European state system from Metternich to the Second World War*, p 239.

flooding many European states, following the Russian revolution of 1917. Despite these fears, the idea of involving with the control of political crimes was not accepted, in the end.²⁰¹

The most important resolution approved by the Congress was the establishment of the International Criminal Police Commission (ICPC), that encouraged the exchange of information among countries in order to fight the common criminals effectively, highlighting the value of mutual assistance in these matters. The Commission agreed to set its headquarters in Vienna, where the conference was held, in the offices of the Austrian police. Other formal aspects of the Commission were decided by the participants; moreover, the representatives of the ICPC would try to convince the governments to sanction the new police practices.²⁰² It has been noted, however, that the goal of the ICPC to promote social peace throughout Europe was incompatible with the decision of the Commission not to become involved with political matters. Indeed, as already mentioned, the continent was going through a hard time of political disorders. The difficulty of the first promoters of the Commission were to be added to this problem; as a matter of fact, Austria, Belgium, Czechoslovakia, the Kingdom of Serbia-Croatia-Slovenia and the Weimar German Republic were facing violent domestic turmoil, that later would result into terrible events.²⁰³ Despite these facts, the ICPC remained firmly determined to address exclusively ordinary criminal matters.

The effort to establish a real international police cooperation was successful, unlike the other cases treated earlier in this chapter. This is mainly due to the perception of the police officers in the years following the end of WWI; indeed, the impression was that after the technological advancements achieved in the second half of the 19th century, such as the development of railways and telegraph, common criminals achieved a greater mobility, leading to a wave of international crime never experienced before.²⁰⁴ Be it a real phenomenon or only a perception of the police institutions of the time, this fear for the rise of international crime was the main

²⁰¹ Malcolm Anderson, *Policing the World: Interpol and the Politics of International Police Co-operation*, Oxford, Calendon Press, 1989, pp 39-40.

²⁰² Deflem, *Policing World Society: Historical Foundations of International police cooperation*, pp 125-128.

²⁰³ See *id.* at 180.

²⁰⁴ See *id.* at 73.

reason why the ICPC succeeded in establishing international cooperation among its members.²⁰⁵

Here, the constructivist perspective could help us to understand the nature and consequences of the processes that characterised international police cooperation in this period. The evolution of ideas played a fundamental role in the development of cooperation in the field of fight against crime. As several authors mention²⁰⁶, there is no hard evidence that the crime rate actually increased from the middle of the 19th century onwards. Surely, the latest innovations of that period facilitated the flow of people, goods and information from one country to another. This, however, does not automatically imply that the number of crimes dramatically soared, as police officials vehemently claimed at the time. Despite this lack of hard evidence, not only did the idea of international police cooperation begin to develop among officials of different nationalities, but also the highest-rank chiefs of police actively promoted conferences and encounters with their foreign counterparts, in order to achieve this goal. This proves the fact that ideas do matter in the making of transnational relations;²⁰⁷ if this was not the case, international police cooperation, as manifested into the creation of ICPC, would probably have never been born. It is fundamental to remember, indeed, that the initiative of organise the conference came from a police officer, who was helped by one of his colleagues of a different country. This can be a sign that a common culture among policemen was gaining popularity across different nations, and that it was sufficient to establish a relation of mutual trust and sense of belonging. The shared culture and knowledge are a basic feature investigated by the constructivist perspective;²⁰⁸ in the case of Interpol and international police cooperation, this seems the most comprehensive perspective to explain the birth and development of transnational relations.

²⁰⁵ Deflem, *Policing World Society: Historical Foundations of International police cooperation*, p 150.

²⁰⁶ Deflem, *Policing World Society: Historical Foundations of International police cooperation*; Jensen, 'The International Anti Anarchist Conference of 1898 and the Origins of Interpol'; Jäger, 'International Police Cooperation and the Associations for the Fight Against White Slavery'.

²⁰⁷ Finnemore and Sikkink, 'Tacking Stock: The Constructivist Research Program in International Relations and Comparative Politics', p 394.

²⁰⁸ Sheptycki, 'The Global Cops Cometh: Reflections on Transnationalization, Knowledge Work and Policing Subculture', p 57.

Moreover, we must mention again the fact that the participants of the conference that led to foundation of the ICPC were not official representatives of the government who were mainly concerned about the framing of the issue under the field of international law. The members were police officials who decided autonomously to organise a conference on the issue, avoiding the diplomatic channels.²⁰⁹ This leads us to consider the sociological perspective of institutions outlined by Weber. The German scholar noted that the main form of organisation that was gaining more and more popularity since the dawn of the 20th century was indeed bureaucracy. Its main feature was the autonomy from the centre of power of its respective nations; autonomy from the political centres did not imply total independence from them, though. In fact, ultimately bureaucracies rely on the legitimisation given by states that created them, and also by the fact that they are characterised by objectivity and the adherence to the principles of liberal ideals.²¹⁰ This is also true if we apply this theory to the law enforcement agencies. In fact, if we consider the fact that police officials managed to create a transnational organisation outside the official channels is an indicator of the relative autonomy from the central authorities of the states. Moreover, first ICPC and then Interpol never signed an official treaty that could identify the precise nature of the relation between police agencies and their respective governments; the states represented to the conference, clearly, sanctioned the creation of this peculiar organisation, but it would be imprecise to say that they were the primary source of its legitimisation. Another important feature typical of bureaucracies is the fact that there are considered useful and even rightful if they are based on technical expertise and efficiency.²¹¹ This is what the police presented itself especially since the second half of the 19th century; the effort that it made in the development of technologies and new methods to fight transnational criminals made clear that its technical knowledge was considered as a legitimising factor to governments and public opinion. In the end, the structure of law enforcement agencies became to acquire the typical traits of bureaucracies in all European states and possibly also elsewhere. Moreover, they started to share their knowledge and culture, thus creating a common ground on the matter of international crime. These factors together allowed the dialogue among

²⁰⁹ Deflem, 'Bureaucratization and Social Control: Historical Foundations of International Police Cooperation', p 755.

²¹⁰ Barnett and Finnemore, 'The power of liberal international organizations', p 170.

²¹¹ Barnett and Finnemore, 'The power of liberal international organizations', p 174.

different police institutions especially from European countries but most importantly also from all over the world.²¹²

Despite this initial solidarity among its members, however, the ICPC faced another problematic period soon. In 1939, indeed, World War II broke out. The Commission never dissolved officially, but it underwent a period of political control from one of its members, namely Nazi regime. This issue, however, will be analysed more in depth in the next chapter, where the different historical phases of Interpol will be discussed and analysed according to the theoretical framework examined earlier.

²¹² Deflem 'Bureaucratization and Social Control: Historical Foundations of International Police Cooperation', pp 742-744.

CHAPTER THREE: THE HISTORY OF CHANGE IN INTERPOL AND ITS REACTION TO INSTITUTIONAL PRESSURES

After an analysis of the broader theoretical and historical framework, in this chapter the focus will be on the evolution of Interpol. It is currently one of the oldest international organisations in the world, since its origins can be traced back to 1923, when the International Criminal Police Commission was created. Moreover, it is one of the largest organisations of the entire world, with a total amount of 194-member countries, after the admission of Vanuatu and Kiribati in the 87th General Assembly held in Dubai in November 2018. To reach this status in the international arena, Interpol underwent several changes throughout its history.

In the first section of this chapter, the theories on IOs behaviour and change will be analysed more in depth. To do that, I will refer to the works of Oliver, Barnett and Coleman and Barnett and Finnemore²¹³, already mentioned before. More specifically, I will make use of their theories about institutional change, declined in an IOs perspective and about pathologies in IOs behaviour.

In the second part, following the historical chronology proposed by Barnett and Coleman,²¹⁴ the most crucial moments of Interpol's history will be considered, when the organisation had to face different pressures and respond to them. The analysis will be divided into three periods: the first one is the reconstruction of the organisation during World War II and the period of Nazification of the ICPC; the second one is the reconstruction of the organisation after the end of World War II, until the approval of the new Constitution in 1956; and the final one is the period that goes from the rise of terrorism, during the '60s through the change in the organisation's mandate in '80s onwards. In this chronological sequence, the pressures from the external context and the ones originated from inside the organisation will be discussed, as well

²¹³ N. Barnett, and M. Finnemore, 'The Politics, Power and Pathologies of International Organizations', *International Organization*, vol. 54, no. 4, 1999, pp 699-732.

²¹⁴ Barnett, M. and L. Coleman 'Designing police: Interpol and the Study of Change in International Organizations', *International Studies Quarterly*, vol. 49, no. 4, 2005, pp 593-619.

as the strategies and tactics that the organisation adopted to deal with them. Taking advantage of the theories previously exposed, I will try to explain the reasons that guided the actions of Interpol officials and the consequences that they caused.

3.1 Organizational theories and bureaucratic culture

In this first section, as already anticipated, I will present the specific theories that I applied to the institutional evolution of Interpol. I will present the studies carried out by Oliver and Barnett and Coleman in the first place. These theories will then be applied to the evolution of Interpol; the goal is to highlight the degree of independence and capacity of action of the officials of the organisation, who determined the line of action to face the pressures of the external environment.

I decided to make use of the theories exposed by Barnett and Finnemore too, in order to highlight the fact that IOs can face crucial internal pressures, and this can affect the efficiency of the organisations; in other words, the pathologic tendencies of bureaucracies analysed by the two scholars can have a harmful effect on the ability of IOs to pursue its objectives. Using the theory of bureaucratic pathologies, I want to highlight how pressures stemming from the perception of inefficient behaviour induced institutional change in the context of Interpol.

3.1.1 The strategic responses of organisations facing institutional pressures

Christine Oliver, in a study published in 1991, analysed the strategies that organisations could adopt to face different institutional pressures, adopting an institutionalist and resource dependency perspective.²¹⁵ Both these theories rely on the concept that institutions seek to maintain stability and legitimacy to survive; in addition, resource dependence theory stresses the fact that organisations are interest driven.

The needs for stability and legitimacy are explained differently depending on the approach selected. According to the institutionalist theory, stability is the response to environmental pressures and is achieved through the reproduction of models and routines of action. Resource

²¹⁵ C. Oliver, 'Strategic responses to institutional processes', *The Academy of Management Review*, vol. 16, no. 2, 1991, pp 145-179.

dependence theory, on the other hand, indicates that stability is obtained thanks to the control of power and more specifically to the control of a stable inflow of resources and the reduction of environmental instability. This theory, moreover, highlights the fact that legitimacy is a fundamental trait for organisations' survival for the fact that it allows them to mobilise resources and gain power to control and to co-opt.²¹⁶

After this initial analysis of the nature of organisations, Oliver classifies the different responses that organisations might decide to adopt in order to face different kinds of institutional pressures. These reactions are identified depending on the degree of independence and reactivity of the officials of the organisations. Considering these characteristics and following a pattern that emphasises an increasing degree of independence of the IOs officials from the external environment, the author five types of strategies: acquiescence, compromise, avoidance, defiance and finally manipulation.²¹⁷ We will focus on the strategies that will be useful to the understanding of Interpol officials' responses to different institutional pressures throughout its existence, namely avoidance, defiance, acquiescence and compromise.

Acquiescence is the action of yielding to the tendencies of the institutional context; it can be achieved through the enactment of different tactics, such as the complete and automatic obedience to the rules and values of the environment (habit). Acquiescence can also take the form of imitation, that implies the reproduction of other successful institutional models; this process overlaps with the concept of institutional isomorphism identified by early institutionalist scholars. Lastly, acquiescence can be pursued through the tactic of compliance; this is the most conscious method to reach the adherence of new institutional models, because it requires awareness from the organisation body that decide to incorporate the new norms.²¹⁸ Interpol's officials adopted this strategy when the issue of terrorism could not be let out from their agenda anymore, and they decided to reinterpret Article 3 of Interpol's constitution.²¹⁹

The second strategy, compromise, refers to the action of mediating between opposite pressures in the institutional environment, in order to find a "third way" to minimise the damage

²¹⁶ Oliver, 'Strategic responses to institutional processes', p 150.

²¹⁷ Oliver, 'Strategic responses to institutional processes', p 151.

²¹⁸ Oliver, 'Strategic responses to institutional processes', p 152.

²¹⁹ Barnett and Coleman, 'Designing Police: Interpol and the Study of Change in International Organisations', p 612.

from the refusal to adapt; in other words, this strategy implies a less complete adherence to the new norms and rules prescribed by the institutional environment. The practical methods that organisations may concretely implement are: balance, pacifying tactics and bargaining. The first tactic is put into practice thanks to actions that lead to an equilibrium between the internal pressures of adaptation to the new environment and the internal preferences of the organisations. Compromise could be reached also at the level of different expectations of constituencies. Finally, bargaining is used when the officials of the organisation considered want to obtain better conditions on the changes that they are required to undertake from the environment.²²⁰ In the fourth chapter, I argue that this is the strategy chosen by Interpol's officials to face the institutional pressures stemming from the abuse of the system of notices; indeed, since the issue of the respect of both the spirit of the Universal Declaration of Human Rights and the efficiency of international police cooperation is at stake, the strategy of compromise was the best to pursue in order to reach a balance between the two sources of tension.

The third strategy useful for this analysis is defiance. This line of thought implies that the organisation tries to resist in an even more decisive manner to the environmental pressures. Since it is a particularly active choice, it is usually pursued by IOs when they assume that the rejection of expectations does not bear a high cost and does not represent a considerable threat against the existence of the IO itself; moreover, a defiant strategy indicates that the conciliation between what the IOs officials and the expectations are nearly impossible to converge. The three tactics mentioned to implement defiance are dismissal, challenge and attack. The first one is the simple choice to ignore the requirements of the environment altogether. The second one requires a more active resistance, since in this case the organisation challenges openly the external pressures and is proud of doing so, because it considers the new norms and values as irrational or unacceptable. Lastly, organisations may decide to attack proactively and aggressively the external environment, in order to show the full rejection of the requirements of change.²²¹ The strategy of defiance was adopted by Interpol's officials to resist to

²²⁰ Oliver, 'Strategic responses to institutional processes', p 153.

²²¹ Oliver, 'Strategic responses to institutional processes', p 156.

institutional pressures that demanded them to insert international terrorism as a crime in their agenda.²²²

3.1.2 Pathologies of IOs

After having drawn the main discoveries and application of theories by Oliver, Barnett and Coleman, it is worth to investigate also another way in which IOs can act. This is done thoroughly by Barnett and Finnemore, who carried out a research on how organisations behave in a way that is detrimental to their ultimate goals.²²³ These specific behaviours are considered by the two authors as “pathologies”; by identifying the factors that may cause IOs to act in this way, they try to give a logical explanation to the instances when IOs and their officials seem to act in a sort of irrational way, almost jeopardising their core functions and reason of existence. I decided to include this contribution in the analysis of Interpol because it can explain the nature of institutional pressures that led to a change in the organisation at least in one instance.

On this regard, the authors begin to state some instances in which bureaucracies do not work efficiently, with the idea to maximise their gains and reach their goals in the most straightforward way possible. To expand the views held by constructivist scholars, they decided to inquire the negative ways in which organisational culture could hamper the efficient functioning of the organisation and the achievement of its purpose. The authors continue and draw a model in order to pinpoint what are the factors that influence the behaviour of bureaucracies, taking into consideration five main features that play a key role in this matter. They take into consideration the model of bureaucratic culture, that analyses the cultural and endogenous factors that influence IOs’ behaviour and change.²²⁴

With this model in mind, Barnett and Finnemore proceed to identify five main dysfunctional types of behaviour that occasionally are undertaken by IOs. The one that bears the most significance for the analysis of Interpol is the so-called “irrationality of rationalization”; this

²²² Barnett and Coleman, *Designing Police: Interpol and the Study of Change in International Organizations*, p 610.

²²³ M. Barnett, M. Finnemore, ‘The Politics, Power and Pathologies of International Organisations’, *International Organization*, vol. 53, no. 4, 1999, pp 699-732.

²²⁴ Barnett and Finnemore, ‘The Politics, Power and Pathologies of International Organisations’, pp 712-714.

was also fear already voiced by Weber in the first part of the 20th century, when he noticed the development that the German bureaucratic machine was undergoing at the time.²²⁵ This dysfunctionality causes IOs officials to perpetrate the rules of the bureaucracy simply for the sake's rules, showing an extreme consideration of the rationality behind the rules. This, in many instances, is a problem that leads to the failure of achieving IO's goals.²²⁶ Starting as early as the '60s, Interpol started to experience internal institutional pressures that pushed for the inclusion of terrorism in its agenda, that ultimately led the organisation's officials to yield to such pressures and favour the change of the interpretation of the constitution's Article 3. This theory allows us to locate the source of institutional pressures inside the organisation, since a part of Interpol's officials were the ones that considered the behaviour of the organisation detrimental to its goals. Therefore, this analysis could allow us to gain a better understanding of the process of institutional change that Interpol underwent in this specific instance.

3.2 Historical and institutional development of Interpol

In this section the evolution of the organisation will be considered, as well as how it faced the various environmental and organisational pressures and how the outcomes of the officials' decisions impacted the form and content of the organisation in question.

The examination of the evolution of Interpol starts from the creation of the International Criminal Police Commission in 1923. From this point onwards, the organisation underwent several critical moments that ultimately led to a substantial change on the organisation. One of these first instances was when World War II broke out and led to the so-called Nazification of the organisation; after the Allies managed to extinguish the Nazi Germany and their supporters, the organisation experienced a rebirth, pushing for a more formal structure and rules to follow, in order to prevent a possible takeover similar to the one perpetrated by the Nazis. Finally, another crucial event that marked a watershed in the substance of the organisation was the rise

²²⁵ J. W. Müller, *Contesting Democracy: Political Ideas in Twentieth-century Europe*, Padstow Cornwall, Yale University Press, 2011, p 29.

²²⁶ Barnett and Finnemore, 'The Politics, Power and Pathologies of International Organisations', p 720.

of international terrorism, that brought back the issue of involving itself in meddling with the political issues of the period.

Each of these events, embedded in the historical environment of the period, caused a certain pressure that Interpol's officials had to deal with. Their decisions followed the scheme of strategies outlined in the beginning of this chapter; we will try to assess what strategy they may have developed and what were the outcomes of these decisions. It is important to notice that, given the fact that the ICPC, the official forerunner of Interpol, was created in Europe, the focus will be mainly on the history of this continent, since it was the real cradle of the organisation itself.

3.2.1 The ICPC and the Nazification during World War II

In the aftermath of WWI, Europe was left in a situation that did not seem to lead to a bright and peaceful future. Acrimony remained between two major European great powers, namely Germany and France; so tense their relationship was that they resorted to the threat to use force to settle one of the most controversial issues of the peace settlement. Moreover, the entire continent was plagued by hunger and destruction; the economy was heavily damaged, and the demographic indexes were alarming. Almost all the European states were reborn as constitutional democracies, but this trait did not allow the region to achieve a balance and security; in fact, even though the new states were established with this structural print, the ruling class and the entire population did not assimilate fully and wholeheartedly the values of democracy and liberalism. In addition to this, the dramatic economic conditions and the social transformations were not in line with the new supported values, and this caused great disturbances within and among states. The left and right political groups were not supportive of these values either, and the gradual extremization of their ideological positions ultimately led to unbalance and weakness of several European governments.²²⁷

This distress was highly perceived by police circles; law enforcement officials of the time noticed that the conditions in which Europe was left facilitated the spreading of the international criminality. On the one hand, another wave of criminals inspired by the extreme right and left

²²⁷ R. Romanelli, *Novecento: Lezioni di storia contemporanea*, Bologna, Società editrice il Mulino, 2014, pp 86-89.

political thoughts began to operate in the unstable continent; in addition to this, the economic crisis that engulfed several states, such as the newly formed Republic of Weimar, caused severe stress and pressure on the population, especially due to the high inflation of certain currencies. Not to mention the fact that WWI sealed the official end of the central empires, giving birth to a series of nation-states that, however, soon experienced troubles because of the lack of ethnic consistency; this principle was highly publicised during the European reconstruction but failed to be respected, thus causing ethnic tensions in various regions of Europe. Because of this situation, also common criminals, born from the recent economic crisis, became to appear in the international arena; counterfeiters, forgers, swindlers, black market traffickers were spreading across borders, since the political situation was not one that actively promoted cooperation among states. Despite that, the Director of the Austrian police, and the Chief of the Vienna police department, Johann Schober, promoted the idea of an encounter among world police officers, in order to restrain this new issue in the international arena.²²⁸

As already mentioned in the previous chapter, the ICPC was successfully created in 1923, and despite being a predominantly European affair, it was nonetheless a place for representation to other countries in the world. Of the 138 delegates present to the Conference in Vienna, 67 were from abroad, and in total 17 states were represented, most of which from Western Europe. During the opening speech, Schober stated openly what he expected to come from the Conference; not only did he intend to rebuild the ties of the police agencies of the former Austro-Hungarian Empire, but also he warmly encouraged and wished for the creation of new ties among all the law enforcement forces of the world.²²⁹ During the conference, indeed, the representatives discussed about criminal matters, international police cooperation, the issue of extradition and the creation of common police practices, techniques and a system of communication among the police authorities from all around the world. The officers present at the conference, in order to find a common solution to the increasing threat of international crime, proposed the creation of a permanent institution that was aimed at facilitating the communication of useful police information worldwide. The project envisaged the

²²⁸ F. Bresler, *Interpol*, Paris, Presses de la cité, 1993, pp 30-31.

²²⁹ Bresler, *Interpol*, p 33.

establishment of a central headquarters and then a series of national branches positioned in the countries that participated to the Conference.²³⁰

Thus, after five days of discussion, the meeting finally came to an end, and it resulted in the creation of the International Criminal Police Commission, with the central permanent headquarters positioned in Vienna.²³¹ The main goal of the newly created ICPC was to facilitate and improve the police cooperation of member states, in particular with the circulation of information about criminal fugitives and criminal activities across borders, together with help in the training procedures of new police forces. Its structure consisted of an elected President, five reporters and a secretary.²³² The ICPC was expected to summon a General Assembly of the members on an annual basis to be held in different European capitals. The Commission, despite being the first successful police organisation of the world, was heavily sustained by the Austrian forces at the time. The ICPC budget was initially fully sustained by Austrian funds, but a plan of common contribution was later arranged.²³³

The ICPC continued to work smoothly for roughly ten years since its creation. Initially, its numbers in membership increased, remaining open to accept both national police authorities and private agencies; it is believed that, from the initial number of members when the Commission was created, the amount of participating entities grew to reach 58 members in 1934. Its structure, moreover, became more organised, when the work of the President was sustained by a system of six vice-Presidents, introduced in 1932. The tasks of the ICPC were managed daily by the members of the Executive Committee by the time of 1934. In addition to this, the officials of the Commission in these years worked to create and improve the centre of information circulation of international criminals, established in the Vienna headquarters. Besides the information centre in the headquarters, the communication among police forces was made more efficient also by the support of the new technologies. In the ICPC was soon established a coded telegraphic system, officially released in 1926 and named “International Police Telegraph Code”, translated later in different languages, in order to make it available to

²³⁰ Deflem, *Policing the World Society*, p 127.

²³¹ Bresler, *Interpol*, p 35.

²³² Deflem, *Policing the World Society*, p 127.

²³³ Bresler, *Interpol*, p 34.

other fellow police officers. An additional system of communication was proposed and then established; a radio network, which was attractive due to its wireless nature, was created after the suggestion made at the General Assembly of the Commission held in 1930; the system began to effectively function in 1932.²³⁴

The Commission even started to publish a periodical named *International Public Safety*, distributed in German, French, English and Italian. Here, police forces members of the Commission were able to publish information on wanted criminals, articles on statistics and researches on different types of international crime and even on the developments of policing techniques.²³⁵

In order to identify transnational criminals, indeed, ICPC officials dedicated their time to the improvement of policing techniques; the major achievements in this field were the advancement of the fingerprinting method. Moreover, the Commission put effort into organising international police meetings in various European cities, in addition to two international police congresses. In these instances, chief of law enforcement agencies from all over the world met in a location, where they had the possibility to discuss the latest news in police technical developments, crime-fighting techniques and deepen the ties that later would allow the surviving of the organisation to the difficult historical periods to follow. The effective cooperation that was established both within the organisation and outside of it, like the conference in Paris of 1931, with the participation of the International Police Conference showed. This, indeed, was the first concrete example of a real communication between the European and American police forces on the same matters.²³⁶

This flourishing experience, however, was not meant to continue its activities smoothly. Indeed, it is important to highlight that the ICPC at the time was highly dependent on the Austrian police department. In addition to the initial budget supply, the central headquarters was in Vienna, and the main daily activities of information transfer was performed by the Austrian officers in charge.²³⁷

²³⁴ Deflem, *Policing the World Society*, pp 128-131.

²³⁵ Bresler, *Interpol*, pp 44-45 and Deflem, *Policing the World Society*, p 131.

²³⁶ Deflem, *Policing the World Society*, pp 131-132.

²³⁷ Fooner, *Interpol – Issues in World Crime and International Criminal Justice*, p 48.

Meanwhile, the political situation of Europe began to tragically deteriorate. The extreme right-wing parties were rapidly gaining weight in the national societies of several states; in Italy, the National Fascist Party led by Mussolini managed to reach the government ranks. Moreover, in the same year of the birth of ICPC, Hitler began to show publicly his political commitment, actively participating in the failed coup of 1923. In 1933, after several years of economic, social and political crisis, the Republic of Weimar came to an end when the elections were won by the Nazi Party, and the democracy officially ceased to exist.²³⁸ This specific moment became extremely important also for the history and development of the ICPC. Indeed, when Hitler was appointed as German chancellor, the representatives sent to the Conference were, of course, police officials from the Nazi Party. This brought undoubtedly a great deal of tension among the members at the time, since this new presence was determined to direct the organisation towards a certain attitude.²³⁹

The problems began when during a meeting held in 1934, the Italian chief of the Federal Police proposed to leave the permanent Presidency of the organisation in the Vienna headquarters. In addition to this, in the course of another assembly in 1938, the members of the ICPC decided that the 15th assembly was due to be organised in Berlin in 1939. Once again, European history hampered the normal course of the events planned by police officials that were staunchly promoters of international police cooperation; indeed, World War II broke out in September 1939. The 15th General Assembly of the ICPC was held in Brussels in 1946, sometime after the capitulation of the Axis powers.²⁴⁰

The interesting part of this section of the Commission's history is that it did not stop completely to work during the war period. According to some authors, and several important personalities of the post-war organisation, the ICPC was considered dead in the period of WWII.²⁴¹ Despite that, to contradict this claim, there are various documents that prove that the organisation did continue to work, even though under the influence of the Nazi police. For example, the periodical of the organisation and a report of the ICPC activities published in 1943

²³⁸ Romanelli, *Novecento: Lezioni di storia contemporanea*, pp 89-101.

²³⁹ Fooner, *Interpol – Issues in World Crime and International Criminal Justice*, p 49.

²⁴⁰ Deflem, *Policing the World Society*, p 176.

²⁴¹ Fooner, *Interpol – Issues in World Crime and International Criminal Justice*, p 50 and Bresler, *Interpol*, p 72-73.

and stored in the library of the US NCB.²⁴² Thanks to these documents, it has been possible to retrace the events of the time and the history of the ICPC in the dark years of WWII and the occupation of the Nazi Germany of the greater part of Europe.

Just before the war broke out in 1939, the Commission's official put an effort in maintaining the communication and cooperation in spite of the fact that the political situation in Europe was precipitating. Indeed, the ICPC even gained an important new member in 1938, when the FBI, after several invitations to participate at the meetings and the activities of the organisation, decided to join the Commission. However, the problems began when the Nazi police entered the Commission, only a couple of years after Hitler won the elections. After this happened, the German law enforcement agencies slowly but steadily began to take control of the Assembly, until in the end it completely prevailed over the other members. The Nazis took control of the organisation in two different phases; initially, they tried to bend and take advantage of the rules of the Commission in order to be accepted with their new role in the international community. In a second moment, however, once they took control of the Presidency and the headquarters, the Nazi officers started to exploit the Commission to serve the ideology and political program of Nazism.²⁴³ Now we will see more in depth this process.

Clearly, the Nazi police started to participate in the general meetings of ICPC soon after Hitler obtained the power in Germany. Initially, German police officers tried to influence the organisation through the simple participation to the meetings and activities promoted by it. The first instance in which the Nazis made their presence known to the other members was the meeting in Copenhagen; it was decided that one member of the German delegation would be a vice-president, and as a consequence the first projects in line with the Nazi thought were considered by other members of the police community.²⁴⁴ Their presence into the assemblies continued to increase; however, it was not until 1937 that the other members of the ICPC became aware of the threat that the Nazi police forces did constitute. Other members decided to pose formal limitations to the participation of the Nazi police to the assemblies of the Commission; despite these attempts to limit the influence of the revisited German law

²⁴² Bresler, *Interpol*, p 75.

²⁴³ Deflem, *Policing the World Society*, pp 185-186.

²⁴⁴ Deflem, *Policing the World Society*, p 186.

enforcement agency, during the assembly of London in 1937 the representatives unconsciously determined their fate, by adopting a resolution according to which the role of President of the Commission would be exclusively performed by the Chief of the Vienna police. Meanwhile in Germany the organisation of the police forces was being modified according to the new directions of the chancellor. This implied that all the local police agencies in Germany had underwent a process of centralisation, thus they were no more allowed to have direct contacts with the ICPC or the bureaus of the other member countries. They had to go through the scrutiny of the Reich Criminal Police Office and the Ministry of Interior to have the permission to do that or to pass information to foreign colleagues. This, in turn, meant that they were in conditions of being directly dependent upon the directives of the Nazi party.²⁴⁵

The decision to appoint the chief of the Federal Austrian Police as the President of the ICPC for a five-year period became an issue after the Germany of Hitler annexed Austria in 1938 by the use of force. This signed the beginning of the second phase of Nazification of the organisation. Naturally, the control of the Nazi party over Austria included also the police forces and, therefore, also the headquarters of the ICPC and the role of Presidency, both of which had previously been appointed exclusively to the Austrian law enforcement agencies. In this way, when the Nazi forces decided who would be the new President of the organisation, the other members could not raise objections on the matter, since the new procedure of determination of the President was respected; rules were not broken.²⁴⁶ Indeed, in 1940, the chief of all the national German police services, Reinhard Heydrich, claimed the role of President of the ICPC after his Austrian predecessor died. He decided to communicate his candidacy via letter to all other member countries of the ICPC. This occurred while WWII was fully raging throughout the continent; the secretary general of the Commission, Oskar Dressler, did his best to maintain a legal *façade* to the new settlement. He wrote letters to all the member countries, requesting their respective governments to express their agreement or disagreement with the motions proposed by Heydrich. They had only three weeks to provide him with their reply; the lack of thereof would be considered as a sign of consent. The states occupied by Germany decided to

²⁴⁵ Deflem, *Policing the World Society*, pp 182-183.

²⁴⁶ Deflem, *Policing the World Society*, 177- 178.

approve his proposals, while the others did not reply to the letter; in this way, Heydrich became the legal president of the organisation, and the headquarters were moved to Berlin in 1941.²⁴⁷

The activities of the Commission continued even further on. In 1942 an article stated that the ICPC was still working; while one year later, the secretary general Dressler stated that at least 21 countries were cooperating in the ICPC headquarters of Berlin. In 1943, after the murder of Heydrich, Ernst Kaltenbrunner, leader of the Austrian SS, was appointed as president; he maintained the importance to continue the activities of the ICPC, since it had a fundamental “work of civilisation” to fulfil.²⁴⁸

In terms of structure of institution, it is important to highlight several crucial features of the Commission. The first element is its relative independence from the member countries’ governments; indeed, as the history of the Commission extensively exemplifies, international police cooperation was ultimately made possible because of the intentions of police officers from around Europe and the world. Without any doubt, the cooperation would not have been possible, had the governments not given their sanction;²⁴⁹ but the sense of belonging of the police officials and their strong perception of the need of transborder cooperation was the final reason why the cooperation took place.

Secondly, the technical skills and knowledge and the professionalism of the police forces played a key role in the apolitical definition of the ICPC’s objectives; indeed, the opinion of the police officers who created the Commission was that the political interference of governments could ruin the collegial and trusting atmosphere built among the police agencies of the world, thus hindering their true goals.²⁵⁰

Finally, the possibility to gain autonomy appeared also in correspondence to a certain type of environment; in particular, the situation of post-WWI Europe and of the WWII period.²⁵¹ The chief of the German national police, Reinhard Heydrich, stated that after the Vienna police

²⁴⁷ Bresler, *Interpol*, pp 75-77.

²⁴⁸ *See id. at 217.*

²⁴⁹ M. Deflem, ‘Global Rule of Law or Global Rule of Law Enforcement? International Police Cooperation and Counter-terrorism’, *The Annals of the American Academy*, vol. 603, 2006, p 242.

²⁵⁰ Bresler, *Interpol*, p 69.

²⁵¹ Barnett, Coleman, ‘Designing Police: Interpol and the Study of Change in International Organizations’, p 605.

forces were absorbed into the ones of the Third Reich, he became also the head of the Austrian police; therefore, he himself was to be regarded as the President of the ICPC.²⁵²

3.2.2 *The ICPC after WWII and the birth of Interpol*

After WWII ended with the capitulation of Germany on the 8th May 1945, and later with that of Japan, Europe found itself once again in an extremely precarious condition. First of all, it seemed that the war shattered completely all the values on which the European culture and society were based. These fundamental principles, however, were not entirely lost; they were born again outside Europe, highlighting the fact that the old continent not the centre of the political and ideological international life. After the war, the entire world was reshaped on the values expressed on the Charter of the United Nations, drafted in San Francisco on the 24th October 1945; its main principles were the unconditional support of democracy and liberalism.²⁵³

After the dark years of totalitarian regimes, the cornerstones of the republican and democratic systems were introduced again, but with subtle changes. This tendency reflected on the re-shaping of the economic and social models of the world society; on the one hand, the economy was modelled following the principles of the free market, in particular through the Bretton Woods agreement of 1944, that gave birth to international institutions such as the International Monetary Fund and the World Bank. On the other hand, in the field of social issues, a great amount of attention was directed towards the protection of human, political and social rights, for the first time on the international arena. This was especially apparent in the European continent; since it was freed from the totalitarian regimes of the Thirties, here the values must be assessed with renewed strength.²⁵⁴

After the German defeat, the situation in Europe was completely chaotic. First of all, the general image of the police had been hampered, especially in the states occupied by the German army. Police was a symbol for arbitrary use of force, violence and cruelty, not an institution whose authority was to be respected. Moreover, the monetary system was on the verge of

²⁵² *See id. at 213.*

²⁵³ Romanelli, *Novecento: Lezioni di storia contemporanea*, p 225.

²⁵⁴ Romanelli, *Novecento: Lezioni di storia contemporanea*, pp 297-303.

collapsing; the galloping inflation and the lack of basic goods were a fruitful premise to the spreading of the black market, traffickers and counterfeiters of all sorts.²⁵⁵ At this point, the reasons why international cooperation -especially in the European context- should be promoted were similar to the ones expressed after the end of WWI.²⁵⁶ It is for this reason that the general inspector of the Belgian police, Florent Louwage, took upon himself the task of re-establish the ICPC and its functions worldwide. Indeed, in June 1946, an assembly with 43 delegates from 17 different nations gathered in Brussels; in this instance, the officials participating at the conference decided to resume the work of the Commission but thought also that the best course of action would be to re-shape the old organisation and adapt it to the present context, in order to guarantee its survival.²⁵⁷ It is in this environment that the first major changes in the organisation took place, giving a new form to the institution.

During the conference, Louwage rendered a speech that was met with eager enthusiasm from the other participants. The result was the election of a new president -no other than Louwage himself-, the establishment of another budgetary plan -mostly supported by France- and, most importantly, the draft of another charter.²⁵⁸ The headquarters of the organisation were moved from Berlin to France, whose delegates at the assembly were immediately enthusiastic about stepping forward to ensure the security of the renewed organisation. The new office was established within the French Ministry of Interior, detail that later on would cause issues about the possible French control over the work of the organisation. In this way, the ICPC could continue its tasks, even though not under ideal conditions, given the state of its resources available.²⁵⁹

In addition to the lack of sufficient resources for the survival of the organisation, the ICPC could also suffer from a sort of damage of image raised by the takeover of the Nazis during the years of the war; indeed, as much as they wanted to convey a continuity of the organisation's functions from the period before WWII, the problem of the years from 1938 to 1945 still

²⁵⁵ Anderson, *Policing the World: Interpol and the Politics of International Police Cooperation*, p 42.

²⁵⁶ Bresler, *Interpol*, p 107-108.

²⁵⁷ Deflem, *Policing the World Society*, p 200-201.

²⁵⁸ Bresler, *Interpol*, p 109-110.

²⁵⁹ Barnett, Coleman, 'Designing Police: Interpol and the Study of Change in International Organizations', p 606.

persisted. This was not an aspect that could be dismissed easily, since several of the officials that actively took part into the organisation's reshaping had been heavily involved into the hierarchies of the Nazi regime, or the foreign regimes that collaborated with it during the period of the Nazi occupation.²⁶⁰ The five main officers elected to cover the high-ranks of the organisation were all personalities that had important roles even before the war broke out; the fact is that three of them had verified links with the Nazi environment during the war. Louwage himself, for instance, covered during the course of WWII the role of general inspector of the Belgian police, cooperating with the Gestapo and other German forces. Even Dressler, whose role we already covered previously, was one of the main associates with the Nazi police forces; after the end of the war, his colleagues did not think that its role had to be recalled or punished.²⁶¹

It was in this situation that the first change in the organisation occurred. It is important to state that this change was formal in its essence, since the IO's officials were principally concerned in building a formal and more stable outlook of the organisation. As it is apparent from the assessment of the conditions of that ages, the main goal the organisation's officials was to take action in order to assure both the survival and the autonomy of the organisation. Initially, police officials opted to preserve the relative hidden status of the organisation; this would allow them to retain a considerable high level of autonomy from the central governments. This is the reason why the ICPC was not officially registered as an international organisation in the UN archives; unfortunately, this status was not the best for the Commission to gather enough resources to survive and thrive. Thus, the ICPC officials decided that it was time they upgraded the organisation's status and attention; the challenge was to avoid losing the organisation's autonomy.²⁶²

When the first assembly was held in 1946, after the end of the war, the delegates of the organisation decided consciously to leave the new statute substantially unchanged from the one established in 1923. This was due to the fact that the goal of the officials was to maintain the relatively sheltered status of the organisation, so that it could maintain its almost private

²⁶⁰ Deflem, *Policing the World Society*, pp 181-185.

²⁶¹ Bresler, *Interpol*, pp 111-113.

²⁶² See *id.* at 232.

position of policeman's club.²⁶³ The statute produced in that assembly session was purposefully vague,²⁶⁴ citing only as major decisions the ones regarding the headquarters of the organisation and the budgetary plans. The new headquarters were established in Paris, in the very building on the French Ministry of the Interior; France proposed to accept the responsibility to provide for the budget of the organisation. Finally, the statute established that all the managing roles of the organisation would be decided by election; hence, the Louwage was elected as the new President of the ICPC, while Louis Ducloux as the Secretary General.²⁶⁵

One of the most important personalities that put a considerable amount of effort to achieve this purpose was the close collaborator of the then Secretary General Louis Ducloux, namely Jean Népote. He was given the task to coordinate the most important aspects regarding the management of the Commission, since Ducloux was the General Director of the judicial police and was not able to supervise both the positions. He immediately drafted a plan in order to substantially bring the organisation back to life; it consisted in four main steps, namely gather enough funds, pinpoint their own place to establish the headquarters, purchase a plot of land to place the building, and finally begin to be considered as a proper international organisation in the light of the aforementioned points. In order to achieve that, he firmly believed that the statute of 1946 had to be modified, so that the organisation had a more stable legal basis.²⁶⁶

This was accomplished during the assembly held in Vienna in 1953; the new constitution declared that the new headquarters were set in Paris, and openly defined the goals of the organisation, among which there were the mutual assistance among the world police agencies and to help further develop them in order to repress international crime.²⁶⁷ It defined more specifically how the organisation operated and its internal rules; the old ICPC had its international structure redesigned, and it assumed the characteristics of what was considered a proper international organisation at the time.²⁶⁸

²⁶³ See *id.* at 231.

²⁶⁴ M. Anderson, *Policing the World: Interpol and the Politics of International Police Co-operation*, Oxford, Clarendon Press, 1989, p 58.

²⁶⁵ Bresler, *Interpol*, p 110 and Fooner, *Interpol – Issues in World Crime and International Criminal Justice*, p 50.

²⁶⁶ Bresler, *Interpol*, p 152-153.

²⁶⁷ Bresler, *Interpol*, p 118-119.

²⁶⁸ R. S. J. Martha, *The Legal Foundations of Interpol*, Portland, Hart Publishing, 2010.

Nonetheless, there were still several points that were not thoroughly cleared. One of the most important ones was the issue of membership in the organisation; indeed, the members were defined simply as delegates of the countries that participated into it. In addition to this, the methods and nature of delegation were not clearly arranged. Thus, states were not explicitly mentioned, and police agencies could still be considered as the legitimate members of the organisation.²⁶⁹ This aspect was supported by the IO's officials, since it allowed to gain more memberships and at the same time it did not gave space to a decisive control by states on the organisation and its activities. Népote did not agree on this term, however; he was well aware of the fact that, in order to gain more resources, visibility and stability, the ICPC had to surrender a portion of control and power over states. His proposition, in the end, was rejected by his fellows, and the ambiguity of the new statue remained.²⁷⁰

Another central point in the new design of the organisation was its firmly apolitical character. The new statute openly declared that any political, military, religious or racial issue were not work material for the ICPC; this meant that the organisation's officials did not want to engage in activities that may have political implications.²⁷¹ This controversy was brought up several times throughout the years; the first episode took place in 1950, when two planes were hijacked by Czechoslovakian nationals towards the part of Germany occupied by the U.S. When the aircrafts landed, the hijackers requested for political asylum to the American government, and the U.S. State Department granted their request. Immediately after the incident, the Czechoslovakian government issued an international wanted notice, so that the Czech could be detained until a formal request of extradition. This episode raised a series of complaints from the American part, since its thesis was that the ICPC should not have issued the red notices, since the crime considered was of political nature. On the contrary, the President and the Secretary General claimed that it should be considered a "common crime", therefore the Czechoslovakian government had all the right to request the notices. This episode led ultimately to the retirement of the FBI from the ICPC, since its director, Hoover, declared that the hijackers

²⁶⁹ Anderson, *Policing the World: Interpol and the Politics of International Police Co-operation*, pp 58-59.

²⁷⁰ Barnett Coleman, 'Designing Police: Interpol and the Study of Change in International Organizations', p 607.

²⁷¹ Barnett, Coleman, 'Designing Police: Interpol and the Study of Change in International Organizations', pp 607-608.

should not be treated as common criminals, since they were actually political opponents to the communist regime currently leading their native country. This meant that the issue of the red notices was a blatant violation of the apolitical stance assumed in the statute of the ICPC.²⁷²

Another episode that caused the ICPC to have problems with its apolitical commitment was in 1956, when at the assembly of Paris, the Cuban delegate Jorge Castroverde launched an appeal to his colleagues. He asked to issue Red Notices for the police officers of the former Cuban regime of Batista, who he labelled as criminals of common right, since they were accused of murdering twenty thousand people and to appropriate of everything they managed to lay their hands on. The problem was that the assembly did not think that it was a wise idea to pursue former agents of a political regime, since it would turn out to be a political stance. Therefore, the new Secretary General Marcel Sicot, and the crashing majority of the assembly, refused to proceed and to issue the red notices, since it would put the ICPC in a very compromising position. This caused the Cuban delegation to refuse to pay their budgetary part and to take part into the organisation's activities since then.²⁷³ Despite these and other controversies, the decision to stay out of the political issues and not to meddle with political crimes remained the same.²⁷⁴ This would change further on, when the problem of terrorism could not be ignored any more.

One last concrete action that the organisation took in order to make the ICPC appear as a relevant and legitimate international organisation was to create a mechanism of control of its activities. The organisation's officials considered legitimacy as a fundamental feature to possess, so that the organisation could be accepted in the new international environment.²⁷⁵ Democratic procedures and transparency were becoming a common requirement for IOs in order to be considered legitimate,²⁷⁶ thus requiring the ICPC to conform, at least partially, to the new procedural standards. In particular, ICPC's officials believed that it would be better to

²⁷² Fooner, *Interpol – Issues in World Crime and International Criminal Justice*, p 41 and Bresler, *Interpol*, pp 138-139.

²⁷³ Bresler, *Interpol*, pp 158-159.

²⁷⁴ Barnett, Coleman, 'Designing Police: Interpol and the Study of Change in International Organizations', p 609.

²⁷⁵ Barnett, Coleman, 'Designing Police: Interpol and the Study of Change in International Organizations', p 606.

²⁷⁶ Tallberg and Zürn, 'The legitimacy and legitimation of international organizations: introduction and framework', p 14.

give states a certain degree of supervision over its actions and decisions. To do this, they decided to extend the number of delegates present in the Executive Committee, who had the task to supervise the General Secretariat; in addition, they decided to grant the NCBs, namely the central national police offices linked to the organisation, a greater role and centrality.²⁷⁷

Finally, the formal aspect of the ICPC was completed through the change of its name and logo. Following the idea of Jean Népote, and the prompt of the chief of the Italian NCB, the name of the organisation was changed in “Interpol”, an abbreviation of ICPO -International Criminal Police Organisation. One of the reasons why police officials wanted to change the name of the ICPC was to give an idea of a more solid and enduring organisation, since the word “Commission” did not convey this idea. Its logo was also changed, following the pattern of other respectable IOs, in order to build a more solid image of the organisation.²⁷⁸

The change that occurred from 1956 may be connected with one strategy outlined by Oliver that we have seen previously in this chapter. As Barnett and Coleman highlight, indeed, the IO’s officials were forced to face institutional pressures from the external environment, since they were required to gain more legitimacy and authority, in order to survive and grow. Avoidance was the strategy that in this case best suited the situation at the time, and the tactic of “ceremonial conformity” the one to concretely put into action that strategy. As it seems clear, indeed, the change that took place was formal, and did not change the core nature of the organisation, but it was sufficient to placate the pressures of the environment.²⁷⁹ What is essential to notice is that Interpol’s officials were the actors that purposefully implemented that strategy and managed to protect the organisation’s interests without being controlled by states and their will.

3.2.3 Interpol and the threat of terrorism: from the apolitical stance of the ‘60s to the current activities

Another fundamental stage in the history of Interpol is the moment when it had to face the threat posed by international terrorism. In this case, the environmental pressures led to a

²⁷⁷ See *id.* at 244.

²⁷⁸ Bresler, *Interpol*, p 130 and Barnett Colemann, ‘Designing Police: Interpol and the Study of Change in International Organizations’, p 606.

²⁷⁹ See *id.* at 232.

substantial change in the competence field of the organisation, identified by a resolution of the General Assembly of 1984.

Even though the moment of change came in the '80s, the officials of Interpol faced the issues posed by terrorist attacks as early as the '50s. As we have already seen, one of the first episodes of this phenomenon was the hijacking of the aircraft by Czechs asylum seekers. However, a huge wave of terrorist actions throughout the entire world. For instance, the collapse of the colonial empire paved the road to a series of stark contrasts, especially in the Middle Eastern area, that ultimately resulted in an escalation of violent actions that echoed in the international arena. One of the most heated areas of conflict was over the matter of the Arab-Israeli contrast. After a first war between the newly formed Israeli state and Egypt supported by the two different blocs of the Cold War, the situation escalated quickly. Israel managed to retain the territories of the West Bank and Gaza, to the detriment of Palestine; this caused an exacerbation of the situation of the Arab refugees, already tense due to the previous war between the states of the Arab League and Israel for the Palestinian territories. In this context, the young Palestinians decided to take action against the Israeli government and created the movement of *al-Fatah* in 1959, whose main representative was Yasser Arafat. Soon, the Egyptian government of Nasser realised that the best course of action was to try to guide this new movement through the formation of the Palestine Liberation Organisation (PLO), in order to become the reference point of the Palestinian cause. However, after the defeat of the Egyptian army, the Palestinian began to lose faith in their allies, and started to implement a strategy of guerrilla warfare in the territories of Jordan. This new line of action caused the number of militants to increase; this, in turn, caused a sharp change in the statute of the PLO, after Arafat became the president of the organisation. The statute, indeed, established the use of violence and the armed fight as a legitimate mean to reach the aims of the PLO; therefore, acts of terrorism ensued.²⁸⁰ In the Middle Eastern area, the more recurring incidents regarded the hijacking of aircrafts as a mean of attracting attention of behalf of terrorist groups; as an example, we can present the incident of the hijacking of the TWA aircraft to Beirut in 1985, that forced the Israeli government to release a series of Lebanese prisoners -after a certain

²⁸⁰ Romanelli, *Novecento: Lezioni di storia contemporanea*, pp 371-379 and 382-388.

amount of pressure was applied by the American government.²⁸¹ One of the most striking terrorist episodes caused by Middle Eastern groups was the attack carried out during the Munich Olympic Games in 1972. The responsibility of the attack was claimed by an extremist Palestinian group called the Black September Organisation, whose link with the PLO was never fully understood. The Arab fighters decided to ambush a group of Israeli athletes, in order to obtain the release of 200 Arab prisoners detained in Israel. The Israeli government refused to yield; the West German police forces tried to ambush the Arab terrorists and rescue the hostages, but unfortunately the mission failed miserably. This highlighted the fact that single police forces were in fact powerless and did not have enough resources or expertise to successfully solve these kinds of situations.²⁸²

In addition to the wave of terrorism generated from the Middle Easter area, also in Western Europe the formation of violent terrorist groups began to rise. More specifically, these groups were usually linked with the independentist movements that were thriving in Europe during the Cold War. In Spain, for instance, the Basque separatist movement (ETA) was particularly active from 1968.²⁸³ Another well-known terrorist group linked to the independentist environment was the Irish Republican Army (IRA), which was active in the region of Ulster in Northern Ireland. The most infamous year that saw the terrorist attacks of the Irish separatists was 1969, dubbed as *the Troubles* by the British citizens. This period of indiscriminate violence perpetrated by the IRA caused an extremely harsh reaction from the British government, that resulted in the infamous episode of the *Bloody Sunday* in 1972. However, the attacks of the IRA continued, and they even attempted at the life of Margaret Thatcher, the then Prime Minister, and of her closest collaborators in 1979, or the attempted bombing attack performed in Brighton in 1985, at the expenses of the Prime Minister and her entire cabinet.²⁸⁴ In Italy, too, the situation became extremely heated because of the actions of the extreme left-wing terrorist groups. The political conditions after the war, and in particular the actual continuity of the administrative structures of the fascist regime, caused the dissatisfaction of the political and popular environment, thus opening the positions of the leading Christian Democracy party to

²⁸¹ Anderson, *Policing the World: Interpol and the Politics of International Police Co-operation*, p 131.

²⁸² Bresler, *Interpol*, 184-185.

²⁸³ Anderson, *Policing the World: Interpol and the Politics of International Police Co-operation*, p 134.

²⁸⁴ See *id* at 251.

socialist positions. This ultimately raised important concerns in the more conservative ranks of society; because of these concerns, the right political environment attempted a coup in 1970 to stop this new tendency. Its failure, however, helped to mount the already high political tensions in the Italian society; bombings directed by anarchist currents began to plague Italy, and with them the assassination of political exponents began, marking the start of the so-called “Years of Lead”. One of the most symbolic episodes of the period is the assassination of the leader of the Christian Democracy Aldo Moro in 1978, at the hands of the far-left terrorist group of the Red Brigades. This group was also responsible for one of the most fatal attacks caused by a bombing strike in August 1980, at the Bologna train station. However, the terrorist attacks of the extreme right wing were not absent; the bombing in the Bank of Agriculture in Milan of 1969 is an example of this.²⁸⁵

Given the growing threat of the terrorist phenomenon, an increasing number of countries, especially the ones that constituted the Western European bloc, became the promoters of a more intense police cooperation that would deal with such a terrible threat, that was shaking the entire continent and the world.²⁸⁶ Moreover, because of the latest discoveries and developments on the field of technology and communication systems, the perception of the size and strength of the phenomenon of transnational crime, and more specifically terrorism, increased considerably. In addition to the technological factor, also the opening of borders, especially in the European area, and the ever increasing of the transnational economic net, induced the perception of the threat of international crime to increase.²⁸⁷ This is a pattern that was already detected in the past, at the time of every further development of technologies and border policies.²⁸⁸

These new and fuelled fears on the magnitude of the threat of terrorism led to a certain apprehension in the European context; for this reason, the search for effective arrangements in order to deal with efficiency in the matter of transnational terrorism began. During several

²⁸⁵ Romanelli, *Novecento: Lezioni di storia contemporanea*, pp 431-439.

²⁸⁶ Fijnaut, ‘The internationalization of Police Cooperation in Western Europe’, in C. J. C. F. Fijnaut (ed.), *The internationalization of Police Cooperation in Western Europe*, Arnhem, Gouda Quint, 1993, p 13.

²⁸⁷ K. Small and B. Taylor, ‘State and Local Law Enforcement Response to Transnational Crime’, U.S. Department of Justice, http://www.ncjrs.gov/pdffiles1/nij/grants/20952_1.pdf, 2005.

²⁸⁸ See chapter 2.

meetings, indeed, the main leaders of Western European countries stressed the desirability of international police cooperation in order to end the terrorist scourge in the continent.²⁸⁹ Therefore, all the eyes were turned to Interpol, to take concrete action and promote the police communication among member countries to deal with the problem.

However, in a first moment the ICPO's officials decided to take a step back and not to deal with the problem. They had their reasons to do so; as we have already seen, indeed, the Article 3 of the statute of the organisation did not allow to tackle matters that had political, racial or religious implications. Within the organisation, the question of terrorism was brought to the surface in various occasions; for the first time, the matter of terrorism was considered during the General Assembly of Mexico in 1969. The result of the consultation, however, were against the decision of taking into consideration the report on the airplanes hijacking episodes, since it was considered as a violation of the limit imposed by Article 3. One year later, during the annual general assembly the delegates decided to consider the report but agreed on the fact that the ICPO should continue to cooperate with the various aviation organisations in the world, but that it should act according to the limits prescribed by Article 3.²⁹⁰ Even after the attack towards the Olympic athletes, Interpol's officials -more specifically, Népote and the President Paul Dickopf- maintained the line of action of non-intervention previously sustained.

In their analysis, Barnett and Coleman claim that this type of behaviour is consistent with the strategy of defiance; indeed, the ICPO's officials decided to actively to refuse to yield to states' pressures and deal with the problems of terrorist attacks, since they did not want to open the doors to state control over the activities of the organisation and thus losing the great autonomy that they enjoyed at the time.²⁹¹ This, in my opinion, could be linked to the same idea that the police officers shared when they created the ICPC in 1923. The relative autonomy from the influence of states was a major advantage that allowed the organisation to tackle transnational ordinary crimes with efficiency and speed, at the same time avoiding political controversies that could hamper the organisation's goals.²⁹²

²⁸⁹ Anderson, *Policing the World: Interpol and the Politics of International Police Co-operation*, p 140.

²⁹⁰ Bresler, *Interpol*, 182-183.

²⁹¹ Barnett, Coleman, 'Designing Police: Interpol and the Study of Change in International Organizations', p 610.

²⁹² Deflem, *Policing World Society: Historical Foundations of International Police Cooperation*, p 45.

Some authors state that it was difficult to deal with such a matter during the assemblies, since in Interpol there were a considerable number of members that belonged to the Middle Easter area; thus, dealing with the issue could be a delicate operation, without considering the fact that a great number of Western European countries had important links of various nature to the Arab and Muslim countries.²⁹³ However, it was becoming increasingly difficult to maintain this position, since even within the organisation itself began to arise pressures that lead to another direction. In 1975, indeed, during the annual General Assembly the American delegates started to explicitly challenge the mainstream stance of remaining substantially neutral towards the terrorist acts; it is reported that they demanded to insert the theme of counterterrorism in the agenda of the organisation, but Népote refused yield once again.²⁹⁴

It is in this context that we can insert the theory of IOs pathologies described by Barnett and Finnemore; indeed, even to the eyes of the then delegates, the choices that Népote was making, even though in good faith, were not the best course of action to follow. The survival of the organisation had by now become “an end in itself”²⁹⁵; this can be linked to the concept of “irrationality of rationalization”, that indicates an excessive consideration of the rationality behind the rules of the bureaucracy that goes at the expenses of the real goals of the bureaucracy itself. In the years where an increased perception of the fear of internalisation of crimes such as illegal immigration, organised crime but most importantly terrorism, it seemed that Interpol “had fallen, at almost precisely the wrong time, into a languid bureaucratic torpor, and this in part brought the organisation a ‘tarnished image’”.²⁹⁶ This seems to be true also in the case of Interpol and the problem of international terrorism; the tactic of defiance, indeed, was becoming more and more dangerous and expensive for the organisation.

While the IO’s officials did follow the requests to take up the role of leading a concrete counterterrorist action, the Western European governments decided to take the matter upon their hands. They decided to create the so-called Trevi group, an assembly of the Ministries of

²⁹³ Bresler, *Interpol*, p 191 and Anderson, *Policing the World: Interpol and the Politics of International Police Co-operation*, p 132.

²⁹⁴ See *id.* at 262.

²⁹⁵ Bresler, *Interpol*, p 191.

²⁹⁶ P. Swallow, ‘Of limited operational relevance: a European view of Interpol’s crime-fighting role in the twenty-first century’, *Transnational Organised Crime*, vol. 2, no. 4, 1996, p 109.

Interior of various European countries, that discussed matters concerning terrorism in the European area;²⁹⁷ the assembly of ministers was considered an efficient solution to discuss the problems in the continent, since it held encounters every six months. However, after the assassination of the British ambassador in The Hague and his butler -probably carried out by the IRA-, another group of European police agency was created, in order to work on a daily basis on practical matters. Later on, another fully-fledged organisation was created at European level, namely Europol.²⁹⁸ All these new organisations were practically competitors of Interpol, since they had a similar task but concrete solutions to the most pressing issues of certain areas. This, in turn, caused a greater organisational insecurity for Interpol since it caused a greater competition among IOs; moreover, the finances of the organisation began to suffer from lack of funds.²⁹⁹ For all of these reasons, the ICPO's officials decided to yield and adopt a strategy different from defiance.

The internal debate regarding the impediments of the Article 3 of ICPO statute became more and more intense. There was a growing part of officials that believed it was time to reinterpret the article and expand the competences of the organisation. The pressures from within the organisation, carried on by the British Raymond Kendall with the support of the U.S. and the Third World countries that participated in the organisation, were gaining the approval of the majority of the delegates. A first breakthrough was achieved in 1983, when a first resolution on "violent crimes commonly referred to as terrorism" was adopted; a considerable number of delegates in the General Assembly supported the discussion on the issue proposed by the Chilean delegate, and in the final resolution, that created a study group for the issue, for the first time the word "terrorism" was explicitly mentioned.³⁰⁰ Nonetheless, despite this improvement there was no real commitment on behalf of Interpol, since the document stated that cooperation among states on the matter of terrorism was encouraged but not actively pursued by the

²⁹⁷ Bresler, *Interpol*, p 197 and Anderson, *Policing the World: Interpol and the Politics of International Police Co-operation*, pp 140-142.

²⁹⁸ Bresler, *Interpol*, p 198.

²⁹⁹ Barnett, Coleman, 'Designing Police: Interpol and the Study of Change in International Organizations', p 611; Bresler, *Interpol*, p 194; and D. Marsh, 'Interpol takes a step out of the shadows', *Financial Times*, 15 July 1986.

³⁰⁰ Bresler, *Interpol*, p 223.

organisation.³⁰¹ The real moment of change, indeed, arrived in 1984, during the General Assembly held in Luxembourg, when Interpol's officials decided to formally reinterpret the Article 3 of the statute. The organisation decided to start dealing with terrorism, even though the cases would be considered on a case-to-case basis, and the acts that were considered mainly predominantly were still under the ban of Article 3.³⁰²

This was a fundamental landmark in the history of Interpol, since it was the beginning of its role in counterterrorism, including measures such as the gathering of intelligence. Indeed, this new goal became crucial for the organisation, and its importance continued to rise -especially after the appearance of terrorist attacks carried out on a large scale, the so-called "spectaculars", starting from the September 11 attacks in the U.S.³⁰³

As for the strategy implemented by Interpol's officials, the resolution of 1984 is compatible with the strategy of acquiescence; essentially, the organisation's officials realised that they could not resist the institutional pressures anymore. The competition was constantly raising, with more IOs with overlapping tasks that were created in various regions of the world; as already mentioned, in Europe the creation of Europol was a consequence of the Maastricht treaty of 1992.³⁰⁴ Initially, it was an organisation meant to collect and provide information about specific crimes in the European area, but its activities quickly went beyond its mandate; since the mid-1990s, indeed, the organisation launched a program of capacity-building activities to improve the police agencies of member countries and managed to coordinate the practical and legal aspects of international police cooperation.³⁰⁵ In addition to this competition with the Trevi Group and other regional police institutions, Interpol was facing a shortage in its funds, and this situation was threatening its existence on a daily basis.³⁰⁶ The reaction of member states

³⁰¹ M. Deflem, 'Global Rule of Law or Global Rule of Law Enforcement? International Police Cooperation and Counter-terrorism', AAPSS, vol. 603, 2006, p 245 and M. Stalcup, 'Interpol and the Emergence of Global Policing', in *Policing and Contemporary Governance: The Anthropology of Police Practice*, New York, Palgrave MacMillan, p 248.

³⁰² Barnett, Coleman, 'Designing Police: Interpol and the Study of Change in International Organizations', p 612 and Bresler, *Interpol*, pp 224-225.

³⁰³ D. G. Arce and T. Sandler, 'Terrorist Spectaculars: Backlash Attacks and the focus on intelligence', *The Journal of Conflict Resolutions*, vol. 54, no. 2, 2010, p 344-345.

³⁰⁴ Richardot, 'Interpol, Europol', *Pouvoirs*, vol. 102, 2002, p 82-83.

³⁰⁵ Gerspacher, 'The history of international police cooperation: a 150-year evolution in trends and approaches', p 181-182.

³⁰⁶ See *id.* at 272 and Bresler, *Interpol*, p 194.

to this new attitude of the organisation's officials was extremely positive; participation in Interpol's activities and the funding increased. The negative side of the situation, however, was the decrease in the autonomy that the organisations enjoyed previously; indeed, states did have more access to the decision-making centres and could have an influence on the organisation by using financial instruments.³⁰⁷

Despite the fact that the strategy adopted by Interpol's officials regarding the massive wave of terrorist attacks starting from the late '60s led to a certain degree of states' intromission in the organisation's affairs, it is important to consider another aspect of the change. Indeed, taking into consideration the bureaucratisation theory, there is a pattern that seems to form in the relationship between the state and its bureaucracies; Max Weber highlighted that, when societies are experiencing a phase of transition, states tend to try and redirect the actions of bureaucracies towards their interests and goals. This can be applied also to the case of police agencies; thus, times of change can have an influence also on the conditions of the institutional independence of police institutions.³⁰⁸

The period that we took into consideration in this section was certainly a time of critical importance for single societies and the whole international arena; in addition to the terrorist wave that left a mark on several areas of the world, another major process -one of the most important one of that time- was taking place, namely decolonisation. In this situation, it seems credible that states -and in particular, Western states- would try and take back a certain amount of control on bureaucracies; this attempt, however, is not usually an easy task, since according to this theory, the politization of bureaucracies usually happen after they have gained a considerable amount of independence in more stable periods. According to Deflem, this is what happened also in this instance; states, facing the issue of terrorism, tried to obtain again at least partial control over police agencies. However, before these upheavals in the international scenario, police institutions managed to gain great independence from the centres of power; in fact, this is one of the reasons why successful international cooperation in the crime-fighting

³⁰⁷ Barnett, Coleman, 'Designing Police: Interpol and the Study of Change in International Organizations', p 613.

³⁰⁸ Deflem, Deflem, 'Global Rule of Law or Global Rule of Law Enforcement? International Police Cooperation and Counter-terrorism', p 242.

field was possible.³⁰⁹ The acquired independence was a feature that Interpol's officials did not want to dismiss so easily, and this was apparent from the initial refusal from the major part of the organisation's officials to yield to the requests of member states. When the assembly decided to reinterpret Article 3 of the constitution was certainly a way to expand its mandate and thus embrace what states requested them to do, but it can also be considered as a method to maintain at least a part of autonomy. It is important to remember, indeed, that the terrorist attacks were not considered and pursued in the name of their political nature, but because their nature was divided into different components, and the ICPO was determined to focus exclusively on the criminal aspects of the issue. Therefore, in a sense, the organisation's officials tried to maintain some sort of distance from the intentions of the political centres of member states.

After the crucial step of expanding its mandate and taking the main lead in counterterrorism action at the world level, the ICPO continued to grow and evolve. Its membership increased every year, until reaching the number of participating countries up to 194. The headquarters of the organisation were transferred to Lyon, where the organisation's officials finally could have an operational basis of their own. Soon after the settlement of Anglo-American officers to the highest position of responsibility in Interpol, there was an upgrade of the communication system; in 1984 a Committee on Information System was created, in order to reorganise telecommunications and data processing. In the General Secretariat an automatic message-switching system was installed, to achieve faster communication and information exchanging.³¹⁰ This system was further developed after the 11 September attacks, an turned into the I-24/7, namely the Internet-based Global Communication System, that allows member police agencies to exchange data more rapidly and more securely.³¹¹ Most importantly, the tasks of the organisation continued to expand; in addition to terrorism, the most important areas of action of the ICPO came to include also organised crime and drug trafficking³¹². Nowadays, Interpol is dealing with an extensive array of international crimes; in addition to the classic fight

³⁰⁹ Deflem, 'Global Rule of Law or Global Rule of Law Enforcement? International Police Cooperation and Counter-terrorism', pp 241-243.

³¹⁰ Fooner, *Interpol – Issues in World Crime and International Criminal Justice*, pp 150-151.

³¹¹ Deflem 'Global Rule of Law or Global Rule of Law Enforcement? International Police Cooperation and Counter-terrorism', p 248 and Stalcup, 'Interpol and the Emergence of Global Policing', p 249.

³¹² G. McClure, 'The Role of Interpol in fighting Organized Crime', *ICPR*, VOL. 481, 2000, pp 4-5.

against money-laundering, counterfeiting and the previously discussed felonies, ICPO has committed itself to the effort to stop more “recent” categories of crime, such as cybercrime and environmental crime -and others more.³¹³

Conclusion

The history of Interpol is one of the longest one of the IOs that stud the international arena of our times. Its roots date back to the period between the two World Wars, and its existence continues until nowadays, with a vast membership and a wide array of activities and responsibilities. In the course of its history, it underwent several changes, that can be convincingly explained taking advantage of the constructivist perspective, that highlights the level of active action promoted by the organisation’s officials. The changes were caused both by endogenous and exogenous environmental pressures; in addition to the need to maintain its autonomy, Interpol’s officials had to preserve also the legitimacy of the organisation and its status. The theories taken into consideration also highlight the fact that the ICPO’s behaviour was not always efficient but underwent periods of difficulties and internal organisational conflict.

It is clear that, for a long time, the ICPO was sufficiently free from the intrusion of governments’ interests and manoeuvres; at least until the early ‘80s, Interpol’s officials were able to stand their ground and not yield to environmental pressures and maintaining their own independence. This seemed to change after this period; however, this does not mean that the organisation only complies to the requests of member states and follows entirely their wills. On the contrary, organisational culture still plays an important role on the way in which Interpol sees itself and its role on the international arena. Indeed, this factor always influenced the history of the organisation, as well as its attitude towards institutional pressures; this tendency was best expressed in the phase of the rise of international terrorism. One of the main examples of this is that, for a long time, the organisation’s officials have been strictly faithful to the value of neutrality, firmly supported in the constitution under Article 3. Despite the fact that in the

³¹³ <https://www.interpol.int/>

end the organisation's mandate was expanded also to the issue of terrorism, a phenomenon that could be considered mainly political in its nature, there was still the effort to abide by the principle of neutrality. The terrorist attacks, indeed, were first considered following the concept of the "conflict area", according to which the organisation could be considered a crime within the mandate of Interpol, if it entailed the targeting of civilians or it was carried out on a particularly large scale. Nowadays, issues that involve terrorist attacks are evaluated on the basis of the principle of "predominance", that forbids the organisation to consider as crimes the terrorist acts that are predominantly political in their nature.³¹⁴ I consider this an attempt to prove the organisation' and its officials' will to be firmly grounded on their values and shared culture. At the same time, I tried to include the vision that the organisation may have faced a period characterised by a pathologic behaviour, since it was considered not to fulfil its role of strenuous fighter of international crime.

In the following chapter, I will try to apply the same method of analysis on one of the most pressing issues that ICPO's officials are facing nowadays, namely the controversy revolving around the use of Red Notices in particular. Therefore, the source of institutional pressures, the strategy adopted by the organisation's officials to deal with them and the outcomes of their decisions will be assessed. In this instance, however, the issue of legitimacy of the organisation stands out as a primary cause of concern for Interpol's officials.

Red Notices are formally international administrative acts, but they are often considered as the equivalent of an international arrest warrant, that states can issue against international criminals through Interpol. This practice causes heated controversies, since it often leads to violations of human rights, that the organisation is committed to respect into its constitution.

³¹⁴ T. R. Bromund and D. B. Kopel, 'Necessary Reforms Can Keep Interpol Working in the U.S. Interest', *Backgrounder*, vol. 2861, 2013, p 8.

CHAPTER FOUR: INSTITUTIONAL PRESSURES ON THE ISSUE OF RED NOTICES AND HOW INTERPOL IS DEALING WITH THEM

In this chapter the issue of Interpol Red Notices and Diffusions will be considered, along with the institutional pressure that the organisation is facing regarding this matter. From this analysis it will become clear that the issue of legitimacy has been of a great impact on the behaviour that Interpol's officials decided to adopt regarding the pressures on this issue.

The controversy over the Red Notices and Diffusions stems from the following fact; despite this system of notices proved to be an essential tool for the fast and efficient capture of transnational criminals, some member countries misused it in order to pursue their political targets. This sparked a considerable amount of disagreement, especially among NGOs engaged in the protection of human rights. This caused, in turn, a legitimacy issue for the organisation, since it seemingly failed to conform to democratic standards of right protection.³¹⁵ The analysis of the situation will be structured into three parts.

In the first section of the chapter, the general system of notices adopted by Interpol to tackle international criminals will be explained. Therefore, there will be an illustration of the several notices used by the national police offices (NCBs) that adhere to the organisation. The attention will be then drawn into the most controversial international bulletins in the system of Interpol, namely Red Notices and Diffusions. Their nature and functions will be better defined and analysed. Finally, the explanation of the motives of concern risen in the international environment will follow; more in particular, the threats that the system of notices poses to a certain number of human rights will be analysed.

The second part of the chapter will bear two main concrete examples of people whose rights have been violated by the misuse of the system of notices and diffusions. In the first case the threat posed by an ill-used Red Notice will be considered; the case of unjustified detention of a political opponent of the Kazakh political regime is one of the most revealing examples of this practice. The second case, on the other hand, concerns the issuance of a Diffusion from the

³¹⁵ Tallberg and Zürn, 'The legitimacy and legitimation of international organizations: introduction and framework', p 14.

Russian government against a Muscovite activist that was arrested in Spain, despite being given the status of refugee by the Finnish government.

The third section of the chapter, in conclusion, will consider what are the institutional pressures that come from the environment and that challenge the state of facts of the system of notices. Following this assessment, the choices available to Interpol officials to deal with these pressures will be considered, using the paradigm built by Oliver and further developed by Barnett and Coleman. Finally, we will consider the actions that the organisation's officials have adopted since the first environmental pressures developed; then, future actions by Interpol will be considered and assessed.

4.1 The system of notices and diffusions in the Interpol network

One of the core functions of Interpol, as stated in the same statute adopted by the General Assembly in 1956 in Article 2, is “to ensure and to promote the widest possible mutual assistance between all criminal police authorities within the limits of the laws existing in the different countries and in the spirit of the “Universal Declaration of Human Rights””³¹⁶. In order to attain this demanding goal, and to prevent and challenge international crime perpetrators, the organisation decided to arrange a system that allowed all the national police offices that took part into it to share all the available information on wanted offenders. These pieces of information are shared worldwide in the form of notices, where police agencies from all over the world can upload the information necessary to recognise and stop criminals who managed to cross national borders and escape the jurisdiction of a specific nation.

Initially, since the telematic tools were still not available, the ICPC used to circulate these notices through publication in the organisation's periodicals, first the *International Public Safety* and later the *International Criminal Police Review*. After the reconstitution of the organisation in 1946, however, these tools of the organisation became more developed, and a new system was implemented.³¹⁷ The new method of circulation of information is still functioning nowadays; as the organisation's website let us see, Interpol assists the circulation of several notices among NCBs. These notices are shared through the I-24/7 global network of

³¹⁶ Constitution of the ICPO-INTERPOL, Art. 2.

³¹⁷ Fooner, *Interpol – Issues in World Crime and International Criminal*, p 153.

Interpol, and they are usually issued after a formal request by one of the members' NCBs, or other entities that cooperate with Interpol in the fight against international crime.³¹⁸ The type of information shared or requested by the various members of the organisation are classified by colour, to indicate the different function of the notice issued; generally speaking, however, it is possible to divide the purpose of different notices on whether they require to take action or simply information.³¹⁹

As for now, there are eight different kinds of notices that Interpol can issue on a daily basis;³²⁰ yellow notices are used by NCBs to request information about persons who went missing or are not able to identify themselves. Blue notices are issued whenever national police officers have the need to request additional information regarding a person's identity, location or other specific data regarding the nature of crimes already committed. Black notices are used to identify unrecognised corpses. Green notices circulate when NCBs need to alert their counterparts on the criminal actions perpetrated by a person, and to state if that same person is to be considered a threat to public safety or not. Orange notices are issued in order to divulge the knowledge that a person, an object or an event is considered an imminent threat to public safety. Purple notices contain -or request- information about the specific methods used by known criminals to commit illegal activities.³²¹ A further type of notice was created by Interpol with the contribution of the UN Security Council. The INTERPOL-UNSC Special Notices were first created in 2005, after the adoption of a resolution by both entities that stated the commitment to fight international terrorism, caused by the shock following the attacks of September 11. The function of this special notice is divided into three parts; firstly, it alerts the police forces of the world that there are pending UN sanctions upon certain persons or entities; secondly, it offers suggestions on what national law enforcement agencies could practically do in order to implement the sanctions on the subject in full compliance with their respective national laws; finally, it can enlarge the information available regarding the entities of persons hit by UN sanctions. Essentially, the Special Notice was created to ensure that the national law

³¹⁸ G. Calcara, 'Preventing the Misuse of INTERPOL: a Study of the Legal Safeguards of the Organisation', *Nordic Journal of International Law*, vol. 87, 2018, p 62.

³¹⁹ R. S. J. Martha, *The Legal Foundations of Interpol*, p 115.

³²⁰ N. Marino and R. Grantham, 'Wanted by INTERPOL: Strategic Thinking about Red Notices, Diffusions, and Extradition', *Criminal Justice*, vol. 30, no.3, 2015, p 3.

³²¹ <https://www.interpol.int/How-we-work/Notices/About-Notices>

enforcement authorities do all it is in their power to implement the sanctions imposed by the UN.³²²

The notice system is regulated by Interpol and is distributed through the I-24/7 channel according to the instructions of the General Secretariat. While most part of the codified notices is being kept from the public and circulated only among the NCBs, a certain number of Yellow and Red notices are made available to the public scrutiny, through the publication on the ICPO website,³²³ since they are given an important spot in the international stage.

4.1.1 Red Notices and Diffusions: nature and functioning mechanism

As it is possible to evince, however, the most requested -and yet the most controversial-kind of notice issued by Interpol is without doubt the Red Notice. According to the ICPO website, “A Red Notice is a request to law enforcement worldwide to locate and provisionally arrest a person pending extradition, surrender or similar legal action”. As stated by the INTERPOL Rules on the Process of Data, that dictate the conditions under which a Red Notice can be issued,³²⁴ “Red notices are published at the request of a National Central Bureau or an international entity with powers of investigation and prosecution in criminal matters in order to seek the location of a wanted person and his/her detention, arrest or restriction of movement for the purpose of extradition, surrender, or similar lawful action”.³²⁵

This kind of notice is required to contain the following information: on the one hand, it must convey information that would allow to correctly identify the person object of the notice, such as their name, date of birth, physical description, photograph and fingerprints. Furthermore, additional information about the crime they have committed is required. Red Notices are issued regarding fugitives upon which is pending an arrest warrant or a sentence that the fugitive has to serve.³²⁶ What it is immediately important to say is that Red Notices are not to be considered as an official international arrest warrant, even though it often treated as one;³²⁷ it is a request from a national police authority to locate and possibly detain the wanted

³²² ICPO – UNSC Special Notices and ICPO – Cooperation Between Interpol and the United Nations.

³²³ Martha, *The Legal foundations of Interpol*, p 114.

³²⁴ Calcara, ‘Preventing the Misuse of INTERPOL: a Study of the Legal Safeguards of the Organisation’, p 58.

³²⁵ INTERPOL’s Rules on the Processing of Data, Art. 82.

³²⁶ <https://www.interpol.int/How-we-work/Notices/Red-Notices>

³²⁷ *See id at 290.*

criminal in a preventive fashion, before an official extradition request is issued using the established diplomatic channels.

As noted by Savino, it is possible to identify three main features regarding Interpol Red Notices; in a first instance, it is important to properly ponder the nature of this type of notices. As already stated, the Red Notice is not, officially, the equivalent of an international arrest warrant,³²⁸ that has to be complied with by all members of Interpol. The notice, as the word suggests, is simply a sort of “message” distributed by the organisation throughout all its members; this specific message, however, contains also the actual arrest warrant, or a sentence to be served, issued by a national authority regarding certain individuals or entities. Therefore, a distinction has to be made; on the one hand, the notice about the request of arrest of an offender is issued by the organisation itself and it is circulated thanks to its international net and stored into Interpol’s database. The authority and responsibility of the notice, thus, is entirely upon Interpol. On the other hand, however, the content of the notice, and specifically the actual arrest warrant, is to be found in a national source, namely the national judiciary authority that requested the preventive detention of the offender, or that have pronounced a sentence upon the requested individual. The important deduction to make in this instance is that, for this reason, Interpol’s officials have the right to say that the Red Notice is not an arrest warrant; the fact is that often this is a technicality that most of the NCBs normally disregard.³²⁹ Indeed, even though national authorities are not by any means obliged to comply with the request of preventive arrest, most of them have got into the habit of doing so; national law enforcement officials usually decide to implement the request issued through the organisation, and can go as far as decide to preventively arrest an individual on the basis of a Blue Notice.³³⁰

A second notable feature regarding Red Notices concerns the conditions under which they can be issued. First of all, a Red Notice, before being publicly distributed, must undergo the survey of the General Secretariat of Interpol; more specifically, the assignment of controlling that all the necessary requirements before the publication of the notice is entrusted to a special task-force.³³¹ In particular, the General Secretariat imposed the threshold of three specific conditions in order to officially issue a Red Notice in their database; the first required condition

³²⁸ See *id* at 291.

³²⁹ M. Savino, ‘Global Administrative Law Meets “Soft Powers”’: the Uncomfortable Case of Interpol Red Notices’, *New York University Journal of International Law and Politics*, vol. 43, no. 2, p 287.

³³⁰ Calcara, ‘Preventing the Misuse of INTERPOL: a Study of the Legal Safeguards of the Organisation’, p 63.

³³¹ See *id* at 292.

is that the person featuring in the international wanted persons notice has been charged with a crime or has already been convicted and is due to serve a specific sentence. Secondly, the amount of information shared in the notice has to enable efficient police cooperation among member countries. Finally, national law enforcement agencies that request the issuance of a Red Notice must assure that an extradition request to the country where the individual is detained will take place.³³²

The last fundamental feature of a Red Notice is the legal effect that it causes; indeed, the arrest warrant that the Notice contains must explicitly state that an extradition procedure will be pursued by the country requesting the issuance of it.³³³ The fact that the Red Notice still needs to have attached a formal document claiming that a formal extradition request will be delivered to the country where the criminal is arrested reflects the functional need typical of Interpol, but that animated also police officials of the early 20th century to engage in international police cooperation. Indeed, the immediate request for action from fellow police officials of the world is needed for the temporary bypassing of diplomatic procedures, since the fear is that, once the offender is identified in another country, the lengthy official procedures increase the risk of escape of said criminal. At the same time, nonetheless, police cooperation does not imply, by any means, the total indifference towards the procedures dictated by treaties among countries. Therefore, a compromise had to be established between the two equally important aspects of the procedure.³³⁴

These legal requirements needed by the General secretariat respond substantially to two different priorities; one the one hand, there is the need of achieving a functioning international police cooperation; this aspect is covered by the first two conditions imposed by Interpol. On the other hand, the last requirement responds to a legal type of need.³³⁵ This can already give us an insight on the double nature of the Red Notices distributed by Interpol. Indeed, a fundamental characteristic of Red Notices is that they are not by all means a binding act; in other words, the members of Interpol are not required to take immediate action upon seeing a

³³² *See id. at 301.*

³³³ Savino, 'Global Administrative Law Meets "Soft Powers": the Uncomfortable Case of Interpol Red Notices', p 289.

³³⁴ *See id at 291.*

³³⁵ Savino, 'Global Administrative Law Meets "Soft Powers": the Uncomfortable Case of Interpol Red Notices', p 305.

Red Notice issued in the database of the organisation.³³⁶ Despite this fact, it has become common procedure to act accordingly to the request issued with the Red Notice;³³⁷ roughly one-third of the entire membership of the organisation act as if it was dealing with an actual international arrest warrant, thus proceeding with the provisional detention of the person appearing in the Red Notice.³³⁸ This can be explained in the light of the fact that the Constitution of Interpol warmly encourages all member countries “do all within their power compatible with the legislations of their countries to participate diligently in its activities”, especially in the case when a fellow member country requests for actions.³³⁹ Certainly, other members of the Interpol community do not perpetuate this behaviour; for instance, both the United Kingdom and especially the US refuse to undertake any sort of action on the only base of a Red Notice. More specifically, the US Department of Justice, before allowing the arrest of the suspect, makes sure that there is the solid basis of an extradition treaty -or even other sorts of agreements, such as a mutual judicial assistance agreement-³⁴⁰ currently valid between the requesting country and the U.S.³⁴¹

For these reasons, it is possible to draw a plausible conclusion from these facts; the nature of Red Notices poses them into the array of examples of “soft administrative act”.³⁴² This means that they have no binding character over the members of Interpol; the only binding documents that can be attributed to them entirely derives from the actual arrest warrant or sentence issued by the national justice system that seeks the detention of an offender, attached to the Red Notice. It is fundamental to consider that if the Red Notice is in conformity with an existing multilateral or bilateral treaty of extradition, other Interpol member countries could not legally ignore the request for arrest included in the notice, thus being a factor of “hardening” of the international administrative act. In addition to this, a Red Notice can be distributed when the arrest warrant

³³⁶ Savino, ‘Global Administrative Law Meets “Soft Powers”: the Uncomfortable Case of Interpol Red Notices’, p 290.

³³⁷ *See id. at 302.*

³³⁸ Marino and Grantham, ‘Wanted by INTERPOL: Strategic Thinking about Red Notices, Diffusions, and Extradition’, p 4.

³³⁹ *See id. at 292.*

³⁴⁰ N. Gan, ‘What’s an Interpol Red Notice and what power does it wield over wanted Chinese tycoon Guo Wengwui?’, *South China Morning Post*, 12 June 2017

³⁴¹ Fair Trials International, ‘Dismantling the tools of oppression: ending the misuse of INTERPOL’, 2018, p 11 and Marino and Grantham, ‘Wanted by INTERPOL: Strategic Thinking about Red Notices, Diffusions, and Extradition’, pp 4-5.

³⁴² Savino, ‘Global Administrative Law Meets “Soft Powers”: the Uncomfortable Case of Interpol Red Notices’, pp 295.

or sentence issued for an individual are in conformity with national laws, thus implying that if the offences against the requested individual are in compliance with domestic laws regarding extradition, the Red Notice may be considered binding by national authorities.³⁴³ Despite the conditions for the possible “hardening” of Red Notices, they still officially remain soft administrative acts without any formal binding character. However, since there is proof that a considerable amount of countries treats these notices as if they were actual arrest warrants, this character of “soft administrative” instrument becomes a mere technicality. Thus, this tool of soft power becomes an extension of national hard power by widespread practice.³⁴⁴ This, in turn, can seriously limit the personal liberty of the individuals that are involved in the net created by the international notice system.³⁴⁵

However, before analysing into detail what are the consequences on the individuals’ lives and the controversies that the issue of Red Notices arises in the international arena, it is worth to mention another instrument that is widely used in the international information sharing system set up by Interpol, namely “Diffusions”. Diffusions, as the ICPO website describes them, are an alert mechanism that member countries may issue to require action to other members. Diffusions are less formal than Red Notices, since they are directly issued by NCBs, even though they must follow the guidelines stated in the Rules on the Processing of Data;³⁴⁶ they have been introduced in the information-sharing system of the ICPO in the early 2000s.³⁴⁷ The purpose of the Diffusion can be slightly broader than the one of a Red Notice; it can be used to request information, but also to ask for assistance in order to locate, arrest and detain the offender at issue. In addition to being issued directly by NCBs in the system of Interpol without the supervision of the General Secretariat, Diffusions can be circulated directly to

³⁴³ Savino, ‘Global Administrative Law Meets “Soft Powers”’: the Uncomfortable Case of Interpol Red Notices’, p 296.

³⁴⁴ Savino claims that the hardening of this tool is the result of both the reinforcing process that the international treaties and the domestic law on extradition have on the Red Notices and of the convergence that seems to take place regarding the requirements for extradition of international and domestic law, that results in an informal process of mutual recognition.

³⁴⁵ Savino, ‘Global Administrative Law Meets “Soft Powers”’: the Uncomfortable Case of Interpol Red Notices’, pp 299.

³⁴⁶ <https://www.interpol.int/How-we-work/Notices/Red-Notices>

³⁴⁷ Fair Trials International, ‘Dismantling the tools of oppression: ending the misuse of INTERPOL’, p 11.

certain NCBs and not to others; in this way, there is the advantage to maintain a certain level of secrecy, so that sympathising countries could not offer their support to wanted persons.³⁴⁸

Now it is important to outline the procedure with which the Red Notices and Diffusions are issued at the international level. Indeed, there is a slightly different procedure for the dissemination of these two kinds of notices. As for the Red Notice, there must be a previous control on the validity of the request before the notice is officially approved by the organisation. The procedure consists in a revision made by the General Secretariat of Interpol; this happens because the notices must not be in contrast with the general aims and obligations that the organisation decided to undertake with its constitution.³⁴⁹ More specifically, the request from the NCBs must not violate any of the three basic principles considered to be binding by the organisation. These basic principles are the following: the Rule of Law, Neutrality and Legality; the first concept refers to the compliance of the request with the human rights as stated in the Universal Declaration of Human Rights drafted by the United Nations and embraced by Interpol. Secondly, as we have already vastly covered in the third chapter, neutrality³⁵⁰ is one of the fundamental values to which the organisation and its officials devoted themselves, since the beginning of its history. Therefore, the request of diffusion of a notice must respect the principles stated in the Article 3 of Interpol's constitution, namely the commitment, namely "not to undertake any intervention or activities of a political, military, religious or racial character".³⁵¹

Finally, the General Secretariat commits itself to ensure that the request follows the legal standards requested for the handling of information by the Rules of Processing of Data adopted by Interpol, as well as by other international and domestic laws on the matter.³⁵² The General Secretariat can ensure the compliance to these principles through three main powers; in a first instance, it has the authority to ask the requesting country to give further details in the spirit of a full cooperation, in the case that the panel of scrutiny finds certain elements that could cast

³⁴⁸ P. M. Thomson, 'Interpol's Transnational Policing By "Red Notice" and "Diffusions": Procedural Standards, Systemic Abuses, and Reforms Necessary to Assure Fairness and Integrity', *The Journal of the Federalist Society Practice Groups*, vol. 16, no. 2, 2015, p 26.

³⁴⁹ Savino, 'Global Administrative Law Meets "Soft Powers": the Uncomfortable Case of Interpol Red Notices', p 303.

³⁵⁰ Thomson, 'Interpol's Transnational Policing By "Red Notice" and "Diffusions": Procedural Standards, Systemic Abuses, and Reforms Necessary to Assure Fairness and Integrity', p 25.

³⁵¹ Constitution of the ICPO-INTERPOL, Art. 3.

³⁵² See *id.* at 321.

doubts on the validity of the request. Moreover, it can add a comment attached to the notice that encourage caution in the consideration of the information contained in the notice itself; this is usually a method used when, for example, the Secretariat is aware of the fact that the wanted person's extradition request has already been denied in other member countries. Last but not least, the request of issuing a Red Notice may be rejected altogether by the members of the General Secretariat, if this would imply the discarding of the preceding guidelines.³⁵³

As for Diffusions, controls regarding their dissemination have not always been the same as the ones currently applying to Red Notices. First of all, diffusions used to be -and still are- published directly by NCBs, and not by Interpol, even though they are distributed by means of the I-24/7 system. Before 2012, the legislative measures to control if the demand for arrest was valid did not have to be applied to Diffusions, meaning that there was not a minimum penalty to be requested to support the request for a provisional arrest.³⁵⁴ Moreover, there was no formal control of the diffusion request, even when it requested for action, more specifically for the arrest and detention of the wanted person; before 2012, the preventive review performed by the General Secretariat was not compulsory. Finally, the diffusions were meant to be regulated exclusively by the Rules for Processing Data.³⁵⁵ However, this brought to substantial problems, since practically the difference between Red Notices and diffusions was dismissed; the fact that both the requests were diffused by means of the Interpol web meant that the arrest warrant contained by both the Red Notices and diffusions were endorsed by the organisation. As it is apparent, a serious problem arose, since the Diffusions, that had to meet less severe legal standards, were considered like actual arrest warrants by a considerable amount of member countries -as it was happening in the case of Red Notices. But this changed in 2012, as already mentioned, when the Interpol's Commission for Control of Files proposed to introduce the same compliance checks for diffusions that were already in place for the control of Red Notices.³⁵⁶

However, the mechanisms to challenge these notices will be considered later in this chapter; now we will move on and analyse how the system of notices raised considerable international concerns regarding the abuse that certain nations seem to perpetrate towards individuals. This issue was mainly raised thanks to non-governmental organisations that are

³⁵³ Savino, 'Global Administrative Law Meets "Soft Powers": the Uncomfortable Case of Interpol Red Notices', p 304.

³⁵⁴ Fair Trials International, 'Strengthening respect for human rights, strengthening INTERPOL', p 15.

³⁵⁵ See *id.* at 319.

³⁵⁶ See *id.* at 326.

concerned with the defence of human rights of single individuals, who have been heavily damaged by abusive practices of this system.

4.2 Red Notices and Diffusions as threats to human rights

The work of Interpol has been, without doubt, highly useful in the fight against international crime, as has been the use of the system of notices, and more specifically of Red Notices. One of the examples of the efficiency of this practice has been the so-called operation VICO. This specific operation consisted into circulating a series of photographs of an unknown man, suspected of child pornography crimes, in the Interpol website, in order to discover his identity.³⁵⁷ Initially, the images available were not suitable to a useful recognition, since the face of the person captured was distorted by a spiral, so that it could not be identified. Once determined that the man in the set of 200 photos distributed on the Internet that portrayed a person in explicit pornographic scenes³⁵⁸ were of the same man, the German NBC decided to issue a Blue Notice, in order to collect more information about the suspect. However, given the fact that other NBCs were not able to give additional and useful information about the suspect, the General Secretariat decided to publish the face of the man in the Interpol website and make it available to the general public.³⁵⁹ This, in turn, led to a rapid identification of the name of the suspect, as well as his nationality, passport number, current country of residence and recent movements.³⁶⁰ At this point, the General Secretariat could officially issue a Red Notice to request the arrest of the suspect, that occurred in a remarkably quick time. This operation, albeit showing the striking efficiency that can be achieved through rapid and precise international police cooperation, presented some critical points. For example, a Red Notice should not have been issued when the identity of the man portrayed in the photos was not without any doubt the one of the perpetrators of the crimes. Secondly, there was not an official arrest warrant pending on the man of the photos circulated by the Interpol system; this went against the Rules of

³⁵⁷ United Nations 5th Special Meeting of the Counterterrorism Committee with International, Regional and Sub regional Organizations (Nairobi), 28-31 October 2007.

³⁵⁸ M. Delahousse, 'Le Pédophile "Vico" est cerné en Asie par Interpol', *Le Figaro*, 17 October 2007.

³⁵⁹ G. Calcara, 'The Role of INTERPOL and Europol in the Fight against Cybercrime, with Particular Reference to the Sexual Exploitation of Children Online and Child Pornography', *Masaryk UJL & Tech*, vol. 7, no. 19, 2013, p 26.

³⁶⁰ *See id. at 326.*

Processing of Data, that required specific legislative elements.³⁶¹ This can already show us the thin line on which Red Notices may be used. In the operation VICO case, the means were justified by the end, since the person featured in the photographs turned out to be a real child molester, who fortunately was stopped and imprisoned. However, this does not exclude the fact that that in many other cases, the Red Notice system can be misused -or abused- by member nations.

4.2.1 The violations of the spirit of the Universal Declaration of Human Rights committed through the abuse of the system of notices

A certain number of reports found out that there was an alarming number of countries that abused the notice system in one way or another. An article published by CNN, for instance, pointed out that, according to a report drafted by the International Consortium of Investigative Journalists, at least 17 members of the international organisation were involved in the unjust prosecution of “political opponents, economic targets and environmental activists” as of 2011.³⁶² Despite the fact that the then Secretary General Ronald K. Noble stated that the problem of the system of notices’ abuse must not overshadow the positive results achieved thanks to these tools, and that the most part of notices is actually issued by European countries,³⁶³ the issue has risen a considerable amount of concern.

Indeed, the membership of Interpol includes a vast array of forms of government, from democracies to governments with more strict regimes. And these countries often are under authoritarian regimes, where civil rights and liberties are almost non-existent, where governments are heavily affected by corruption issues and try to suppress political opponents who openly show their dissent.³⁶⁴ This was the case of Shahram Homayoun, a critic of the Iranian regime who fled to the U.S. and engaged himself in organising a series of protests against his motherland’s government. He discovered to be under the radar of an Interpol’s Red Notice, requested by Iran, after his bank account was momentarily frozen. He was not able to travel again outside the U.S. and carry on with his life. Again, The New York Times in 2014 published an article where the author highlighted the abuse that countries like Russia continued

³⁶¹ See *id.* at 330.

³⁶² L. Lewis, ‘Are some countries abusing Interpol?’, *CNN*, 18 July 2011.

³⁶³ K. Gilsinian, ‘Interpol at 100: Does the World’s Police Force Work?’, *The Atlantic*, 12 May 2014.

³⁶⁴ T. R. Broumund and D. B. Kopel, ‘Necessary Reforms Can Keep Interpol Working in the U.S. Interest’, *Backgrounder*, vol. 2861, 2013, p 11.

to perpetrate towards certain of its citizens. An example of this can be found with Nikita Kulachenkov, who was involved in anticorruption operations in the Russia Federation, or of William Browder, who publicly protested against Russian government for the assassination of his Muscovite lawyer during his detention in prison. In the instance of the Russian Federation there are more than several examples that testify the long reach of the persecution of people disliked by the ruling class.³⁶⁵

In its constitution, Interpol's primary aim is established as "to ensure and promote the widest possible mutual assistance between all the criminal police authorities within the limits of the laws existing in the different countries and in the spirit of the "Universal Declaration of Human Rights"". ³⁶⁶ The Universal Declaration of Human Rights (UDHR) is not a binding treaty signed by states, but it can be considered as a document bearing a fundamental moral value.³⁶⁷ Indeed, it was an inspiring document for the following formal codifications of human rights, namely the International Covenant on Economic, Social and Cultural Rights and International Covenant on Civil and Political Rights.³⁶⁸

Even though the UDHR is not binding, there is a trend in the consideration of the contents of customary law on human rights that considers the Declaration as intrinsically customary,³⁶⁹ or as an official interpretation of the human rights clauses of the UN Charter.³⁷⁰ Some scholars claim that at least a considerable number of provisions established in the UDHR have reached the status of customary law, given the recognition that that they have reached in international and domestic tribunals. Unfortunately, experts have not reached an agreement on this issue yet.³⁷¹

However, scholars in the sociological institutionalism field maintain that both governments and non-state actors are required to recognise the existence of fundamental human rights,³⁷² and are prodded into accepting the accountability framework for their actions constituted by

³⁶⁵ A. Higgins, 'How Moscow Uses Interpol to Pursue Its Enemies', *The New York Times*, 6 November 2018.

³⁶⁶ Constitution of the ICPO-INTERPOL, Art. 2

³⁶⁷ J. O. Oraá, 'The Universal Declaration of Human Rights', in F. G. Isa and K. de Feyter (eds), *International Protection of Human Rights: Achievements and Challenges*, Bilbao, 2006, p 133.

³⁶⁸ G. Oestreich, *Storia dei Diritti Umani e delle libertà fondamentali*, Laterza, 2007, pp 178-179.

³⁶⁹ T. Meron, *The Humanization of International Law*, p 364.

³⁷⁰ J. O. Oraá, 'The Universal Declaration of Human Rights', pp 122-123.

³⁷¹ D. L. Shelton, *International Human Rights Law*, Cheltenham, Edward Elgar, 2014, p 77.

³⁷² T. Risse and S. C. Ropp, 'Introduction and Overview', in T. Risse, S. C. Ropp and K. Sikkink (eds), *The Persistent Power of Human Rights: from commitment to compliance*, New York, Cambridge University Press, 2013, p 9.

international human rights and humanitarian law.³⁷³ In this instance, the point is that the reported misuse of the system of notices have been often considered to be inconsistent with the spirit of the UDHR, thus creating a contrast between the action that the organisation performs by allowing Red Notices and Diffusions to be distributed and its aims as stated in its constitution.³⁷⁴

This issue casts serious doubts on the legitimacy of the organisation and its tools of action, given the several inconsistencies that they may have with the fundamental rights and freedoms, and the fact that the principles enshrined in the UDHR can be considered as widely shared values.³⁷⁵ Even though from a strictly legal point of view the infringement of the spirit of the UDHR may not be considered as formally punishable -given its lack of binding power-, this situation raises an important question about legitimacy for Interpol. Thus, the practice of the misuse of Red Notices and Diffusions, creating a *delegitimation* of the image of the organisation,³⁷⁶ unleashes important institutional pressures that Interpol's officials were forced to face.

In the following paragraphs I will try to give an overview of the main instances in which the principles of the UDHR have been disrespected through the misuse of the system of notices. One of the articles of the Declaration that has been often violated as a result of a Red Notice or Diffusion is Article 9, that states: "No one shall be subjected to arbitrary arrest, detention or exile".³⁷⁷ It is important to highlight that a Red Notice or a diffusion are available to the sight of all the NCBs in a matter of minutes, but an individual is probably not aware when a notice is issued against him or her. This, of course, until they are suddenly arrested, since a considerable number of countries act promptly when a notice that requests for action is issued.³⁷⁸ This can cause extreme damage to the life of an individual, since the unexpected arrest do not allow them to move with speed and challenge the Red Notice or Diffusion. Moreover, a high number of arrested people on the basis of a Red Notice or a Diffusion are not aware of what they are going through; these forces them to hire expensive lawyers, often more

³⁷³ Shelton, *International Human Rights Law*, p 215.

³⁷⁴ J. Semmelman, 'Interpol Red Notices and Diffusions: Powerful -and Dangerous- Tools of Global Law Enforcement', p 34.

³⁷⁵ Martha, *The Legal Foundations of Interpol*, p 15.

³⁷⁶ Tallberg and Zürn, 'The legitimacy and legitimation of international organisations: introduction and framework', p 8.

³⁷⁷ Universal Declaration of Human Rights, United Nations, Art. 9.

³⁷⁸ Fair Trials International, 'Strengthening respect for human rights, strengthening INTERPOL', 2013 p 16.

than one -there is the need to know both the justice systems of both the countries involved in the arrest and of the functioning of the Interpol system of notices. The life of the individual is then put on hold, more often than not; the process of challenging a notice is a lengthy one, and in this case, if the extradition procedure is not immediately approved or rejected, the detention can last as long as several months.³⁷⁹

In addition to this, the issuance of a Red Notice or Diffusion can violate Article 13 of the declaration, that states that an individual has the right of freedom of movement, both within and outside the borders of each State.³⁸⁰ This restriction of the freedom of movement usually occurs when the person targeted by the Red Notice is aware of the fact that he/she is currently wanted by the Interpol. The refraining from travelling may be either a willing decision, since the wanted person is well aware of the trouble in which they could run into, or it could be an imposed condition, since people who are object of a notice have difficulties into obtaining visas. The harmful effect that this constraint can lead to can be intuitive; a person could never be able to see their family or friends again, because this would cost them their freedom, and possibly even more. Other collateral effects, that may nevertheless cause severe harm to the individual, are the losses that the impossibility to travel can cause to one's career or commercial relationships and activities.³⁸¹ Of course, this situation is bound to have negative effects on all the other aspects of the life one's person, since it may bring to financial and occupational insecurity.

Moreover, the reputation of the subject of an Interpol notice is undoubtedly damaged, thus leading to a violation of Article 12 of the UDHR, that states: "No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks".³⁸² This can occur especially when the Red Notice is published in the Interpol website and can be visited by the general public -remembering that, with diffusions this is not possible, since they are distributed under the form of unofficial messages among NCBs. The fact to have one's identity linked with criminal records can be, as easily imagined,

³⁷⁹ Fair Trials International, 'Strengthening respect for human rights, strengthening INTERPOL', p 16 and Thomson, 'Interpol's Transnational Policing By "Red Notice" and "Diffusions": Procedural Standards, Systemic Abuses, and Reforms Necessary to Assure Fairness and Integrity', p 27.

³⁸⁰ Universal Declaration of Human Rights, United Nations, Art. 13.

³⁸¹ Fair Trials International, 'Strengthening respect for human rights, strengthening INTERPOL', November 2013, p 17.

³⁸² Universal Declaration of Human Rights, United Nations, Art. 12.

devastating on someone's life. Relationships may be destroyed, working life could meet its end, and the person could find extremely difficult to apply to another job or having a normal life in any community.³⁸³

Finally, and probably one of the most problematic effects of a Red Notice or a diffusion, is the fact that a person may be find difficult to gain political asylum once becoming a target of one of these tools. According to Article 14 of the UDHR, "Everyone has the right to seek and to enjoy in other countries asylum from persecution."³⁸⁴ The existence of criminal records regarding the asylum seeker may become a reason for opposition from national authorities to grant the state of refugee to someone.³⁸⁵

The fact that the system of notices has long-lasting effects on the lives of the targeted individuals is the one of the major problems that it may raise. In the following section we will see how, practically, this can happen.

4.2.2 Practical examples of Red Notices and diffusions cases

To gain a better understanding that Interpol's system of notices has caused during its existence, the best option is to bring real examples of how it affected people's life. In the cases presented in the following section, we will be able to see how the mechanism of both Red Notices and diffusions has been exploited and abused; these episodes happened several years ago, and some changes have been implemented in the controls carried out by Interpol during the years. However, it is important to trace the phenomenon back to its origin to have a full understanding of the changes that occurred later.

To show how an authoritarian regime could exploit the Red Notices to pursue its political opponents, we will see the case of Akezhan Kazhegeldin; he had been prime minister of Kazakhstan from 1994 to 1997. After his resignation he began to contest more openly the authoritarian regime ruling in Kazakhstan and decided to participate in movements that promoted the idea of free elections. In 1999, Interpol complied with the request of the Kazakh NCB and issued a Red Notice targeting Kazhegeldin, who was charged with a accuses of tax evasion, money laundering, abuse of office and illegal ownership of properties abroad. After

³⁸³ Marino and Grantham, 'Wanted by INTERPOL: Strategic Thinking about Red Notices, Diffusions, and Extradition', p 5.

³⁸⁴ Universal Declaration of Human Rights, United Nations, Art. 14.

³⁸⁵ Fair Trials International, 'Strengthening respect for human rights, strengthening INTERPOL', p 18.

the notice was issued, the former Kazakh prime minister was arrested while trying to enter Russia to participate to a meeting of the Republican Peoples Party of Kazakhstan. He founded the party after having accurately proven his innocence from all the accusations made by the regime of Nazarbayev, and he started to oppose to his rule even more vehemently. While Russian authorities were detaining Kazhegeldin on the basis of the Red Notice, however, the Kazakh prosecutor failed to produce evidence in support of the allegations; thus, the former prime minister was released, and he could go on with his activities.³⁸⁶ In this case it is apparent that the *ex-ante* scrutiny carried out by the General Secretariat when a Red Notice is required to be issued is not always sufficient to detect some form of abuse before the rights of individuals are crushed. The judicial review in the state of detention is essential to the destiny of the targeted individual, but it usually came too late, after the human rights had already been infringed.³⁸⁷ The hardships that Kazhegeldin had to endure, however, were not finished yet. Indeed, in the summer of 2000, he was arrested by Italian authorities; he was travelling to Rome where he had meetings to continue his political opposition to the Kazakh regime and advancing democratic proposes and free press petitions for Kazakhstan. Once again, the Kazakh NCB managed to issue a Red Notice against Kazhegeldin, offering the same allegations, with the less credible addition of being a terrorist threat. To back up their request to Interpol, Kazakh authorities decided to convict Kazhegeldin *in absentia* for all the crimes he was accused of; the process was declared by OCSE as unfair. Nonetheless, the conviction was a sufficient base for the issuance of the Red Notice, therefore the Kazakh regime managed once again to bypass the constitutional limits imposed on Interpol's mandate and to exploit the system for their own political targets.³⁸⁸ The case in Italy followed the script already seen in the Russian detention of Kazhegeldin; national authorities concluded that the evidence offered by the Kazakhs did not justify the detention of the former prime minister, therefore Kazhegeldin was released. This example shows us the power that a Red Notice can have at the international level; countries like Italy and Russia, in this case, acted promptly in response to such an international request for action. Even though the grounds to detain Kazhegeldin were not justified, his freedom and

³⁸⁶ C. R. Both, 'International Police Force or Tool for Harassment of Human Rights Defenders and Political Adversaries: Interpol's Rift with the Human Rights Community', *ILSA Journal of International and Comparative Law*, vol. 8, 2002, p 359.

³⁸⁷ Savino, 'Global Administrative Law meets Soft Powers: The Uncomfortable Case of Interpol Red Notice', p 291.

³⁸⁸ Both, 'International Police Force or Tool for Harassment of Human Rights Defenders and Political Adversaries: Interpol's Rift with the Human Rights Community', p 360-361.

rights resented of this tool, that was twice used by an authoritarian regime to pursue political objectives, in order to reduce to silence an important proponent of the opposition.³⁸⁹

However, Red Notices are not the only tool that have been abused by several member countries of Interpol during the years. Diffusions may have the same effect on the life of an individual; now we will report the case of an arrest, made for political purposes, made on the basis of an Interpol diffusion. The case proposed in the following section is about Petr Silaev, a Russian activist who happened to be the target of a Russian diffusion. He used to be a fairly known activist from Moscow; he frequented anti-fascist groups since his teenage years and later spread his ideas developing an outstanding position in the publishing sector, online blogging and literary writing. Troubles for him officially began in 2010, after he took part into a protest set up by the ecological movement, aimed at opposing the destruction of the Khimki forest for the development of a St. Petersburg-Moscow highway. During the demonstration the protesters caused superficial damage to the central administrative building of the Khimki city; after these facts, Russian authorities began to issue arrest warrants for all the anti-fascist activists of the Federation. For this reason, Silaev decided it was best for him to leave the country; he subsequently fled to the European Union and in 2012 he received asylum from Finland and continued to share his opinions about the political situation in Russia.³⁹⁰ At this point, Russian authorities tried to reach him and accused him of hooliganism and other vague actions; they managed to issue a diffusion that requested the provisional arrest of Silaev. Indeed, when the young activist decided to travel to Spain in 2013, in order to meet with some friends, he was arrested by Spanish police because of the diffusion distributed for his name. After having verified that the accusations brought by the Russian NCB were groundless, Spanish national authorities decided to free Silaev. In addition to this, Spanish authorities recognised that the request from their Russian counterpart was politically motivated, that the prosecution was carried out without a real judicial oversight, that there was no reliable substantiation of the accusations and that it was not possible to proceed with the extradition of the suspect since he had been granted political asylum from Finland. This, however, does not cancel the fact that he was unfairly detained for a certain period of time and had his freedom restricted. The problem, in this case, was that the General Secretariat review was not a useful defence against political

³⁸⁹ Savino, 'Global Administrative Law meets Soft Powers: The Uncomfortable Case of Interpol Red Notice', p 292.

³⁹⁰ Fair Trials International, Spotlight - Petr Sialev.

persecution by Russian authorities. Diffusions, indeed, were published before the General Secretariat could review them; even though it was signalled that the revision had not taken place yet, the arrest request was nonetheless visible to the member countries, since it was uploaded into the I-24/7 system. The method of processing requests at the time was seriously prone to be exploited by countries where corruption and political abuses were dominant features.³⁹¹

These elements prompted a series of NGOs to press for a reform of the Interpol system. The abuse that it could cause to the protection of human rights was apparent. Therefore, Interpol was requested to take action as soon as possible, in order to respect Article 2 of its constitution, where the organisation engaged itself into respecting the Declaration of Human Rights.

Despite the controls that are established for the issuing of notices that request the location, arrest and preventive detention of criminals who crossed national borders, there are a great number of examples that exemplify the fact that several nations manage to exploit this mechanism to prosecute internal dissidents or political opponents.

4.3 Institutional pressures on the system of notices and how Interpol deals with them

As it has become clear, protests for the misuse that some countries resorted to with the intent of bypassing the constitutional mandate of the organisation arose particular concerns in the international community. More specifically, non-governmental organisations began to raise awareness on the subject of the damage of human rights that these abuses were causing. The individual cases were discussed with the organisation's officials, and recommendations and petitions were made, in order to integrate the existing system of controls with more security mechanisms, that would allow a more protective environment for unfairly targeted individuals. Moreover, a series of individuals attempted to file lawsuits against Interpol in national courts to challenge some of its acts, thus creating the need to strengthening the immunity of the organisation so that their officials could preserve its efficiency.³⁹² Due to these changes at environmental level, Interpol's officials were forced to face a new wave of pressures, that began to reach considerable peaks. The handling of data about individuals has become one of the most

³⁹¹ Fair Trials International, 'Strengthening respect for human rights, strengthening INTERPOL', pp 37-39.

³⁹² R. S. J. Martha, 'Challenging acts of INTERPOL in Domestic Courts', in A. Reinisch (ed.), *Challenging Acts of International Organisations before National Courts*, 2010, pp 207-208.

important controls that the organisation may have to carry out in order to shield the human rights observation.

4.3.1 The choice of strategy to pursue environmental pressures on the matter of the misuse of the system of notices

As outlined by Oliver on the one hand, and Barnett and Coleman on the other, there may be different responses that IOs officials can conceive in order to face these pressures. More specifically, the general directions are two: either the line of actions of the IOs aims at yielding and accepting to comply to the new requests, or they adopt a defying stance and refuse to accept the conditions that the environment try to impose on them. As we have seen, between the two extremities there is a series of more gradual responses to pressure, that allow them to reach a sort of compromise with the expectations that they are subjected to.

In the case of abuses of the notice system, there were several critical points that the organisation's officials had to consider. On the one hand, indeed, a stricter control over the activities of the organisation and the way in which it handles information may put some constraints on the efficiency of police work. Efficiency, if we look back at the first moves that police officials made back in the 20th century, was the most important reason why international cooperation was pursued in the first place. This is also the main justification for the lack of transparency on the organisation's activities, since the secrecy that law enforcement agencies maintain about information and its handling is fundamental to "prevent and disrupt serious crime and terrorism".³⁹³ This seems to be a valid motivation to choose a strategy that implies the refusal to comply with the environmental requests, therefore a line of action such as avoidance, defiance or manipulation. On the other hand, however, constructivist studies highlight the fact that IOs are built on authority and legitimacy. Therefore, should Interpol fail to respect shared values such as the respect for human rights law, it would consequently lose its image of legitimacy that rests on the universal shared values to which it is committed. For this reason, other strategies, namely acquiescence or compromise, seem to be more suitable to face these kinds of environmental pressures.

The solution that Interpol's officials seem to have chosen is the latter. Indeed, as Cheah highlights, the organisation apparently started a process towards legalisation, especially

³⁹³ See *id.* at 334.

regarding matters of data management and the impact that Interpol's procedures have on the lives of individuals.³⁹⁴ In my opinion, the tactics that the organisation's officials have implemented during the years can be compatible with the strategy of compromise, where the institutional compliance provided by the organisation is only partial.

4.3.2 How to frame the issue of data management in Interpol's procedures

In the case of data management and Interpol, the best strategy to pursue is a delicate matter. The problem must be framed in the following terms; first of all, an international organisation like Interpol is an example of a particular case of accountability.³⁹⁵ Indeed, as all IOs, Interpol must respect the interests of both its member countries and the objectives that its own constitution dictates. The controversial issue in the case of Interpol is that the organisation deals with sensitive data; one the one hand, information stored in Interpol system are a property of the national police agencies that submit them. This means that the organisation does not have full power to supervise and organise the information stored in its system; the national NCBs decide what to do with that information. On the other hand, it is clear that, as an IO, Interpol must also respect the international law; this means also to comply with its constitutional duty to respect human rights legislation.³⁹⁶

Secondly, it is important to remember that as an IO, Interpol has usually benefited from the immunity in front of national courts that derives from its position. This turns out to be a problem, however, when the organisation is accused of infringing some basic rights, resulting from the incorrect handling of personal data. Indeed, if the personal information of an individual is used in an abusive manner, and this results in the failure to observe its constitutional duties, the individual does not have the possibility to make her complaints heard in front of a court.³⁹⁷

These factors are problematic, if we consider the issue of human rights. Indeed, how the organisation is supposed to ensure their respect if there are no tools that can give a remedy to targeted individuals? According to Cheah, Interpol came up with a specific idea in order to

³⁹⁴ W. L. Cheah, 'Mapping Interpol's Evolution: Functional Expansion and the Move to Legalization', 2015 p 33.

³⁹⁵ J. Sheptycki, 'The Accountability of Transnational Policing Institutions: the Strange Case of Interpol', *Canadian Journal of Law and Society*, vol. 19, no. 1, 2004 p 132.

³⁹⁶ W. L. Cheah, 'Policing Interpol: The Commission for the Control of Interpol's Files and the Right to a Remedy', *International Organizations Law Review*, vol. 7, no. 2, 2010 p 378.

³⁹⁷ J. Sheptycki, 'Transnational Organization, Transnational Law and the Ambiguity of Interpol in a World Ruled with Law', *Transnational Crime*, vol. 1, nos. 2-3, 2017, p 76.

preserve the organisation's autonomy and at the same time to protect the legitimacy as an IO that it managed to obtain in the previous decades.³⁹⁸ The solution the officials thought of was the creation of a body inside the context of Interpol that was meant to control the use of personal data and, later, to become the main reference to individuals with complaints to file against the methods and actions of the organisation.

4.3.3 The Commission for the Control of Interpol's Files

The Commission for the Control of Interpol's Files was not initially meant to be a body that dealt with individual cases of controversy raised by individuals. Indeed, the CCF was first created with the signing of the Headquarters Agreement between Interpol and France in 1989.³⁹⁹

The need for the control of files stored by the organisation became a major issue in the moment when technology began to develop. In 1978, the French government approved a law that stated that individuals had the right to access data that regarded them through a designated body. Since Interpol's headquarters were located in France, the French Data Protection Authority tried to exert jurisdiction over personal data stored by Interpol; this raised a considerable problem for the organisation, since accepting this condition imposed by the French government would imply that it would lose a significant portion of its autonomy. The solution to this controversy came in 1989, when the organisation and the French government signed the Headquarters Agreement, where both parties engaged themselves to the aim of data protection, while at the same time protecting international police cooperation and the respect of human rights. The arguments in favour of maintaining the autonomy of Interpol were that, first of all, the organisation was not the true owner of the data concerned but acted merely as a storage. Secondly, the French supervision over Interpol's data could damage the very first aim of the organisation, that was the promotion of international police cooperation; indeed, participating countries could opt to avoid sharing such sensitive data, should French authorities supervise them.⁴⁰⁰ After the creation of what was then called Supervisory Board, Interpol decided to adopt the Rules on International Police Co-operation and on the Internal Control of Interpol's Archives. Later, this set of rules was substituted with the Rules Relating to the Control of

³⁹⁸ Cheah, 'Policing Interpol: The Commission for the Control of Interpol's Files and the Right to a Remedy', p 404.

³⁹⁹ Cheah, 'Policing Interpol: The Commission for the Control of Interpol's Files and the Right to a Remedy', p 386.

⁴⁰⁰ Martha, *The Legal Foundations of Interpol*, p 95.

Information and Access to Interpol's Files, that, among other provisions, changed the name of the Supervisory Board in the CCF.⁴⁰¹

However, the major change in the organisation's procedures on the management of data came in 2008. Indeed, in this year the CCF was recognised in the organisation's constitution, and therefore became an official body of the organisation. This meant that the Commission was exclusively controlled by Interpol itself, confirming the independence of the organisation from the French government.⁴⁰² The main role of the CCF was to ensure that Interpol's activities that implied the handling of data were in conformity with the laws intended to protect individual's rights. More specifically, the Commission would give advice to Interpol's officers about any activity that involved the use of personal data, and it had to consider the requests of access to Interpol's data from individuals and organisations. In the case that the CCF had concerns about these activities, it had the possibility to request the General Secretariat to do a check on the issues cause of controversy. After the control carried out by the General Secretariat, the CCF had the right to ask for additional information to the General Secretariat, the data source or the individual who raised the issue. Once all the possible controls are carried out, the CCF can draw its conclusions and make recommendations; however, the General Secretariat in the end has the ability to disagree with the conclusions provided by the CCF and in the end has the capability to ignore them without further actions are made.⁴⁰³ This is ultimately a way in which the organisation's officials managed to preserve the organisation from exterior attacks from damaged individuals, and at the same time maintain its autonomy.⁴⁰⁴

However, the mechanism set up in the CCF to the right to a remedy of individuals raised certain concerns about its efficiency, especially among the individuals unfairly targeted by the system of notices and the international community. In 2013, Fair Trials International published a report about the abuses perpetrated on the system, of the imperfect mechanism of complaint

⁴⁰¹ Cheah, 'Policing Interpol: The Commission for the Control of Interpol's Files and the Right to a Remedy', p 387.

⁴⁰² Cheah, 'Policing Interpol: The Commission for the Control of Interpol's Files and the Right to a Remedy', p 388.

⁴⁰³ Cheah, 'Policing Interpol: The Commission for the Control of Interpol's Files and the Right to a Remedy', pp 390-39.

⁴⁰⁴ Sheptycki, 'Transnational Organization, Transnational Law and the Ambiguity of Interpol in a World Ruled with Law', p 76.

of the organisation and on the direction that Interpol's officials should take in order to ensure a better respect of human rights.⁴⁰⁵

More specifically, the human rights organisation pinpointed several areas where progresses should be made. First of all, they detected the lack of an access to remedy to abuses and this condition is apparent on several levers. Indeed, there is the lack to seek a remedy on national level; on the one hand, the individual could address directly the NCB that issued the Red Notice or Diffusion, and on the other ask for help from their country of origin or the country that provided them with the refugee status. This solution, however, turned out to be inaccessible in several instances. In addition to this, there is no external judicial oversight on Interpol's decisions and actions, as we have already seen; with agreements with most of its member countries, the organisation secured itself immunity from national courts. Finally, there is the lack of an external control on data handling, since the only organ that controls these activities is part of the organisation's official bodies itself. The CCF, however, does not provide a satisfactory place for individuals to seek remedies to abuses.⁴⁰⁶

Indeed, the organisation reports the insufficiency of the procedures of the CCF to exhaust the requests of individuals involved in practices of abuse perpetrated by the NCBs. As it is clear, even though the CCF plays an important advisory role within Interpol, one of its main purposes is nonetheless to protect Interpol and preserve its immunity from national courts.⁴⁰⁷

The remedies offered by the CCF to individuals are not sufficient to be declared satisfactory and in line with the standards of human rights protection. To prove that, Fair Trials shows that this body has two main ways to address individual concerns; on the one hand, it may give the right to access the information pertaining an individual and on the other it may evaluate the requests for deletion of information. The problem is that these procedures are not easily accessible to people that are in distress as a result of the issuance of a notice. Moreover, the national sovereignty principle has still a particular relevance at the Interpol level.⁴⁰⁸ As we have already assessed, information stored in Interpol's database is still a property of the NCBs that submit them, therefore if there is not the permission given by NCBs to disclose or delete personal information, the CCF cannot take meaningful action in controversial cases -even

⁴⁰⁵ Fair Trials International, 'Strengthening the respect for human rights, strengthening Interpol', 2013.

⁴⁰⁶ Fair Trials International, 'Strengthening the respect for human rights, strengthening Interpol', pp 49-51.

⁴⁰⁷ Fair Trials International, 'Strengthening the respect for human rights, strengthening Interpol', pp 52-54.

⁴⁰⁸ Sheptycki, 'The Accountability of Transnational Policing Institutions: the Strange Case of Interpol', p 128.

though, theoretically, there may be some exceptions. Finally, the procedures initiated by the CCF are usually plagued by extensive delays, thus seriously hampering the rights and lives of individuals.⁴⁰⁹

The last problem is registered on the issue of cancelling sensible data. In this case, during the assessment of the request for a Red Notice of diffusion, the CCF must consider whether the information uploaded by the request of the NCBs respect the Rules of Processing or not. The assessment implies a crossed check of several legal documents and an evaluation of the provisions to take upon the matter at stake, when the situation is particularly serious.⁴¹⁰ Once the CCF has verified that the information is not in compliance with Interpol's rules, it might block the information on the organisation's database and public website -even though this does not mean that the national NCBs do not preserve a copy of the information discussed. Moreover, Fair Trials detects a serious lack of transparency regarding the process of revision of information carried out by the CCF, a lack of obligations to have experts on extradition and asylum law inside the CCF and finally the lack of requirement of giving reasons after the Commission has concluded its research and evaluation of the request. A final important remark is the evaluation of the independence of the members of the Commission; Fair Trials, indeed, recognises that the CCF has not the power to make binding requests to the other organs of Interpol, thus hampering the effective right to a remedy of the individuals concerned. In addition, the CCF has required the assistance of the Office of Legal Affairs of the General Secretariat in certain instances, therefore casting doubt on the real independence of the Commission.⁴¹¹

4.3.4 Provisions taken to face the abuses

As already anticipated, the pressures that resulted from the request of improvement of the mechanism to request a remedy in the organisation itself -the penalty being the lack of legitimacy of the organisation - did bring certain results. Gradual changes were made since 2014, and the result was a series of compromises in order to grant better respect for human rights on the one hand, and to maintain Interpol's legitimacy and certain control over its files

⁴⁰⁹ Fair Trials International, 'Strengthening the respect for human rights, strengthening Interpol', pp 54-55.

⁴¹⁰ Y. Nemets, 'INTERPOL's New Policy on Refugees: Is Everything Settled?', SSRN Electronic Journal, 2016

⁴¹¹ Fair Trials International, 'Strengthening the respect for human rights, strengthening Interpol', pp 56-63.

for security reasons on the other. The organisation's officials implemented pacifying and balancing tactics to achieve a sort of equilibrium from different institutional pressures.

The first step towards a more legalised system was adopted in 2014, when the General Assembly decided to create the so-called Working Group on the Processing of Information (GTI). The new group has the task of creating a more effective supervision of the methods used by the organisation to process sensitive data, as well as reviewing and reforming the roles of the General Secretariat, NCBs and CCF in the matter. Several measures were implemented since then, among which there is the new statute of the CCF, that improves the mechanisms of external review on the data processing of Interpol.⁴¹² The reforms of this body included the enhanced independence of the CCF and its influence on the other organs of Interpol;⁴¹³ the better division of tasks within the CCF and the increase of expertise level of its members;⁴¹⁴ the improved transparency levels applied to the working methods of the Commission;⁴¹⁵ the implementation of stricter deadlines in the revision work of the Commission, in order to give the targeted individuals more reasonable time frames for the analysis of their cases;⁴¹⁶ and finally, the disclosure of the reasoning of the CCF decisions on the cases at stake and it needs to publicly justify its decisions.⁴¹⁷

At the same time, measures were taken in order to improve the mechanisms that prevent the NCBs to perpetrate abuses against individuals. For instance, the mechanisms applied for the *ex-ante* review of the requested notices viewed the implementation of some reforms, such as the publication of notices only after the revision of the General Secretariat of the request has taken place -however, the problems with the distribution of Diffusions still remain.⁴¹⁸ In addition to this, an improvement of quality controls of information underlying a request for the issuance of a Red Notice. More specifically, in 2016 the Notices and Diffusions Task Force was created; it has the task to control that the request is in compliance with the rules adopted by Interpol.⁴¹⁹ One last signal for reformation of the system is the resolution that the General Assembly adopted in its last meeting in Dubai, 2018. In this instance, the Assembly decided

⁴¹² Calcara, 'Preventing the Misuse of Interpol: A Study on the Legal Safeguards of the Organization', p 74.

⁴¹³ Fair Trials International, 'Dismantling the tools of oppression: ending the misuse of INTERPOL', p 42.

⁴¹⁴ Fair Trials International, 'Dismantling the tools of oppression: ending the misuse of INTERPOL', p 43.

⁴¹⁵ Fair Trials International, 'Dismantling the tools of oppression: ending the misuse of INTERPOL', p 44.

⁴¹⁶ Fair Trials International, 'Dismantling the tools of oppression: ending the misuse of INTERPOL' p 46.

⁴¹⁷ Fair Trials International, 'Dismantling the tools of oppression: ending the misuse of INTERPOL', p 47.

⁴¹⁸ Fair Trials International, 'Dismantling the tools of oppression: ending the misuse of INTERPOL', p 31.

⁴¹⁹ Fair Trials International p 34.

“to task the Working Group on the Processing of Information to engage in a general review of INTERPOL’s Rules on the Processing of Data”, in order to enhance the achievement of the organisation’s aims and objectives.⁴²⁰ A communication from the organisation’s officials in the Interpol’s website states that the group has already held several meetings in March 2019; the need of the reviewing process of the Rules on the Processing of Data is justified with both the necessity to keep the pace with technology’s developments and the importance of ensuring individual’s rights and privacy.⁴²¹

Despite the clear steps that the organisation took in order to ensure a better protection of human rights in the field of international police cooperation, there is still room for improvement. For example, a change in the working methods of the system of notices could be taken into consideration, especially the possibility to attach documents that could give a better understanding of the whole situation underlying a Red Notice or a diffusion.⁴²² A sort of conclusion that could be adopted as a solution in certain instances could be the use of corrective measures or sanctions towards the member countries that fail to meet the right conditions to the distribution of a notice. However, there is no record, until now, of the use of these measures towards a country that abused of the system of notices.⁴²³

Conclusion

To conclude, it is clear that in the area of the protection of individual’s rights several steps have already been made. However, the handling of personal data and information is a sensitive area of discussion; on the one hand, these kinds of information are fundamental for the effective success of international police cooperation. Moreover, information stored in the organisation’s database legally belong to the national law enforcement agencies and the organisation does not have the full control over them; this still creates a serious constraint over the possibilities of individuals to have access to these data and challenge their utilisation. On the other hand, however, the right handling of data and the possibility to challenge the requests of NCBs on

⁴²⁰ INTERPOL’s Resolution no. 8, 2018.

⁴²¹<https://www.interpol.int/News-and-Events/News/2019/INTERPOL-reviews-its-rules-for-the-international-exchange-of-criminal-data>

⁴²² Calcara, ‘Preventing the Misuse of Interpol: A Study on the Legal Safeguards of the Organization’, p 75.

⁴²³ Calcara, ‘Preventing the Misuse of Interpol: A Study on the Legal Safeguards of the Organization’, p 77.

behalf of targeted individuals is fundamental both for the respect of human rights and for the maintenance of the legitimacy of the organisation, that rests upon these same principles.

As for now, I argue that the organisation's officials have adopted a strategy of compromise to face the environmental pressures aimed at improving the mechanism of respect of individuals' rights of the organisation. The tactics implemented included pacifying and balancing attitudes towards individuals' and NGOs' requests for change. This depends largely on the need of preserving the level of legitimacy that the organisation has to defend its authority and its status. In this instance, the task of deciding a specific strategy to deal with the issue of the Red Notices and Diffusions was particularly critical, given the conflicting interests over the matter of data protection, both on the side of NCBs and individuals.

The tactics implemented show that the organisation's officials are willing to change Interpol's procedures so that they can give more guarantees to respect of individuals' human rights. Despite the fact that this matter touches sensitive areas of international policing, the value of the respect of human rights is generally considered as worth to protect in the high-ranks of the organisation. Interpol's officials, indeed, already officially recognised the problem that the misuse of Red Notices and Diffusions presented in the organisation's operations,⁴²⁴ and are taking tangible steps into the reform of the system.⁴²⁵

⁴²⁴ Bromund, Kopel, 'Necessary Reforms Can Keep Interpol Working in the U.S. Interest', p 12.

⁴²⁵ Y. Nemets, 'Due Process and the Presumption of Innocence in the Interpretation and Enforcement of INTERPOL's Rules', p 5.

CONCLUSION

To conclude this dissertation, I would like to summarise what is the situation of the studies carried out in this field up until now. Moreover, I intend to propose what new elements this dissertation might have added to the researches regarding international police cooperation, and more specifically the organisation of Interpol that have been conducted until now.

The task of considering the literature on Interpol and, more in general, international police cooperation, is not an easy one. Firstly, as already disclosed in the introduction of this dissertation, the sources regarding the issue are not abundant; and secondly, the studies carried out have been considering different aspects of the same issue. Since the records of the organisations are not updated until recent times, retracing the fundamental moments of more recent institutional pressures has not been an easy task to perform. Moreover, the study of international police cooperation did not seem to have raised abundant interest among the scholars of International Relations.

In addition to this, the way in which IOs and their officials behave have not been thoroughly considered, either. There have been some developments in this consideration mostly thanks to rationalist accounts. This is a particular issue, since some theories, such as the neoliberal and Marxist, do not consider IOs as sufficiently independent from the directives given by their member states. In the terms of social constructivist thinkers, the culture of IOs play an essential role in the determination of their behaviour.⁴²⁶

These considerations lead to what I may have added to the researches dedicated to this field. The most important account that that manages to give an explanation to the changes underwent by Interpol during its existence, and that openly considered the mainstream approaches in IR and the others laid out in the first chapter, is the one by Barnett and Coleman,⁴²⁷ that has been an important source for my dissertation. In the research carried out on the organisation, I hope to have managed to explain in depth the pattern of institutional

⁴²⁶ Park, 'International organizations in world politics', p 327.

⁴²⁷ M. Barnett, and L. Coleman 'Designing police: Interpol and the Study of Change in International Organizations', *International Studies Quarterly*, vol. 49, no. 4, 2005, pp 593-619.

change that it underwent since its creation. My goal was to highlight the source of institutional pressures, both from the external and internal environment of Interpol; indeed, it is not only the external pressures that matter when speaking of institutional change. Especially considering the matter of terrorism, internal pressures were probably more urgent than the external ones in the ultimate decision that Interpol's officials took to reinterpret Article 3 of its constitution.

At the beginning of the dissertation, highlighting the tenets of social constructivism, I reiterated the core of this theory, namely that ideas and shared beliefs matter in the determination of IOs' actions. The historical context reconstructed before every episode of external and internal pressures was meant to reinforce this theory, since the new shifts of values caused by historical events were important to the development of shared beliefs in the external and internal environment of the organisation.

Additionally, I hope to have faced the theme of abuse of the system of notices developed by Interpol in a new light. Indeed, the researches carried out on the issue until now are prevalently of a legal nature; in this case, I wanted to apply the theories that focus on institutional change and the behaviour of IOs, independently from the influence of member countries, and to investigate the outcomes of their decisions. I hope to have successfully highlighted the complex dynamics of environment that can lead to institutional change, and the factors that lead to organisations' officials to make conscious decisions on their strategic behaviour. However, I would like to emphasise the fact that more researches should be conducted in this direction, in order to expand the literature and the understanding of IOs' behaviour analysis, seen as a result of the decision of purposeful and conscious actors in the international arena.

Lastly, I hope to have sufficiently highlighted the fact that the issue of legitimacy was considered an important factor by the organisation's officials during the moments of the most intense institutional pressures. For instance, in the years following the end of World War II, the organisation's officials decided to conform Interpol's structure to others' organisations of the time, in order to increase their legitimacy as a proper IO. The strategies implemented by Interpol's officials were aimed at improving the sources of legitimacy of the IO, namely its procedures of decision and its performances,⁴²⁸ as well as at maintaining a certain degree of

⁴²⁸ Tallberg and Zürn, 'The legitimacy and legitimation of international organizations: introduction and framework', p 11.

autonomy. This pattern, in my opinion, can be traced in all the three moments of major institutional pressures experienced by the organisation, analysed in chapter three and four.

The question of legitimacy arises especially considering the issue of the alleged abuse of the system of notices, analysed in chapter four. In spite of the fact that this system can be considered especially useful for the purpose of stopping dangerous transnational crimes perpetrators, it has been prone to manipulation by certain member countries. The lack of transparency, together with the current lack of punitive measures towards the perpetrators of these abuses, account for a considerable gap of legitimacy in Interpol. In this instance, it seems to emerge that the supposed failed compliance with the growing human right protection standards that have been spurting in international public law⁴²⁹ has hampered the perception of the organisation's performance, thus leading to a delegitimation of it.⁴³⁰ This tendency is being currently opposed by Interpol's officials, who decided to take action in order to comply, at least to a certain extent, to the requests of more controls submitted with a new series of institutional pressures.

⁴²⁹ Martha, *The Legal Foundations of Interpol*, p 14.

⁴³⁰ Tallberg and Zürn, 'The legitimacy and legitimation of international organizations: introduction and framework', p 15.

BIBLIOGRAPHY

PRIMARY SOURCES:

Constitution of the ICPO-INTERPOL. I/CONS/GA/1956 (2017).

INTERPOL Resolutions. GA-2018-87-RES-08.

INTERPOL's General Regulations. I/GREG/GA/1956 (2017).

INTERPOL's Resolutions. GA-2017-86-RES-01.

INTERPOL's Rules on the Processing of Data. III/IRPD/GA/2011 (2016).

Universal Declaration of Human Rights

SECONDARY SOURCES:

Adler, E., 'Constructivism and International Relations', in W. Carlsnaes, T. Risse and B. A. Simmons, *Handbook of International Relations*, Sage Publications, 2002, pp 127-158.

Adler, E., 'Seizing the Middle Ground: Constructivism in World Politics', *European Journal of International Relations*, vol. 3, no. 3, 1997, pp 319-363.

Alvesson, M. and A. Spicer, 'Neo-Institutional Theory and Organization Studies: A Mid-Life Crisis?', *Organization Studies*, vol. 00, no. 0, 2018, pp 1-20.

Anderson, M. *Policing the World: Interpol and the Politics of International Police Co-operation*, Oxford, Calendon Press, 1989.

Andreas, P. and E. A. Nadelmann, *Policing the Globe: Criminalization and Crime Control in International Relations*, New York, Oxford University Press, 2006.

Arce, D. G. and T. Sandler, 'Terrorist Spectaculars: Backlash Attacks and the Focus of Intelligence', *The Journal of Conflict Resolution*, vol 54, no. 2, 2010, pp 354-373.

Attwood, R. 'Stopping the Traffic: The National Vigilante Association and the international fight against the 'white slave' trade (1889-c. 1909)', *Women's History Review*, vol. 24, no. 3, 2015, pp 325-350.

Barnett, M. and L. Coleman 'Designing police: Interpol and the Study of Change in International Organizations', *International Studies Quarterly*, vol. 49, no. 4, 2005, pp 593-619.

Barnett, M. and M. Finnemore, 'The power of liberal international organizations', in M. Barnett and R. Duvall (ed.), *Power in Global Governance*, New York, Cambridge University Press, 2005, pp 161-184.

Barnett, N. and M. Finnemore, 'The Politics, Power and Pathologies of International Organizations', *International Organizations*, vol. 54, no. 4, 1999, pp 699-732.

Both, C. R. 'International Police Force or Tool for Harassment of Human Rights Defenders and Political Adversaries: Interpol's Rift with the Human Rights Community', *ILSA Journal of International and Comparative Law*, vol. 8, 2002, pp 357-361.

Boxenbaum, E. and S. Jonsson, 'Isomorphism, Diffusion and Decoupling', in R. Suddabay, C. Oliver and K. Sahlin-Anderson (eds), *Handbook of Organizational institutionalism*, New York: Sage, 2008, pp 78-98.

Bresler, F., *Interpol*, Paris, Presses de la Cité, 1993.

Bromund, T. R. and D. B. Kopel, 'Necessary Reforms Can Keep Interpol Working in the U.S. Interest', *Backgrounder*, no. 2861, 2013, pp 1-39.

Calcara, G. 'Preventing the Misuse of Interpol: A Study on the Legal Safeguards of the Organization', *Nordic Journal of International Law*, vol. 87, no. 1, 2018, pp 56-78.

Calcara, G. 'The Role of INTERPOL and Europol in the Fight against Cybercrime, with Particular Reference to the Sexual Exploitation of Children Online and Child Pornography', *Masaryk UJL & Tech*, vol. 7, no. 19, 2013, pp 19-33.

Cheah, W. L., 'Mapping Interpol's Evolution: Functional Expansion and the Move to Legalization', 2015, <http://policing.oxfordjournals.org/>

Cheah, W. L., 'Policing Interpol: The Commission for the Control of Interpol's Files and the Right to a Remedy', *International Organizations Law Review*, vol. 7, no. 2, 2010, pp 375-404.

Deflem, M. 'Bureaucratization and Social Control: Historical Foundations of International Police Cooperation', *Law & Society Review*, vol. 34, no. 3, 2000, pp 739-778.

Deflem, M. 'Global Rule of Law or Global Rule of Law Enforcement? International Police Cooperation and Counter-terrorism', *The Annals of the American Academy*, vol. 603, 2006, pp 240-251.

Deflem, M., *Policing World Society: Historical Foundations of International Police Cooperation*, Oxford, Oxford University Press, 2002.

Deflem, M., 'International policing in nineteenth-century Europe: The Police Union of German States, 1851-1866', *International Criminal Justice Review*, vol. 6, 1996, pp 36-57.

Delahousse, M., 'Le Pédophile "Vico" est cerné en Asie par Interpol', *Le Figaro*, 17 October 2007.

Fair Trials International, *Dismantling the tools of oppression: ending the misuse of INTERPOL*, 2018.

Fair Trials International, *Strengthening respect for human rights, strengthening INTERPOL*, 2013.

Fijnaut, C. J. C. F. 'Policing Western Europe: Interpol, Trevi and Europol', *Police Studies*, vol. 15, no. 3, 1992, pp 101–106.

Fijnaut, C. J. C. F. 'The internationalization of Police Cooperation in Western Europe', in C. J. C. F. Fijnaut (ed.), *The internationalization of Police Cooperation in Western Europe*, Arnhem, Gouda Quint, 1993, pp 9-17.

Finnemore, M. 'Norms, culture and world politics: insights from sociology's institutionalism', *International organization*, vol. 50, no. 2, 1996, pp 325-347.

Finnemore, M. and K. Sikkink, 'Tacking Stock: The Constructivist Research Program in International Relations and Comparative Politics', *Annual Reviews of Political Science*, vol. 4, 2001, pp 391-416.

Fooner, M., *Interpol: Issues in World Crime and International Criminal Justice*, New York, Plenum Press, 1989.

Gan, N. 'What's an Interpol Red Notice and what power does it wield over wanted Chinese tycoon Guo Wengwui?', *South China Morning Post*, 12 June 2017.

Geldenhuis, K. 'Extradition – diplomatic immunity and related matters', *Servamus Community-based Safety and Security Magazine*, vol 109, no. 3, 2016, pp 34-36.

Gerspacher, N. 'The History of International Police Cooperation: a 150-year Evolution in Trends and Approaches', *Global Crime*, vol. 9, nos. 1-2, 2008, pp 169–184.

Gerspacher, N. 'The Roles of International Police Cooperation Organizations-Beyond Mandates, toward Unintended Roles', *European Journal of Crime, Criminal Law and Criminal Justice*, vol. 13, no. 3, 2005, pp 413–434.

Gerspacher, N. and V. Pujas. 'International Police Organizations: The Missing Link to Effective Cooperation', in F. Lemieux (ed.), *International Police Cooperation: Emerging Issues, Theory and Practice*, Cullompton and Portland: Willan Publishing, 2010.

Gilsinan, K. 'Interpol at 100: Does the World's Police Force Work?', *The Atlantic*, 12 May 2014.

Greenwood, R. and C. R. Hinings, 'Understanding Radical Organizational Change: Bringing Together the Old and the New Institutionalism', *The Academy of Management Review*, vol. 21, no. 4, 1996, pp 1022-1054.

Guzzini, S., 'A Reconstruction of Constructivism in International Relations', *European Journal of International Relations*, vol. 6, no. 2, 2000, pp 147-182

Hanrieder, T. 'Gradual Change in International Organisations: Agency Theory and Historical Institutionalism', *Politics*, vol. 34, no.4, 2014, pp 324-333.

Hawkins, D. G., D. A. Lake, D. L. Nielson and M. J. Tierney, *Delegation and Agency in International Organizations*, New York, Cambridge University Press, 2006.

Hay, C. and D. Wincott, 'Structure, Agency and Historical institutionalism', *Political Studies*, vol. 46, 1998, pp 951-957.

Heard, C. and A. Tinsley, 'The Power of the Interpol Red Notice. International', *Law Enforcement Reporter*, vol. 28, no. 8, 2012.

Helfer, L. R. 'Understanding Change in International Organizations: Globalization and Innovation in the ILO', *Vanderbilt Law Review*, vol. 59, no. 3, 2006, pp 649-726.

Higgins, A. 'How Moscow Uses Interpol to Pursue Its Enemies', *The New York Times*, 6 November 2018.

INTERPOL website: <https://www.interpol.int/>

Jäger, J. 'International Police Co-operation and the Associations for the Fight Against White Slavery', *Paedagogica Historica*, vol. 38, nos. 2-3, 2002, pp 565-579.

Jensen, R. B. 'The International Anti-Anarchist Conference of 1898 and the Origins of Interpol.', *Journal of Contemporary History*, vol. 16, no. 2, 1981, pp 323–347.

Lewis, L. 'Are some countries abusing Interpol?', *CNN*, 18 July 2011.

Liang, H. H., *The rise of modern police and the European state system from Metternich to the Second World War*, UK, Cambridge University Press, 1992.

Marino, N. and R. Grantham, 'Wanted by INTERPOL: Strategic Thinking about Red Notices, Diffusions, and Extradition', *Criminal Justice*, vol. 30, no. 3, 2015, pp 4-10.

Marsh, D. 'Interpol takes a step out of the shadows', *Financial Times*, 15 July 1986.

Martha, R. S. J., 'Challenging acts of INTERPOL in Domestic Courts', in A. Reinisch (ed.), *Challenging Acts of International Organisations before National Courts*, Oxford University Press, 2010, pp 206-238.

Martha, R. S. J., *The Legal Foundations of Interpol*, Oxford, Hart Publishing, 2010.

McClure, G. 'The role of Interpol in fighting organized crime', *International Criminal Police Review*, vol. 55, no. 481, 2000, pp 2-8.

Meron T., *The Humanization of International Law*, Boston, Martinus Nijhoff Publishers, 2006.

Müller, J. W., *Contesting Democracy: Political Ideas in Twentieth-century Europe*, Padstow Cornwall, Yale University Press, 2011.

Nemets, Y. L. 'Due Process and the Presumption of Innocence in the Interpretation and Enforcement of INTERPOLs Rules', *SSRN Electronic Journal*, 2017.

Nemets, Y. L. 'Interpol's New Policy on Refugees: Is Everything Settled?', *SSRN Electronic Journal*, 2016.

- Noble, R. K. 'L'Interpol du XXI siècle', *Pouvoirs*, vol. 132, 2010, pp 103-116.
- Oestreich, G., *Storia dei Diritti Umani e delle libertà fondamentali*, Bari, Laterza, edizione digitale 2016.
- Oliver, C. 'Strategic Responses to Institutional Processes', *The Academy of Management Review*, vol.1, no. 1, 1991, pp 145-179.
- Oraá, J. O., 'The Universal Declaration of Human Rights', in F. G. Isa and K. de Feyter (eds), *International Protection of Human Rights: Achievements and Challenges*, Bilbao, 2006, pp 73-134.
- Park, S. 'International organizations in world politics', in J. Baylis, S. Smith and P. Owens, *The Globalization of World Politics: An Introduction to International Relations*, OUP Oxford, 2016, pp 316-329.
- Richardot, M. 'Interpol, Europol', *Pouvoirs*, vol. 102, 2002, pp 77-85.
- Risse, T. and S. C. Ropp, 'Introduction and Overview', in T. Risse, S. C. Ropp and K. Sikkink (eds), *The Persistent Power of Human Rights: from commitment to compliance*, New York, Cambridge University Press, 2013.
- Romanelli, R. *Novecento: Lezioni di storia contemporanea*, Bologna, Società editrice il Mulino, 2014.
- Sandler, T., D. G. Arce and W. Enders, 'An evaluation of Interpol's cooperative-based Counterterrorism Linkages', *The Journal of Law and Economics*, vol. 54, no. 1, 2011, pp 79-110.
- Savino, M. 'Global Administrative Law meets Soft Powers: The Uncomfortable Case of Interpol Red Notice', *New York University Journal of International Law and Politics*, vol. 43, no. 2, 2010, pp 263-336.
- Savino, M. 'What if Global Administrative Law is a normative project?', *I-CON*, vol. 13, 2015, pp 492-498.
- Scanlon, J. 'Dealing with the Tsunami dead: unprecedented international cooperation', *The Australian Journal of Emergency Management*, 2006.

Schein, E. H. 'The Missing Concept in Organization Studies', *Administrative Science Quarterly*, vol. 41, no. 2, 1996, pp 229-240.

Semmelman, J. and E. S. Munson, 'Interpol Red Notices and Diffusions: Powerful – and Dangerous – Tools of Global Law Enforcement', *The Champion*, May 2014.

Shelton, D. L., *International Human Rights Law*, Cheltenham, Edward Elgar, 2014.

Shenon, P. 'Interpol, AKA straight-laced guys', *New York Times*, 5 October 1985.

Sheptycki, J. 'The Accountability of Transnational Policing Institutions: the Strange Case of Interpol', *Canadian Journal of Law and Society*, vol. 19, no. 1, 2004, pp 107-134.

Sheptycki, J. 'The Global Cops Cometh: Reflections on Transnationalization, Knowledge Work and Policing Subculture', *The British Journal of Sociology*, vol. 49, no. 1, 1998, pp 57-74.

Sheptycki, J., 'Transnational Organization, Transnational Law and the Ambiguity of Interpol in a World Ruled with Law', *Transnational Crime*, vol. 1, nos. 2-3, 2017, pp 65-86.

Sheriff, G. I. and M. L. Yansaneh, 'Global Integration and International Criminal Police Cooperation (Interpol)', *International Journal of Social Sciences and Human Research*, vol. 1, no. 1, 2017, pp 20-28.

Sleznick, P. 'Institutionalism "Old" and "New"', *Administrative Science Quarterly*, vol. 41, no. 2, 1996, pp 270-277.

Small, K., and B. Taylor, 'State and local law enforcement response to transnational crime', *Trends in Organized Crime*, vol. 10, no. 2, 2006, pp 5–17.

Stalcup, M. 'Interpol and the Emergence of Global Policing', in W. Garriot (ed.), *Policy and Contemporary Governance: the Anthropology of Police Practice*, New York, Palgrave Macmillan, 2013, pp 231-261.

Swallow, P. 'Of limited operational relevance: a European view of Interpol's crime-fighting role in the twenty-first century', *Transnational Organized Crime*, vol. 2, no. 4, 1996, pp 106-130.

T. Risse, 'Social Constructivism meets Globalization', in D. Held and A. McGrew (eds), *Understanding Globalization: Theories and Controversies*, Cambridge: Polity Press, 2007.

Tallberg, J. and M. Zürn, 'The legitimacy and legitimation of international organizations: introduction and framework', *The Review of International Organizations*, 2019, pp 1-26.

Thompson, P. M. 'Interpol's Transnational Policing by Red Notice and Diffusions: Procedural Standards, Systemic Abuses, and Reforms Necessary to Ensure Fairness and Integrity', *The Journal of the Federalist Society Practice Groups*, vol. 16, no. 2, 2015, pp 23-30.

Tierney, M., and C. Weaver, 'Principles and Principals? The Possibilities for Theoretical Synthesis and Scientific Progress in the Study of International Organizations', 2014.