

**UNDERSTANDING THE ROLE OF SUB-STATE ENTITIES IN  
COUNTERING TRANSNATIONAL TERRORISM: THE CASE OF  
TRANSNATIONAL POLICE COOPERATION PRACTICES**

**A Ph.D. Dissertation**

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September 2010**

**To my family**

**UNDERSTANDING THE ROLE OF SUB-STATE ENTITIES IN  
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TRANSNATIONAL POLICE COOPERATION PRACTICES**

**The Institute of Economics and Social Sciences  
of  
Bilkent University**

**by**

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DOCTOR OF PHILOSOPHY**

**in**

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INTERNATIONAL RELATIONS  
BILKENT UNIVERSITY  
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**September 2010**

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## **ABSTRACT**

### **UNDERSTANDING THE ROLE OF SUB-STATE ENTITIES IN COUNTERING TRANSNATIONAL TERRORISM: THE CASE OF TRANSNATIONAL POLICE COOPERATION PRACTICES**

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This dissertation is an analysis of the role of sub-state entities in countering transnational terrorism especially in the aftermath of the 9/11 attacks, which emerged as an alternative option to the traditional security understanding basically shaped by nation states. Emerging practices and roles of sub-state entities in countering terrorism has been investigated to understand both their roles in the counter-terrorism field and their influence on nation states. Examination of a plethora of existing and newly emerging sub-state practices reveals that such entities have been taking growing roles in the counter-terrorism field, which were previously believed to belong solely to nation states and their relevant international instruments. More importantly, this dissertation proposes that nation states are also trying to adapt themselves to this new emerging counter-terrorism environment enriched by sub-state entities. In that regard, emerging new cooperative police initiatives present valuable examples.

Keywords: Terrorism, cooperation, state-centric approach, multi-centric approach, police cooperation, police liaisonship.

## ÖZET

### TRANSNASYONEL TERÖRİZMLE MÜCADELEDE DEVLET ALTI YAPILARIN ROLÜNÜ ANLAMAK: TRANSNASYONEL POLİS İŞBİRLİĞİ UYGULAMALARI ÖRNEĞİ

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Bu tez, ulus devletler tarafından şekillendirilen geleneksel güvenlik anlayışına, özellikle 11 Eylül saldırıları sonrasında alternatif bir opsiyon olarak ortaya çıkan devlet altı yapıların transnasyonel terörizmle mücadeledeki rolünün bir analizidir. Devlet altı yapıların terörle mücadelede sergiledikleri uygulama ve rolleri gerek terörle mücadelede üstlendikleri rol ve gerekse de ulus devlete etkileri açısından araştırılmıştır. Devlet altı yapıların mevcut olan ve yeni ortaya çıkan pek çok uygulamasının incelenmesi bu tür oluşumların daha önceden ulus devlet ve ilgili organlarının uhdesinde olduğuna inanılan terörle mücadele alanında büyüyen roller üstlendiğini göstermektedir. Daha da önemlisi bu tez, devlet altı yapıların zenginleşmesiyle ortaya çıkan bu yeni terörle mücadele ortamına ulus devletlerinde adapte olmaya çalıştığını ileri sürmektedir. Bu kapsamda, ortaya çıkan yeni polis işbirliği girişimleri değerli örnekler teşkil etmektedir.

Anahtar Kelimeler: Terörizm, işbirliği, devlet merkezci yaklaşım, çok merkezli yaklaşım, polis işbirliği, polis irtibat görevliliği.

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# CHAPTER 1

## INTRODUCTION

The September 2001 attacks in the USA (United States of America) represent the most dramatic evidence we have that the world is faced today with a new kind of security challenge, a challenge which has been examined in detail over the last nine years. Naturally, studies have tended to focus on either the threat—e.g. what kind of terrorist organization could manage to carry out such an attack—or the response, e.g. how can such a terrorist organization be defeated? Threat and response are concepts which mutually constitute each other in an ongoing process. In that respect, identifying the relationship between threat and response at this initial stage is a necessity, because the basis of this study is grounded on the relationship between these two. The term “delay” will be utilized for describing the relation between threat and response. The purpose of this reasoning is my assumption that threats constantly change and evolve while responses follow. Consequently, response is usually a delayed phenomenon, which aims to catch up with the threat.

This dissertation is based on two primary claims. The first is that while the influence of terrorism has been steadily increasing due to its escalating transnational

nature, national actors find it difficult to produce equally transnational response measures and thus the overall response to terrorism—which remains to a large extent unchanged and traditional—is far from adequate. As a result, the delay between the threat and response has been steadily increasing.

The second claim is that while the delay may be widening, this does not mean that states have been completely resistant to change or failing to adopt. This study aims to show how sub-state actors have instigated several new response initiatives alongside the traditional methods, and that states are directly or indirectly encouraging these transnational initiatives. After investigating the general view of response initiatives, in this thesis I focus in particular on one sub-state entity, police organizations, and their recent efforts to initiate transnational relations in the fight against terrorism. One of these efforts involves the increasing and changing usage of liaison officers. Questions remain however: what exactly is the mission and scope of police liaison officers? Do these developments on the part of these sub-state entities constitute sufficient evidence to be able to say that states are adapting in a transnational manner?

## **1.1 Theoretical Framework**

Two broad terms have been used to depict the overall picture of world politics today: A state-centric approach obviously implies on-going state control of and a primary role in international relations, while a multi-centric approach, looks beyond states and claims the importance of non-state and sub-state entities in world politics. Proponents of the latter perspective argue that “the state-centric system now

coexists with an equally powerful, though more decentralized, multi-centric system” (Rosenau, 1990:11). International institutions, non-state entities, sub-state entities and their networked relations constitute this other realm (Aydinli and Rosenau, 2005:1; Wolfish and Smith, 2000: 55,63; Slaughter, 2004: 18).

If state-centric and multi-centric are two main depictions of the overall picture of world politics, “international” and “transnational” can be said to describe the patterns of activity, relations, and processes within (respectively) the state-centric and multi-centric worlds. Thus, *international* or *interstate* relations refer to the interactions that take place between unitary states, and which are controlled and directed by particular foreign relations organs of states. In this approach, domestic interests can have effects on international politics only through foreign policy channels (Nye and Keohane, 1971-a: 721). On the other hand, transnational relations imply interactions of non-state and sub-state entities beyond states. Nye and Keohane conceptualized the term in the 1970s in different writings. For example in 1971, Keohane and Nye defined “transnational relations” as “contacts, coalitions, and interactions across state boundaries that are not controlled by the central foreign policy organs of governments” (Nye and Keohane, 1971-b: 331). Accordingly, transnational relations also include “relations between governmental actors that are not controlled by the central foreign policy organs of their governments” (Nye and Keohane , 1971-b: 335). Keohane and Nye redefined transnational relations in 1974. This time, they distinguished transnational and transgovernmental from each other. They defined transgovernmental relations as “direct interactions between agencies (governmental subunits) of different governments where those agencies act relatively autonomously from central governmental control” while defining



transnational relations as “interactions across the border in which at least one actor is nongovernmental” (Keohane and Nye, 1974: 596).

The fundamental characteristic of transnational relations is the existence of interactions across the borders of nation-states and the existence of actors who are capable and willing to initiate such cross border relations with a desire to create networks. While some researchers take a process-centric approach and mention the increase in transnational relations (Zürn, 1998: 648, Vercauteren, 2001: 1) others are more actors-centric, and focus on organizations or actors which go transnational (Huntington, 1973: 333, Meyer, Boli-Bennett and Chase-Dunn, 1975: 236, Sjoberg, Gill and Williams, 2001: 22).

We can talk about a similar rising trend in the transnationalization of crime, terrorism and response initiatives of organizations responsible for fighting them (Sheptycki, 1995, Williams and Savona, 1996 :80, Jones and Newburn, 2002: 129, Makarenko, 2004: 129, Andreas and Nadelmann, 2006: 245-250). This study will try to investigate how terrorism as a threat and policing as a response are going transnational. At the end, I will try to determine whether states are trying to adopt themselves to the changing nature of the transnational threat environment.

## **1.2 Methodology**

Methodologically my research largely follows a qualitative course by mainly focusing on interviews, existing data and a literature review. Absence of a plethora of existing studies on the issue encouraged me to pursue inductive reasoning. In that regard, I mainly focused on specific observations to discern patterns and regularities

regarding police counter-terrorism experiences developed to respond to the transnational terrorism, and understand them based on theoretical approaches. During my research, I observed changes in the importance of police liaisonship in countering transnational terrorism and decided to focus on it as my case study within the overall structure of my thesis. At the end, I try to find out if states and the state system appear to be evolving to meet the transnational terrorism threat.

I had several difficulties in collecting data and information. Basically, three difficulties can be mentioned here. First of all, I observed that the existing literature generally focuses on individual cases, and studies focusing on countering transnational terrorism in particular are not comprehensive. Therefore, due to the restricted number of academic studies on the issue, especially regarding the role of police liaisonship, I was forced to develop my own frameworks. Secondly, as the issue of countering terrorism involves a great amount of secrecy and sensitivity, the process of obtaining statistics and data did not materialize as expected. While some the countries put relevant information directly on their related organizations' webpages, e.g. the Federal Bureau of Investigation (FBI) and the information they provide on their Legal Attaches (LEGATS), others do not. The existing information on the webpages of international organizations also tend not to provide a general framework of information. Thirdly, the interviews that I conducted (mostly with police liaison officers) generally had to be done on the conditions of not providing their names, not recording, and not going in-depth into details of specific cases. These conditions, though limiting from a researcher's perspective, are nevertheless understandable due to the sensitive and secret nature of the overall issue. Despite the existence of those difficulties and other minor ones that will be mentioned in

relevant parts of the thesis, I tried to develop a general framework to understand and conceptualize what is happening in the field of countering transnational terrorism by focusing primarily on police experiences.

One of the primary tasks of this dissertation is to illustrate the changing nature of terrorism, which is the starting point of my inquiry. Based on findings about terrorism and changes relevant to it, this work goes on to explore whether state responses to terrorism are adequate to meet the threat. Therefore, understanding terrorism and its development throughout history will guide us as to how to proceed from there.

### **1.3 Understanding the Threat**

Scholars have given special attention to the history of terrorism. It is possible to come across different narratives about when terrorism started and which terrorist groups have operated throughout the history. Although it is argued that the roots of terrorism can be traced back to ancient times, as seen in the historical narrative of terrorism within this study, the emergence of Anarchism in the late 19<sup>th</sup> century is accepted as the starting point of modern or systemic terrorism by leading terrorism scholars such as Rapoport and Laqueur (Rapoport, 2006: xxviii, Laqueur, 1977:11).

From the 1880s until the 1910s, revolutionary movements and Anarchism occupied the agenda of the European States, Russia and America as an important threat. In the movement's early years, Anarchists targeted primarily the ruling elites, and assassination was their significant method of attack. As time passed, ordinary

citizens also became targets since Anarchists did not hesitate to use indiscriminate attacks.

In terms of structure, national Anarchist groups were operating in their respective countries. However, we also see that Anarchist groups had relations with each other. The most significant example of such relations was the London Conference of Anarchists in 1881. Another important characteristic of the Anarchist movement was the mobilization of both Anarchists themselves and their ideas especially by means of written publications. As a result of these various ways of connecting with each other, Anarchism became a global phenomenon from the end of the 19<sup>th</sup> century until the 1910s.

As another variety of terrorism, a further emergence of terrorist groups is observed along with national aspirations at the beginning of the 20<sup>th</sup> century. Such terrorist groups targeted especially the Ottoman Empire and the Austro-Hungarian Empire. Since then, terrorist groups with an agenda of national liberation have continued to exist.

Although terrorist activities have remained on the world scene since the emergence of Anarchism, the 1960s marked the strong comeback of the term and of widespread consciousness of 'terrorism'. Ideological rivalries during the Cold War facilitated the emergence of especially left wing terrorist groups. Terrorist groups of left wing orientations and of national liberation were active in a wide range of countries.

A new term, international terrorism, was also pronounced widely by the 1960s. This new term was coined to describe terrorist groups operating in more than one country or targeting foreigners within a country. Attacks at the Munich Olympic

Games in 1972 played an important role in drawing world attention to the phenomenon of international terrorism. An important aspect of this new era was the popularity (and apparent effectiveness) of employing violence for international recognition, which increased terrorist activities all over the world.

By the 1980s, terrorism inspired by religious beliefs had also become one of the important trends. This, alongside new realities such as Weapons of Mass Destruction (WMD) and nuclear/biological terrorism were all vital issues which added new dimensions to the terrorism debate. When the 9/11 attacks occurred in the United States, the world realized it was facing a global phenomenon, not unlike the Anarchist movement that emerged at the end of the 19<sup>th</sup> century.<sup>1</sup> However, the new experience has been more destructive and influential when compared with previous examples. Today, the world is experiencing the reality that today more than ever, non-state entities have the capacity to rival states in the influencing of international security and relations.

Based on the above narrative, an examination of the history of terrorism starting from Anarchism and briefly explaining consequent variations that have emerged over time, shows us that the place and significance of terrorism in world politics has indeed changed. In parallel, the ways that terrorism has been understood have also changed. Terrorism was generally seen and understood as a matter of individual states in the past. Nowadays, we observe that there are new approaches, which have been trying to use a wider perspective to understand terrorism.

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<sup>1</sup> Similarities between Anarchism and today's jihadist groups are made by scholars such as Aydinli (2008) and Gelvin (2008). Scholars such as Richard Bach Jensen (2008) basically oppose that view by arguing that differences exist between two especially in terms of their way of operations and approach to violence. Gelvin and Jensen's articles give brief information about this debate. As this dissertation focuses on the transnationalization of terrorism, similarities between Anarchism and today's terrorism at the organizational and functional levels are vital for this study.

## **1.4 Understanding the Place of Terrorism Based on Traditional and Non-Traditional Security Approaches**

Not only has terrorism, but the environment within which terrorism emerges, also has changed throughout history. Terrorism has often been accepted as an internal matter of states in the years following the Anarchist era without considering its international relations dimension. This approach can be labelled as a traditional security understanding, which accepts states as the only threat for each other as based on military calculations. Over time, we have seen the emergence of the term “non-traditional security threats”, which implies that states face threats other than military ones. These may include such things as environmental, economic and social threats. Among those threats, terrorism presents the violent dimension that can be initiated by non-state entities. On the basis of this, Keohane (2002, 30) has also defined terrorism as informal violence. After the 9/11 attacks, terrorism revealed that it has gone a step further among other non-traditional threats because of the impact of the attacks on world politics.

### **1.4.1 Traditional Security Understanding**

Until the end of the Cold War, states were interested in securing their territory by military means. During this era, having military power, preventing military attacks from others, and fighting wars were the main themes of state

security. This traditional conceptual approach to state security is basically defended by the realist school of IR.

According to realist understandings, states are accepted as rational actors living in anarchy. Traditionally, protecting the sovereignty of a state and securing its borders are the main aims of states in the anarchical nature of international relations. States can protect themselves by military power. Consequently, military threats to states, usage of military power, and wars have been the main issues of security. Walt (1991:213) also adds to this list “statecraft,” which includes arms control, diplomacy, crisis management, and similar fields as subjects of security.

However, after the end of the Cold War, the security field began facing a discussion about the enlargement of security. While some new issues, such as environmental degradation, human rights, and migration, have been presented by some as new fields of security; proponents of a traditional security understanding have rejected their inclusion into the realm of security. According to Walt, such an enlargement of the concept of security is not proper because “defining the field in this way would destroy its intellectual coherence and make it more difficult to devise solutions to any of these important problems” (Walt, 1991: 213). Despite such rejections targeted at an enlarging of security studies, a vast scholarly literature has emerged identifying terrorism as one example of non-traditional security threats.

#### **1.4.2 New Non-Traditional Security Threats?**

After the end of the Cold War, some people argued that non-traditional new security threats had emerged against states, and thus necessitated a rethinking of

traditional understandings of state security. According to Mandel (1994:3), the Post-Cold War transformation of the national security context includes three main trends: the decline of national sovereignty, escalation of international interdependence and proliferation of anarchic conflict. Mandel (1994:3) proposes that the main characteristics of the decline of national sovereignty are as follows: the emergence of non-state actors, the permeability of national borders, the fragmentation of nations, lower national self sufficiency, the dispersion of technology and the diffusion of power. The second trend, escalation of international interdependence, has the following characteristics: a move from a bipolar to a multipolar system, a rise in regionalism, a homogenization of tastes and technology, standardized weapons systems, mounting migration, and spreading democracy and capitalism (Mandel, 1994:3). The last trend, proliferation of anarchic conflict, includes fewer organized and large-scale wars, decreasing ideological and territorial clashes, the failure of deterrence, the rise in ethnic disputes, growing unconventional low-intensity conflict and, lastly, increasingly visible subnational and transnational tensions (Mandel, 1994:3).

According to Aravena, international security has the following four characteristics in the post-Cold War stage of globalisation: (1) it has extended beyond its military components, (2) it is transnational, global and interdependent, (3) it is produced not by only states but by a plurality of actors, (4) it has enlarged its agenda with a demand that actors work together (2002: 9).

Krause and Williams (1996:229-230) claimed that three main approaches, which changed security thinking, emerged in the 1990s. Accordingly, the first approach broadened the “neorealist conception of security” by introducing new



fields such as environmental, economic and human rights issues. The second approach deepened the agenda by focusing on all levels of security, namely, the individual, international, regional and societal levels. Krause and Williams lastly argue that the third approach remained in a state-centric position but proposed new terms such as common, co-operative, collective and comprehensive security for supporting different multilateral forms of interstate co-operation.

The given narratives show that, subsequent to the Cold War, the national security understanding has changed dramatically with the emergence of new threats and new ways those threats have been perceived. Consequently, while security issues related to military threats, power, and war have been accepted as traditional security, new challenges have been called as non-traditional new security threats.

### **1.4.3 Types of Non - Traditional New Security Threats**

The most comprehensive picture of those new threats has been depicted by the United Nations (UN). A UN report titled “A More Secure World” clearly summarises the new threats that we face today. Accordingly there are six groups of threats:

- Economic and social threats, including poverty, infectious disease and environmental degradation
- Inter-State conflict
- Internal conflict, including civil war, genocide and other large-scale atrocities
- Nuclear, radiological, chemical and biological weapons
- Terrorism
- Transnational organised crime (UN, 2004: 2)

As seen, there are six important main areas of new threats in today's world. All of those areas comprise their own peculiarities and degrees of importance. However, after the 9/11 attacks, terrorism has come to be considered as the most important of all new threats. In fact, this categorization presents itself as a good example of how terrorism has been transnationalized parallel to other transnationalization examples in various fields. Considering the worldwide focus on terrorism, it can be argued that terrorism presents itself as the most dangerous transnationalized issue in today's world.

#### **1.4.4 Terrorism as Non-Traditional Security Threat**

Changes in terrorism have been named differently by several authorities. Transnational terrorism and new terrorism are examples of such names. In fact, the concept of new terrorism emphasizes the increasingly transnational nature of terrorism. As will be explored in the following relevant sections, a networked organizational structure, the use of information technology, conducting more lethal acts in a war paradigm, having a religious nature, and reduced reliance on state sponsorship, are the proposed characteristics of new terrorism.

Based on the given characteristics, it can be argued that the states themselves are losing their central role in shaping the threat understanding both within and outside of their borders. Examples show us that the capabilities of a terrorist organization may go far beyond the reach of a state in today's world, where terrorism can not be confined within the borders of states anymore due to changes in organizational structure and technology. All kinds of activities of a terrorist

organization do not need to be placed and performed in a certain location. Terrorist organizations benefit from all the advantages of today's administrative understandings, social structures, and technology. In terms of administrative understandings, techniques such as the establishment of global cells and operational groups beyond borders in order to serve a particular purpose, succeeding coordination between those groups, permitting autonomy to individual initiatives, and advertisement of goals and performances through communication channels are observed. In terms of social structure, terrorist organizations may create global support, global recruitment, and global activity based on shared identities worldwide. Technologically, terrorist organizations use advances to successfully carry out administrative tasks, develop their social structure, and conduct attacks. With those characteristics of establishing a global structure, in other words by creating transnational networks and operational capability, terrorism presents a new dimension for states to deal with.

### **1.5 Research Question: What About the Response?**

If the world is witnessing transnationalization of terrorism and thus its broad risks, what can be said about the response to terrorism? Has it been successful in adapting this evolving phenomenon?

One way of measuring success against a transnationalizing terrorism could be by looking at the institutions of international understanding and mechanisms against terrorism, such as the establishment of common definitions of terrorism, the creation of conventions and resolutions, which constitute the backbone of the

responses to international terrorism. However, those initiatives have been arguably limited in their success because of differences of state perceptions about terrorism and non-binding nature of conventions.

An alternative way of measuring success is to look at operational activities of military, intelligence and police organizations. Traditionally, quantitative statistics such as thwarted attacks, numbers of killed or captured terrorists, cleared cases, amount of intelligence gathered, and numbers of investigations or operations have been used as measures of success against terrorism, all of which can be categorized by yearly statistics. Probst criticizes such “short term” approaches, however, as they mainly try to measure success in yearly fiscal terms, while terrorists “take the long view” (Probst; 2005: 317-321). Given Probst’s assertion, effective counter-terrorism should concentrate on goals such as delegitimizing the terrorists’ causes and breaking their morale (Probst; 2005: 319-321). This may be so, but measuring the achievement of such practices is not easy.

In fact, an overall assessment of counter-terrorism is that it is a reactionary practice, and is thus always at least one step behind the threat. Logic would tell us that the ultimate measure of counter-terror success would be in looking at whether it can jump a step ahead of the threat, moving into a pre-emptive rather than reactionary position. Perhaps the best way of measuring success therefore, is to consider the adaptability of the response actors and practices. If terrorism is becoming increasingly transnational, then the obvious measurement of counter-terror success is to ask whether the countering actors are able to create successful transnational activities. This point constitutes the backbone of this thesis. In the following parts of this thesis, the focus will be to understand whether states are able

to create structures to deal with transnational terrorism. In other words, are states and the state system equally evolving in their international coordinated cooperation efforts to defeat the increasingly transnationalizing threat of terrorism?

## **1.6 Framework of the Thesis**

The second chapter of the thesis will look at the theoretical framework in detail. Particularly realist and liberal understandings of cooperation will be explored in this chapter. An examination of cooperation approaches within those theories and differences between their proposals play a guiding role for designing the thesis.

The third chapter will focus on the threat of terrorism. A historical narrative will be provided to track the emergence and development of terrorism throughout history. The main aim of this chapter is to portray how the transnationalization of terrorism took place throughout history.

The fourth, fifth and sixth chapters will look at the response initiatives to counter terrorism, basically as based on liberal and realist theories. For accomplishing a clear understanding of the various options provided by those theories to explore the issue, a framework based on actors and forms of security cooperation relations has been conceptualized. Accordingly, Chapter 4 will focus on Realist/State-Centric approaches, Chapter 5 will explore Liberal/State-Centric ones and Chapter 6 will explore Realist and Liberal Multi-Centric approaches. In each chapter, a general perspective about the theoretical frameworks and their approaches to responding to terrorism will be examined. Then police responses will be

predominantly examined by prioritizing new police practices employed to meet the transnationalization of terrorism.

Chapter 7 will focus on the police liaison system as a case study of cooperation against terrorism. The history of police liaisonship, its enlargement and application in terrorism issues will be examined in detail to show how the police liaisonship system is structured and how—or whether—it has managed to meet the transnational terrorism threat. The final chapter provides a concluding analysis to the above.

## **CHAPTER 2**

### **UNDERSTANDING INTERNATIONAL SECURITY**

#### **COOPERATION THEORETICALLY**

The increasing need for cooperation in the fight against terrorism necessitates understanding what cooperation is. Therefore, theoretical perspectives will be explored in this section in order to better outline the dynamics of security cooperation in general and how states perform or struggle in this respect.

#### **2.1 Cooperation**

According to Axelrod and Keohane, cooperation does not necessarily mean harmony and “achieving cooperation is difficult” while “cooperation varies among issues and over time” (Axelrod and Keohane, 1985: 226). Based on those characteristics, Axelrod and Keohane propose that “cooperation occurs when actors adjust their behaviour to the actual or anticipated preferences of others” (Axelrod and Keohane, 1985: 226, , Milner, 1992: 467).

In fact, cooperation against terrorism contains many characteristics of the above definition. For example, it is indisputable that achieving cooperation against terrorism is very difficult. Lack of a universally accepted definition of terrorism is a reality and an obvious sign of the difficulty in establishing a common understanding and strategy. As another point, the willingness of parties to cooperate against terrorism may vary depending on issues and time. Some states may be very willing to cooperate against religiously motivated terrorist groups, but not show the same disposition for cooperating against other groups claimed as terrorist by other states. As a basic example in terms of the time dimension, everybody will probably agree that states and other entities are more inclined to cooperate after 9/11 as compared to the past.

The main issues mentioned to explain cooperation in general clearly demonstrate its dynamic nature, and show how it may be really very difficult to achieve. When we talk about cooperation against terrorism, extra difficulties should be added into our discussion. These emanate from the particular nature of terrorism, because it is a field within which actors may have great difficulties to adjust their behaviour to the actual or anticipated preferences of others. Having difficulties in reaching a general terrorism definition, interpretation differences in portraying terrorist organizations, and differences in counter terrorism approaches may be counted here as examples of such 'extra' difficulties. Ironically, although difficulties exist in succeeding at cooperation against terrorism, what we have been experiencing for decades shows us that the vital need to do so has been growing due to the changing nature and growing danger of terrorism. This thesis will look at this issue by investigating if states are finding ways to cooperate against terrorism,



despite all difficulties. For achieving this aim, this section will focus on the main theoretical approaches and vital themes of cooperation.

## **2.2 Theoretical Approaches to Cooperation**

It is possible to argue that there are three main approaches of international relation theories that focus on cooperation problem. The first two approaches are based on realism and liberalism. Assumptions of realism and liberalism and the competition between these two schools can help to have a better understanding of cooperation. It is possible to argue that there is quite a serious competition between these two theoretical approaches on the cooperation issue. The reflective approaches, which are cognitivism and constructivism, constitute the third main approach. These theoretical approaches focus on issues such as interests and identities. Consequently the scholars of these approaches try to explain cooperation based on identity and interests. As mentioned above, this thesis will mainly follow the liberal – realist understandings of cooperation and the competition between them. The reason for this choice emanates from the thesis question asked in this study. The traditional domination of realist understandings over states' security perceptions and the dismissing of terrorist groups as non-state actors have thus far led to limited success in the establishment of common understandings and cooperative strategies. This situation encouraged me to focus on questioning whether this traditional approach has been shifting because of the changing nature and growing danger of terrorism. If there is a change, I would like to find out what

those changes are, and what the meanings of those changes are for international relations theory, particularly as based on realist and liberal understandings.

Although reflective approaches provide applicable narratives and explanatory power to the issue, I do not intend to focus on those theories for practical and theoretical reasons. First of all, I do not want to enlarge the study area, which already represents a complex nature. Secondly approaches of realism and liberalism with their existing literature provide the basic foundations for my research. Therefore investigation of countering terrorism based on reflective approaches is believed to be the subject of another study.

### **2.2.1 Neorealism-Neoliberalism Debate over Cooperation**

There is an ongoing debate between neorealism and neoliberalism over the issue of cooperation. We can talk about several attempts, which aimed to explain the main differences between the two theoretical approaches. Based on his investigation of previous scholarly studies, according to Baldwin (1993: 4-11) there are six focal points between neorealism and neoliberalism. First of all, while examining the nature and consequence of anarchy, based on Stein's argument Baldwin implies that neorealism focuses on independent decision-making while neoliberalism focuses on joint decision-making. (Baldwin, 1993:4; Stein, 1982: 324). Secondly, it can be understood that cooperation is limited according to neorealists, while neoliberals put more emphasis on cooperation--according to Baldwin's account on international cooperation (Baldwin, 1993: 5). Summarizing Baldwin's other points: neorealists believe that relative gains are more important, while neoliberals believe in the

importance of absolute gains; neorealists place more emphasis on national security, while neoliberals focus more on economic welfare; neorealists give more emphasis to capabilities while neoliberals focus on intentions; and lastly, neorealists argue that institutions are limited while neoliberals give great importance to institutions (Baldwin, 1993:5-11).

To summarize, neorealists focus on independent decision making, the limited nature of cooperation, relative gains, national security, capabilities and the impotency of institutions. On the other hand neoliberals focus on joint decision making, the overall importance of cooperation, absolute gains, economic welfare, intentions and institutions. I would like to note here that those differences are not clear-cut borders between the two approaches. Rather, both approaches give importance to the mentioned alternatives, but the level of emphasis within the two theoretical approaches is different. For example, the emphasis of liberal thought on institutions does not mean that realists do not care about institutions, but the level of emphasis is lower when compared with a liberal approach. Based on this clarifying note, I would like to evaluate these differences below. Meanwhile, the meanings of those discussions for establishing cooperation against terrorism will also be evaluated when necessary.

***-Independent decision making / joint decision-making.*** Decision making procedures in fighting against terrorism has been one of the most important issues following 9/11. The USA has been criticized for shaping its response against terrorism unilaterally, in other words its been accused of independent decision-making in arranging its response against terrorism. In fact, the level of unilateral behavior or independent decision-making tends to be linked to the power of a state,

and may give several advantages to powerful actors in an anarchical world. Thus, the USA's initial strategy, as the main target country on 9/11, was to shape the international response according to its own interests, as based on a realist understanding. Although the international community supported the USA at the beginning, disagreement emerged later between the USA and especially European countries about the response methods.

As an alternative, the emergence of liberal proposals that focus on establishing cooperation by forming joint decision-making structures that can work to identify the problems mutually and establish a common understanding jointly, have also been observed. UN initiatives such as broad condemnation of the 9/11 attacks, and establishing task forces and committees to develop cooperation against terrorism, can be counted here as examples of such initiatives.

It would be proper to mention here that such liberal joint decision-making approaches may also have problems. As the issue is cooperation against terrorism, which lacks a common definition, having a joint decision-making outcome against it may be very difficult to achieve. A global consensus such as condemnation of attacks can be reached only under extraordinary circumstances such as those of 9/11. Although condemnation of terrorism is widespread among members of the international community; achieving active and strong cooperation continuously is still not an easy task. When looking at the global level, the United Nations has long proven unable to produce a universally acceptable definition of terrorism. Although the UN continues to improve cooperation in this area, its efforts seems to be restrictive. Other relevant international institutions also have similar problems.

Another issue to be discussed here is the number of actors discussion. Cooperation requires more than one actor. Alternatives to cooperation are unilateral behaviour and inactivity (Milner, 1992:468). Cooperation may have different forms based on the involved parties. The most basic one is bilateral cooperation, which is cooperation established between two countries. The second one is multilateral cooperation, which requires cooperation of three or more states. Multilateral cooperation can also be established in an institutional form.

There are mainly two approaches to deciding which type of cooperation is preferable. A first perspective is that fewer actors are better for cooperative arrangements, in the understanding that two is the ideal number of players (Milner: 1992: 473). A second approach favors more actors. According to Milner's argument, a large number of players provides more opportunities for exchanges and side payments, can be reduced to smaller numbers, and can enhance relative gains (Milner: 1992: 473-74).

Regarding the number of partners, Grieco has argued that in times of uncertainty, states may prefer more partners in order to allow them to choose the best alternative based on realist approach, while a small numbers of participants can be seen as providing better hope for compliance and sanctioning of cheaters according to neoliberals (Grieco 1988: 506).

We should also mention here the role of regional initiatives in establishing cooperation. The European Union seems to be a good example in terms of establishing a definition of terrorism and improving cooperation. But it still has problems according to Keohane (2005:2-3), because the EU (European Union) "is not a national government", so there are failures of sharing intelligence, and counter

terrorism remains still a not clearly defined policy area. Consequently it will take some more time for European Union to establish a more coherent counter- terrorism structure.

Another issue related to this subject is iteration. Iteration means repeated play and refers to “players` expectations about the future” (Milner, 1992: 474). This concept aims to investigate the willingness of parties to continue cooperation in the future or not. Especially game theoretic models focus on this concept. The key principle of this concept is making calculations about future behaviour of parties. According to Milner, iteration increases the probability of cooperative outcomes by making continued cooperation more beneficial compared to defection, especially in Prisoner’s Dilemma games (Milner, 1992: 474).

When the above-mentioned theoretical approaches are linked to today’s counterterrorism environment, the following remarks can be made:

First, negligence of non-state and even sub-state actors by, in particular, realism, has constituted an important lack of vision for understanding what is happening in transnational terrorism and counterstrategies. The threat posed by these actors seems to influence cooperative endeavours today both in bilateral and multilateral settings. As for response actors, we can also observe the emergence of transnational level activities of non-state and sub-state actors, such as private intelligence agencies and police liaisons. Consequently, the realist approach may need to open room for sub-state response entities, such as liaison officers, rather than relying only on the foreign affairs structure of states in responding to transnational threats.

In today's world, transnational terrorism, by its cross-border nature, pushes states to initiate cooperative endeavours with others either in bilateral or multilateral forms. Bilateral cooperation, identified as an ideal form by Milner in terms of actors, really seems to be a highly preferred method. Several examples in the following parts of the thesis support this argument. For example, while a cooperative mechanism has been established between Europol and US authorities, information in Europol Reports mention that US authorities generally prefer to establish bilateral links in most cases instead of contacting Europol directly. As another example, one author mentions powerful states preferring to give assistance to third countries bilaterally, instead of using UN structures. Consequently, although existing multilateral settings and institutions provide cooperation mechanisms to states, bilateral relationships remain alive as an important cooperation method due to its apparent advantages. This situation is understandable for reasons such as secrecy and not wanting to make any concessions in multilateral settings. Interestingly, in particular states which are declared as targets by terrorist groups and neighboring states seem to be the ones which prefer bilateral cooperation most. It is understandable for neighboring states to have bilateral ties as they share the same border. Expansion of bilateral cooperation by especially powerful states, declared as target by terrorist groups, may be commented as a result of a transnationalization of the threat. As transnational terrorism has the capacity today to recruit members all around the world, to establish communication globally without any interruption and to initiate attacks, global or regional, players need bilateral assistance in meeting those threats. This seems to be one of the driving reasons for the expansion of the police liaison system, especially by powerful states.

9/11 opened the way for an enormous increase in multilateral initiatives, especially within the structure of global and regional institutions. Although a common understanding and definition of terrorism still cannot be reached, the world witnessed a global condemnation of the attacks, and various new policies and initiatives. In fact, this increase has succeeded because of the existence of a transnational threat, which urged states to look for transnational response methods.

Lastly, a few words on iteration may be added here. Cooperation in countering terrorism requires high levels of confidentiality between parties. In that respect, iteration is an important aspect in establishing and continuing cooperation. This is especially true in the new terrorism concept. Operating worldwide with members diffused in different countries, new terrorism makes close and continuous cooperation necessary among state partners. Trust and solid cooperation can be achieved by repeated interactions between partners. This is necessary both in order to follow current developments and to meet the terrorist challenge in emergency situations.

Explanations regarding the independent and joint decision-making issue reveal that states are in a position to incline more through joint decision-making both in bilateral and also multilateral settings. As transnational threats have the capacity to emerge suddenly anywhere in the world and with global capacity in organizing and acting, responses decided on by independent decision-making may not produce the desired end results. Cooperation of response partners requires joint decision-making to deal with the problem of building up the most proper reaction.

***-Discussion on the Limited Nature of Cooperation:*** This is one of the most significant distinctions between the two theoretical approaches. In fact, both



Neorealism and Neoliberalism agree on the anarchical nature of international relations. The existence of anarchy is identified as a lack of government, which implies that there is no central authority in world politics. In the absence of a central authority, states try to protect their own interests for survival. As the result of competition for survival among states, conflict emerges. The difference between neorealism and neoliberalism becomes apparent at this point. Neoliberalism sees more possibility for cooperation, even in such an anarchical structure, and believes in the value of cooperation especially via the establishment of international institutions.

Neorealism contrarily argues the limited nature of cooperation. Neorealist belief that cooperation is limited emanates from its own theoretical formation that states as interest-driven actors live in anarchy with an aim to achieve survival. Neorealists' approach of seeing cooperation as limited is one of the key points of this thesis. Changes in the nature of terrorism show us that, today, we face a new terrorism reality that can operate worldwide by benefitting from administrative, technical and social advances.

The natural extension of this discussion emerges in the debates over unilateralism and multilateralism, as discussed above. After 9/11, the USA preferred a unilateral approach within its global war paradigm. Consequently the USA's unilateral tendencies created problems first on the European side. Multilateralism was the preferred strategy of Europeans. However it was an issue of interests. And as known, the concept of interests is always a problem in terrorism-related issues on all levels of understanding, from defining it to establishing agreement about cooperation, because interests may vary from state to state and from time to time.

The key issue here is the nature of the threat, which is transnational terrorism, and whether limited or intense cooperation is needed to defeat it. While transnational terrorist groups have the capacity to establish communication throughout the world with advanced technology and they have the ability to carry out high impact attacks with awful results, will limited cooperation help in constructing a speedy response to the threat? Also, should states be restricted to following formal procedural cooperative methods and information sharing channels? As will be seen in the following chapters, the importance of informal communication is growing between security actors. Consequently, states seem to be in a position to diversify their cooperative methods and channels to meet a transnational threat which is instantly evolving. Moreover, I believe that the transnationalization of threats is urging states to stretch their way of looking at the cooperation issue. The New York Police Department (NYPD), which initiated a global police liaison project as a sub-state entity, can be shown as a good example. Although the federal state agencies of the USA were initially frustrated with the NYPD because such initiatives were meant to be their responsibility, they were obliged to accept this practice. This example reveals how states may loosen strict international relations rules and practices when the issue is one of responding to transnational threats. Therefore, it can be proposed that transnational threats may change the way that states look at cooperation issue when it comes to initiating transnational responses.

***-Relative or Absolute Gains:*** The problem of gains also constitutes a key debate in the international relations field. Neoliberals focus on states' individual absolute gains and see them as "indifferent to the gains of other states" (Powell,

1991: 1303). Powell's assumptions can be summarized as follows: Neoliberals do not care if cooperation results in a relative gain or loss, if it brings an absolute gain; on the other hand, neorealists focus on relative gains, which means controlling what others get (Powell,1991:1303). This debate therefore influences the approaches of theories to cooperation and conflict, with neoliberals believing that cooperation will result in gains for all involved parties and thus are important, while neorealists always make a comparison about who gets what. Consequently, although neorealists do not reject cooperation completely, they approach it hesitantly and carefully.

Another argument, worthy of examination here, is issue linkage, proposed by Grieco. Accordingly, if cooperation in one area increases the power of a state in other areas, realists may reject cooperation, while neoliberals tend to find that "tightly knit linkages within and across issue-areas accentuate iterativeness and thus facilitate cooperation" (Grieco 1988: 506). The meaning of this argument is quite clear and interesting when applied to the terrorism issue. Accordingly, if cooperation against terrorism may make a state more powerful in other issue areas, a realist understanding may prevent cooperation on terrorism to weaken the other state which will probably enhance its situation in other areas. For example, countering terrorism means expending money and other economic resources. If a state deals with terrorism for a long time, it may lose its economic strength and sustainability. Consequently, other states that do not want this particular state to be economically strong, may not approach to cooperate on terrorism issues with that state.

A crucial question at this point is whether fighting against terrorism is a global good or not. Is it possible to establish sound cooperation when the "one man's terrorist is another man's freedom fighter" approach is still alive? The

existence of the “state sponsored terrorism” phenomenon is a clear sign that terrorism can be ignored, motivated and even created by states for achieving their own national interests and with an aim of harming other states. This point presents another reason of not being able to produce a worldwide understanding and definition of terrorism.

As mentioned, new terrorist groups are broadly not welcome in current world politics. Consequently, each state is expected to give a response to new terrorism, or at least express condemnation. However, as states are interest driven entities, they will look at how much they may gain in cooperative arrangements. This logic urges one to reach the conclusion that states adjust their contribution against terrorism based on what they get. Here the problem of gains emerges as an important concept. There are a few questions to be answered for a better understanding of the concept of gains and its usage with respect to terrorism, especially after 9/11.

Is fighting against terrorism a global good, or will some states benefit more from the global fight against terrorism? What about fighting with traditional terrorist groups that operate at the national level? Will those states, which have national level terrorism problems, get any assistance and benefit from the global response to terrorism?

Since 9/11, Al Qaeda and its associated groups have been placed on the global scene as the main targets. Al Qaeda has been presented as the most dangerous entity of our time, and has caused chaos and hatred worldwide. A liberal narrative has been produced about the necessity to fight with it. It has been argued that fighting with this threat is a global responsibility for a peaceful world. Consequently

the idea presented here is that everybody will win from the fight against Al Qaeda terrorism.

However every country has its own preferences about the pros and cons of contributing to the fight against Al Qaeda. At this stage, we face with national calculations and individual approaches to the problem. After the September 11 attacks, a worldwide response was delivered by almost all states and relevant international organizations. Fighting against the threat was made a priority. The USA, as the main target, has been the leading force in responding to the attacks. The European Union and individual states worldwide reacted against the attacks. International institutions, the UN stands first on the list, responded immediately to the attacks. However differences emerged among contributors over time. The Iraq invasion was the first problem among the various parties. While the USA defended the idea of invading Iraq, most European countries rejected it. The underlying cause for rejection was their own interests. The biggest difference came into being between the EU and the United States in terms of their approaches to the fight against terrorism. While the USA labelled fighting against terrorism as a war and extended it beyond its borders, the EU focused mainly on domestic counter-terrorism policies (Keohane, 2005:12). While most European countries rejected the invasion of Iraq, their mind probably was full of their own interests with that country and also on the USA's interests in invading Iraq. Consequently the realist concept of relative gains entered the scene at one stage of the cooperative process.

Countries that contribute to cooperative arrangements against terrorism also look for advantages in different areas. Some of them may have their own terrorist problems. Consequently they pursue a way to solve their terrorism problems by

cooperating with others, especially with the strongest ones such as the USA or England. Some others pursue economic input as compensation to their contribution. This is also a reflection of realist thinking in terms of relative gains.

This picture shows that cooperation against terrorism may use both liberal perspectives of absolute gains and also realist ones of relative gains. Basically, the rhetoric to reach the anticipated end results overlaps with a liberal understanding of gains, but in practical application, states seem to be closer to seeking to achieve their own interests, which is best explained by a realist understanding of gains. Sometimes the clash between states to reach those gains may cause problems between states. Consequently cooperation against terrorism is not still an easy task because all states want to be satisfied with the results according to their own calculations and expectations. Therefore, a balanced relationship should be established between the states for harmony.

It should also be mentioned here that the defection problem is particularly acute when it comes to cooperation against terrorism. It can be argued that cooperation against terrorism must be as comprehensive as possible due to the global nature of the threat. On the other hand, once the number of the actors grows bigger, so does the defection problem. Therefore, cooperation dilemmas of terrorism related issues seem to be different than with other kinds of security dilemmas. If a state fails in performing active cooperation, this failure may negatively influence larger anti-terrorism cooperation schemes, because terrorists may easily benefit from the failure of this state. There may be, for example, countries that cannot contribute to anti-terrorism cooperation because of their inabilities in controlling their own borders and their state coherence. Although they may express and indeed have a

willingness to contribute to the fight against terrorism within an absolute gains approach, their incapability and weakness to control their own statehood and geography prevents these states from being a provider of security in the international area. Iraq, Afghanistan and several states in Africa may be given as examples of such states. Terrorist organizations operating within the borders of such states may present a threat to both regional and global security by benefitting from the weaknesses of such states. There is a natural negative defection issue in such cases. Although states do not want to be part of the terrorism supporting mechanisms, their weaknesses do not let such states to accomplish a positive role in countering terrorism. Therefore they become natural defectors playing a negative role in cooperation.

An overall evaluation of this section in relation to transnational threat presents several points. First of all, after 9/11, the idea of absolute gains has been presented in particular by liberal actors. Today, more activities in sharing experiences, guiding states to establish counterterrorism strategies and structures, and providing aid in different fields related to counter-terrorism issue are now mainstream strategies by leading institutions such as the UN. Consequently it can be argued that states look for more cooperative endeavours as a response to transnational threats by promoting the idea of absolute gains. The relative gain expectation of states is still alive, on the other hand. The example provided in this thesis that the choice by strong states to support weak partners bilaterally, instead of making use of their expected contribution within the structure of institutions such as UN, may be accepted as a significant issue that they would like to increase their value as a partner for relative gain purposes.

In fact, the aim of responding to a transnational threat seems to lead the emergence of complex relationship structures wherein the borders of absolute and relative gains of states can not be defined clearly. The increasing application of the police liaison system as a response to transnational threats both by states bilaterally and also by institutions such as Europol and Interpol at the institutional levels can also be presented as an example of this situation.

The de-politicization of terrorism and police practice of seeing terrorism as a crime (Deflem, 2007), is also a significant point here to understand why police cooperation is rapidly growing. When the police interpret terrorism as a crime like all other crimes and thus de-politicize it, the police are seeing an absolute gain. This interpretation makes cooperation easier for police all around the world because all parties look at the terrorism issue from the same perspective. A transnational police understanding, interpreting transnational terrorism in the same way, may have more success in establishing cooperative schemes. States may like to enhance their relative gains from this transnational police approach which emphasizes absolute gains.

*-National security / economic welfare.* Several arguments suggest that there is difference between cooperation in the fields of security and economics. According to Müller (2002:370) security cooperation implies relying, on the resources, intentions and activities of other states for national survival. According to Lipson (1984: 2) situational context is important in cooperation and the “context is significantly different in economic and security issues.” Lipson (1984: 12) argues that when compared with economic issues, security regimes are very rare.



After 9/11, initial response methods, based on realist understandings, generally focused on succeeding national security. In time, two different methods competed with each other within this paradigm. The USA favored a global war, while the Europeans focused on a law enforcement approach. According to Woolsey (2002: v) the USA's response to terrorism before September 11 was heavily rooted in law enforcement and focused on prosecuting individual terrorists, but this approach was replaced with a worldwide war thinking after 9/11. The USA's approach following 9/11 introduced new methods such as a preemptive response alternative and homeland security approaches (Satoh, 2003: 15). On the other hand, other countries, especially Europeans, favored usage of law enforcement and intelligence methods to combat with terrorism. According to Nye, Satoh and Wilkinson (2003: 1) other countries were in the belief that the USA was overreacting with its global war approach.

Liberals have argued that terrorism can not be defeated by only military or security measures. Liberal accounts have focused on economic poverty, inequality and backwardness as the main sources of terrorism. Thus their prescription has given more emphasis to the removal of those negative causes in the fight against terrorism. Advocates of this perspective have argued the necessity of relieving differences and inequality. This difference in perceptions also shows how two different theoretical approaches in international relations view the terrorism problem and its treatment.

The ability of transnational terrorism to emerge at any time in any place of the world is a reality today. Dealing with this threat requires both economic power and also well established security management systems. Looking at the issue in an

economic perspective leaves no doubt that war is a costly way of dealing with a transnational threat. Instead, a security architecture well managed in terms of economic support mechanisms may serve better in dealing with transnational threats. In that regard, the insertion of police liaison systems in such a security mechanism has been in play in the world. The employment and encouragement of police liaison systems by regional initiatives like European Union and ASEAN (Association of South East Asian Nations) should be accepted as examples of trying to achieve an architecture configured to have security components with an ability to deal transnational threats.

*-Intentions/Capabilities:* States calculate their power and capabilities in establishing their relationship with others. How much power each of the cooperation partners has is a key issue in establishing and continuing cooperation. For that reason, states always monitor power and capability levels of other states. For example, as mentioned earlier, according to Grieco (1988:506), if a cooperative arrangement provides additional capabilities to the partner, cooperation can become unattractive to a state. Milner (1992:470-480) and Baldwin (1993: 22-23) examine the future directions of cooperation based on six hypotheses. The sixth point focuses on power asymmetries, which Baldwin and Milner mostly relate to hegemonic stability theory. Milner (1992:480) proposes that imbalances in power are “conducive to cooperation” as stronger actors are allowed a greater role in organizing the system. In this approach tendencies to initiate unilateral behaviour by stronger parties may emerge.

I also would like to refer to Ole Waever`s and Barry Buzan`s model of power interactions on global and regional level here as a guiding conceptual framework.

While studying Regional Security Complexes (RSCs), Buzan and Waever proposed three kinds of power: “superpowers and great powers at the system level and regional powers at the regional level” (Buzan and Waever, 2003 34). According to Buzan and Waever (34-37), characteristics of power types can be summarized as follows:

- Superpowers should exercise their military, economic and political capabilities all over the international system. Their rank should be accepted by other parties. The USA carries this rank after the Cold War.

- Great Powers don't need to have big capabilities in all sectors. They differ from regional powers in terms of their system level influence and responsibilities.

- Regional powers mainly have influence and capabilities to exercise in a region.

As mentioned above, a realist emphasis is on relative gains and power in establishing cooperation. Especially the power of a state is essential in convincing other parties for cooperation. Also, the level of power may give states different status such as super power, great power and regional power. The degree of power that a state has, is decisive in its cooperative arrangements in terms of how a state gains relative to others in the arrangement.

Gathering approval and support of others is important at least to justify actions and convince the international community for the necessity of action. Therefore we can observe that powerful unilateral actors are trying to find partners and supporters by using their power and capabilities. The USA's war approach following 9/11 can be shown as an example here. On the other hand, the institutional

initiatives of organizations such as the UN focus on establishing long term policies, rules and standards by prioritizing intentions.

A connected issue is Grieco's durability hypothesis, which argues that neorealism focuses on less durable cooperative arrangements while neoliberalism focuses on durability to prevent cheating (Grieco 1988: 505-506). No doubt the establishing of a long term working policy with the contribution of all states such as a universally acceptable UN definition would produce a durable situation. However resistance by states to approve such a definition may be their choice for less durable and non-binding cooperative arrangements.

States' choice to follow a policy based on capabilities or intentions carries importance. As transnational terrorism is a cross-border phenomenon with an ability to use advanced technology today, states should calculate carefully their response alternatives in terms of whether they can rely on their own capabilities to fight with terrorism or whether they should contribute to creating common intentions to prompt a strong reaction to terrorism.

**-Institutions:** The USA's approach is a clear representation of a realist approach following 9/11. The USA's policy of the war against terrorism after 9/11 reveals that the USA basically has focused on its own power both to deal with terrorism unilaterally and also to convince other parties and partners to cooperate with it. In that regard, pushing other parties to cooperate in terrorism-related matters seems to be a way of politics for terrorism cases by powerful states. This approach is clearly in line with realism oriented theories such as Hegemonic Stability Theory. In that regard realism gives limited role to institutions.

Contrary to realism, liberalism gives importance to the establishment of institutions. Keohane is the leading scholar of institutional theory. According to him, institutions in the wide perspectives refer to “persistent and connected sets of rules (formal or informal) that prescribe behavioral roles, constrain activity, and shape expectations” (Keohane, 1988:383). According to Keohane and Martin, states construct institutions to benefit from cooperation jointly for the following purposes: “Institutions can provide information, reduce transaction costs, make commitments more credible, establish focal points for coordination, and in general facilitate the operation of reciprocity.” (Keohane and Martin: 1995: 42)

States may face a dichotomy in forming a response to transnational terrorism: They may choose a policy based on power, with a limited focus on institutions, or a common policy established by institutional approaches, which is created by common understandings, policies and expectations. In other words, they must decide whether their individual power and abilities are enough to meet this transnational threat or whether they should focus more on creating a common strategy and coordination by creating institutional forms.

What has been discussed so far will help to establish a framework of cooperative initiatives based on theoretical approaches. Actors and forms of relationships can be mentioned as significant issues in forming cooperative relations. The theoretical ground of actors and their diverse relationship characters will guide us to understand the current complex nature of cooperative alternatives. Actors can be states, dominantly as a realist actor, or others of liberal thought, such as institutions, conventions, or regimes. This dissertation also gives great importance to non-state and sub-state actors emanating from a liberal understanding with a desire

to investigate if there is any change in states' approaches to these actors. A second issue for establishing the framework is forms of security relationships. One dimension of the relationship covers state-centric forms and the other dimension consists of multi-centric relations. One of the main aims of the study is to question whether states are going beyond the realist boundaries by tolerating multi-centric relationships.

### **2.3 A Framework for Analysis for Security Cooperation**

Examination of differences between realism and liberalism led me to think that two main dimensions are particularly important in constructing a framework of analysis for this thesis' main inquiry. Those two dimensions are the *actors* and the *forms of cooperative security relations*.

In terms of actors, the realist argument focuses on the state itself. States perform cooperative initiatives through the channels of international relations such as diplomacy and the establishment of foreign offices. A realist emphasis on independent decision making, the limited nature of cooperation, the importance of relative gains, the significance of national security, the emphasis on capabilities and the belief in the limited nature of institutions refer to the supremacy of state as the preminent actor. On the other hand, liberalism proposes the existence and importance of actors other than states, such as institutions and sub-state entities. An important issue to be mentioned here is the emergence of non-state actors such as terrorist groups. While realism strictly ignores non-state entities as actors, liberalism gives room for their existence as actors.

Forms of cooperative security relations emerge as the second dimension from the discussion between realist and liberal approaches. With respect to security cooperation, realism focuses on interactions shaped and organized by state entities, responsible for establishing international cooperative initiatives. Liberal approaches, on the other hand, give room for interactions that are produced by entities other than states such as institutions, sub-state actors and non-state actors. Table-1 gives a basic framework of interactions based on actors and forms of cooperative security relations. Each part of this table will be explored in detail in the following parts of this study to specify their meanings. However, the main aim will be to explore whether any essential change of state behaviour has taken place in terms of security cooperation in the case of the fight against terrorism. To explain this point further, I will see whether states show any signs that they are diverting from their formal, state-centric traditional standings.

### **2.3.1 Response Types and Actors**

Pillar and Nye categorize kinds of responses which should be developed against terrorism. Pillar (2001:73) argues that “diplomacy, the criminal justice system, interdiction of financial assets, military force and intelligence” are instruments of counterterrorism. Nye (2003:10-13) focuses on a five point strategy which includes military measures, intelligence sharing and police cooperation, diplomatic measures, homeland security and finally aid and assistance as ways of responding to terrorism.

The authors given above are not exhaustive but illustrative. They both mention the importance of international cooperation in fighting against terrorism. I would like to examine those response alternatives and their main characteristics briefly below. Then I will look at the police in more detail, as they constitute the main research area of the thesis.

As the first option, diplomacy refers to the management of relationships between nations in general. Each country has an overarching foreign affairs structure, which is responsible for establishment and maintenance of relationships with other countries. All issues including terrorism fall under the responsibility of foreign affairs mechanisms. Especially in relations with other countries, diplomats are essential tools of co-operation and information/experience exchange. Different levels constitute foreign affairs. Central bodies organize the policy and main courses of actions. On the other hand country level initiatives are performed by embassies, based on the guidelines of the central authorities.

In terms of terrorism related issues, different bodies of government contribute to the policy establishment and application procedures. Within the central structure, intelligence agencies and security apparatuses such as military and law enforcement bodies join in the decision-making procedure. In the structure of embassies, personnel from other parts of the government can be appointed as agents and facilitators of co-operation. Intelligence, law enforcement and military attaches perform as agents of co-operation in terrorism related issues by contributing to the formation of policy and application of strategies. Involvement of the diplomatic head with terrorism related issues also constitutes an essential role in especially vital problems (Pillar, 2001:75). Consequently, the diplomatic head acts both as co-



ordinator of relevant parties that take presence at the embassy and also as an important figure in corresponding with his/her counterparts.

We should also touch on the nature of diplomacy in terrorism related issues. States tend to focus on establishing ad hoc, short-term bilateral co-operative endeavours in political issues. Arguments of several authorities in the terrorism field also prove this theoretical contention. According to Pillar (2001: 75), “The counterterrorist diplomacy that matters most is bilateral”, but some effective cooperation with three or more states can happen where diplomacy plays “only a supporting role to practical police or intelligence work.” Pillar (2001: 76-79) also argues that multilateral diplomacy helps counter-terrorism in three ways: by providing a formal structure; reinforcing an international norm against the use of terrorism; and providing common standards for counter-terrorism. As another authority, Nye (2003:11) argues that “Intelligence sharing and police co-operation are often the most effective front line of counter-terrorism.” and “because of the sensitivity of sources and dangers of disclosure, much of this work will be carried out in a series of bilateral arrangements”. As observed, there is an emphasis on the importance of bilateral relationships in the fight against terrorism. In that respect, there is a significant responsibility of embassies and their agents for establishing co-operative endeavours with their counterparts in terrorism related issues.

Intelligence, as the second kind of response alternative, involves the gathering of information. Gathered intelligence is used for a variety of purposes, ranging from policy formation to police or military operations. Consequently, intelligence is related to almost all relevant fields of counter-terrorism. Policy makers, military and law enforcement agencies are the most essential buyers of

intelligence. Consequently gathered intelligence may lead to very crucial policy decisions, or to a vital military or law enforcement operation. Intelligence gathering and sharing has a vital importance in cooperation against transnational terrorism. As transnational terrorist groups have capabilities to establish networked structures supported by advanced communication abilities and technology, sharing intelligence regarding their structure and intentions between countries may carry crucial importance. Timely shared intelligence can prevent attacks and save lives.

Gathering intelligence may fall into the responsibility of different organizations. While some states have a distinct intelligence agency, some states place this agency within police organizations. In some cases there may be both an individual independent intelligence agency and also an intelligence department within the police.

In fact 'intelligence' and 'police work' complete each other. That is why they are pronounced together most of the time. When people talk about intelligence and law enforcement in terrorism related issues they refer to the processes of gathering information by intelligence agencies and apprehension of terrorists or preventing terrorist plots by police forces. That is probably why Nye (2003:11) argues that intelligence sharing and police co-operation is often the most effective front line of counter-terrorism.

As a third response alternative, the usage of military force in terrorism related issues depends on special characteristics. It is not the first option that comes to mind. According to Pillar (2001: 97) military force may be used in hostage taking situations, retaliatory strikes following a terrorist attack, or as a pre-emptive strike.

Terrorist groups today have considerable financial strength. A sound counter-terrorism strategy should involve cutting off their incomes. Consequently, economic sanctions play another important part in fighting against terrorism.

Law enforcement, as the last option of response, is an umbrella term, which includes agencies such as prosecution, police, customs, immigration services, probation services and other agencies that have similar tasks. In terrorism related issues, the police are generally the most referred to law enforcement agency because of their responsibility for fighting against terrorism. I would like to briefly clarify why the police is an important cooperation actor here. The police, as a force for establishing order within the borders of a country, have natural domestic responsibility in the fight against all kinds of crimes including terrorism. In past decades, the world has observed the emergence of cross-border crimes such as narcotics trafficking, organized crime, and terrorism. This new trend in crimes also urged police forces to take a greater presence in the international arena. Consequently, the police forces of a country often no longer work only within the borders of that country. The presence of police in the international arena has been increasing for a long time. And it seems that its presence will continue in the future.

Careful investigation of police work on the international level easily shows that the police take a role in the fight against terrorism in diplomacy, intelligence and law enforcement/intelligence fields. For a long time, appointing police liaison officers to the embassies, especially in the narcotics field, has been a common practice by most countries, so the police liaison position also carries a diplomatic role. This study reveals that, especially after 9/11, this liaison method has become an important tool for international cooperation in the fight against terrorism.

The police are naturally related to all law enforcement functions and intelligence. Consequently, on international level investigations, the relationship between police forces and other relevant law enforcement bodies such as prosecution, the court system and the probation system is vital for effective administration and prosecution of cases. The police also have intelligence gathering capabilities, so they are both an important provider of intelligence as well as a partner for other intelligence services in the system. Lastly, the police may take an investigative role in economic crimes. The police are an active contributor in the fight against terrorism in the economic field.

Based on the given brief introduction about actors, this study will divide actors into two main groups: realist and liberal forms of actors. This division is essential because as liberalism and realism have significant differences, actors representing those theoretical approaches also reflect them. It should be emphasized that I investigated the police both in realist actors and also in liberal actors according to various forms of police performance in different fields of activity. Although the police can be considered a sub-state entity and thus an actor of liberal understanding, their increasing role in diplomatic circles such as employment at Embassies and their increasing power in international counter-terrorism circles against transnational terrorism as representative of state policies directed me to place the police also in the section of realist actors. In fact this choice emanates from observing the evolution of police work as a response to transnational threats, and especially terrorism.

### **2.3.1.1 Realist Forms of Actors**

The central actor in realist understandings of international security cooperation and conflict is the state itself, as the individual player in a billiard-ball approach. States execute their international roles through a variety of actors. The first one is diplomacy, which is performed by ministries of foreign affairs or home offices. Embassies as part of that mechanism constitute a form of realist actor of the state. Diplomacy, with the contribution of all other relevant sections mentioned below decides the overall state policy and manages it.

Secondly, states rely on military power to protect their existence and unity, therefore military means represent an important dimension of the state especially in a realist understanding. If an assault takes place from outside of a country's borders, then the state employs its military means as a traditional mean of security. The problem here arises: is the ability of military forces, which is organized to meet a conventional threat, proper to meet a terrorist threat? In fact, usage of military means is only one of a variety of tools in today's counter terrorism strategies, which has already been summarized under five titles as diplomacy, military power, intelligence, law enforcement and financial sanctions. The importance of the military will endure without any doubt, however the changing characteristics of terrorism reveal that military force may be becoming obsolete in meeting today's new terrorism due to the changes in the nature of threat. Narratives about new terrorism clearly demonstrates that terrorist organizations today may have a networked structure with an ability to disperse all around the world, a tendency to use technology in structuring and communication and ability to survive without state

support. All these new characteristics of terrorism naturally make it hard for military forces to deal with terrorist groups.

Intelligence is another important tool that is used by states to counter terrorism by getting information about hostile intentions and plans against themselves. Based on intelligence, states evaluate the threats, take necessary measures and act in accordance to the quality and reliability of the information. Therefore intelligence plays a vital role in shaping diplomacy, military planning and other relevant state policies.

Financial measures, as another response method against terrorism, have always been an international tool used by states and their diplomatic channels. Especially powerful states may employ sanctions or provide credits to other countries according to their behaviour on terrorism issues. Therefore financial measures are tools that diplomatic entities of states employ in terrorism related issues according to their interests.

Lastly, law enforcement has been mentioned in the previous section as a response alternative against transnational terrorism. Law enforcement can be accepted as a domestic structure in general. When the activities of domestic law enforcement entities reach an international level, standard judicial rules are launched by judicial authorities principally to continue investigative and legal procedures in other countries. Although this principle continues to exist, we can readily observe that police activities today have a clear capacity to establish links and practices to cooperate with their partners in other countries, such as information sharing, cooperation building and training, to meet the transnational threats. Several of these police practices are taking place under the umbrella structure of diplomatic entities.

For example, most police liaison officers, tasked to cooperate with their counterparts in other countries, are stationed within their respective Embassies. Without a doubt, the work and activities of those liaison officers are performed within the limits of state policies on threats. Therefore, although the police as a traditional domestic law enforcement entity theoretically can not be counted as a realist actor, their placement and activities in diplomatic channels forced me to locate several police initiatives within the realist framework. I accept this situation as an evolution of transnationalization of response activities to meet transnational threats.

As another issue, although international organizations are mostly linked to liberal thought, police forces contributing to International Organizations such as the International Criminal Police Organization (Interpol), undoubtedly present official opinions of their states about terrorism. I think this is in harmony with realists' approach to benefitting from international institutions to take decisions and set policies according to their standpoints.

### **2.3.1.2 Liberal Forms of Actors**

The power of liberal understanding lies in its vision to give credit to actors other than states. Therefore, while a realist understanding may have problems in identifying the emergence of terrorist groups as non-state international actors; a liberal understanding presents us a richer image. The same proposal is also valid for response actors against terrorism. While a realist approach focuses on the primacy of state actors, a liberal approach provides us a wider spectrum, by recognizing non-state and sub-state entities as international actors.

First of all, we should mention institutions. Although institutions are created by states, they act with an ability to operate individually. The United Nations is the prime example of an international institution in the fight against terrorism in a widely populated world of institutions such as NATO (The North Atlantic Treaty Organization), the G-8, and the European Union. For this reason, in this thesis the main focus will be on the UN and on cooperative police entities such as Interpol and the European Police Office (Europol). All those organizations try to establish a ground for cooperation against terrorism.

Conventions and regimes are other entities which represent individual sets of legal or agreed upon rules and regulations which are created to regularize certain issue areas. Also, there are regimes which regularize the areas of cooperation between countries. The judicial cooperation regime can be proposed here as a prime example of a regime, which regularizes the rules of contact on judicial cooperation such as extradition, letters of rogatory and so on.

The idea of sub-state entities as international actors also takes its roots from liberal understandings. I focus in this study on police organizations as sub-state entities and their international counter-terrorism cooperation initiatives which reflect national interests and security.

Liberal assumptions about the importance of non-state actors and individuals also presents valuable insights in understanding the establishment of response initiatives against terrorism. For example, employment of private security initiatives for anti-terrorism protection has a long history. The existence of think-tanks on understanding terrorism is also not new. Examining the scope and expansion of such entities will shed light on the significance of liberal actors against terrorism.



Regarding this study, I see the police as an important sub-state liberal entity to meet the transnational terrorism threat. While several terrorist organizations are transnationalizing, they seem to succeed in this process either by using existing local connections and structures or by creating new local ones around the world. Such globally growing terrorist networks also drive local law enforcement bodies to look for connections with others around the world.

Consequently, the police, as part of a state's domestic security architecture, seem to play international roles today. Looking at the history of response to terrorism reveals that this is not a new application in fact. As will be explained in the following parts of this study, history shows that police cooperation was also performed as an international cooperation instrument during the Anarchist wave. In the years following the peak of the Anarchist movement, international police cooperation against terrorism was kept to a limited scope in terrorism related issues.

However we see that the role of police forces against terrorism on international territory is again growing bigger and more important in recent years, due to changes in the nature and realities of terrorism. Not only national level but also local level police forces of different countries have a need today to speak with their counterparts in other countries to understand the threat, prevent attacks, and investigate cases. Therefore, police forces would like to have an independent ability to establish international links beyond the diplomatic channels of the state.

### **2.3.2 Forms of Cooperative Security Relations**

Forms of security relations, which are state-centric and multi-centric forms, will constitute the second dimension of the framework. The reason for choosing forms of security cooperative relations as a dimension of my table is based on my observations that realist and liberal actors do not strictly follow expected relationship patterns based on the theories they may have emanated from. As exemplified before, the police as a sub-state entity may nevertheless involve state-centric forms of relationships.

In fact, there are different ways of theoretically classifying cooperation forms. For example Milner (1992:469) proposes that cooperation can be achieved in three ways: tacit, negotiated or imposed. Tacit cooperation occurs “without communication or explicit agreement” because “the expectations of the actors converge”; negotiated cooperation is accepted as “the most common type of cooperation” with “an explicit bargaining process”; and lastly imposed cooperation occurs with the forcing of the stronger party by adjusting its policies and realizing mutual gains (Milner, 1992: 469). As another example, Oye also makes a classification about kinds of cooperation. According to Oye “states can realize common interests through tacit cooperation, formal bilateral and multilateral negotiation, and the creation of international regimes” (Oye, 1985: 1). Those forms represent the theoretical approaches, which compose their roots. Consequently, a logical way to investigate forms of cooperation is to create a classification based on realist and liberal assumptions.

However one should also keep in mind that differences between these two theoretical approaches do not mean that they cannot co-exist in the same form at the

same time. For example, usage of power and influence is not an isolated phenomenon that only belongs to realism-influenced forms. Nobody can deny that powerful actors always have strength in international institutions and organizations, which are liberalism-influenced forms. Consequently, while studying realist and liberal versions of cooperative forms, the interaction between approaches should not be ignored.

### **2.3.2.1 State-Centric Forms**

*International or interstate* relations refer to the interactions that take place between unitary states, and which are controlled and directed by particular foreign relations organs of states. Realist forms of cooperation focus more on realist understandings, which are power, relative gains and security issues. In this approach, domestic politics can have effects on international politics only through foreign policy channels (Nye and Keohane, 1971-a: 721).

The most basic form of establishing cooperation is bilateral. Relevant authorities of two entities arrange regular initiatives and structures to discuss and decide certain issues. Ministry of Foreign Affairs, Embassies and Diplomats may be actors in establishing such relations. Sub-state entities also develop bilateral relations with their counterparts. Police organizations may perform bilateral relations in different ways and methods. Establishing direct meetings between headquarters at several levels is one way of succeeding bilateral relations. Focus area of this study, employment of police liaison officers to other countries, represents an important kind of bilateral relations between police organizations. In

terrorism related issues, the responsibilities of police liaison officers most of the time may come across with the responsibilities of Embassies. Cooperation of police forces with partners on terrorism issues carries more meanings than solely cooperating on crimes and investigation procedures, because the significance of terrorism issues is quite high for national interest. Therefore when police liaison officers deal with terrorism cases, they function within the state-centric format of relations.

### **2.3.2.2 Multi-Centric Forms**

As explored in the theoretical framework section at the beginning of this thesis, transnational relations and actors emerged as new phenomena in the international relations. Actors other than central foreign policy organs and their relations beyond state boundaries expanded the borders of the international relations. As crime and terrorism became transnationalized, we also observed transnationalization response initiatives of organizations responsible to fight with them. Therefore, this study mainly investigates how terrorism as a threat and policing as a response is going transnational.

Beside transnational relations, another important concept related to this issue is global governance. We have met with this term during 1990s. The term clarifies the effect of globalization on governance and international relations. Global governance implies “a much looser and less threatening concept of collective organization and regulation without coercion” (Slaughter, 2004: 9). Global governance explains profound changes in the world including global networks,

which is another important theme of this study. According to Slaughter rise of global policy networks is a major element of global governance. (Slaughter, 2004: 9)

Slaughter argues that there are three main shifts in world affairs based on the impact of globalization. These shifts are from national to global, from government to governance and from unitary state to disaggregated state (Slaughter, 2004: 12). The concept of disaggregated state is important for the purposes of this study. Disaggregated state implies "the rising need for and capacity of different domestic government institutions to engage in activities beyond their borders, often with their foreign counterparts" (Slaughter, 2004: 12). This concept underlines the fact, clearly explained by Slaughter, that states are still crucial actors but they do not relate each other only through the Foreign Office (Slaughter, 2004: 5). According to Slaughter three new channels, regulatory, judicial and legislative channels are employed by domestic institutions without involving with Foreign Office (Slaughter, 2004: 5). Slaughter argues that interactions of those entities can be labelled as networks. Slaughter classifies those networks according to their forms (vertical and horizontal networks), their functions (information, enforcement and harmonization networks) and their scope (bilateral, plurilateral, regional and global) (Slaughter, 2004: 131). Slaughter also argues that interaction may take place between government networks and nongovernment actors of private and nonprofit sectors on a formal or informal basis (Slaughter, 2004:131-132).

According to Slaughter government networks creates convergence and informed divergence, exports regulatory forms, distils and disseminates credible information, assume the use soft law (international guidance and non-legal instruments) more than hard law (treaties and other international agreements),

creates informed divergence which creates diverging fortuitously and deliberately, improves compliance, facilitates enforcement by harnessing the power of national government institution, enables capacity building and enhances cooperation (Slaughter, 2004:171-195).

We should also emphasise the increasing importance of Slaughter's proposal of disaggregated world and role of government institutions in the transitional sphere. In this new trend, there is not need for foreign offices in establishing international relations. Slaughter summarises this situation as follows: "Networks of government officials - police investigators, financial regulators, even judges and legislators- increasingly exchange information and coordinate activity to combat global crime and address common problems on a global scale." (Slaughter, 2004:1) Slaughter also argues that law enforcement officials share information for preventing terrorist threats (Slaughter, 2004: 2).

This approach stresses issues such as information and network. According to Slaughter the important point in network understanding is that "...individual government institutions are interacting with their counterparts either abroad or above them, alongside more traditional state-to-state interactions." (Slaughter, 2004:14) Slaughter also argues that "Networked threats require a networked response." (Slaughter, 2004: 2) And for facilitating such networks, information is the biggest tool. Without having knowledge about the problem, trends, examples and responses, it is impossible to create strategies and methods. In that respect information gathering in networked structure is vital for government institutions today.

In terms of this thesis, it is possible to observe that numerous interactions between police forces are conducted within a network structure in today's

disaggregated world. The term “transnational police cooperation” can be seen as the model expression for describing the contemporary relationship style between police organizations as sub-state actors. Part of the transnational police cooperation scheme is the employment of police liaison officers between countries.

It is quite obvious that transnational relations is increasing and spreading in today’s world. This trend is also valid for state entities that counter and fight terrorism. Because transnational relations permit interactions between sub-state actors without the control of foreign office, it provides an atmosphere for informal and flexible relationships. In that respect, understanding the nature of transnational relations is vital for the purposes of this study because the main question of this study focuses on if any changes take place between states to meet the changes in the threat environment. Then we will be able to have an understanding about if states or other entities are adapting.

## **2.4 Framework of Cooperative Methods**

The framework presented in Table-1 below will be used as a guiding pattern in the following parts of this thesis. Although understanding about the general terms has been delineated above, each part of the table will be introduced briefly.

### **2.4.1 Realist/State-Centric Domain**

Realist centric domain covers realist actors and their state-centric-international relations. States establish special branches such as foreign offices or

ministries of foreign affairs and embassies to establish international relations with other states and countries. Those entities represent the state in relations with its counterparts. Another function of those entities is their umbrella role for sub-state policies and entities. For example, sub-state entities appoint their agents in other countries to the embassies. So, embassies do not only cover personnel of foreign affairs, but also function as a home for other entities.

**Table-1: Framework of Traditional Cooperative Methods**

		<b>Forms of Cooperative Security Interactions</b>	
		<b>State-Centric Interactions</b> (Formal relations formulated by central state organs)	<b>Multi-Centric Interactions</b> (Formal/informal relations formulated by a mix of state, sub-state or non-state entities)
<b>A c t o r s</b>	<b>Liberal Forms of Actors and Practice</b> (International organizations, conventions, regimes)	Liberal/State-Centric Realm	Liberal/ Multi-Centric Realm
	<b>Realist Forms of Actors and Practice</b> (Diplomacy, formal bodies)	Realist/State-Centric Realm	Realist/ Multi-Centric Realm

The realist/state-centric domain traditionally contains diplomacy, which represents a state’s overall approach on an issue within a realist paradigm. Diplomacy is the establishment of international relations between states through the channel of a foreign office. Naturally, usage of diplomacy by states in terrorism related cases is common and vital. States reflect their approaches and understandings



through diplomacy. However, differences of interests between states may negatively influence cooperative initiatives between states. Only when states' mutual interests overlap in cooperation against terrorism, then diplomacy may produce benefit.

#### **2.4.2 Liberal/State-Centric Domain**

The liberal/state-centric domain is constituted by international organizations, conventions and regimes, which are created by states but operate as individual entities. Entities in the liberal/state-centric domain enable states to pronounce their interests internationally. Therefore states give importance to entities in this domain to influence international politics in the name of their interests.

#### **2.4.3 The Liberal/Multi-Centric Domain**

This domain covers liberal actors and multi-centric relationships. This area is far from the influence of state actors. Traditionally this area is constituted by non-governmental organizations, individuals, and private entities.

Entities in this area may have an interest in terrorism issues; however their role in shaping state behaviors and agendas has always been accepted as limited in the past, especially in the terrorism field. This approach has changed somewhat with the emergence of transnational terrorist groups as actors with an ability to influence the state-dominated international relations field.

While terrorist groups emerged as non-state groups in this realm, this study will look at whether more proper countering actors have also emerged. It is possible

to classify several groups under this domain. First of all we can talk about Police Associations and policing focused initiatives, and secondly we can consider the private security companies or entities. As will be examined in detail below, several private entities today are following terrorist trends, observing their internet connections and evaluating that information. As an interesting development, it is understood from examples that those private entities may provide such information to official circles for evaluation.

#### **2.4.4 The Realist/Multi-Centric Domain**

This domain covers realist actors but within multi-centric relationships. Although examples exist in the history, the involvement of state actors with multi-centric relationship forms against terrorism has not been common. To exemplify in the historical context, we can mention here the employment of police officers to other states during the Anarchist wave. Also, employment of the agents of private entities in other countries has also been observed during the Anarchist wave. Interestingly, while, those initiatives during the Anarchist wave did not survive long to become customary tools in the fight against terrorism, more recent changes in the nature of terrorism seem to be bringing about the rebirth of such tactics in today's world. For example local authorities, suffering from terrorism, are looking to establish international links to increase their efficiency by bypassing national authorities, which are theoretically responsible for establishing such contacts. This can be observed in the case of the New York Police Department, which deploys its own police liaison officers to other countries. The emergence of private entities and

think-tanks to follow terrorist activities and report their findings to state entities have also been observed. In the next chapters, first terrorism as the primary threat will be examined. Then response will be explored based on the framework set up in this chapter. To have a better understanding of how cooperation governance has been evolving, there is a need to conduct an in-depth analysis of briefly explained domains. Especially the hybrid domains, such as the realist-multi-centric domain, deserve special attention, due to ongoing and spectacular interactions taking place there.

## **CHAPTER 3**

### **THREAT AND RESPONSE**

In this Chapter, I will first focus on a definition and history of terrorism. The aim in narrating the history of terrorism is to show the evolution of terrorism from its emergence to how it became a transnational phenomenon. Then I will investigate the evolution of response methods to terrorism and the changing nature of response alternatives to meet the threat. This historical account is important to have an understanding about what has changed after 9/11, especially in terms of the emergence of response options to a threat which represents a highly transnational character. While giving brief information about those issues, similarities between Anarchism and today's transnational terrorism are also examined.

#### **3.1 Key Issues in Studying Terrorism**

Studying terrorism is a complicated field. Basic difficulties of studying terrorism take root in the inability to generate a universal understanding about it. One man's terrorist may still be another man's freedom fighter. Thus, terrorism can

be labelled as a subjective and value-laden phenomenon. This character of terrorism creates problems when trying to construct a universal understanding and definition about it. In fact, this problem presents itself as the most important issue, followed by the issues of actors, who are in a responsible position on international grounds to counter terrorism at various levels, such as politicians, diplomats, and bureaucrats, including law enforcement officials. The inability to come to a common understanding naturally creates difficulty not only for establishing the definition of terrorism but also for constructing a history of it. Therefore special attention should be paid to creating a coherent definition or at least a set of characteristics to define what terrorism is. Then a sound historical account of terrorism can be established on this understanding.

### **3.2 Definition of Terrorism**

Differences in terrorism definitions may be observed based on the person or authority who defines it. A terrorism reader should keep in mind that those definitions are constructed according to the interests and priorities of the defining person or entity. Basically there may be three kinds of endeavours to define terrorism. A scholarly academic definition of terrorism aims to find out general characteristics of terrorism based on investigated cases, realities and research. It is possible to argue that there may be various scholarly academic definitions of terrorism based on the preferences and research field of the scholar. While sociological definitions focus on the sociological causes of terrorism, political

approaches mainly investigate the issue from a political perspective and basically focus on the effects of terrorism on politics and vice versa

A state definition of terrorism reflects how that specific state perceives terrorism. Based on perceptions reflected in the definition, states design punishments, and protective strategies with an aim to preserving their own existence. The literature on terrorism reveals that there may be even differences about the definitions of terrorism by different entities within a single state, e.g. definitional differences of the USA's several official authorities (Hoffman, 2006:31). In terms of international relations, definition of terrorism by a state is important because it characterizes the international behaviour of that state on terrorism matters.

A third classification can be named as definitions of international bodies, organizations or authorities. For the field of international relations, it is very important to have an internationally accepted or agreed upon definition of terrorism. However, there has not been great success in building such a universal definition. The United Nations is still working at producing such a definition. International success for producing such a common definition has been attained by regional organizations such as the European Union in recent years. As will be explored when examining such regional endeavours, their definitions do not represent a worldwide consensus and may be controversial.

The value-laden character of defining terrorism represents itself as another difficulty to reaching a common definition. The saying of one man`s terrorist is another man`s freedom fighter is the most renowned representation of this character.

The information provided above reveals that it has not been possible to produce a universally acceptable terrorism definition worldwide. Being aware of the

difficulty in establishing an acceptable definition, several scholars have employed another method to define what terrorism means by focusing on listing the characteristics of terrorism. In fact, this approach takes its roots from the perception that terrorism is basically a tactic. Employing such a method may be helpful to avoid the definitional dilemmas. Pronouncing Combs and Whittaker as examples of this approach seems to be proper. According to Combs, there are four crucial components of terrorism, which are: acts of violence to influence an audience, creating fear, existence of innocent victims, and political purposes (Combs, 1999: 8). Another scholar, Whittaker, summarizes the main characteristics of terrorism as having a political aim, violence, creating psychological effects beyond the immediate victims or target, existence of an organization, and perpetration by a sub national group or non-state entity (Whittaker, 2007: 9).

### **3.3 History of Terrorism and Response**

Analogous to defining terrorism, creating a history of terrorism is not also an easy task. In fact these two issues are highly interconnected, because creating a history depends on what you understand of it. Therefore, it is also possible to find out differences among studies that focus on the history of terrorism. There are different ways of narrating the history of terrorism. One way of investigating the history of terrorism is examining the developments in a linear narrative format. Arranging groups based on kinds of terrorism such as revolutionary, left wing, right wing and religious terrorism is another way of classification based on historical accounts. As another recent example, Rapoport has presented a different approach,

which focuses on periodical classification of modern terrorism beginning with the Anarchist movement. According to Rapoport, modern terrorism starts with Anarchism in the 19<sup>th</sup> century, while other previous examples are called pre-modern terrorism (Rapoport, 2006: xxviii). Rapoport then divides modern terrorism into four waves, which are the Anarchist wave, the anti-colonial wave, the new left wave and the religious wave ( Rapoport, 2006: xxviii, Rapoport, 2004: 46).

As understanding the response to terrorism, and particularly police response to terrorism, is the main focus of this study, developments in the response field will also be explored by focusing on trends and strategies. Rapoport`s claim that modern terrorism starts with Anarchism is accepted as a guiding principle for this thesis in terms of investigating the interaction between threat and response. Throughout the next sections, the evolution of terrorism and response initiatives will be examined. This baseline investigation will be particularly helpful in trying to understand what happened after 9/11 in terms of today`s new initiatives to meet the transnational terrorism threat.

### **3.3.1 First Examples of Terrorism**

Several terrorism experts argue that the first examples of terrorism have been found in the ancient times. Rapoport labels those examples as "pre-modern terror" (Rapoport, 2006: xxviii). According to Rapoport, the Thugs, Assassins and Zealots-Sicaari represent the first examples of terrorism (Rapoport, 1984: 658). All of those three groups are associated with a religion: Thugs are Hindu, Assassins are Muslim, and Zealots are Jews. Laqueur adds militant secret societies in China to the list



(1977, 9). Mob violence before the American Revolution, and Ku Klux Klan activities are also touched on as early examples of terrorism (Rapoport, 2006: xxviii).

### **3.3.2 The French Revolution**

The 17<sup>th</sup> and 18<sup>th</sup> centuries have hosted important events that changed the course of history, such as the French Revolution, the Enlightenment, and the Industrial Revolution. Those events also influenced the emergence of terrorism in the following centuries.

The term of terror emerged during the French Revolution. The period between 1793 and 1794 was called as "Reign of Terror" (Weinberg, 2008: 3), because of the repression of the ruling power. Terror was the governing method of the Jacobins and their allies against those who were the opponents of revolution. This is an interesting point because the term of terror was first used for a method of government during this era. Contrary to the initial usage, the term of terror would have been used as the name of a method employed against governments in the following years.

The struggle between forces to gain power dominates the French Revolution. Ivianski argues that the Thermidor Reaction, the removal of Robespierre from power, was the starting point for both revolutionary undergrounds and also for modern counter-revolution. (Ivianski, 1980: 340). Therefore the French revolution and the following period seem to attract scholars who focus on terrorism.

Nationalist movements became very important in shaping politics after the French Revolution and the industrial revolution. The French Revolution increased nationalist aspirations; consequently having a state became an important ideal for every nation. Employment of terrorism became a popular strategy among groups seeking national liberation.

The industrial revolution also played an influential role in the emergence of terrorist groups motivated against capitalist and colonialist powers. Undoubtedly, a Marxist understanding provided a significant theoretical ground for those groups with revolutionary ambitions, including those with terrorist tendencies.

### **3.3.3 Emergence of Modern Terrorism**

There are different interpretations about when terrorism emerged in today's meaning, which implies usage of violence with an aim to challenge state authority by creating fear among people. Rapoport uses the term "modern terrorism" for the late 19<sup>th</sup> century Anarchist movement to imply the emergence of terrorism in today's meaning (Rapoport, 2006: xxviii, Rapoport, 2004: 47). Laqueur on the other hand uses the term "systemic terrorism" for the same period (Laqueur, 1977:11).

Although Weinberg divides terrorist violence in this first wave of terrorism as Russian revolutionaries, Anarchists and nationalists according to their pursued goals, he also mentions that those ideas and groups fed on each other (Weinberg, 2008, 29). As a supportive argument, White mentions that the methods developed by 19<sup>th</sup> century Anarchists "were subsequently adopted by nationalistic and ideological movements" (White, 2002: 149). By keeping in mind the diversity of different

labelling for those groups, usage of Anarchism and Anarchist groups as a starting point seems to be more common.

The Anarchist movement played a leading role for the spread of violence throughout the world in the late 19<sup>th</sup> century. It is argued that Anarchism emerged as an ideology or theory then turned into a social movement in the nineteenth century (Jensen, 2004:118, Aydinli: 2008, 904). The success of the Paris Commune in 1871 played a contributing role to the Anarchist understanding (Jensen, 2004: 123). Anarchists were very active and influential all over the world especially during the 1890s, which were called as the “Golden Age of Assassination” and during which assassins were moving “easily across international borders” (Rapoport, 2004: 52).

Anarchist thinkers and leaders such as Mikhail Bakunin, Sergey Nechaev, Peter Kropotkin and Johan Most were a few names who were leading figures of the Anarchist movement. The propaganda of the deed approach, which can be summarized as an understanding that real propaganda can be achieved only by actions and that violence can be used for educating the masses, were spreading among Anarchist groups.

The most important group pioneering Anarchist ideals at that time, was the Narodnaya Volya in Russia. It was established in 1878 with an aim to attack Tsardom and the Tsar’s family, and indeed managed to kill several officials and as well as Tsar Alexander II (White, 2002: 156).

After the attack on Tsar Alexander II in March 1881, an Anarchist conference was held in London, which seems to be an important turning point for the spread of violence throughout the world (Jensen, 2004:129). From the 1890s until 1901 was the period of regicide and Anarchists assassinated quite a lot of leaders in

Europe, for example President Sadi Carnot of France in 1894, Prime Minister Antonio Canovas of Spain in 1897, the Empress Elizabeth of Austria in 1898, and King Humbert of Italy in 1900 (Jensen, 2004:134).

The Anarchist movement also reached to the United States, where the Haymarket bombing took place in 1886 by an unknown but probably an Anarchist assailant (Jensen, 2004: 132). Another important attack occurred in America in 1901 when the President of the United States, William McKinley, was assassinated (Rapoport, 2004: 46, Jensen, 2004:134). It is believed that mass journalism was an important factor in the spread of Anarchism (Jensen, 2004: 140, Aydinli, 2008: 910).

In addition to those attacks on leaders, there were numerous bombings and attacks that targeted civilians, such as bombings of cafes and other places, including the Opera House bombing in Barcelona, which resulted in the death of civilians, including children (Jensen, 2004:134). One of the most important characteristics of those attacks mentioned by Jensen is that the attacks were occurring “in several countries simultaneously, which magnified their psychological impact and made them seem part of one vast terrorist conspiracy” (Jensen, 2004:134-135). Jensen implies that the Anarchists were supporting each other worldwide but on the other hand governments were also taking into consideration what was happening in other countries to compose their reactions (Jensen, 2004: 135).

While Anarchism lost its influence over time, Jensen argues that there is a strong belief that Anarchism was associated with a successful conspiracy because both police and non-Anarchists distorted and exaggerated the real size of Anarchism (Jensen, 2004: 139-140). As an alternative approach, Aydinli argues that Anarchists “failed to organize effectively at a transnational level, and thus to maintain a

sustainable, cohesive, and adaptive mechanism capable of carrying out their struggle against the state system.” (Aydinli, 2008: 904).

Britain`s rule of Ireland was another issue that fed into the emergence of terrorism in the 19<sup>th</sup> century. Irish groups started to use terrorism through the end of the 19<sup>th</sup> century. For example the Irish Republican Brotherhood was one of such groups at that time. Those groups started a terrorism wave, which has been continuing until today, although differences exist in the exact groups and the methods they use. Irish groups initiated a bombing wave in the 1880s by targeting big cities of England such as London, Liverpool and Glasgow (Hoffman, 2006: 10). According to Hoffman, Irish groups “were among the first to recognize the importance of establishing a foreign base...” (Hoffman, 2006: 10).

Before the First World War, terrorism was also used for gathering national liberation and freedom. This new trend influenced two Empires, namely the Ottoman Empire and the Austro-Hungarian. The Ottoman Empire faced attacks by Armenian Groups from its Eastern parts (Hoffman, 2006: 11, Weinberg, 2008: 31). Attacks against Turkish authorities from the Balkans were initiated by IMRO – the Inner Macedonian Revolutionary Organization (Laqueur, 1977: 13, Hoffman, 2006:11, Weinberg, 2008: 31-32). On the other hand, threats to Austria-Hungary came from Serbian and Bosnian organizations such as Narodna Obrana, The Union of Death, Crna Ruka, Black Hand and Young Bosnians. (Hoffman, 2006:11-13).

During the 1930s, repressive governance, fascism and communism represent important issues for terrorism scholars. Mussolini in Italy, Hitler in Germany and Stalin in Russia were the leaders of repressive administrations. Hoffman argues that

practices of those leaders can be accepted as repression and terror by states against their own citizens (Hoffman, 2006:14-15).

### **3.3.4 After the 2nd World War**

After the 2<sup>nd</sup> World War, we observe a gradual spread of terrorism almost all over the world. Nationalism and colonialism were still reasons to utilize terrorism. As another factor, the Cold War also facilitated the spread of terrorism. Consequently, ideological differences became one of the main reasons for the emergence of terrorism. Social problems such as poverty and cultural differences contributed to the rise of terrorism. Lastly, the importance of religion in utilizing terrorism has also increased over time.

It is observed that terrorism has expanded around the world especially during the 1960s and 1970s, with different causes and characteristics. Therefore it may be logical to investigate terrorism based on geographical areas to present a global picture of the issue. Liberation and independence was an important aim for quite a lot of groups, especially in Asia, Africa and the Middle East after the 2<sup>nd</sup> World War. According to Hoffman, usage of terrorism was important in the establishment of Israel, Kenya, Cyprus and Algeria (Hoffman, 2006:16). Radical Jewish groups of Irgun Zvai Leumi and Stern Gang are argued to have utilized terrorism in the establishment of the Israeli state. Until the 1960s, EOKA *Ethniki Organosis Kypriakou Agonos*, “National Organization of Cypriot Struggle/Fighters” also used violence against the British army to urge them to leave the island of Cyprus (Hoffman, 2006: 53-57, Weinberg, 2008:35).

The Algerian group FLN (Front de Liberation Nationale, or National Liberation Front) used terrorist tactics against France, one of the most famous examples of fighting for freedom and interdependence. Various Armenian Groups also emerged and targeted Turkish existence all around the world.

Latin America was a special location in terms of growing terrorism. Basically, colonialism, poverty, and political unrest were the main reasons of terrorism in Latin America. The Latin American experience was very important because of significant figures such as Marighella and Che Guevera. Marighella, a Brazilian, was the founder of urban terrorism. Che Guevera, an Argentinian, had a role in the Cuban Revolution with Castro. He is an important figure in establishing the theoretical framework of guerrilla warfare. Famous terrorist groups in Latin America were as follows: the Zapatas in Mexico, the Tupamaros in Uruguay, the Sandinista Guerillas in Nicaragua, and the Shining Path in Peru.

The Middle East is another area that always has been open to violence and terrorism. The Palestinian problem, unrest between other Arab Countries, oil issue and western involvement in the area always feed terrorist movements in the region.

In Europe, left wing, separatist and right wing groups were very active especially during the 1970s and 1980s. Well-known left wing groups in Europe can be listed as follows: Direct Action in France, Communist Combat Cells in Belgium, the Red Army Fraction or Baader Meinhof Gang in Germany, the Red Brigades in Italy, 17 November in Greece, and Dev-Sol (Revolutionary Left) in Turkey. Famous Separatist Groups are ETA (Euskadi Ta Askatasuna) in Spain and the PKK (Kurdistan Workers' Party) in Turkey. There were also Neo-Fascist groups in especially Germany and Austria.

In the United States varieties of terrorist groups have emerged such as the left-wing Weather Underground, as well as right-wing supremacist white and religious groups.

### **3.3.5 Internationalization of Terrorism**

The spread of terrorism worldwide also resulted in international activities of several groups which required international attention and reaction. Therefore, the term 'international terrorism' requires explanation. There are significant questions about this term such as when terrorism becomes international and what international terrorism is. It is possible to observe different explanations about international terrorism. Mostly, international terrorism is believed to mean cross border actions of terrorist organizations. This definition argues that terrorist activities become international when a terrorist group established in one country operates in the territories of other countries. Such internationalization of terrorism is believed to have begun by the 1960s, when terrorist organizations gathered the ability to conduct attacks in other parts of the world beside their original country. As another issue, attacks in one country against foreigners also carry an international character. We can observe the emergence of new tactics and strategies, which accelerated the discussions about the internationalization of terrorism, such as hijackings, kidnappings, and state support of terrorism. Rapoport's proposal explains those changes more that revival of international terrorism by new left wing activities presented new realities such as international dimensions in target selection, groups conducting activities in other areas, attacking foreigners in their lands, teams



composed of different national groups, co-operation in attacks and new tactics such as hijacking, kidnapping, attacking embassies and committing bank robberies (Rapoport, 2003: 42-43). According to Hoffman (2006: 78) the emergence of the Palestine Liberation Organization (PLO) in the 1960s facilitated the internationalization of terrorism because of its “internationalist orientation” and “by the early 1980s at least 40 terrorist groups” had learned from the PLO.

According to Rapoport, cross border activities have happened throughout history, yet the most important international dimension is the existence of similar terrorist organizations in different countries at the same time with an ability to establish relationships with each other and also with other international actors (Rapoport, 2006: xxviii). Rapoport examines the international course of terrorist activities based on five actors: “terrorist organizations; diaspora populations; states; sympathetic foreign publics; and, beginning with the second wave, supranational organizations” (Rapoport, 2004: 50). Although terrorist groups were generally operating in their respective countries in the years following World War II, we understand from the examples that some of them also began to operate across borders both in terms of active attacks and also for supportive arrangements. Consequently, usage of the term international terrorism spread after 1960s.

The 1972 Munich Olympic attack and also several hijackings in the following period intensified the discussions about international terrorism. Growing mass communication, “increased migration and travel, and new technologies for weapons systems” increased the likelihood of international terrorism and this trend continued in the 1980s as “part of a long-term process of change” (Hurrell, 2002: 198).

During the 1980s, a new term, state supported terrorism, was popular. Accordingly, some states were supporting terrorist groups to operate according to their wills. Hoffman has labelled this phenomenon as “covert or surrogate warfare”, which implies activities conducted with the support of other states (Hoffman, 2006: 17).

The terms narco-terrorism and gray area phenomenon were other issues that emerged in the 1990s. While narco-terrorism refers to usage of drug-trafficking for terrorist purposes, gray area phenomenon implies a situation in which the control of certain areas passes to non-state entities (Hoffman, 2006: 17-18).

By the 1990s, terrorism with religious motives had also begun to increase worldwide. This period also witnessed the emergence of new realities such as biological terrorism, weapons of mass destruction (WMD), cyber terrorism, and transnational terrorism.

### **3.4 Tracking the changes in terrorism: From formal violence to informal violence**

In fact, those discussions were all pioneers of a new period in which terrorism now presents a different and more dangerous threat. Developments in terrorism ultimately brought us to the September 11 attacks, where a non-state entity challenged a state. This situation has intensified discussions on terrorism. Different authorities have labelled this new era with different names, from post-modern terrorism and new terrorism, to asymmetric warfare and informal violence, all of which implying changes in the character of terrorism.

In 1996, Laqueur (1996: 35-36) proposed the necessity of developing new definitions and terms for the new realities of terrorism when using the terms of new terrorism and post-modern terrorism to mention the changes regarding the motivations, approaches and aims of terrorists. The phrase “New Terrorism” was one of these new definitions and phrases developed in the following years. Pioneers of this new concept were noted specialists in the field, namely, Ian O. Lesser, Bruce Hoffman, John Arquilla, David Ronfeldt, Michael Zanini and Brian Jenkins. In 1999, these experts co-authored a book, entitled “Countering the New Terrorism”, for the American RAND Corporation (Research and Development Corporation). Since then, usage of the term “New Terrorism” has been spreading, in particular following the September 11 attacks. The idea of New Terrorism points to fundamental changes from concepts and practices of traditional terrorism (Arquilla, Ronfeldt and Zanini, 1999: 67). Adherents of this thesis argue that there have been significant changes mainly in the structure and communication strategies of some terrorist groups. Accordingly, there are terrorist groups that have network structures and take advantage of new opportunities for communication such as the internet and computers. “New” terrorist groups are also characterized by being less dependent on states, operating generally with religious motives, and aiming to carry out attacks of unprecedented destructiveness. Adherents of the new terrorism concept have argued that traditional terrorist groups will continue to exist but the new terrorism concept will provide a structural and operational alternative to old formats.

As another term, asymmetric warfare or threat is generally used in military contexts. The weaker party may apply strategies and tactics against a stronger party

to erode the opponent's capabilities. Hit and run strikes are examples of such asymmetric warfare approaches.

Noted international relations scholar, Robert Keohane, also attempted to define the changing characteristics of terrorism by proposing the terms of "formal violence" and "informal violence" (2002, 31). Keohane's attempt of constructing a terrorism definition seems to focus on finding a place for terrorism in the international relations discipline. Formal violence, in this conceptual effort, represents state-controlled violence such as the wars between states (Keohane, 2002:31-32). Informal violence, on the other hand is defined as:

violence committed by nonstate actors who capitalize on secrecy and surprise to inflict great harm with small material capabilities. Such violence is "informal" because it is not wielded by formal state institutions and it is typically not announced in advance, as in a declaration of war (Keohane, 2002: 31).

The international relations literature has not paid particular attention to terrorism for a long time. Within this field, the general tendency was accepting terrorism as a matter of domestic politics of states based on a billiard ball approach, which as a realist conception, argues that all states are considered as billiard balls in the international area without considering their domestic politics. This situation seems to have changed dramatically after the 9/11 attacks, because a terrorist organization was shown to be capable of inflicting enormous damage that would not even have been expected from another state. Accordingly, the effect of the 9/11 attacks has influenced not only the USA but the whole international system. Successive attacks around the world demonstrated that the threat is not an exception, but a reality which can emerge anywhere in the world, where conditions feed the

emergence of such plots. Those attacks also surprised the scholars of international relations, who had, until then, mainly focused on states as actors in the international relations. The emergence of a non-state actor as a violence producer confused minds in the field.

In that regard, Keohane`s attempt to formulate a formal and informal violence dichotomy can be accepted as an effort to create room for terrorism in the IR field for further conceptualization and studies. We see that states today give importance to informal violence as much as formal violence. Informal violence is an important aspect of today's security understanding.

### **3.5 Informal Violence: The New Terrorism Discussion**

Although changes in terrorism have been named differently by several authorities, all of those various efforts underlie the increasingly transnational nature of terrorism. Among those efforts, the proponents of new terrorism try to detail the characteristics of new terrorism and its differences from traditional terrorism. Therefore, examining characteristics of new terrorism may help us to understand what the traditional terrorism is, and how terrorism is becoming transnational.

An important characteristic of new terrorism is clearly its organizational structure, which is changing from a hierarchical one to a networked and decentralized one (Arquilla, Ronfeldt and Zanini, 1999: 41; Hoffman, 1999: 9, 2006:271-72; Simon and Benjamin, 2000: 70; Richmond, 2003: 299). The leader of the group acts like a guru and draws only the general lines of conduct. Spatially, the units or cells of the organization are no longer connected organically in a defined

geography. They can, however, easily establish connections from distant locations via information technology, making it difficult to identify and comprehend the full extent of the terrorist organization's structure. This organizational network structure is the clearest indicator of the transnational orientation of new terrorism. Such a structure makes it possible for the group to elude national barriers, establish international links and operate all around the world.

As suggested, the use of information technology is another important characteristic of the new terrorism (Arquilla, Ronfeldt, Zanini, 1999: 41; Richmond: 2003, 291). Information technology now enables terrorists to communicate effectively in their globally networked structure. The internet is the prime example, providing worldwide communication, which, with the development of special codes, is able to be kept relatively secret. The internet and other information technology thus provides terrorist organizations with a great ability to spread propaganda (via email and the creation of webpages), give opportunities for terrorist organizations to carry out new kinds of attacks in terms of hacktivism such as blockades, e-mail bombs, web hacking and creates fears about the possibility of cyber-terrorism, which makes possible to create harms on facilities, which depends on computers. (Denning, 2001: 241-284; Ballard et. al, 2002: 1007; Homer-Dixon, 2002: 54-57; Hinde, 2001: 568; Furnell and Warren, 1999: 30-32; Stohl, 2006: 236) The fact that services and products of communication with common characteristics and quality can be found easily around the world is yet another sign of the transnationalization of the world today.

The third characteristic of new terrorism is noted in terms of doctrine and strategy, namely, new terrorism attempts to conduct more lethal acts in a war

paradigm by aiming at systemic level disruption (Arquilla, Ronfeldt, Zanini, 1999: 41). The pervasive use of the word “war” is significant in expressing how these terrorist organizations perceive their struggle. Statistical findings show that although the number of incidents dropped after the Cold War, the lethality of terrorist attacks has increased (Enders and Sandler, 2000: 307; Hoffman, 1999: 10-11)—with the September 11 attacks causing the highest point of lethality in a single attack in 2001—and raises the spectre of possible use by terrorists of weapons of mass destruction. This potential has created a worldwide perception of fear and vulnerability which is a transnational phenomenon. For example Spencer (2006b) clearly examines how the attacks of September 11, Madrid and London influences fear among people in the USA and Europe.

Running through several of the above characteristics is a fourth one, and this is their divine nature. Rapoport (2004, 47) classifies the current “wave” of terrorism as a religious one, and even before 9/11 Hoffman (1999:9) defined new terrorism as characterized by the terrorists’ “amorphous religious and millenarian aims” and Wilkinson (2000) noted that new terrorists were generally under the leadership of a spiritual leader. Religion is also a concept that overlaps with a transnational understanding. Religions are not usually directly associated with nations, but are rather created for humanity in general, meaning that a terrorist group operating based on religious imperatives has the potential of finding sympathizers and supporters all around the world. Since people that belong to a religion usually read the same texts, worship in more or less similar ways and share broadly similar feelings, terrorist groups may create a common understanding among various groups or individuals around the world and more easily coordinate their activities.

Lastly, and arguably most important in the sense of revealing the transnational nature of new terrorism, is the discussion that new terrorists are no longer reliant on state sponsorship (Simon and Benjamin, 2000: 59; Tucker, 2001:1; Richmond, 2003: 291), or at least, if there is state sponsorship, it is very difficult to expose (Lesser, 1999: 87). This argument relates back to the issue of new terrorists' network structure which, reinforced by easy communication capabilities, enables terrorists to establish coordination wherever they are in the world. In that respect, they can establish a safe environment as long as they can secure their communications, thus reducing their dependence on states for safe havens. Moreover, increasingly easy access to cheap materials to produce weapons—even those of mass destruction—decreases the need for state-level financial support, and the rise of private financiers, such as Osama bin Laden.

There are alternative views about the usage of “new terrorism” term as a label of the changes in terrorism. In fact, those critics accept the existence of the characteristics of new terrorism concept; however they basically argue that those characteristics are not new in terrorism. First of all, the main criticism of those arguments focus on the network structure. Several studies mention that a network structure has been observed previously in several terrorist organizations throughout history (Hess, 2003: 351; Tucker, 2001:1-5; Spencer, 2006a: 23; Duyvesteyn, 2004:444). Secondly, sceptics focus on the question of lethality, especially the usage of WMD by terrorists. Spencer argues that the tendency of terrorists to succeed at inflicting mass casualties is not a new phenomenon and the number of casualties began to increase in the 1980s (Spencer, 2006a: 15). In terms of WMD, Crenshaw argues that the number of studies focusing on WMD has increased since 1995, but



they basically focus on opportunities and capabilities because of the lack of concrete information on possible motivations (Crenshaw, 2000: 413). Although there are examples, such as the Sarin Gas attack by Aum Shrinkyo and the anthrax letters following 9/11, a strong opponent of new terrorism concept, Duyvesteyn, argues that those attacks do not represent a trend and can be accepted as exceptions (Duyvesteyn, 2004:448). As a third issue, opponents of the new terrorism concept tend not to focus on usage of information technology. Rather, they interpret it as a natural process of the changes that are taking place in the world. Fourthly, opponents of new terrorism argue that religion is not a new phenomenon for terrorism, giving several examples including the IRA (Irish Republican Army), Irgun, EOKA (National Organization of Cypriot Struggle) and the FLN (National Liberation Front) cases, which also reflect religious dimensions (Spencer, 2006a: 14, Duyvesteyn, 2004:445). Lastly, several opponents of the new terrorism concept argue that state support is still continuing in different ways at least in the sense of permission being given to activities within the borders of a state (Spencer, 2006a: 24, Tucker, 2001: 5).

As can be seen above, the opponents of new terrorism do not reject the proposed characteristics of new terrorism. They basically argue that those characteristics have existed in terrorist groups before. However, we should accept that all those new changes emerged or intensified as a result of transnationalization throughout the world due to changes in social life, technology and structures. Consequently terrorism represents a phenomenon today that is at a different level and has a more complex structure. Therefore I do not see any problem in using “new terrorism” as a term to label those changes.

The timeline between Anarchism and the new terrorism phenomena clearly reveals enormous changes in terrorism in terms of structural and functional means. Those changes can be explained by considering the transnationalization of terrorism. The transnationalization of terrorism can be either due to an increasing transnational context or to the quick evolution of the terrorists as violent transnational non-state actors, or both, but in any case, this whole point deserves an independent study beyond the scope of this thesis. What is focused on here is revealing the change in the nature of the threat and its transnationalization.

### **3.6 Response**

As we are talking about an increase in terrorism basically due to a transnationalization of its nature and thus its broad risks, we should also think about how the response to it should be managed. Therefore, response initiatives up until now should be investigated to determine whether they have also been evolving in countering this phenomenon and therefore can be considered in any way successful at adaptation.

Below I will first discuss how a terrorist group becomes a matter for international cooperation, and then will focus on the history of response basically based on police response initiatives. In the following chapter I will try to categorize response initiatives according to the framework detailed in Table 1, then evaluate their evolution and success based on findings.

### **3.6.1 Setting up the parameters for assessing international response: How does a terrorist group come to matter for international relations?**

For responding to terrorism effectively, it is necessary to understand what the nature of the problem is in each case. As known, the difficulties of reaching a common understanding emanate from different approaches of states to the terrorism problem. Similarly, each terrorist organisation presents a different situation for both individual states and the international environment. Therefore denouncing a group as ‘terrorist’ only by one state may not get international endorsement, while a larger consensus of states may produce better results. A terrorist group may come to matter for international relations in different ways. Below I will try to summarize basic themes related to the emergence of terrorism as an international phenomenon and responses to it.

#### **3.6.1.1 Territoriality**

Where a terrorist group operates is a significant issue for deciding its placement within international relations. In terms of territory, a terrorist organisation should exceed the boundaries of a country to become a matter of international relations. Table 2 is produced with the aim of understanding the boundaries of terrorist organizations in terms of their activity. The activities of a terrorist organisation can be divided mainly in two groups. One is the field of operation, which indicates the area in which the terrorist organisation carries out its attacks. The second is the field of management and support activity, which is the area used by terrorist organizations for both management purposes and gathering support.

Each dimension of the table is divided into three sections by focusing on domestic, regional, and global activity. In fact this division is important when talking about international cooperation, because when a terrorist organisation crosses international borders in either operational or managerial/support activity, this activity becomes an international issue for the states suffering from those activities. Examining the terrorism problem in a three layer approach of domestic, regional and global levels as done in this table is a frequently used method in terrorism studies while working on both the problem and the responses (Alexander 2002:5, Ramraj, Hor and Roach, 2005:1).

The table does not represent a stable situation for terrorist organizations as the place of terrorist organizations in the table may change occasionally according to alterations in its operational and organizational activities. A terrorist organisation operating in a domestic territory may carry its operations to a regional level. Consequently a new perspective is required both for understanding its new status and also for responding to it. As the level increases from domestic through regional and global levels the cooperation need of nation states also increases.

If a terrorist organization is operating within the borders of a state without an aim to cross regional or international areas, then this particular state deals with the problem within its own capabilities. However in cases when a terrorist organization, operating in one country, carries out attacks against foreigners, then the existence of such an organization may also become a matter for international relations.

**Table-2: Fields of Activity and Response**

<b>Field of Operation</b>	Global Operations	<p><b>A3</b> Nation states should cease the direct support of other countries or support of people living in other countries which host managerial and support activity.</p>	<p><b>A2</b> Support activities in the region should be ceased.</p>	<p><b>A1</b> Complete international cooperation is required.</p>
	Regional Operations	<p><b>B2</b> Nation states in the region should solve the problem by combining their willingness and capabilities. States in the region should convince the state which hosts managerial and support activity.</p>	<p><b>B1</b> Complete regional cooperation.</p>	<p><b>A4</b> Nation state(s) in the region should get the cooperation of states internationally.</p>
	Domestic Operations	<p><b>C</b> Nation state should solve the problem with its own capabilities.  However if a domestic groups targets foreigners within the borders, then the issue may become subject of international cooperation</p>	<p><b>B3</b> Nation state is in need of regional (bilateral or multilateral) support for cutting managerial and support activities.</p>	<p><b>A5</b> Nation state is in need of international support (bilateral or multilateral) for cutting managerial and support activities.</p>
		Domestic Management and Support	Regional Management and Support Global	Management and Support
<b>Field of Management and Support Activity</b>				

If a terrorist organization operates or gathers support within the territories of more than one state, then international cooperation is necessary for coping with the problem. Terrorist organizations generally follow a hierarchical journey from domestic to regional and finally global level in expanding their activities. Related to this point, we should remember Rapoport's argument about the actors of international terrorism. Accordingly, there are five actors of international terrorism: terrorist organizations, diaspora populations, states, sympathetic foreign publics, and supranational organizations. The cadres of terrorist organization and diaspora populations abroad are the ones who actually carry out the activities of a terrorist organization. Sympathetic foreign publics and supranational organizations such as NGOs (Non-Governmental Organizations) may help them in their organization and operation abroad. Other states are also important in their approaches to the terrorist movements. They may prevent--or fail to prevent--the activities of a terrorist organization. Therefore as those other actors become involved with the activities of the terrorist organization, then the response initiatives and need for cooperation may become more complex.

For example, the PKK was established in Turkey with an aim to establish a sovereign state in the South Eastern part of Turkey. The key cadre of the organization managed to establish a place in other countries in the same region. As a result, the PKK became able to operate both in Turkey also in the region. By the time they established a support mechanism in Europe, they had reached partly global activity. In the late 1990s they were also able to initiate operational activities in Europe, such as demonstrations. The PKK used Europe as a field for management and support activity in the following period.

Although the PKK problem was considered as an internal matter at the beginning, we observed how it became first a regional than a partly global problem. The case of the PKK organization shows that a terrorist organization's field and support activities may change over time on the international level. Every growth or decrease in capabilities of terrorist organizations at the state, regional or global levels necessitate new understandings of the situation. The natural consequence is the reconsideration of the cooperative arrangements and initiatives.

We can talk about a deterritorial transnationalization today. Entities and individuals may become transnationalized without being bound by a territory. A person living in a European territory may become part of an initiative that is organized in Afghanistan. This is happening by the outcomes of transnationalization. This issue is a physically cross-border phenomena, but we can also talk about social and psychological sides of this phenomenon.

A natural extension of the territoriality discussion is to consider the kinds of responses to terrorism. Those responses have generally been categorized as domestic responses and international responses. One of the questions being posed in this thesis is whether, with the emergence of transnational terrorism, new ways of dealing with terrorism have emerged apart from proposed domestic and international responses to terrorism.

Domestic Responses are those strategies and methods that one state uses in its fight against terrorism within its borders. According to Alexander (2002: 377), domestic governmental responses to terrorism have traditionally been intelligence gathering, enacted appropriate legislation, apprehension, prosecution and punishment of terrorists, and providing greater protection to the government

facilities and officials, and places such as airports. Conceptually, the fight against terrorism within domestic borders falls under the responsibility of that state. Although this assumption is theoretically true, what should be mentioned here is that the international community may become involved with the anti terrorism struggle of a state on different grounds. For example, one of the most important issues of the international community's involvement with a state's response to terrorism is human rights. Accordingly, a state should take the possible international responses into consideration while responding to terrorist groups domestically.

International responses are strategies and methods which are used in the international area to prevent terrorism. According to Alexander (2002: 379), the kinds of international measures against terrorism have traditionally been the use of diplomacy, economic sanctions, cooperation in law enforcement, ratification of international conventions, and employment of military force.

Alexander also summarizes a mixture of domestic and international government responses to terrorism which are seeking "political means of conciliation to resolve underlying issues in an effort to undermine popular support for terrorist acts", "widespread repression not only of terrorists but of innocent civilians", military attacks, police raids, "freezing the financial assets of individuals believed to be connected to the terrorists, arranging for training in counterterrorism practices and rallying international support" (Alexander, 2002:13).



### **3.6.1.2 Legality**

When countries suffer terrorist activities by perpetrators with an ability to cross borders in organizational and managerial means, then the country needs the assistance of other countries to deal with the problem. This need for assistance requires legal procedures. However, as mentioned many times in this thesis, defining terrorism and responding to it based on the established understanding appears to be the basic need for international response to terrorism, but a highly challenging one to achieve. In other words, legal structures should make cooperation possible for cooperation, but how feasible is this?

The difficulty, as mentioned in almost all terrorism related papers, articles, books and reports, is the absence of a globally accepted definition of terrorism. Each state has the authority to identify its own terrorism definition and how to respond to it. Consequently, defining terrorism reflects mostly a state-centric attitude to the problem. Definition and relevant legislation made by a state is a strong tool within the borders of any state. However, at the international level, a state's definitions and legislation should also be welcomed by others for cooperative purposes. Consequently, when stepping into the international field, states need common understandings on terrorism to improve cooperation. This point represents the biggest obstacle to establishing cooperation on terrorism related issues.

As differences in definitional issues and legal procedures exist between countries, relevant authorities dealing with terrorism should have knowledge of those basic differences and design their policies accordingly. The UN's efforts to establish a common decision, regional initiatives, and bilaterally mutual assistance

treaties, are all focusing on establishing an understanding between states to overcome problems in cooperation against terrorism.

As will be examined later, an important task of liaison officers is also to research the legal procedures of the host country to learn what the legal necessities to succeed at cooperation are. In this way, when cooperation is needed, liaison officers can direct their own authorities about what to do, and about which strategies to follow to adjust the legal systems mutually.

### **3.6.1.3 Target selection and managerial/operational area of the group**

Target selection and influence of the terrorist group on the regional or international levels is another point to be discussed here. If the target selection and activities of a group provoke regional or global sensitivities, this group's activity may become an international issue, even if the group operates within the borders of a state. A terrorist group may operate only within the borders of one state, but it may target members of other nations. Alternatively, their attacks may endanger the survival of one specific state which is believed to have a crucial role in the region or global system. In such cases, international attention may be directed to this terrorist group.

The managerial/operational area of the group also influences the need for international cooperation. As exemplified before by the PKK, its activities both in the region around Turkey and also in Europe necessitated that Turkey initiate cooperative endeavours with its neighbors in the region and its partners in Europe.

#### **3.6.1.4 Human rights issues**

The international community may also become involved with a terrorist group based on human rights issues. This perspective generally focuses on a state's way of dealing with terrorist groups. States' actions against a terrorist group are observed and scrutinized by international actors. Therefore states should take into consideration human rights issues in shaping their response to terrorism. Even if a terrorist organization operates only domestically, response to it by the state may always become an international relations issue on human rights grounds.

For example, one of the issues the European Union has focused on with respect to Turkey's membership to the union was its human rights records. Turkey has made a plethora of changes in its laws to reach the European standards regarding human rights. Today, the human rights issue is also the focus of non-governmental organizations such as Amnesty International.

### **3.7 Historical Police Response to Terrorism**

This part is a logical extension of the history of terrorism section. In the previous section I examined the developments of terrorism historically to reveal how the threat has been transnationalized. In this part I will investigate responses to terrorism in the same method to understand whether response, especially police response, has been transnationalized to meet the threat.

Existent research shows that international law enforcement and police cooperation started in the 19<sup>th</sup> century. During a workshop at the United Nations Congress on Crime Prevention and Criminal Justice in 2005, international law

enforcement cooperation was discussed. From this workshop, three important issues for the purpose of this thesis should be mentioned here as follows: First, traditionally crime was a “local or at most national issue” (UN, 2005:3). As the second point, during the 1700s and 1800s “piracy, the slave trade, smuggling and cross border forays by bandits” were the main concerns, and states were responding them unilaterally even by entering into foreign territory (UN, 2005:4). Lastly, problematic unilateral methods have been replaced with informal and later formal methods (UN, 2005: 4-5). What we understand from these three issues is that international cooperation emerged when crimes crossed borders, thus becoming an international problem, and initially informal then formal methods have been developed between states to deal with them.

In fact, we can argue that this proposal is also valid for terrorism. When terrorism has shown its ability to cross borders, we observe that states and police forces have developed international cooperative initiatives alongside domestic measures. We can argue that an important characteristic of the Anarchist era was the reality that states both faced with the threat individually within their own borders and also observed that this threat was able to show up in other countries with an ability to establish links between each other. Therefore, states on the one hand tried to develop domestic mechanisms, but also looked for ways to develop international cooperation.

In terms of domestic responses, states have developed different strategies. First of all, they have tried to establish or develop their law enforcement forces to deal with the threat. Ivianski argues that the origins of establishing secret or political police go back to the era of the French Revolution (Ivianski, 2006: 339). Ivianski

also argues that European states expanded and organized their police forces in the mid-19<sup>th</sup> century for dealing with threats from the masses (Ivianski, 2006: 340). According to Ivianski, the task of such police forces in nineteenth-century Europe was to terrify the masses, to root out revolutionary groups. (Ivianski, 2006: 339). Similarly, Hoffman notes that the bombings of Irish groups in the 1880s urged the establishment of a Special Branch in Scotland Yard (Hoffman, 2006: 10).

According to Jensen, Anarchists killed about 60 and injured over 200 in France, Spain, Italy, Portugal, England, Switzerland, the Ottoman Empire and the United States during the 1890s (Jensen, 2001, 16). Russia was the most affected country, consequently counter-terrorism in Russia was very significant. It has been argued that political policing started in France, then Russians learned it from Westerners, but used more violent means of political policing in the following years (Ivianski, 2006: 343). Ivianski also argues that in Russia at the end of the 19<sup>th</sup> century, 200,000 people, including police, took a role in the fight against revolutionaries (Ivianski, 2006: 344).

Enactment of legislation was another method used during the late 1880s and 1890s by, for example, France, Spain, Italy, Germany and Switzerland (Jensen, 1981: 325). Based on works by Jensen, it can be argued that intelligence gathering, enacting appropriate legislation and improving international cooperation were significant methods among others to deal with Anarchism (Jensen, 1981 and 2001). The wave of Irish terrorism also led to a special emphasis on police surveillance, border and port control, use of informants, national and international cooperation, and liaisoning between law enforcement agencies (Hoffman, 2006: 10). Emergence of new developments such as the creation of Special Forces against terrorism was

also observed, as, according to Rapoport, states transformed their police organizations to penetrate underground groups. Examples of such police organizations are Russian Okhrana, the British Special Branch, and the USA's FBI (Rapoport, 2004: 68, footnote:4).

Although the Anarchist threat ended in the 1910s, most of the domestic strategies used by police during the Anarchist wave have been regular tools and processes for countering terrorism since then.

### **3.8 International responses**

#### **3.8.1 The Anarchist Wave**

Early developments of international police cooperation took place in the 19<sup>th</sup> century in Europe (Deflem 2002: 70, and Anderson et.al: 1995: 46). The mobility of criminals, who were capable of using the developments in transportation and technology without being restricted by borders, drove police authorities to cooperate internationally (Anderson et.al: 1995: 46-47). Anderson et.al. uses the term cross-border policing, which is argued to have been performed for two purposes in the 19<sup>th</sup> century: first against ordinary criminals and secondly against radical, socialist and Anarchist movements with a political police approach (Anderson et.al: 1995: 47). At the time, Anarchism was a problem for nation states in Europe; consequently initial international cooperation between police forces were established within the area of political violence. One of the initial international cooperative

arrangements for political purposes took place in 1851, when police officers of the German States created an international police organization, the *Polizeiverein* - Police Association (Fijnaut, 1997: 107-108 and Deflem, 2002:232)<sup>2</sup>. This organization lasted until 1866. In this same year, police officers from 35 different states joined an exhibition in London with an aim “to investigate the activities of communists and liberals” (Deflem, 2002: 232).

From the 1880s until the 1910s, Anarchism dominated the agenda in almost all European countries, Russia, America, and even in India. Anarchist groups were operating in their respective countries but also were in contact with other Anarchist groups in different countries. Ideas of leading Anarchists were spreading among groups by way of publications. Anarchists were also coming together, such as that which took place in England in 1881 when they had an international conference. Although their attacks were mainly targeting elites and rulers of states, civilians were also hurt by their discriminatory attacks, as happened in the Haymarket bombing in the United States. Co-operation between Anarchist groups and their spread all over the world led states and police organizations to also cooperate (Rapoport, 2004:52).

According to Jensen, co-operation between states and police organizations was not always in harmony in the fight against Anarchism for different reasons. As we understand from Jensen' s writings, Germany and Russia were co-operating closely and trying to create an international response against Anarchism (Jensen, 2001:15, 16, 19). After the assassination of President McKinley, President Theodore Roosevelt made a speech which focused on the punishment of all

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<sup>2</sup> Fijnaut uses the term *Polizeiverein* - Police Association, while Deflem uses the term Police Union of German States for this gathering.

Anarchists worldwide. This speech has been found to be very similar by some authors to President George Bush's speech following September 11. Still, we can observe the USA's reluctance to cooperate during this era with Germany and Russia. Jensen argues that Germany and Russia proposed co-operation with the USA and other states in their struggle against Anarchism, but faced the reluctance and refusals of the USA. Other European countries, on the other hand, replied positively, as in the case of the 1904 protocol signed in St Petersburg (Jensen, 2001: 19-21). According to Jensen, the reason for this approach was not only America's isolationist approach and other political reasons, but the lack of an American National Police and central criminal identification system (Jensen, 2001: 15-16). Italy also kept itself away from the 1904 protocol for fear that Italian Anarchists residing in other countries would be expelled to Italy if the proposal of expulsion of Anarchists to their native countries was accepted by other states (Jensen, 2001: 16). Another example that shows differences between states regarding the measures against Anarchism is the approval of an 1898 international conference by all of Europe, except Britain (Jensen, 2001: 19). According to Jensen, anti-Anarchist European initiatives led by Germany, the Austro-Hungarian Empire, and Russia, fell apart with the outbreak of the First World War, as these nations began to fight with each other (Jensen, 2001:37)

Despite small differences of thought between states, examining this period is important in terms of observing what has been done in police cooperation between states. This period presents early examples of international police cooperation against a political threat.



The first important event that should be mentioned here is the conferences held among European countries. The most important event of the late 19<sup>th</sup> century in terms of police cooperation was the International Conference of Rome for the Social Defense against Anarchists, which took place in 1898, after the assassination of Empress Elizabeth of Austria in Geneva (Occhipinti, 2003: 29, Deflem 2002: 232 and Fijnaut, 1997: 110).<sup>3</sup> During this conference police officials held separate meetings about policing techniques (Deflem, 2002:232). Jensen argues that the decisions taken at the conference were not necessarily materialized in the following years, but that this conference helped in the establishment of direct relations between high police officers of each country and the secret exchange of information about Anarchists (Jensen, 2001: 19). A second conference was held in 1904 in St. Petersburg, where a secret anti-Anarchist protocol for police cooperation and information exchange was signed between Germany, Austria-Hungary, Denmark, Sweden, Norway, Russia, Rumania, Serbia, Bulgaria, and the Ottoman Empire, while Spain, Portugal and Switzerland joined the protocol later (Jensen, 2001: 16-21). In addition to ambassadors and other representatives, police managers of several countries joined and held special meetings during this conference (Jensen, 1981: 327, 332). In terms of the police field, controlling the Anarchists, establishing a central agency, and facilitating direct communications between central agencies were discussed during the conference (Jensen, 1981: 331). Jensen argues that the 1898 and 1904 conferences added a new dimension to such cooperation by increasing “the amount and range of police collaboration on anarchist issues,

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<sup>3</sup> Deflem uses the term “the International Conference of Rome for the Social Defense against Anarchists”, Fijnaut only mentions that “Italian government had organised a secret conference in Rome”, Occhipinti mentions that the conference was held when Empress Elizabeth of Austria was assassinated in Geneva in 1898.

making it official and systemic to a degree it had never been before” (Jensen, 1981: 341-342).

Establishing police structures for dealing with international cooperation was another point that should be mentioned here, for example Switzerland “created a central policing organization in the federal prosecutor's office” for providing information to foreign counterparts (Jensen, 2001: 29). The other point here is that states began to create formal mechanisms for controlling cooperation between states and police organizations. According to Jensen, the British Police banned direct communications, wanted the usage of diplomatic channels, and requested international or bilateral agreements for establishing cooperation (Jensen, 2001:29). Jensen argues that France and Italy “signed bilateral anti-anarchist treaties with neighboring states” (Jensen, 2001: 38). Based on the resources mentioned in this thesis, it can be argued that while initial police cooperation was informal in general, states established formal structures over time.

Police organizations also tried to establish contact points in countries that fell into their interests because of the existence of Anarchist populations of their nationality. Early on, different methods were used for this purpose. In his study, Jensen gives the following examples, which were exercised in the USA: The first method was placement of a particular country's police officer in another country, for example, an Italian police officer was placed in New York. The second method was recruiting spies from the population in another country, as happened in the US where benefitted from Italian community. The third method was having agents, such as Austria-Hungary and Russia did, and a fourth method was the hiring of a

country's police officer or Detective agent by a foreign country, such as in the case of the hiring of a New York police agent by Germany (Jensen: 2001:27-28).

Associations were also active in establishing police cooperation. The National Bureau of Identification established by an American initiative, the IACP (International Association of Chiefs of Police), was used as a contact point for establishing international contact for other countries (Jensen, 2001: 29)

In 1914, France, under the auspices of Prince Albert I, initiated a police gathering with three hundred participants from fifteen different states (Anderson et.al: 1995: 47) Although decisions were taken about standardization of extradition procedures and creation of an international organization for gathering and exchanging criminal data, the outbreak of the First World War stopped the initiative (Anderson et.al: 1995: 47).

After the 1917 Revolution in Russia, cooperative initiatives between European and American authorities focused on the threat of communism. The German police for example, organized a secret meeting in Munich in 1920, entitled "The International Struggle against Bolshevism: An International Trouble" with contributions from six European countries (Deflem, 2002: 234-235).

### **3.8.2 After the First World War**

1923 was an important year in terms of police cooperation, because the forerunner of Interpol, the International Criminal Police Commission (ICPC), was established in that year as a result of a second international conference on crime and police in Vienna (Andersen et.al: 1995: 47). Exclusion of policing of political crimes

from the ICPC's agenda was proposed during the meetings (Deflem, 2002: 126). However, according to Mazower, the ICPC "had an obvious anti-Communist bias" (1997:246). Fijnaut also implies that ICPC members used the conference "to fight the Communist movement in a more indirect way" (1997: 114). The Nazis played an important role in dominating international activity against the communist threat by organizing several conferences during the 1930s (Deflem, 2002: 236 and Mazower, 1997: 246). After Germany invaded Austria, the ICPC headquarters were moved to Berlin in 1940 (Deflem, 2002: 236).

Police cooperation efforts grew more intense in Europe in the build-up to the Second World War, though until this point, the USA's efforts were very limited in the international area (Nadelmann, 1993:15).

### **3.8.3 After the Second World War**

We see the re-emergence of the International Criminal Police Commission (ICPC) in Belgium in 1946, and in 1956 it became the International Criminal Police Organization (ICPO) or Interpol. Interpol has been an active player in the field of policing since its establishment.

With the beginning of the 1960s, police cooperation began to be wider and more complex. Different international institutions had roles in structuring and effecting police work and roles. Consequently, policing has been diversified and complicated especially after the end of the Second World War.

However, co-operation in preventing political crimes and especially terrorism was not an easy task after the Second World War. It was not easy to

establish cooperation between states when compared to the beginning of the 19<sup>th</sup> century. As mentioned in previous sections, initial international police cooperative efforts were mainly in the political policing area, because Anarchism was accepted as a common problem by most states. However, there was not an obvious common enemy such as Anarchism after the Second World War. Political crimes were taking on different meanings at that time. First, political crimes were committed with an ideological perspective in a world which was divided ideologically. Logically, states with different ideologies were looking at those crimes from different perspectives; for some of them they were political crimes and terrorism, but for some of them they were not. The second issue was groups operating with a national liberation ideal. Such groups were considered freedom fighters by some, but terrorists by others. Consequently, it was not easy to reach a cooperative solution about political crimes and terrorism.

Following the 2<sup>nd</sup> World War, employment of diplomacy and international organizations were the main methods used against terrorism by states. However, their contribution to sound international cooperation seems to be inadequate. They were very restrictive in their nature to constitute an agreed upon way of response by all relevant parties.

The UN (United Nations) became the centre of international initiatives to do something about terrorism, but disagreement between countries on what terrorism is has long complicated this aim of the UN. The UN has never been able to define terrorism because of those differences. The UN only managed to define certain terrorist acts, and pass certain conventions and resolutions in the fight against terrorism since the 1960s. UN Conventions only criminalize certain acts of

terrorism, for example hijacking. The UN was not able however, to develop a comprehensive cooperative arrangement against terrorism until 9/11. The discussions in the following sections on the UN, reveal that although improvements have been achieved by the UN on terrorism, shortcomings still exist.

Interpol, with its 188 member countries, is the second largest international organization following the UN, that deals with terrorism cooperation. Its roots go back to 1923, when the ICPC was established. It was rebuilt again in 1946 just after World War II, and gained a new name of the ICPO (International Criminal Police Organization) or, for short, Interpol. However Interpol did not initiate particularly terrorism related cooperation until the 1980s due to the organization's mandate of avoiding issues of a the political nature.

During the period following the Second World War, the most important and early initiatives against terrorism were taken in Europe. The terrorist attack at the Munich Olympics in 1972 increased the fears of terrorism in Europe. European countries set out to establish numerous arrangements, such as TREVI (an intergovernmental network of ministries of justice and interior created by European Community states in 1975), Europol, The Policing Working Group on Terrorism (PWGOT), the Club of Berne, the Club of Vienna, and the European Convention on the Suppression of Terrorism, Kilowatt and Star Group. These groups will be examined in the following parts of this study in detail.

### **3.9 Evaluation of the Threat and Response So Far**

The history of threat and response reveal that an interactive process has taken place throughout history between the two. Actors on the threat side have always had a leading role in shaping the interaction between the threat and response. Every new action, attack, and method initiated by threat actors has created its reaction on the response side. So, responses have been created and shaped according to the methods and capabilities of threats, in other words, they were most of the time “delayed”.

The history of threat and response reveals that this relationship between the two has created both domestic and also international mechanisms and bodies to deal with terrorism. This chapter investigated what happened in the 20<sup>th</sup> century in the interaction between them. The next chapters will look at what changed after 9/11 in terms of responding to the current state of terrorism which is called as “new terrorism.”

The following three chapters will examine what is happening in four realms previously established based on two dimensions, namely, the actors and the forms of cooperative relations. Chapter 4 will look at the realist/state-centric realm, Chapter 5 will examine the liberal/state-centric realm and lastly Chapter 6 will focus on the liberal and realist multi-centric realms. The reason to investigate the liberal and realist multi-centric realms in the same chapter is to clearly present the growing importance of the multi-centric realm. Table 3 given below (designed based on Table 1) outlines the basic areas of police cooperation in response to terrorism. All four areas mentioned in the table will be examined in individual chapters based on the history of terrorism and response. Each chapter aims at understanding what kind of strategies had been developed before 9/11, if they were adequate, and what, if

anything, has changed in light of new terrorism. The aim to follow this process is to find out if states, in their response activities, looked for new ways to adapt to the changing threat environment.

**Table-3: Framework of Police Cooperation**

		<b>FORMS OF COOPERATIVE SECURITY INTERACTIONS</b>	
		<b>State-Centric Interactions</b>	<b>Multi-Centric Interactions</b>
<b>ACTORS</b>	<b>Liberal Forms of Actors &amp; Practice</b>	International Organizations Conventions Regimes Judicial Cooperation Extradition MLAT's (Mutual Legal Assistance Treaty) Transfer of sentenced persons Transfer of criminal proceedings Recognition foreign penal judgements Administrative Cooperation Customs  <b>Police Cooperation</b> International Police Organizations United Nations Interpol Europol	Non-Gov International Org. Independent/Individual Initiatives Private Security   <b>Police Cooperation</b> Local to Local Police Liaisonship
	<b>Realist Forms of Actors &amp; Practice</b>	Interstate Relations Diplomacy  Transgovernmental Relations <b>Formal Police Liaisonship</b>	<b>Police Cooperation</b> Police Liaisonship Formally established but informally functioning



## **CHAPTER 4**

### **REALIST / STATE-CENTRIC FORMS**

The realist-state-centric domain covers realist actors and their state-centric-international relations, an area where bilateral relations between states dominate. Diplomacy, establishment of foreign offices, ministries of foreign affairs and embassies are part of Realist- State-Centric forms. Sub-state entities as actors of transnational cooperation constitute their cross/border existence under the umbrella of embassies, thus such entities may also be placed within the Realist-Centric area. As another point, although liberalism may better explain the creation and forms of sub-state entities as transnational actors, several functions of those entities, especially transnational police interactions, should also be placed in the realist domain because of their representation of national interests. For those reasons, several aspects of transnational police cooperation such as the establishment of bilateral police cooperative schemes, appointment of police liaison officers, and their activities in the name of national interest, should be explained in the realist-state-centric dimension of police cooperation.

Since the emergence of modern terrorism with the Anarchist wave, states have carried out both domestic and international counter-terrorism initiatives. In terms of domestic initiatives we observe establishment of political police units, institution of legal instruments to deal with terrorism, usage of agents/ informants, and efforts to employ technological advances. Those domestic arrangements represent the states` responsibility and ability to settle peace inside the borders through police forces, therefore represent a realist-state-centric character. When a police organization as a traditional domestic entity carries its activities to the international zone as a sub-state entity *alongside* the traditional foreign relations actors, and with an ability to initiate transnational cooperation with its foreign partners, then it is possible to argue the transfer of its domestic realist/state-centric performance to the international and transnational level.

History shows us that police entities have experienced this transformation in the terrorism field during the Anarchist wave. In addition to the formation of domestic mechanisms to deal with Anarchism, states also focused on international cooperative initiatives, because the domestic security of states was influenced by a spreading cross border reality. Therefore we can argue that the emergence of Anarchism drove police organizations to establish international links as sub-state entities within a realist/state-centric paradigm. Events such as the International Conference of Rome for the Social Defence against Anarchists of 1898 show us that police cooperation has been structured as part of a wider diplomatic arrangement, but with an ability to develop its own cooperative mechanisms. The main authorities who organized this conference were central state and foreign relations authorities of contributing countries, but police officials had special meetings as part of the

conference. We also see the formation of direct contacts and relationships between police organizations beyond the relationship structure of traditional foreign relation actors. Another example is the establishment of contact points for communicating with partners as seen in the example of Switzerland, which created a central policing organization in the prosecutor's office for relations with other countries (Jensen, 2001: 29).

The appointment of police officers to other countries to track the Anarchist activities regarding their own countries was also initiated during this era. Based on given examples, we can argue that although a traditional foreign relations structure may draw the general framework of cooperative relations between states in a realist/state-centric paradigm; police forces, though remaining within the general framework, have developed independent relationships with their international partners.

In the aftermath of the Anarchist wave, although the importance of the realist-state-centric area as a state level diplomacy increased, it is not possible to argue that there was a cooperative increase between police forces as sub-state entities. In the following years, the realist understanding that perceives terrorism solely as an internal matter of states gained strength, therefore the core diplomatic structures of states such as foreign offices, state departments and embassies, primarily dealt with the issue on the international level, while police organizations mostly focused on domestic matters of terrorism.

#### **4.1 Issues Related to the Realist/State-Centric Domain**

As bilateral relations dominate the realist/state-centric domain; mutual interests and configuration of power between parties shape the cooperative interactions in this area. Diplomacy is a tool which works when mutual interests overlap. In a world where one man's terrorist may be accepted as another man's freedom fighter, a terrorism problem in one country may be accepted as an advantage for others. As explained in the theoretical chapter, if cooperation will result in strengthening other states in other issue areas, realism gives room for states to avert from cooperation. There is no doubt that states dealing with terrorism must devote significant amounts of their resources to countering a terrorist threat, a situation which may provide incentives for other states to see that threat continue. Therefore, states looking for cooperation from others should define their own terrorism problem convincingly and show the mutual benefits of cooperation for potential partners. Overall, a precondition of establishing cooperation on terrorism between states depends on an acknowledgement of the existence of a terrorist threat, outlining mutual interests, and showing willingness to act frankly.

A state's capacity to convince others in establishing cooperation against terrorism also lies in that state's own capabilities and power. There may be various cooperation alternatives between states based on their relationships as shaped by capability and power configurations. That is why we face proposals in theory such as Milner's "imposed cooperation," which argues that the stronger party may succeed in the adjustment of its policies in a cooperative relationship. Here, we may also recall Ole Waever and Barry Buzan's study, which tries to establish a wider model of power interactions. Their power categorization of superpowers, great

powers and regional powers, represents a hierarchical structure in which superpowers dominate the whole system, great powers may have system level influence, and lastly regional powers have influence within a particular region. Consequently, power levels of those states are decisive in the establishment and continuity of their cooperative relations with others, including on terrorism related issues.

In fact we can apply those theories for law enforcement cooperation too. Establishing an international system and network for law enforcement cooperation requires power and capabilities. Parallel to this proposal, the existing literature reflects the idea that powerful states such as the USA and the leading European countries have more interest in establishing international law enforcement cooperation. As an example here, an investigation of international cooperative initiatives of the USA's law enforcement activities may give us an idea about the character of those relations. The reason behind this choice may be explained as the USA's reliance on international law enforcement cooperation in the fight against crimes, and existence of a broad academic literature on US initiatives.

#### **4.1.1 The USA Case**

Considering bilateral arrangements between countries in terms of policing efforts, the most effective country in establishing bilateral relations since the Second World War has been the USA. According to Deflem, the USA has engaged in unilateral cross-border operations in the past, for example in Mexico, but this situation created tensions (Deflem, 2001: 78). Currently, US policy seems to be to

establish cooperative strategies with its partners, instead of using unilateral actions abroad. Therefore, the USA has initiated worldwide policies to improve the effectiveness of its policing activities and especially its bilateral initiatives throughout the world.

The USA interprets international law enforcement cooperation, including police cooperation, in a quite wide perspective, consequently various US agencies are seen as involved with international cooperative initiatives focusing on law enforcement issues. Deflem summarizes those organizations as the FBI, the DEA (Drug Enforcement Administration), the Coast Guard, the Immigration and Naturalization Service, Border Patrol, the Customs Service, the Bureau of Alcohol, Tobacco and Firearms, the Secret Service, the Internal Revenue Service, the Postal Inspection Service, the Criminal Division's Office of International Relations in the Justice Department, the Bureau of Diplomatic Security and even local police organizations, especially in border areas or in international training projects (Deflem, 2001: 75). Deflem also claims that "The US State Department is increasingly involved in international police matters because the US government views the international crime problem as a component of foreign policy and national security, not just as a law enforcement issue" (Deflem, 2001: 76).

Marenin's approach is parallel to Deflem's when he argues that "...police cooperation and assistance programs are part of the general foreign policy of the United States which is driven mainly by national interest considerations" and also mentions that these programs aim to present the US policing understanding as a model (Marenin, 2001: 314)

According to Marenin, by establishing international police cooperation, the USA aims first at strengthening transnational policing cooperation, secondly at developing institutional and personal linkages, thirdly at helping to improve or change the ideologies, organizational stability, skills and performance of the police forces of other countries, fourthly at assisting international and multilateral peacekeeping and peace-building operations, and finally at helping to develop a supportive informational, legal, political and criminal justice infrastructure (Marenin, 2001: 297).

Marenin also investigates five current policing activities of the USA which can be gathered under the headings of crime control, linkage building, assistance programs, participation in international peacekeeping programs, and activities ancillary to and supportive of policing (Marenin, 2001: 298-313). A brief investigation of those policing activities in the following paragraphs based on Marenin's account may help us to understand what the possible patterns of cooperative police cooperation are.

Marenin (2001: 298-303) argues that crime control takes place by four different methods. The first one is case related cooperation. The second one is information sharing by different forms such as using Interpol, MLATs (Mutual Legal Assistance Treaties), and extradition treaties, and especially via a network of informal contexts, acquaintances among police officers during case work, attendance at international workshops, symposia, and formal training programs. The third way of crime control is establishing liaison offices overseas, which is a central theme of this thesis. The USA has given special importance to improve its LEGAT program in the fight against terrorism. As will be examined in the Liaison Section of

the Thesis, one of the FBI's responses to the 9/11 attacks was to increase the number of its LEGAT offices. And as a final crime-fighting method, we can consider strategic planning by the international criminal justice office in the Department of State for certain types of crimes. The second current policing activity of the USA, which is linkage building, occurs in three ways: participation in international institutions, building international institutions, and establishing networking (Marenin, 2001: 303-304). Although participation in international institutions such as Interpol and the UN is part of the USA's cooperative law enforcement strategies, Deflem argues that the USA generally tries to control its international relationships by following unilateral or bilateral strategies (Deflem, 2001: 75). In fact, Deflem's finding is supported in different parts of this study. For example while investigating the relationship between Europol and the USA, I found that the USA focuses more on improving bilateral relations with Europol members individually, instead of using Europol as a sole partner in Europe. The third type of activity consists of assistance programs, which generally focus on training. The USA follows several ways for this aim. Establishing overseas institutions, such as the International Law Enforcement Academy (ILEA) opened in Budapest in 1995, is one way (Marenin, 2001: 305). The other way is US based training, which comprises "attendance at general courses at the FBI Academy or other law enforcement teaching centers, specialized workshops and training sessions offered to police from other countries", practical case training and training offered by contractors (Marenin, 2001: 307). The third way of assistance program is host country training which is provided by USA in the territories of other countries (Marenin, 2001: 308). Lastly, the USA is providing the International Criminal Investigative Training Assistance Program (ICITAP),



established in 1986 in the Department of Justice, for building effective and democratic police forces (Marenin, 2001: 309-311). The fourth type of American international policing cooperation efforts is the participating in peacekeeping and peace-building initiatives. Lastly, the USA is involved with support activities with an aim "to create the political will, the legal infrastructure and its associated administrative agencies" by programs of Rule of Law (ROL) and Administration of Justice (AOJ) (Marenin, 2001: 312). According to Deflem, the USA is hesitant about the quality of investigations being carried out by other police forces, tending to view those forces as corrupt and unprofessional (Deflem, 2001: 78). For this reason, the USA aims to improve the capabilities and atmosphere of its partners.

The USA's experience in establishing an international law enforcement cooperative system reminds us of several issues. Establishing such a large network requires capabilities, resources, and power. Every year, relevant USA authorities publish yearly reports on specific issues. For example, annual reports about terrorism are called as Country Reports on Terrorism, which are presented to Congress by the Secretary of State.<sup>4</sup> In such reports the USA authorities analyze the current situation on a country by country basis and evaluate the cooperative approaches of those countries. These reports are believed to be important for countries taking part in those activities.

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<sup>4</sup> Retrieved from <http://www.state.gov/s/ct/rls/crt/index.htm>, on 15.12.2009. According to information on the State Department webpage, U.S. law requires the Secretary of State to provide Congress these reports. The reports were called as Patterns of Global Terrorism before 2004.

## **4.2 Possible Bilateral Cooperative Ways on Terrorism**

Examination of the USA case reveals that cooperation between states and specifically law enforcement agencies represents a multi-layer character which includes getting assistance in cases and information exchange, changing the behaviour of the partner through policy coordination by harmonising the law enforcement structure, linkage building, and providing assistance in improving the capabilities of the partner. With such a range of activities, investigation of how those strategies are performed in cooperative relations becomes important. In a mutual setting, those strategies are operationalized in a reciprocal way. Although the stronger party naturally has capabilities and power to influence the other party, cooperation may take several forms depending on the issue, and in certain circumstances, the weaker party may have a say in the process. With respect to cooperation on terrorism related issues; the terrorism problems of countries and comparison of the power capabilities of the partners may influence the kind of cooperative relationship between parties. Table 4 below shows possible configurations of cooperation based on interests of countries in a bilateral setting and with a focus on power differences.

**Table 4: Possible Cooperative Version Between States Based on Power Calculations**

<b>INTEREST OF COUNTRY A</b>	<b>INTEREST OF COUNTRY B</b>	<b>BALANCE OF POWER BETWEEN PARTIES</b>	<b>AIM OF COOPERATION</b>
Ter. Org. A	Ter. Org. A	Equal Relationship	Equal parties cooperate with each other in a balanced way in their case related, linking building, assistance providing, and policy coordination arrangements of cooperation.
		Stronger Party / Weaker Party Relationship	Beside usage of linkage building and case related arrangements of cooperation, stronger party may initiate assistance providing and policy coordination methods.
Ter. Org. A and B	Ter. Org. A and D	Equal	<p>Equal parties cooperate with each other in a balanced way in their case related, linking building, assistance providing, and policy coordination arrangements of cooperation against the common threat of Terrorist Organization A.</p> <p>If parties have mutual interest in their cooperation against individual terrorist problems of B and D, then they also cooperate for those groups.</p> <p>As another option, parties may refrain from cooperating on their individual terrorist problems of B and D, while cooperating on common threat of A.</p> <p>If individual terrorist group for one country is more important than the common threat of A, and if the other party does not want to cooperate on it, then this specific country may hinder cooperation.</p>
		Stronger Party / Weaker Party Relationship	<p>Beside usage of linkage building and case related arrangements of cooperation, stronger party may initiate assistance providing and policy coordination methods regarding the common threat A.</p> <p>For the individual terrorist problems of B and D, the stronger party may want to dominate the cooperative</p>

		Stronger Party / Weaker Party Relationship  (Continued)	relationship based on its interests, while the weaker party would like to increase its strategic and tactical capabilities with the help of the stronger party. Case related, linking building and policy coordination initiatives may take mutually. The weaker party may request assistance from the stronger party Although there is a possibility of cheating the weaker party, the weaker party also has a potential to hinder the cooperative relationship for the common threat of A, if it doesn't get its end results from the cooperation regarding its own terrorism problem.
Ter. Org. A	Ter. Org. D	Equal	If mutual interests exist parties may cooperate. Non-cooperation is also possible. Parties try to initiate case related, linking building, assistance providing, and policy coordination arrangements of cooperation to get the help of the other party.
		Stronger Party / Weaker Party Relationship	If mutual interests exist parties may cooperate. Non-cooperation is also possible. Parties try to initiate case related, linking building, assistance providing, and policy coordination arrangements of cooperation to get the help of the other party.
Ter. Org. A	No Problem	Equal	The party which has the terrorism problem tries to convince the other party to get its cooperation. They initiate case related, linking building, assistance providing, and policy coordination arrangements of cooperation to get the help of the other party.
		Stronger Party / Weaker Party Relationship	The party which has the terrorism problem tries to convince the other party to get its cooperation. They initiate case related, linking building, assistance providing, and policy coordination arrangements of cooperation to get the help of the other party.

### **4.3 Impotency of the Realist-State-Centric Domain Before 9/11**

Diplomacy, as a tool of the realist/state-centric domain, works generally when mutual interests overlap. The interesting character of diplomacy is its continuing and endless nature in the pursuit of a state's interest. Therefore states always follow diplomacy for achieving their aims, although their expectations can not be met much of the time. Another characteristic of diplomacy is the dominance of foreign affairs entities in diplomatic operations. However, we see that diplomacy may not produce the desired end results in terrorism, because of terrorism's value-laden nature. In such circumstances, states may try to benefit from sub-state entities and their capabilities of establishing transnational relations. Transnational relations of such sub-state entities may open channels for states to develop cooperative endeavours, and take advantage of the sub-state entities' strategies such as establishing linkages, working together on cases, policy coordination, and providing assistance.

### **4.4 New Response Initiatives of the Realist-State-Centric Domain: Recalling the Police Liaison System Against Terrorism**

After decades of the Anarchist era, the emergence of transnational terrorism with similarities to Anarchism seems to demand a revival of police cooperation as an important international/transnational counter terrorism tool again today. As will be explored in Chapter V, it is possible to observe an emphasis on the appointment

of bilateral police liaison officers between countries on terrorism related issues. In fact, this situation seems to suggest that states have again begun to make room for transnational relations carried out by sub-state actors alongside their diplomatic channels.

As an important theme of this study, the deployment of police liaison officers represents itself as having been an important transgovernmental strategy in the struggle against drugs in the second half of the 20<sup>th</sup> century. Usage of this method in the fight against terrorism has developed quite slowly in recent years but represents a promising trend. It can be argued that the realist/state-centric domain was traditionally restricted to diplomacy and foreign affairs entities between the Anarchist wave and 9/11, therefore importance given to the bilateral transnational cooperation between law enforcement agencies and liaison officer appointments should be accepted as a new trend in today's response initiatives against terrorism. This development can also be shown as the sign of transformation of state in the realist/state-centric domain, via the channel of law enforcement bodies as sub-state entities.

## **CHAPTER 5**

### **THE LIBERAL / STATE-CENTRIC DOMAIN**

The liberal / state-centric domain basically covers three main areas which can be labelled as international organizations, conventions, and lastly regimes. International initiatives falling into these three groups can also be divided into two groups as global and regional initiatives. Those areas and their varieties are basically depicted in Table 5 but will be explored in more detail in the following pages by focusing predominantly on police cooperation.

The main aim in this section is to provide an overview of existing actors that fall into the liberal/state-centric domain, and explore their terrorism related mandates, aims, and policies. Their abilities and powers in terms of counter terrorism capabilities, as based on resources, is also discussed. At the end I hope to provide a general view of what kind of actors we have and what their capabilities are.

**Table 5: Main Areas of the Liberal/State-State-Centric Domain**

	Examples at Global Level	Examples at Regional Level
International Organizations	UN Interpol	Europol
Conventions	<p>According to the UN webpage there are 16 international legal instruments including conventions. A list of those instruments will be provided in the following pages when investigating the conventions in detail. It should also be kept in mind that those conventions and others which are labelled as international legal instruments by the UN create a regime regarding terrorism. Therefore although conventions themselves may focus on specific individual issues, aggregation of those instruments creates a systemic mechanism which can be accepted as a regime.</p>	<p>We also observe conventions of regional organizations regarding terrorism. Examples of such regional organizations are the League of Arab States, the Islamic Conference, European Union, OAS (Organization of American States), OAU (Organization of African Union), South Asian Association for Regional Cooperation (SAARC) and Commonwealth of Independent States</p>
Regimes (Judicial Cooperation Regime)	<p>An example of judicial cooperation regime is extradition. The rule of “extradite or prosecute” exists in most of the UN conventions mentioned above. Those conventions either require or obligate states to prosecute offenders if they do not extradite them to another state. Treaties between individual countries also set the standards of extradition bilaterally.</p>	<p>In regional contexts there may also be ground for a regime. For example, Europe has a European Convention on Extradition.</p>



The examination method of international organizations will comprise a basic history of the organization, its activities regarding terrorism, and relevant police cooperation strategies conducted under its authority. As an essential aim, comments will be made on how much the policies and initiatives of the specifically examined organizations have contributed to the fight against terrorism. Similar methods will be followed for regimes and conventions.

### **5.1 International Organizations**

International organizations are created to facilitate cooperation with the contribution of countries and can be divided into two main groups: global and regional organizations. The difficulty in reaching a globally accepted understanding and definition of terrorism also negatively influences the efforts of international organizations. Despite the existence of this difficulty, international organizations have struggled to establish a common understanding and cooperation on terrorism.

It is evident that the spectrum of international organizations that deal with terrorism has expanded widely after the 9/11 attacks. For example, the webpage of the Organization for Security and Co-operation in Europe (OSCE), titled as “Secretariat – Action Against Terrorism Unit,” provides a list of 57 International partners and explains its activities as “Aside from providing assistance to OSCE participating States, the unit works with a variety of international and regional organizations.”<sup>5</sup> Examination of those organizations mentioned as the partners in

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<sup>5</sup>Retrieved from <http://www.osce.org/atu/13056.html> on 08.04.2009. On the webpage, links of mentioned organizations are provided to get more information about them.

countering terrorism reveals the wide variety of organizations and initiatives in the field: Adriatic-Ionian Initiative (AII) , Asia-Pacific Economic Cooperation (APEC), Association of South East Asian Nations (ASEAN) , African Union , Organization of the Black Sea Economic Cooperation (BSEC), Central Asian Cooperation Organization (CACO), Council of the Baltic Sea States (CBSS) , Central European Initiative (CEI) , Conference on Interaction and Confidence-building Measures in Asia (CICA) , Commonwealth of Independent States (CIS) , CIS Anti-Terrorism Centre (ATC) , Council of Europe (CoE) , CoE Committee of Experts on Terrorism (CODEXTER) , CoE MONEYVAL Committee , Commonwealth Secretariat , Collective Security Treaty Organization (CSTO) , Eurasian Economic Community (EURASEC) , European Union , Council of the European Union , EUROJUST , Europol (European Police Office) , Financial Action Task Force on Money Laundering (FATF) , Organization for Democracy and Economic Development (GUAM) , International Atomic Energy Agency (IAEA) , International Civil Aviation Organization (ICAO) , Inter Governmental Authority on Development - Capacity Building Program Against Terrorism (IGAD-ICPAT) , International Labour Organization (ILO) , International Maritime Organization (IMO) , International Organization for Migration (IOM) , International Relations and Security Network (ISN) , International Organization for Standardization (ISO) - Task Force 3 on Machine-Readable Travel Documents , Interpol , League of Arab States (LAS) , North Atlantic Treaty Organization (NATO) , Organization of American States (OAS) , OAS Inter-American Committee Against Terrorism (OAS-CICTE) , Organization for Economic Co-operation and Development (OECD), Organization of the Islamic Conference (OIC) , Organisation for the Prohibition of

Chemical Weapons (OPCW) , Shanghai Cooperation Organization (SCO) , Regional Cooperation Council , Southeast Asia Regional Centre for Counter-Terrorism (SEARCCT) , The SECI Regional Center for Combating Transborder Crime , South East European Cooperation Process (SEECF) , Stability Pact (SP) , International Association of Public Transport (UITP) , United Nations Counter-Terrorism Committee (UNCTC) , UNSCR 1540 Committee , United Nations Al-Qaida and Taliban Sanctions Committee , United Nations Counter-Terrorism Implementation Taskforce , United Nations High Commissioner for Refugees (UNHCR) , United Nations High Commissioner for Human Rights (UNHCHR) , United Nations Interregional Crime and Justice Research Institute (UNICRI) , United Nations Educational, Scientific and Cultural Organization (UNESCO) , United Nations Office on Drugs and Crime (UNODC) , World Bank , World Customs Organization (WCO)

As the focus here is on police cooperation, investigating all those and similar entities in detail is not possible. The approach instead will be on highlighting the entities which primarily represent or refer to police and law enforcement cooperation. In addition to police organizations created to improve police cooperation as their sole aim, such as Europol and Interpol, other international and regional organizations also give room for guidance and improvements in police cooperation. Several of these will be examined below, such as the United Nations, OAS, and ASEAN.

### **5.1.1 Global Organizations**

In terms of international organizations with connections to countering terrorism, the UN and Interpol are the most well known regarding police cooperation.

#### **5.1.1.1 The United Nations**

The United Nations, as the gathering ground for states, plays an important role in international cooperation against terrorism. According to Cortright and Lopez, “its role as the primary source of international political legitimacy and legal authority for many nations” make the UN an important actor in international efforts to fight against terrorism for “developing political consensus for the international cooperation.” (Cortright and Lopez, 2007:2). The efforts of the UN are vital for law enforcement bodies especially after 9/11 because, as Cortright et. al argue, “the UN program has helped to validate the importance of non-military, cooperative law enforcement efforts as viable means of countering the terrorism threat.” (2007: 25).

According to the information on the webpage of the UN, the efforts to establish an international ground on terrorism go back to the era of the League of Nations, which prepared a draft convention for the prevention and punishment of terrorism in 1934, adopted it in 1937, but was unable to put it into force.<sup>6</sup>

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<sup>6</sup> Retrieved from <http://www.un.org/terrorism/instruments.shtml> on 08.06.2008. This UN webpage provides a brief history of terrorism related initiatives of United Nations.

After its establishment in 1945, The United Nations focused on general crime related issues with an aim to formulate general frameworks of international cooperation, then by the 1960s, terrorism had also become one of the issue areas of the UN. According to the webpage of the organization, since 1963 the UN has established 13 universal legal instruments and three amendments about terrorism. Substantive changes were introduced to three of these instruments in 2005 and efforts are still underway on a draft comprehensive convention on international terrorism, which is believed to “complement the existing framework of international anti-terrorism instruments and build on key guiding principles already present in recent anti-terrorist conventions.”<sup>7</sup>

This draft 14<sup>th</sup> convention carries importance, because this convention aims to create a global understanding on terrorism, while the previous conventions were focused on defining and criminalizing certain terrorist offences. In fact, preparation of this convention should be accepted as one of the new dimensions of UN efforts after the 9/11 attacks, which urged the organization to develop a wider counter-terror initiative.

Actually, the terrorism related activities of the UN may be carried out by different bodies of the organization. For example, one new initiative worth mentioning here is the United Nations Counter-Terrorism Implementation Task Force (CTITF), established by the Secretary-General in July 2005 to ensure overall coordination and coherence in the counter-terrorism efforts of the United Nations system with its 24 member entities, eight working groups and two project and

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<sup>7</sup> Retrieved from <http://www.un.org/terrorism/instruments.shtml>, on 23.03.2009

initiatives.<sup>8</sup> Concerning the General Assembly, it can be understood that this UN body focuses on “terrorism as an international problem since 1972” and in addition to its work related to conventions, the Assembly has established four declarations and more than 50 resolutions.<sup>9</sup>

As another entity of the UN structure, the UN Security Council, which “has been dealing with terrorism issues since the early 1990s” plays an important role in establishing several mechanisms to deal with terrorism, by having four Counter-Terrorism related bodies (1267 Committee, CTC (Counter –Terrorism Committee, 1540 Committee and 1566 Working Group) and more than 40 resolutions.<sup>10</sup> The initial responses of the Council were in the forms of sanctions in the 1990s, such as sanctions against Libya and Sudan, which were “considered to have links to certain acts of terrorism”, as well as the establishment of Committees<sup>11</sup>.

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<sup>8</sup> Retrieved from <http://www.un.org/terrorism/cttaskforce.shtml> on 23.03.2009. According to information provided on the webpage CTITF member entities are as follows: Counter-terrorism Committee Executive Directorate (CTED) , Department of Peacekeeping Operations (DPKO), Department of Political Affairs (DPA), Department of Public Information (DPI) , Department of Safety and Security (DSS) , Expert Staff of 1540 Committee , International Atomic Energy Agency (IAEA) , International Civil Aviation Organization (ICAO) , International Maritime Organization (IMO) , International Monetary Fund (IMF) , International Criminal Police Organization (INTERPOL) , Monitoring Team of 1267 Committee , Office for Disarmament Affairs (ODA) , Office of the High Commissioner for Human Rights (OHCHR) , Office of Legal Affairs (OLA) , Organization for the Prohibition of Chemical Weapons (OPCW) , Special Rapporteur on the promotion and protection of human rights while countering terrorism , United Nations Development Programme (UNDP) , United Nations Educational, Scientific and Cultural Organization (UNESCO) , United Nations Interregional Crime and Justice Research Institute (UNICRI) , United Nations Office on Drugs and Crime (UNODC) , World Customs Organization (WCO) , World Bank , World Health Organization (WHO) . **CTITF Working Groups:** Integrated Assistance for Countering Terrorism (I-ACT) , Preventing and Resolving Conflicts , Supporting and Highlighting Victims of Terrorism , Preventing and Responding to WMD Attacks , Tackling the Financing of Terrorism , Countering the Use of the Internet for Terrorist Purposes , Strengthening the Protection of Vulnerable Targets , Protecting Human Rights While Countering Terrorism, Other **CTITF Projects and Initiatives:** UNICRI Center on Policies to Counter the Appeal of Terrorism , Documentaries Project

<sup>9</sup> Retrieved from <http://www.un.org/terrorism/ga.shtml> on 23.03.2009

<sup>10</sup> Retrieved from <http://www.un.org/terrorism/securitycouncil.shtml> on 23.03.2009

<sup>11</sup> Retrieved from <http://www.un.org/terrorism/securitycouncil.shtml> on 23.03.2009

It is possible to mention several important steps of the UN following 9/11 in the counter-terrorism field to materialize international cooperation worldwide. The first step was the establishment of Security Council Resolution 1373 in 2001, just after the 9/11 attacks. Cortright and et.al. argue that “Resolution 1373 was unparalleled in establishing legal obligations and mobilizing states for a campaign of non-military cooperative law enforcement measures to combat global terrorism.” (Cortright et. al., 2007: 23). Resolution 1373 “obliges all States to criminalize assistance for terrorist activities, deny financial support and safe haven to terrorists and share information about groups planning terrorist attacks.”<sup>12</sup> The same resolution established the Counter-Terrorism Committee (CTC) to monitor the implementation of the resolution, and in 2004, Resolution 1535 created the Counter-Terrorism Committee Executive Directorate (CTED) to provide the CTC with expert advice. According to Cortright et. al., the CTC Committee is tasked with strengthening “the counter-terrorism capacity of UN member states” (Cortright et. al., 2007: 24). Later important steps were Resolution 1540, which calls on states to prevent non-state actors (including terrorist groups) from accessing weapons of mass destruction and creates the 1540 Committee. Also Resolution 1566 in 2004 “called on Member States to take action against groups and organizations engaged in terrorist activities that were not subject to the 1267 Committee's review”.<sup>13</sup>

Those actions of the UN can be described as very strong moves in the counter-terrorism field. According to Cortright and Lopez, UN activities following 9/11 “stimulated significant international action to build counter-terrorism capacity”

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<sup>12</sup> This sentence which summarizes the main aim of Resolution 1373 has been taken from a page of UN. A link to Resolution 1373 is also provided on the webpage. It is retrieved from <http://www.un.org/Docs/ctc/> on 28, 11, 2007

<sup>13</sup> Retrieved from <http://www.un.org/terrorism/securitycouncil.shtml> on 23.03.2009

and “also sparked greater international cooperation and coordination among regional and sub regional organizations, along with specialized international agencies” (Cortright and Lopez, 2007:10). Cortright et. al. also argue the difficulty of measuring the success of non-military counterterrorism efforts of these UN activities, but mention successes as establishing a stronger legal foundation, getting reports from countries, and a marked increase in the signing of thirteen conventions (Cortright et al., 2007: 29).

It should also be mentioned here that the global counter-terrorism strategy adopted by the United Nations and launched in 2006, presents as the first event that “all countries in the world agreed on a common approach to fight terrorism.”<sup>14</sup> The strategy is established on the following points: preventing and combatting terrorism; building state capacity to counter terrorism, protecting human rights, and addressing the conditions conducive to the spread of terrorism.

Although positive developments exist, examination of research also reveals several impotencies of UN initiatives, e.g. management problems, lack of harmony within the UN system, and lack of resources. In terms of management problems, Cortright et.al argue that the CTC was promising at the beginning but “suffered from uneven leadership, administrative and bureaucratic delays, and lack of resources” (Cortright et. al., 2007: 26). Rosand and Millar also argue that the UN framework is essential and useful, but the monitoring system is inadequate (Rosand and Millar, 2007: 52). In their investigation of UN responses, Rosand and Millar, argue that “slothful, bureaucratic responses are not sufficient” against a threat “that is constantly transforming” (Rosand and Millar, 2007: 76).

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<sup>14</sup> Retrieved from <http://www.un.org/terrorism/framework.shtml> on 23.03.2009



We also observe problems within the organization, where cooperation and coordination is found inadequate by Cortright et. al. (2007: 41), who also criticize that the United States, the United Kingdom and other permanent states of the Security Council were influential in shaping the CTC agenda while developing nations had little voice (Cortright et. al., 2007: 27). An important point in the structure of the UN counterterrorism system is the existence of different UN bodies working on counterterrorism issues with different mandates but working in an overlapping manner without adequate coordination (Cortright et. al., 2007: 43, Rosand and Millar, 2007: 61)

As a third issue, we observe that fulfilling UN requirements by most of the countries necessitates resources and assistance, which the UN has problems to provide. Cortright et. al argue that the CTC and CTED “have failed to perform adequately in facilitating the coordinated delivery of assistance by donor countries and agencies.” (Cortright et. al., 2007: 35). Accordingly, to overcome this problem, the establishment of a fund to countries in need of help has been proposed, but the fund has not been established yet. One of the reasons mentioned for this is the opposition of the USA, allegedly because it sees as adequate the bilateral arrangements (Cortright et. al., 2007: 36). Cortright et. al also argue that “many states need help to improve policing and law enforcement systems”, but instead of using UN channels, donor countries prefer providing assistance bilaterally to countries in need (Cortright et. al., 2007: 35).

Although the UN is still trying to establish a common understanding and definition of terrorism, the UN’s inability to develop such a common understanding

and definition should also be added to the list of its inadequacies (Cortright et. al., 2007: 44-45, Rosand and Millar, 2007: 51)

### **5.1.1.2 Interpol (The International Criminal Police Organization)**

The second largest international organization after the UN is Interpol, which was created in 1923. According to the webpage of Interpol it is the world's largest international police organization with 188 member countries.<sup>15</sup> Bantekas and Nash define Interpol as “an intergovernmental organization which facilitates co-operation between national law enforcement agencies” but stress that “it is not an operational agency in the same manner as a conventional domestic police force” (Bantekas and Nash, 2007; 407-409)<sup>16</sup>. Deflem and Maybin define it as “an organization that aims to provide and promote mutual assistance between criminal police authorities within the limits of national laws and the Universal Declaration of Human Rights” (Deflem and Maybin, 2005: 178). Interpol's structure includes a General Assembly as the supreme governing body meeting annually by delegates of member countries; an Executive Committee with 13 members elected by the general assembly; a General Secretariat located in Lyon staffed by officials from more than 80 countries, while the Secretariat also has six Sub-Regional Bureaus and a liaison office at the United Nations in New York; National Central Bureaus (NCB) at each member country; Advisors as experts who may be appointed by the Executive Committee and a Commission for the Control of Interpol's Files as an independent body.

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<sup>15</sup> Retrieved from <http://www.interpol.int/public/icpo/default.asp> on 01.12.2009.

<sup>16</sup> Also look at Deflem and Maybin (2005: 178) who argue that “Interpol is not a supranational police agency with investigative powers but a cooperative network intended to foster collaboration and to provide assistance in police work among law enforcement agencies in many nations.”

According to Interpol's webpage, Sub-Regional Bureaus of Interpol are located in Abidjan (serving West Africa), Buenos Aires (South America), Harare (Southern Africa), Nairobi (East Africa), San Salvador (Central America) and Yaounde (Cameroon), while a liaison office in Bangkok is serving Southeast Asia<sup>17</sup>. According to the same source, Regional Bureaus may also work with regional police chiefs committees in three designs which are exemplified as follows:

1) Regional Bureaus act as the permanent secretariats of the Police Chief Committees as follows:

-Abidjan serves WAPCCO (West African Police Chiefs Committee)

-Yaoundé serves CAPCCO (Central African Police Chiefs Committee).

-Harare serves SARPCCO (Southern African Regional Police Chiefs Co-operation Organization).

-Nairobi serves EAPCCO (East African Police Chiefs Co-operation Organization).

2) In the following examples, RBs are building ties with Police Chief Committees in the region:

-Asia, between the South-East Asia Liaison Office (LoBang) and ASEANOPOL (Association of South-East Asian Nations Chiefs of Police);

-Central America, between the RB in San Salvador and the CJPCAC (Comisión de Jefes de Policía de Centro América y el Caribe - Commission of Chiefs of Police of Central America and the Caribbean).<sup>18</sup>

3) And lastly "Relations between the RBs and the SPCPC (South Pacific Chiefs of Police Conference) and the ACCP (Association of Caribbean

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<sup>17</sup>Retrieved from <http://www.interpol.int/public/icpo/srb/default.asp> on 01.12.2009.

<sup>18</sup> Retrieved from <http://www.interpol.int/public/icpo/srb/default.asp> on 01.12.2009.

Commissioners of Police) are managed directly from the Organization's Headquarters in Lyon.”<sup>19</sup>

Regarding Interpol another important issue is regional conferences, which “bring together National Central Bureaus (NCBs) in each of Interpol’s four statutory regions to discuss global and regional policing issues” as committees of the General Assembly with a statutory meeting character.<sup>20</sup> In 1997, Interpol decided to hold regular regional conferences on the four continents of Africa, the Americas, Asia and Europe.<sup>21</sup>

Interpol also establishes co-operation agreements with other international organizations, and there are international conventions linked with Interpol.<sup>22</sup> Interpol “facilitates cross-border police co-operation, and supports and assists all organizations, authorities and services whose mission is to prevent or combat international crime.”<sup>23</sup> The webpage of Interpol outlines the core functions of the organization, namely, securing global police communication services by running a global police communications system called I-24/7, managing operational data services and databases for police by providing databases and services which ensure that police worldwide have access to the information and services they need to prevent and investigate crimes, providing operational police support services which support law enforcement officials in its priority crime areas of fugitives, public

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<sup>19</sup> Retrieved from <http://www.interpol.int/public/icpo/srb/default.asp> on 01.12.2009.

<sup>20</sup> Retrieved from <http://www.interpol.int/Public/Region/Conferences/Default.asp> on 13.04.009.

<sup>21</sup> Retrieved from <http://www.interpol.int/Public/Region/Americas/Default.asp> on 13.04.2009.

<sup>22</sup> A detailed list of those material can be found at Interpol webpage from the following adres: <http://www.interpol.int/Public/icpo/LegalMaterials/default.asp>

<sup>23</sup> This sentence which identifies the mandate of Interpol has been taken from the webpage of Interpol. It is retrieved from <http://www.interpol.org/public/icpo/default.asp> on 28, 11, 2007

safety and terrorism, drugs and organized crime, trafficking in human beings and financial and high-tech crime, and carrying out police training and development.<sup>24</sup>

Terrorism was not on Interpol's agenda for a long time due to the issue's political nature (Fooner, 1989: 9-10). This approach was reflected in Article 3 of its constitution as follows: *"It is strictly forbidden for the Organization to undertake any intervention or activities of a political, military, religious or racial character"*<sup>25</sup>. It is argued on the Interpol webpage that there are three resolutions which modified the framework for interpreting Article 3<sup>26</sup>. The first move was at Lisbon in 1951, when the theory of predominance was introduced, so the Organization examined the requests on a case by case basis without being bound by the requesting country. But the real change came in 1984, when a resolution accepted at the Luxembourg General Assembly permitted the organization to become involved with terrorist cases under certain conditions. Bresler notes that in 1985 decision was taken to establish a specialist Anti-Terrorism Group at the Washington General Assembly (Bresler, 1992: 257). Then another resolution at Rome in 1994 enabled Interpol to "process requests concerning violations of humanitarian law under certain conditions"<sup>27</sup>. Regarding Article 3 of Interpol's constitution, which forbids intervention in cases with political, military, religious or racial character, Bantekas and Nash argue that Interpol has intended to bring a change in 1984. Although Interpol did not then amend article 3, nevertheless "the revised guidelines provided

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<sup>24</sup> Retrieved from <http://www.interpol.int/Public/icpo/about.asp> on 24.03.009.

<sup>25</sup> Retrieved from <http://www.interpol.int/public/ICPO/LegalMaterials/FactSheets/FS07.asp> on 24.03.2009.

<sup>26</sup> Retrieved from <http://www.interpol.int/public/ICPO/LegalMaterials/FactSheets/FS07.asp> on 24.03.2009.

<sup>27</sup> Retrieved from <http://www.interpol.int/public/ICPO/LegalMaterials/FactSheets/FS07.asp> on 24.03.004.

Interpol with a more pragmatic basis for distinguishing between ordinary criminal offences and ‘politically motivated offences’” (Bantekas and Nash, 2007: 409).

Although the above mentioned resolutions are key changes mentioned on the Interpol webpage, Deflem and Maybin propose that Interpol, within its legal borders, has developed antiterrorist activities since the 1970s, beginning with a resolution which focused on cooperation regarding criminal acts against civil international aviation, which was followed by a 1971 resolution focused on the holding of hostages, a 1979 resolution about organized crime, and a 1981 resolution about explosive substances. Deflem and Maybin then point out that “Interpol took a more explicit move toward the policing of terrorism in 1983,” and they go on to describe developments in the following years including the General Assembly Meeting in Washington in 1985 (Deflem and Maybin, 2005: 178-179). According to Deflem and Maybin, with those changes Interpol mainly tried to depoliticize terrorism by breaking down a politically sensitive crime into several components, in order to focus on only its criminal components and thereby make police cooperation and investigation possible (Deflem and Maybin, 2005: 175, 180, 188).

Fooner (1989:10) argues that Interpol was too late to enter into the terrorism field in the 1960s because there were already several antiterrorist organizations, theories, and systems related to terrorism at that time. We have also read in the relevant parts of this thesis that Interpol’s reluctance to deal with terrorism cases drove European Police Organizations to establish their own cooperative schemes. However, we can also observe that Interpol has made changes in its policies regarding terrorism cases. Especially in the years since 9/11, the organization’s

counter-terrorism related activities have increased dramatically, making terrorism one of Interpol's priority areas.

According to the information on Interpol's webpage the organization's several activities in the fight against terrorism include supporting member states by making resources available, information gathering, processing and dissemination to member states as observed in the example of the Fusion Task Force created after 9/11. They also include issuing practical guidelines and implementing projects in coordination with national bureaus and regional offices.<sup>28</sup>

While describing Interpol's activities, Bantekas and Nash (2007:412) mention the organization's various terrorism related activities; for example an Interpol-UN Special Security Council Notice, which "is used to identify terrorist suspects who are banned from using international travel or from using financial institutions." As another point "Interpol also sends incident response teams (IRT) to the scene of natural disasters and terrorist attacks" to provide assistance to national authorities (Bantekas and Nash, 2007: 413).

Although positive remarks and developments have taken place in terms of Interpol's activities against terrorism, we should also take into account the various problems that have emerged throughout the organization's history. As mentioned above, Interpol had problems in dealing with crimes of political, ethnic and religious nature because of Article 3 of its constitution. As Deflem and Maybin point out, Interpol's structure may bring different national police forces together, but national concerns affect international cooperation. and the lack of a universally accepted definition of terrorism makes enforcement at an international level difficult (Deflem

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<sup>28</sup> Retrieved from <http://www.interpol.int/Public/Terrorism/default.asp> on 4.03.2009

and Maybin, 2005: 183-188). This is an inherent problem of Interpol emanating from its organizational structure. Because of Interpol's inefficiency in terrorism related issues we observe that other initiatives may be searched by states. For example, Interpol's inability is shown as an important reason for the establishment of TREVI by European countries (Deflem and Maybin, 2005: 185, Gammelgard: 2001: 238) In an attempt to overcome this problem, Interpol has established several resolutions to make room for dealing with such crimes. Their success remains to be seen. Even after 9/11, Deflem argues, FBI officials preferred unilaterally conducted operations instead of sharing sensitive information with Interpol (Deflem and Maybin, 2005: 184).

Bantekas and Nash also point out several problems during the period between 1970 and 1990, in terms of Interpol's inefficiency in matters of internal security, disclosure of information relating to serious crimes, passing information to terrorist organizations by representatives of States allegedly sympathetic to terrorist organizations, and membership of several states that were allegedly harboring international terrorists (Bantekas and Nash, 2007: 413-414). An inefficient system of information exchange due to the organization's bureaucratic and laborious nature is another point of criticism (Bantekas and Nash, 2007:414) which personal communications with active liaison officers at Interpol also reveal. It should be noted that Bantekas and Nash go on to point out positive moves by Interpol, including the reiteration of the prohibition of political, ethnic and religious disputes by the Secretary General of Interpol after 9/11, and effective improvements in telecommunication security (Bantekas and Nash, 2007: 414).



## **5.1.2 Regional Initiatives**

### **5.1.2.1 Europe**

#### **5.1.2.1.1 Brief History of Police Cooperation in Europe**

In terms of regional organizations focusing on crime and terrorism, Europe is a very active region. European countries have instigated different initiatives, which also focused on anti-terrorism cooperation such as Europol, the Southeast European Cooperation Initiative (SECI), the Nordic Police and Customs Cooperation (PTN), and Schengen. Currently, Europol as a police entity plays a dominant role within the EU in terms of police cooperation. Therefore this section investigates Europol in greatest detail, while giving brief information about other entities.

Counter-terrorism initiatives by European countries go back to the 1970s when terrorism emerged as an important issue (Bures and Ahern, 2007: 188, Bantekas and Nash, 2007: 423). The terrorist attack at the Munich Olympics in 1972 increased the fears of terrorism in Europe. According to Anderson et. al. (1995:53), Interpol's Secretary General Nepote rejected getting involved with terrorism during this period. Bantekas and Nash also mention the European view during this period that "Interpol was not serving the interests of European countries as well as it should" (Bantekas and Nash, 2007: 423). Consequently, the European Community looked for its own initiatives to deal with the problem and created TREVI in Rome in mid 1970s as a forum to coordinate an effective response to international terrorism (Anderson et.al: 1995: 53, Bures and Ahern, 2007: 189). The States of the

European Community found TREVI more effective than Interpol (Bures and Ahern, 189). Lodge also mentions the dissatisfaction of EC states towards international measures against terrorism, while establishing their own structure throughout the 1970s and 80s (Lodge, 1989: 30). The Treaty on European Union of 1992 (Maastricht Treaty) established the Justice and Home Affairs Pillar, which covered TREVI and previous informal structures, with a provision for the establishment of Europol, which came into existence in 1999 by terminating its predecessor, the Europol Drugs Unit (EDU) that was operationalized in 1994 (Bures and Ahern, 2007: 189-190). The Treaty of Amsterdam in 1997 and The Tampere European Council decisions in 1999 also contributed to counter-terrorism and police cooperation, which are now placed under the area of freedom, security, and justice.

Other initiatives by European countries are worth noting. The Policing Working Group on Terrorism (PWGOT) was established in 1979 following the murder of the British Ambassador to The Hague, with an aim to develop cooperation against terrorism among relevant organizations (Benyon et. al. 1993: 187, 188). According to Benyon, PWGOT established its own communication system, one reason for which was reluctance to use Interpol facilities for security reasons (Benyon et. al. 1993: 188). PWGOT has organized conferences and carried out exchanges of personnel for improving cooperation (Benyon et. al. 1993: 188-189). Based on quotation from Bresler, Benyon et. al. implies that trusting each other and passing information to each other without question were the characteristics of the relations within PWGOT (Benyon et. al. 1993: 190, Bresler, 1992:162). This is an important finding because it can be said to reflect the informal nature of cooperation and the level of trust between police forces in Europe during this period.

In addition to TREVI and PWGOT, Anderson et. al. point to the establishment of other initiatives such as the Club of Berne, the Club of Vienna, and the European Convention on the Suppression of Terrorism; however, those initiatives are found limited because of differences among states (Anderson et. al., 1995: 29)

Benyon et. al also argue that there were secret networks, whose existence and activities were often hidden from public view, “for the exchange of intelligence on an international and European level” (Benyon et. al. 1993: 212, 216). They argue that Kilowatt, the Vienna Group and The Berne Club could be considered as falling into the category of such secret networks. Kilowatt was formed in the late 1970s to combat terrorism rooted from the Middle East. Its contributors are believed to be “the security agencies of all EU countries plus Canada, Israel, Norway, Sweden, Switzerland and the United States.” (Benyon et. al. 1993: 284). The Vienna Group, formed in 1978 by the Interior Ministers of Austria, France, Germany, Italy and Switzerland on terrorism related issues, holds annual meetings by ministers and divisional managers of security agencies (Benyon et. al. 1993: 284). The Club of Berne, formed in 1971, includes Belgium, Denmark, France, Germany, Italy, Luxembourg, the Netherlands, Switzerland, the UK and the United States, and is a forum for discussions on the suppression of terrorism and espionage (Benyon et. al. 1993: 284). Moving on to the Counter-terrorism Group (CTG), Keohane argues that Club of Berne “brings together the heads of all 25 EU domestic intelligence services, plus those from Norway and Switzerland” and that these intelligence heads established the CTG in 2001. (Keohane, 2005: 30). According to Keohane the CTG works closely with the EU but there is no formal links and “most national

intelligence services are reluctant to give the EU any formal role“ (Keohane, 2005: 30-31). Benyon et. al also mention another secret network as the Star Group, established in 1972 by the lead of BKA for cooperation against drug trafficking (Benyon et. al. 1993: 284).

#### **5.1.2.1.2 EU Based Initiatives**

Communication from the Commission to the European Parliament and the Council titled as “Enhancing police and customs cooperation in the European Union” (COM (2004) 376) basically reveals structures related to police cooperation within the EU which covers Schengen Cooperation, Europol, Task Force of EU Police Chiefs, The European Police College and other subjects areas of cooperation such as investigative techniques, forensic science, terrorism, public order and security of high-level meetings (EU, 2004)

Among those groups, Europol and Schengen will be explored here in detail as key police cooperation structures. Before going into the details of these two entities, brief definitions of the Task Force of EU Police Chiefs and The European Police College will be provided.

The European Police Chiefs Operational Task Force (TFPC) was established by the Tampere European Council “to exchange, in cooperation with Europol, experience, best practices and information on current trends in cross-border crime” (EU, 2004: 19). This initiative can be interpreted as ineffective because leading police officials of member states do not give priority to European issues, differences in the competences of police representatives, structural differences of member

countries (in some states there is one national head of police but in federal systems the representation is complex) and overloaded agendas; however TFPC meetings are believed to improve bilateral and multilateral contacts. (EU, 2004: 20)

#### **5.1.2.1.2.1 The European Police College (CEPOL)**

The European Police College (CEPOL) was established by decision of the Council on 22 December 2000 as a network of national training institutes to increase knowledge related to police organization and structures, to provide training, and to encourage co-operation with other training institutes (EU, 2004: 21). Although CEPOL has had structural problems, it managed to establish the “European Police Learning Network” (EPLN), an Internet site offering virtual police training (EU, 2004: 22).

#### **5.1.2.1.2.2 Europol**

The best known European initiative, Europol, was put into operation in 1999. The following section attempts to understand both Europol and also several aspects of the EU’s policies regarding police cooperation. According to its webpage:

Europol is the European Union law enforcement organisation that handles criminal intelligence. Its aim is to improve the effectiveness and cooperation between the competent authorities of the Member States in preventing and combating serious international organised crime and terrorism. The mission of Europol is to make a significant contribution to the European Union’s law enforcement action against

organised crime and terrorism, with an emphasis on targeting criminal organizations.<sup>29</sup>

In the EU structure Europol is accountable to the Council of Ministers for Justice and Home Affairs, which is responsible for the main control and guidance.<sup>30</sup> Bantekas and Nash criticize this situation, because Europol activities “have not been subject to any significant scrutiny by the European Parliament” (Bantekas and Nash, 2007: 423).

Within its structure it also has a liaison system, in which every member country to Europol has representatives in Europol headquarters in the Hague. Those representatives are called as Europol liaison officers (ELOs) who are “seconded to Europol by the Member States as representatives of their national law enforcement agencies”.<sup>31</sup> However, third parties and organizations with agreements can also send liaison officers. According to the 2007 Europol Annual Report, the personnel of Europol consists of 421 Europol Staff, 114 Europol Liaison Officers (working for and under the authority of the member states or third states and organizations with an cooperation agreement signed with Europol), and 57 others such as national or seconded experts (Europol 2007 Report; 2008:42), Accordingly, the numbers of liaison officers at Europol are as follows: Austria 3, Belgium 6, Bulgaria 2, Cyprus , the Czech Republic 2, Denmark 5, Estonia 3, Finland 3, France 8, Germany 7, Greece 4, Hungary 5, Ireland , Italy 3, Latvia 1, Lithuania 3, Luxemburg 1, Malta 1, Netherlands 9, Poland 2, Portugal 3, Romania 2, Slovakia 2, Slovenia 2, Spain 6,

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<sup>29</sup> Retrieved from <http://www.europol.europa.eu/index.asp?page=facts> on 30.03.2009

<sup>30</sup> Retrieved from <http://www.europol.europa.eu/index.asp?page=mgmtcontrol&language=> on 30.03.2009

<sup>31</sup> Retrieved from <http://www.europol.europa.eu/index.asp?page=facts> on 30.03.2009

Sweden 4, United Kingdom 8, Australia 1, Canada 2, Colombia 3, Iceland 1, Norway, Switzerland, USA 3 and Interpol 1. (Europol Annual Report 2007, 2008: 42). In addition to attending general meetings, countries can send their representatives to talk directly on site with the other relevant representatives. According to a manager in Europol's Counter-Terrorism Unit;

If there is a vital issue to be shared among all member countries, gathering all the representatives together only takes a matter of minutes—a tremendous advantage as it allows for all countries to be immediately informed about an urgent issue (Interview on 15/11/2006).

Establishing Europol was the result of a series of meetings and summits by member states. The first ring of the series was the Maastricht Treaty of February 7, 1992, which proposed the establishment of Europol with an aim of succeeding police cooperation between member states. The Political Declaration 32 on Police Cooperation was also signed in February 1992 by member states for committing themselves to cooperation (Rauchs and Koenig, 2001: 46), and the Europol Convention of 1995, that came into force in 1998, “provides the legal basis for Europol” (Europol, 2008: 41). Europol, as a successor to the Europol Drugs Unit established in 1995, became active in 1999.<sup>32</sup> According to the Europol Annual Report 2007, three protocols amending the Europol Convention entered into force in 2007 (Europol, 2008: 41).

According to a Europol fact sheet, the organization supports law enforcement activities of the member states mainly against illicit drug trafficking, illicit immigration networks, terrorism, forgery of money (counterfeiting of the

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<sup>32</sup> Retrieved from [http://europa.eu/legislation\\_summaries/other/114005a\\_en.htm](http://europa.eu/legislation_summaries/other/114005a_en.htm) on 01.12.2009

Euro) and other means of payment, trafficking in human beings (including child pornography), illicit vehicle trafficking, and money laundering.<sup>33</sup>

Rauchs and Koenig argue that Europol's mandate , “as of 1999, has been extended to include far more than illicit drug trafficking” including terrorism (Rauchs and Koenig, 2001: 44). In the field of terrorism “Europol created a counterterrorism preparatory group” in 1998 and as a result of the report of this group, Europol's mandate has been extended to include counterterrorism (Rauchs and Koenig, 2001: 54). Since then Europol has developed different programs in its counter-terrorism activities such as the Counter Terrorism Program (CTP), the Counter Proliferation Program (CPP), the Networking Program (NP), the Preparedness Program (PP) and the Training and Education Program (TEP) (Europol, 2006).

After the September 11 attacks, the European Union issued several decisions for struggling against terrorism. Those decisions focused on aligning terrorism related legislation, setting out minimum rules on terrorist offences, setting up cooperation between member states, combating the financing of terrorist groups, and easing information sharing between countries. The EU's Plan of Action after 9/11 included the establishment of a European arrest warrant, enhancement of cooperation and intelligence sharing, enhancement of judicial cooperation through Eurojust, establishing a binding definition, and identification of terrorist groups (Keohane, 2005: 17-19).

According to information on the Europol webpage, Europol supports member states by facilitating the exchange of information between Europol Liaison

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<sup>33</sup> Retrieved from <http://www.europol.europa.eu/index.asp?page=facts> on 30.03.2009



Officers (ELOs), providing operational analysis, generating strategic reports and crime analysis, and providing expertise and technical support for investigations and operations.<sup>34</sup>

As can be understood from this overview, Europol is performing as an intelligence gathering and analysis entity. It does not have an armed force. It depends on activities and cooperation of its member`s national law enforcement bodies. As mentioned in the 2007 Europol Annual Report, Europol has cooperative agreements with the states of Australia, Canada, Croatia, Iceland, Norway, Switzerland, USA, Albania, Bosnia and Herzegovina, Columbia, Moldova, Russian Federation and Turkey and with organizations such as Eurojust, Interpol, United Nations Office on Drugs and Crime, European Commission, European Monitoring Centre for Drugs and Drug Addiction, World Customs Organisation. (Europol Annual Report 2007, 2008: 49).

Despite those developments, Bures and Ahern find EU`s post 9/11 counterterrorism policy “to be more of a paper tiger than an effective counter-terrorism device” even though it achieved legal arrangements and cooperation strengthening measures (Bures and Ahern, 2007: 187). Keohane also mentions several problems related to the EU`s counter-terrorism policies. For Keohane, the EU`s ability to tackle terrorism is limited for at least two reasons: first “the EU is not a national government” and second, “‘counter-terrorism’ is not in itself a defined policy area” (Keohane, 2005: 2). Keohane also points out differences between EU governments in prosecuting terrorists and organizing police forces (Keohane, 2005: 5-6). In terms of organizing police forces differently, Keohane argues that some

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<sup>34</sup> Retrieved from <http://www.europol.europa.eu/index.asp?page=facts> on 30.03.2009

countries have a dual system (as in the case of France and Italy where the *carabinieri* in Italy and the *gendarmerie* in France is answerable to the defense ministry while the others are answerable to the justice or interior ministry), while others have national (Denmark, Finland, Ireland) or decentralised (UK and Spain) forces (Keohane, 2005: 6). Brady also mentions differences in organizing police forces as “Europe’s 1.2 million police officers operate in very different, and at times, incompatible ways” (Brady,2008:104).

Bantekas and Nash argue that Europol has the “power to obtain and hold a wide range of information” but this situation creates problems in terms of scrutiny and accountability (Bantekas and Nash, 2007: 425). Another issue that Bantekas and Nash mention is the agreement between the US and Europol on exchange of personal data which created concern regarding data protection (Bantekas and Nash, 2007:427). Bantekas and Nash also mention two major criticisms as legal deficit (Europol’s exemption from ECJ’s review of cases involving matters of law and order) and democratic deficit (its lack of accountability before the European Parliament) (Bantekas and Nash, 2007: 427-428).

One more criticism that Keohane argues is the prosecution differences of EU countries: Accordingly;

EU governments prosecute terrorists in different ways. For instance, Germany, Belgium and the Netherlands have weak terrorism laws and therefore often have difficulty in keeping suspects in jail. In Germany, Al-Qaeda suspects remain free, when in other countries they would face arrest. In Britain, where the terrorism laws are tougher, it is the secret services that dominate the country’s antiterrorism efforts. In France and Spain, a special counter-terrorism judge investigates and prosecutes suspected terrorists. (Keohane, 2005: 5).

Keohane also mentions Javier Solana's internal report in 2004, which identifies three shortfalls: non-implementation of EU agreements by some states; lacking of sufficient resources; and poor co-ordination between EU officials working on law enforcement, foreign and defense policies. (Keohane, 2005: 18). Other points that Keohane mentions are the existence of a plethora of other institutions and committees but the lack of Europol's lead institution role in counterterrorism efforts partly because not all national relevant parties share information with Europol and partly because EU governments do not take Europol seriously (Keohane, 2005: 19-20). Keohane points out that anti-terrorist operations are carried out by member-states alone, not by the EU; but EU measures such as the arrest warrant can help the governments (Keohane, 2005: 21). Therefore, Keohane mentions that the EU is encouraging usage of joint investigations and co-operation between smaller groups of governments and finds those flexible arrangements right due to their design "to encourage better cross-border co-operation, rather than relying solely on agreements between the 25 governments in Brussels" (Keohane, 2005: 21-22).

For Brady, "Europol has yet to become indispensable in cross-border investigations, partly due to serious bureaucratic problems that inhibit its usefulness. Governments are in the process of negotiating a major overhaul of the organization's basic powers" (Brady, 2008:104). In a pessimistic comment, Brady also argues that "law enforcement cooperation across Europe as a whole has yet to match the degree of cooperation achieved by the criminals" (Brady, 2008:104).

Interviews with practitioners and liaison officers also reveal several impotencies regarding cooperation at Europol. For example, an official at Europol

explained to me that “although states are obliged to give information to Europol about their activities and cases, there are states that give no information” (Interview on 15/11/2006). Several liaison officers also believe that international organizations are not productive in specific urgent cases. In the words of one liaison officer at Europol: “International organizations such as Europol and Interpol are good for coming together, talking on issues, setting agendas, and planning the future, but I do not believe that they help in cases when urgent response is needed” (Interview on 17/08/2006).

#### **5.1.2.1.2.3 Schengen**

Schengen was agreed upon in 1985 by France, Germany, Belgium, the Netherlands and Luxembourg, and then the Schengen Implementing Convention was introduced in 1990 by creating a territory called the “Schengen Area,” in which free movement of goods, services, capital and workers was enabled (Bantekas and Nash, 2007: 428-429). The Convention also allowed for the establishment of an information system called SIS (Schengen Information System). A new second generation information system called SIS II is under progress. Based on Anderson et.al.’s (1995: 58) arguments, improving co-operation between customs and police authorities in drugs, serious international crime and illegal immigration were the main aims behind the setting up of the SIS. Bantekas and Nash also argues that Schengen introduced “a system of compensatory measures centered on policing and immigration which were designed to tackle the increase in cross-border crime” (Bantekas and Nash, 2007: 429). Among other police cooperation issues Schengen

also provides hot pursuit possibility, meaning that police can pursue fugitives across borders (Bantekas and Nash, 2007: 429). There is also “provision for the exchange of liaison officers between the parties” (Bantekas and Nash, 2007: 430). The Schengen Agreement was incorporated into the framework of the EU in 1999 by a protocol (Bantekas and Nash, 2007: 430). There are previous agreements and arrangements between several European countries predating the Schengen Agreement, such as the 1958 Benelux Treaty, the 1977 Convention of Paris, the 1984 Saarbrücken Agreement, and the 1949 Police Border Agreement between the Netherlands and Belgium (Anderson et.al., 1995: 59-60). Currently all EU countries are full Schengen members except for Bulgaria, Cyprus, Ireland, Romania and the United Kingdom (EU, 2010). Although the UK and Ireland are members of the European Union, they have not signed the Schengen Convention, but they partially participate in Schengen issues related to policing and judicial cooperation (Bantekas and Nash, 2007: 430).

#### **5.1.2.1.3 Initiatives Outside the EU Framework**

Beside initiatives and organizations within the EU structure, I also would like to mention several other initiatives in Europe, such as the OSCE, the SECI Center, PTN, and others.

#### 5.1.2.1.3.1 OSCE

The Organization for Security and Cooperation in Europe (OSCE) is an international organization, which has 56 participating states from Europe, Central Asia, and North America. It was established in the 1970s as the Conference on Security and Co-operation in Europe (CSCE) with an aim to safeguard security, and functioned as a series of meetings and conferences until 1990. It then focused on responding to the new challenges of the post-Cold War period, and its name was changed to OSCE in 1994.<sup>35</sup> The OSCE is concerned with early warning, conflict prevention, crisis management and post-conflict rehabilitation through its 19 missions or field operations in South-Eastern Europe, Eastern Europe, the Caucasus, and Central Asia.<sup>36</sup>

The OSCE also has policing activities. According to its webpage the organization has strengthened its police-related activities regarding transnational and organized crime, while other policing activities are pronounced as having advisers and assistance programmes in missions, providing police education/training, community policing, and supporting administrative/structural reforms.<sup>37</sup>

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<sup>35</sup> Retrieved from <http://www.osce.org/about/19298.html> on 25.03.2009.

<sup>36</sup> Retrieved from <http://www.osce.org/about/19298.html> on 25.03.2009.

<sup>37</sup> Retrieved from <http://www.osce.org/activities/13046.html> on 25.03.2009.

### 5.1.2.1.3.2 SECI Center

According to its webpage, SECI Center (The Southeast European Cooperation Initiative) “is an operational regional organization bringing together police and customs authorities from 13 member countries in Southeast Europe”<sup>38</sup>. The agreement to establish SECI was signed on 26 May 1999, with the agreement entering into force on 1 February 2000. The headquarters are located in Bucharest, Romania. Currently, Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Greece, Hungary, the F.Y.R. of Macedonia, Moldova, Montenegro, Romania, Serbia, Slovenia, and Turkey are the member countries. As a real operative collaboration of customs and police forces, the organization works “under the guidance and counsel of recommendations and directives of the INTERPOL and WCO”<sup>39</sup>

According to the webpage of SECI, the organization commit itself “to sustain the Southeast European countries’ declared war against organized crime and to strengthen the law enforcement capabilities for countering organized crime.”<sup>40</sup>

SECI is constituted by police and customs representatives. Liaison officers of member states are placed in one place for the aim of speeding up the exchange of information process. SECI has several task forces, including those on Human Trafficking, Drugs Trafficking, Financial and Computer Crime, Stolen Vehicles, and Container Security. It also has an Anti-Terrorism Task Force, which aims “to help identify operational, legislative and structural obstacles in cooperation against crime and terrorism in the region, create links and trust among investigators.”<sup>41</sup>

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<sup>38</sup> Retrieved from <http://www.secicenter.org/> on 25.03.2009.

<sup>39</sup> Retrieved from [http://www.secicenter.org/m106/About\\_SECI](http://www.secicenter.org/m106/About_SECI) on 25.03.2009.

<sup>40</sup> Retrieved from [http://www.secicenter.org/p128/Mission\\_and\\_objectives](http://www.secicenter.org/p128/Mission_and_objectives) on 25.03.2009.

<sup>41</sup> Retrieved from [http://www.secicenter.org/p263/Anti\\_Terrorism\\_Task\\_Force](http://www.secicenter.org/p263/Anti_Terrorism_Task_Force) on 25.03.2009.

### **5.1.2.1.3.3 PTN**

The Nordic Cooperation and Nordic Police and Customs Cooperation (PTN) is a cooperative initiative of Nordic Countries that has been in existence since the 1970s (EU, 2003b: 7, 12). According to the website of Danish National Police:

Police and Customs Cooperation in the Nordic countries (PTN) was established in 1984, and was directed solely against drug-related crime. But in 1996, acknowledging that cross-border crime between the Nordic countries was taking on a wider aspect, the Nordic Ministers for Justice decided that the PTN cooperation should be extended to include all forms of cross-border crime.<sup>42</sup>

An interesting note about the PTN countries is that they have common liaison officers. In this system, a liaison officer from one Nordic country may represent all Nordic countries in a host country.

### **5.1.2.1.4 Other Cooperative Initiatives in Europe**

The establishment of bilateral and multilateral police cooperation initiatives has been a common practice in Europe. In fact we see that EU also promotes such cooperative practices in Europe. In his 2005 article, Keohane argues that “the EU encourages smaller groups of governments to co-operate more closely on joint investigations and prosecutions” then he gives the following bilateral and multilateral examples: establishment of a combined counter-terrorism unit by France

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<sup>42</sup>Retrieved from [http://www.politi.dk/en\\_gl/International\\_cooperation/?WBCMODE=PresentationUnpublished%2CPresentationUnpublished](http://www.politi.dk/en_gl/International_cooperation/?WBCMODE=PresentationUnpublished%2CPresentationUnpublished) on 03.04.2009



and Spain in 2004, agreement signed by British and Irish governments in 2005 to deepen their anti-terrorism collaboration, meetings of the interior ministers of the five biggest EU member-states (Britain, France, Germany, Italy and Spain) to discuss counter-terrorism efforts; the Benelux Countries; the Salzburg Group (Austria, the Czech Republic, Poland, Slovakia and Slovenia, and Ukraine as observer), the Baltic Sea Task Force (Denmark, Estonia, Finland, Germany, Iceland, Latvia, Lithuania, Norway, Poland, Russia and Sweden) (Keohane , 2005; 21)

There are also other cooperative initiatives in Europe. Among the many examples we can count here the following ones as examples drawn from various sources. Austria is an active country in establishing cooperative police initiatives in its region as seen in the establishment of MEPA (Middle European Police Academy). Edelbacher writes that a former police president of Vienna, Dr. Bögl, and a former Hungarian Ambassador to Austria, Dr. Fontane, agreed to create the Austrian-Hungarian Police Academy in 1991 (Edelbacher, 2001: 123). Later, the Czech Republic, Germany, Poland, Slovakia, Slovenia, and Switzerland joined this Academy and it became MEPA. At MEPA, young leaders of law enforcement receive two to three months of training.

Edelbacher (2001: 126) also notes that police presidents and heads of criminal sections of the cities of Berlin, Bern, Bratislava, Budapest, Munich, Prague and Vienna meet regularly.

The Netherlands have established Police Partnership Programs (PPP) with Hungary, Poland and the Czech Republic, the aim of which is to promote the exchange of professional knowledge and experience, a sharing of best police practices, and the creation of mutual understanding and respect (Mlicki, 2001: 219)

In the trinational Upper Rhine Area of Basel (Switzerland), Freiburg (Germany) and Mulhouse (France), a close international cooperation has been established since 1980, and was later enriched in 1996 by a conference system (Mohler, 2001: 277).

Schulte also talks about the Association of European Police Colleges (AEPC) which was created by leading police colleges in 1996 (Schulte, 2001: 155).

It is also observed that Interpol has involvement in a number of European cooperation initiatives which are Stability pact for South Eastern Europe, Southeast European Co-operative Initiative (SECI), Southeast Europe Police Chiefs Association, United Nations interim administration Mission In Kosovo (UNMIK), European Union Police Mission in Bosnia and Herzegovina (EUPMBH), Europol, European Agency for the Management of Operational Cooperation at the External Borders (FRONTEX), Other European union institutions and projects (European Union/Interpol Cards Project, European Police Chiefs Task Force), the Task Force on organized crime in the Baltic Sea region (BSTF), The Commonwealth of the Independent States (CIS), TACIS Russian Federation and Ukraine and International Law Enforcement Academy (ILEA) <sup>43</sup>

According to Interpol's webpage, SEPCA – the Southeast Europe Police Chiefs Association-- includes Albania, Bosnia and Herzegovina, the Republic of Serbia, Bulgaria, Canada, Croatia, the Former Yugoslav Republic of Macedonia, Moldova Montenegro) is supported by Canadian authorities “to improve police

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<sup>43</sup> Retrieved from <http://www.interpol.int/Public/Region/Europe/coopInitiatives.asp> on 13.04.2009. Detailed information about those initiatives can be found on this webpage.

cooperation between members, develop professionalism, and facilitate reforms in the police services.”<sup>44</sup>

### **5.1.2.2 America**

According to Villacis “the main forum for taking counter-terrorism action” at the Western Hemisphere is the Organization of American States (OAS), which was established in 1948 (Villacis, 2006: 149). OAS is an international organization developed by the countries of the Americas to “achieve an order of peace and justice, to promote their solidarity, to strengthen their collaboration, and to defend their sovereignty, their territorial integrity, and their independence.”<sup>45</sup> The OAS is made up 35 member states which are Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Cuba, Dominican Republic, Ecuador, El Salvador, Guatemala, Haiti, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, United States, Uruguay, Venezuela, Barbados, Trinidad and Tobago, Jamaica, Grenada, Suriname, Dominica, Saint Lucia, Antigua and Barbuda, Saint Vincent and the Grenadines, The Bahamas, St. Kitts and Nevis, Canada, Belize, and Guyana. The Cuba government has been excluded from participation since 1962, however, so the number of active participants is 34.<sup>46</sup>

Villacis argues that terrorism has been on the agenda of the OAS since the 1960s and in 1971 the Convention to Prevent and Punish the Acts of Terrorism was

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<sup>44</sup> Retrieved from <http://www.interpol.int/Public/Region/Europe/coopInitiatives.asp#3a> on 13.04.2009

<sup>45</sup> Retrieved from [http://www.oas.org/documents/eng/faq\\_detail.asp?sec=37](http://www.oas.org/documents/eng/faq_detail.asp?sec=37) on 07.04.2009.

<sup>46</sup> Retrieved from [http://www.oas.org/documents/eng/faq\\_detail.asp?sec=38](http://www.oas.org/documents/eng/faq_detail.asp?sec=38) on 07.04.2009. By the links provided on webpage detailed information about member countries can be achieved.

adopted as a legal regime (Villacis, 2006: 149). Examples of previous important terrorist events in the history of the OAS are the bombing at the Israeli Embassy in Buenos Aires, in 1992; the bombing of the Argentine Israeli Mutual Association building in 1994, and the seizure of the Japanese Embassy in Peru by rebels in 1996. In terms of current situation, The Inter-American Convention against Terrorism of 2002 draws the general lines of cooperative efforts in the region while the CICTE (The OAS' Inter-American Committee against Terrorism) seems to be the leading organization in building and developing cooperation between member states against terrorism.

From the account of Villacis we understood that establishing a common definition was also on the agenda of OAS but then "...it was agreed to forgo defining terrorism *strictu sensu* in order to avoid having the same discussions and the lack of results in other fora" and so the OAS Convention followed the sectoral approach (Villacis, 2006: 150). Villacis mentions the lack of counter-terrorism capabilities in many countries as one of the grave shortcomings of the OAS, although the existence of political will provides a positive point (Villacis, 2006: 153).

Beside the OAS, several authors also mention other cooperative initiatives in the region. Within South America there are bilateral, regional and multiregional initiatives. The most important regional initiative is MERCOSUR, which is a trading block similar to the European Union, and formed by Brazil, Uruguay, Argentina and Paraguay. The national heads of police forces of MERCOSUR states have regular meetings (Marsiglia, 2001: 102). According to Marsiglia, the main fields of cooperation are exchange of criminal information and training exchange between

Nations (Marsiglia, 2001: 100 ). Marsiglia also notes that “Argentina, Bolivia, Brazil, Paraguay and Venezuela have a combined illegal drug-fighting strategy,” and also Interpol has a sub-regional bureau in Buenos Aires, which manages cooperation between Argentina, Bolivia, Brazil, Chile, Colombia, Ecuador, Nicaragua, Paraguay, Peru, Uruguay, and Venezuela (Marsiglia, 2001:101). For Marsiglia, the main extraregional cooperation partners are USA (mainly DEA) and Europe (through IRELA – the Institute for Relations between Europe and Latin America) (Marsiglia, 2001:101)

It is also clear from the literature and from reports that the relationship between the USA and Canada is quite close. An example of cooperation between the USA and Canada is the International Association of Chiefs of Police (IACP), a police association created in the USA, but with members mostly from both countries (Deflem, 2001:72).

We learn from the Interpol webpage that a regional police committee exists in Central America called the CJPCAC (Comisión de Jefes de Policía de Centro América y el Caribe - Commission of Chiefs of Police of Central America and the Caribbean) and the Interpol Regional Bureau in San Salvador is trying to build relations with that committee.<sup>47</sup>

### **5.1.2.3 Africa**

The African Union is the most important organization in Africa for dealing with terrorism. The African Union is the new name of The Organization African

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<sup>47</sup> Retrieved from <http://www.interpol.int/public/Region/Default.asp> on 23.03.2009

Unity (OAU) established in 1963 and replaced with African Union in 2002. It has 53 member states. One of the aims of the Union is “to promote peace, security, and stability on the continent”<sup>48</sup> The African Union has established instruments to fight against terrorism, such as the 1999 OAU Convention on the Prevention and Combatting of Terrorism, the 2002 Plan of Action of the African Union for the Prevention and Combatting of Terrorism, and the 2004 Protocol to the OAU Convention on the Prevention and Combatting of Terrorism.<sup>49</sup> Those instruments have articles related to promoting police and law enforcement cooperation. Also, the African Centre for the Study and Research on Terrorism (ACSRT), as an institution of the AU Commission, has been created “to boost the capacity of the Union in the prevention and combating of terrorism in Africa,” The center was established in Algiers in 2004 by OAU members.<sup>50</sup> Kanu (2006: 171) points to the Embassy bombings in Kenya and Tanzania in 1998 and argues that the fight against terrorism began in earnest in Africa long before other parts of the world, although the attacks in the US on 9/11 propelled the world into action. According to Kanu, the African Union has done its best in responding to terrorism, and implies that much more must be done to tackle “..its root causes such as poverty, underdevelopment, inequality and the ensuing despair leading to frustration, anger and alienation...” (Kanu, 2006: 175).

We can also observe other police cooperation initiatives in Africa. Ebbe (2001, 64) draws a general picture of police cooperation in the continent, but firstly

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<sup>48</sup> Retrieved from [http://www.africa-union.org/root/au/AboutAu/au\\_in\\_a\\_nutshell\\_en.htm](http://www.africa-union.org/root/au/AboutAu/au_in_a_nutshell_en.htm) on 14.04.2009. Detailed information about the Union and its organizational structure can be found on the webpage.

<sup>49</sup> Retrieved from <http://www.africa-union.org/Terrorism/terrorism2.htm#> on 14.04.2009.

<sup>50</sup> Retrieved from <http://www.africa-union.org/Terrorism/terrorism2.htm> on 14.04.2009.

mentions that “African nations were created artificially” by colonial western powers in a manner that they have small areas but lots of neighbours, consequently, cross-border crime is easy. According to Ebbe (2001, 64), after many African states gained their independence in the 1980s, international crime, including drug smuggling, organized crimes and terrorism, increased in the continent.

Ebbe summarizes international cooperative efforts in Africa as follows:

- Most African states established bilateral and multilateral treaties,
- Interpol established National Central Bureaus and Sub-regional Bureaus with communication capabilities;

- The UN and Interpol sponsored conferences and seminars.

- Holding biennial All-African Police Chiefs of Police

- Establishment of Regional Associations of Chiefs of Police, and

African countries have benefitted from the assistance of countries such as Britain, France, Germany, the United States and Canada (Ebbe, 2001: 65-66).

According to Ebbe (2001: 66-67) there are four important problems of police cooperation in Africa. The first one is language, as there is no single lingua franca across the continent. Rather, both French and English are languages which are both used in the continent, and that situation may cause problems. The second problem is strained and unfriendly relations between the police and citizens, stemming from the police being seen as the oppressor—a leftover image from the days of colonization. The last two problems are financial problems and corruption.

Turning to the details of the police cooperation initiatives in Africa, we can first see that there are regional police committees in Africa. As examined in Interpol section regional bureaus in Africa work with African Police Committees which are

WAPCCO (West African Police Chiefs Committee), CAPCCO (Central African Police Chiefs Committee, SARPCCO (Southern African Regional Police Chiefs Co-operation Organization) and EAPCCO (East African Police Chiefs Co-operation) by acting as their permanent secretariats.<sup>51</sup>

The East African Police Chiefs Co-operation Organization (EAPCCO) was founded in Kampala in 1998 with an aim to fight against transnational and organized crime. Nine of its 11 members also signed an agreement in the field of terrorism.<sup>52</sup> The aim of the organization is to prevent cross-border crime within the region. It recognizes the Interpol Sub Regional Bureau in Nairobi as its secretariat. Burundi, Djibouti, Ethiopia, Kenya, Rwanda, Eritrea, the Seychelles, Somalia, Sudan, Uganda and Tanzania are member states. On the webpage of Interpol, the following organizations are also given as cooperation partners of EAPCCO: the Institute for Security Studies (South Africa and Nairobi), Safer Africa, the Regional Centre For Small Arms (RECSA), the Inter-Governmental Authority on Development (IGAD) and the United Nations office on Drugs and Crime (Eastern Africa and Vienna).<sup>53</sup>

The Southern African Regional Police Chiefs Co-operation Organization (SARPCCO) was established in 1995 in Zimbabwe, and anti-terrorism is one of its priority crime areas.<sup>54</sup> Angola, Namibia, Botswana, South Africa, the Democratic Republic de Congo, Swaziland, Lesotho, Tanzania, Malawi, Zambia, Mauritius, Zimbabwe and Mozambique are member states of SARPCCO. According to Rajabu, the signing of agreement to set up the Southern African Development Community (SADC) was an important step in establishing mutual assistance in various police

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<sup>51</sup> Retrieved from <http://www.interpol.int/public/icpo/srb/default.asp> on 24.03.2009

<sup>52</sup> Retrieved from <http://www.interpol.int/Public/ICPO/SRB/EAPCCO.pdf> on 14.04.2009.

<sup>53</sup> Retrieved from <http://www.interpol.int/Public/ICPO/SRB/EAPCCO.pdf> on 14.04.2009.

<sup>54</sup> Retrieved from <http://www.interpol.int/Public/ICPO/SRB/SARPCCO.pdf> on 14.04.2009



matters because The protocol is “intended to ensure legality and efficiency while bypassing the normal diplomatic procedures otherwise required for an official exchange between two sovereign nations” (Rajabu, 2001: 291). On the webpage of Interpol, the following organizations are also given as cooperation partners of SARPCCO: the East and Southern African Anti-Money Laundering Group (Tanzania), the Institute for Security Studies (South Africa), Safer Africa, the Southern African Development Committee South Africa), Southern African Human Rights Trust (Zimbabwe) and the United Nations office on Drugs and Crime (South Africa and Vienna)<sup>55</sup>

The Central African Police Chiefs Committee (Comité des Chefs de Police de l'Afrique Centrale - C.C.P.A.C.) was founded in 1997<sup>56</sup>. Cameroon, the Central African Republic, The Republic of Congo, the Democratic Republic of Congo, Gabon, Equatorial Guinea, Sao Tome and Principe, and Chad are members of the organization.

The Comité des Chefs de Police de l'Afrique de l'Ouest (CCPAO) or West African Police Chiefs Committee was established in 1997.<sup>57</sup> Its members are Benin, Burkina Faso, Cap Vert, the Ivory Coast, Gambia, Ghana, Guinea, Guinea-Bissau, Liberia, Mali, Maritania, Niger, Nigeria, Senegal, Sierra Leone, and Togo.

As a final note, we can point to the East African Inter-State Defense and Security Sub-Committee, which has been created to assess the security situation in the East African region (Rajabu, 2001:292).

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<sup>55</sup> Retrieved from <http://www.interpol.int/Public/ICPO/SRB/SARPCCO.pdf> on 14.04.2009.

<sup>56</sup> Retrieved from <http://www.interpol.int/Public/ICPO/SRB/CAPCCOfr.pdf> on 14.04.2009

<sup>57</sup> Retrieved from <http://www.interpol.int/Public/ICPO/SRB/WAPCCOfr.pdf> on 14.04.2009

#### 5.1.2.4 Asia

Police cooperation in Asia is generally well developed in South Asia. According to Leong, ASEAN (the Association of Southeast Asian Nations), through its regional forum “has initiated a regionwide security dialogue” (Leong 2001: 114). ASEAN was established on 8 August 1967 by Indonesia, Malaysia, the Philippines, Singapore and Thailand. In the following years, they were joined by Brunei Darussalam, Vietnam, Laos, Myanmar, and Cambodia.<sup>58</sup>

The ASEAN countries also developed a special cooperation with China, Japan and the Republic of Korea (ROK) in 1997, which is called The ASEAN Plus Three.<sup>59</sup> ASEAN Countries also have special cooperative initiatives with Australia and New Zealand in the region, including on terrorism issues. For example, in 2004, Australia signed the ASEAN-Australia Joint Declaration on Cooperation in Combating International Terrorism.<sup>60</sup>

The ASEAN Chiefs of National Police or ASEANAPOL has been established for police cooperation (Teck, 2001:246). The leaders of law enforcement agencies have gathered annually since 1981 under the ASEANAPOL umbrella to discuss police matters and to cooperate. The ASEANAPOL has had a computerized database system since 1997, and conducts exchanges of personnel and training among its members (Teck, 2001:247). According to the webpage of ASEAN, ASEANAPOL had its 28<sup>th</sup> Conference between 25-28 May 2008, and decided to reinforce cooperation against terrorism.<sup>61</sup>

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<sup>58</sup> Retrieved from <http://www.aseansec.org/64.htm> on 06.05.2009.

<sup>59</sup> Retrieved from <http://www.aseansec.org/16580.htm> on 06.05.2009

<sup>60</sup> Retrieved from <http://www.aseansec.org/16576.htm> on 06.05.2009.

<sup>61</sup> Retrieved from <http://www.aseansec.org/21619.htm> on 06.05.2009

The South Asian Association for Regional Cooperation (SAARC) also facilitates law enforcement cooperation (Kumar, 2001: 109, and Rajaguru, 2001:264). For Rajaguru, “The foci of regional police cooperation under the umbrella of the SAARC agreement are terrorism and drug trafficking” (Rajaguru, 2001: 264). SAARC was established in 1985 by Bangladesh, Bhutan, India, the Maldives, Nepal, Pakistan and Sri Lanka.<sup>62</sup> Afghanistan later joined the association. SAARC signed a Regional Convention on Suppression of Terrorism in 1987 which came into force in 1988, and in 2004, an Additional Protocol to the SAARC Regional Convention on Suppression of Terrorism was signed to strengthen the original convention.<sup>63</sup> In 1995 SAARC established the Terrorist Offences Monitoring Desk (STOMD) “to collate, analyze and disseminate information on terrorist offences, tactics, strategies and methods.”<sup>64</sup>

Since 1996, SAARC has held eight Conferences on Cooperation in Police Matters about networking among Police Authorities in the Member States, the establishment of ‘SAARCPOL’, the prevention of organized crimes, and training.<sup>65</sup>

Kumar notes that “As long ago as 1962, the United Nations and the Government of Japan established the Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders (UNAFEI)” with an aim to promote crime prevention and criminal justice cooperation (Kumar, 2001: 109). According to the webpage of the organization, UNAFEI is a regional institute of the United Nations and the aim of UNAFEI is to promote “the sound development of criminal justice

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<sup>62</sup> Retrieved from <http://www.saarc-sec.org/> on 06.05.2009

<sup>63</sup> Retrieved from [http://www.saarc-sec.org/areaofcooperation/detail.php?activity\\_id=21](http://www.saarc-sec.org/areaofcooperation/detail.php?activity_id=21) on 27.08.2010.

<sup>64</sup> Retrieved from [http://www.saarc-sec.org/areaofcooperation/detail.php?activity\\_id=24](http://www.saarc-sec.org/areaofcooperation/detail.php?activity_id=24) on 27.08.2010

<sup>65</sup> Retrieved from [http://www.saarc-sec.org/areaofcooperation/detail.php?activity\\_id=20](http://www.saarc-sec.org/areaofcooperation/detail.php?activity_id=20) on 27.08.2010.

systems and mutual cooperation in Asia and the Pacific Region.”<sup>66</sup> UNAFEI’s activities also include terrorism related subjects, for example its 132<sup>nd</sup> international course and seminars is titled as “Strengthening the Legal Regime for Combating Terrorism.”<sup>67</sup>

#### **5.1.2.5 Others**

##### **5.1.2.5.1 The League of Arab States**

According to Samy (2006:155), The League of Arab States has focused on terrorism since 1994, when it adopted an Arab strategy to combat terrorism. The Council of Arab Interior Ministers then adopted a code of conduct in 1996, under which “The Arab countries agreed on the necessity of exchanging information in the fields of investigations and judicial procedures, which highlighted the importance of transparency and swift flow of information between law enforcement authorities in Member States” (Samy, 2006: 156).

Samy also points out that a preliminary three year plan was adopted in 1998, then the Arab Convention on the Suppression of Terrorism was adopted on 22 April 1998 and entered into force on 7 May 1999, followed by another three year plan in 2001 (Samy, 2006: 155-156). For Samy, one of the important achievements of the League of Arab States is, unlike the UN, to “share a clear view regarding the acts which constitute terrorism and which are not” (Samy, 2006: 157).

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<sup>66</sup> Retrieved from <http://www.unafei.or.jp/english/pages/History.htm> on 06.05.2009.

<sup>67</sup> Retrieved from <http://www.unafei.or.jp/english/pages/ListCoursesSeminars.htm> on 06.05.2009.

Samy also mentions the Criminal Police Bureau, a subsidiary body of the Council of Arab Ministers of Interior, which was “assigned to follow up the Member States’ implementation of the Convention.” It is further obliged to prepare an annual report for Justice and Interior Ministers of the Arab League and to review and assess the measures after five years of practice (Samy, 2006: 158).

#### **5.1.2.5.2 Organization of the Islamic Conference**

The Organization of the Islamic Conference (OIC) is an inter-governmental organization, established in 1969, has 57 members. According to its webpage;

The Organization is the collective voice of the Muslim world and ensuring to safeguard and protect the interests of the Muslim world in the spirit of promoting international peace and harmony among various people of the world.<sup>68</sup>

With respect specifically to the subject of this study, the OIC has a Convention on Combatting International Terrorism.

OIC members come from different regions of the world, but are primarily from Africa and Asia, including the Middle East (Hmoud, 2006: 161). According to Hmoud, OIC actions in relation to terrorism have taken three forms: political statements; the Code of Conduct, which was endorsed by the 1994 Islamic Summit; and the 1999 Convention of the Organization of the Islamic Conference on Combatting Terrorism (Hmoud, 2006: 162).

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<sup>68</sup> Retrieved from [http://www.oic-oci.org/page\\_detail.asp?p\\_id=52](http://www.oic-oci.org/page_detail.asp?p_id=52) on 06.05.2009.

Hmoud argues that Islam's association with terrorism "has been a key factor in framing OIC efforts in dealing with terrorism" and while some states took defensive positions, others acted proactively by cooperating with the international efforts (Hmoud, 2006:162). According to Hmoud, declarations and resolutions, non-binding in nature but reflecting the political stand of OIC members, have three principles: the condemnation of terrorism; distinguishing the aim of self-determination and fighting against foreign occupation from terrorism; and lastly, avoiding the association of Islam with terrorism (Hmoud, 2006: 162-163).

The convention, on the other hand, has two characteristics: "it defines terrorism and terrorist crimes" and it sets areas and procedure of cooperation (Hmoud, 2006: 164). As the conclusion Hmoud argues that:

The convention needs to be reviewed by the OIC in order to make it an effective law enforcement instrument for combating terrorism. Such a review should include redefining terrorism and terrorist acts and unifying the two terms; revisiting the issue of political crimes; establishing terrorist acts as crimes under national laws and providing for the situations where jurisdictions must be established; and refining the language of the Convention to overcome ambiguities and legal uncertainties ( Hmoud, 2006: 169).

### **5.1.3 Evaluation of International Organizations**

As observed, there are a variety of international organizations established for police cooperation and almost all of them have interest in and practices intended for improving cooperation in the counter-terrorism field. Although they undoubtedly have many positive contributions, we can also observe several inabilities and inefficiencies in these organizations.

An examination of UN activities shows that its terrorism related initiatives have been intensified after the 9/11 attacks. Remarks on the UN webpage reveal that it has become a more successful organization in terms of establishing new standards, and managing cooperative arrangements and contribution of states to its activities and arrangements. However critics reveal that the UN has shortcomings such as being unable to establish a common definition of terrorism, inter-organizational disharmony and by-passing UN channels by powerful states when they prefer bilateral relationships. Consequently, the existence of the UN as a ground for coming together and establishing long-term policies is essential in countering terrorism worldwide. On the other hand, by being aware of the limits of the organization, especially powerful states seem to look for bilateral relations, thus by-passing UN channels.

Regarding Interpol, it can be argued that this organization has seesawed throughout its history in terms of its policies regarding terrorism. By being bound by its Constitution's third article, which bans involvement with cases of a political nature, Interpol tried to keep a distance to terrorism related issues during the 1960s. However we observe that as terrorism has gathered significance over time, Interpol has tried to find ways to deal with terrorism which conform to its policy. Although this dilemma still exists today, we observe that terrorism is one of the most important areas of focus for Interpol.

Cooperative police relationship patterns in Europe, which has been presented above in detail, provides us a rich view. As examined, those relationships include practices related to terrorism within their own structures as well. The existence of cooperative forms established in organizational, bilateral, or multilateral varieties

create an overlapping structure. States, by taking part in different cooperative schemes within and around Europe, benefit from such a rich variety. European examples show that states do not restrict themselves to participating in cooperative endeavours. Thus, besides taking part in umbrella organizations covering all of Europe, such as Europol, states may also look for other multilateral or bilateral initiatives to focus on problems within their close neighborhood. Therefore states in Europe present a nature that is open to pursuing cooperation in policing issues. One reason for this openness may be the history of policing in Europe, such as cooperative initiatives during the Anarchist wave. A positive approach to cooperation throughout history on the continent also makes Europe one of the pioneers in designing and adopting innovations in cooperative policing patterns.

Although not as diverse as Europe, cooperative initiatives in other continents such as America, Asia, and Africa can also be observed. In addition, regional organizations such as the League of Arab States and the Organization of Islamic Conference also have initiatives in counter-terrorism fields.

All those initiatives show that global, regional and other varieties of international organizations have had an interest in promoting cooperation against terrorism, and police cooperation has an important place in those cooperative arrangements. Examples reveal that although a certain success level has been attained; much more needs to be done. Problems such as inability to achieve a common ground for definition and understanding on terrorism still exist as the prime challenges, but, it can still be said that international organizations have been trying to make progress in promoting cooperation against terrorism.



## 5.2 Conventions (16 Legal Instruments)

Conventions are legal instruments focusing on a specific subject, which are signed by states. States which sign those conventions, are expected to abide by their rules. The most well-known conventions regarding terrorism have been established by the United Nations (listed in Table 6). UN efforts to establish conventions in the terrorism field date back to the 1930s, for example a UN Convention was adopted in 1937 for the prevention and punishment of terrorism, but never came into force. As provided in Table 6, The UN has 16 international counter-terrorism legal instruments.<sup>69</sup>

UN legal instruments on terrorism do not cover terrorism as a whole. On the contrary, existing legal instruments focus on specific offences, which are: “offences linked to the financing of terrorism (1), offences based on the victim’s status (2), offences linked to civil aviation(3), offences linked to ships and fixed platforms (4) and offences linked to dangerous materials(5)” (UN, 2006:16). These conventions reveal a reactionary nature, because they were created when specific issues became a problem. For example, when hijacking and offences against aviation emerged as an important problem in the 1960s, the Aircraft Convention in 1963, the Unlawful Seizure Convention in 1970, and the Civil Aviation Convention in 1971 were created. The UN’s efforts are still continuing to create a Comprehensive Convention against International Terrorism, which aims to define terrorism and create a common understanding on the issue. The practice of criminalizing issue-specific areas of terrorism is identified as a thematic approach by Nash and Bantekas who argue that, “The thematic route, despite current discussions on a single comprehensive

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<sup>69</sup> Retrieved from <http://www.un.org/sc/ctc/laws.html#t1> on 13.05.2009

convention, so far appears the only vehicle guaranteeing both international co-operation and relative consensus” (Bantekas and Nash, 2007: 198).

It is mentioned in the UN publication entitled *Legislative Guide to the Universal Legal Regime Against Terrorism* that “the existing conventions and protocols contain no conspiracy, planning, preparation or other prospective provisions. They punish only offences that have been ‘committed’, ‘attempted’, ‘aided or abetted’, ‘ordered’, ‘directed’ or ‘contributed to’” (UN, 2008: 6), with the exception of the Financing Convention. Participation of states to those conventions is essential because “... the legal authority to enforce these measures against terrorism is exclusively within the responsibility of sovereign States” (UN, 2008: 1). It is mentioned on the web page of the Security Council Counter-Terrorism Committee that the rate of adherence to these conventions and protocols by Member States was low before but the rate of adherence has increased after the 9/11 attacks and the adoption of Security Council resolution 1373.<sup>70</sup> Accordingly:

...some two-thirds of UN Member States have either ratified or acceded to at least 10 of the 16 instruments, and there is no longer any country that has neither signed nor become a party to at least one of them.<sup>71</sup>

Becoming a party to the UN conventions requires both an international and a domestic procedure. The international procedure requires deposit of a legal document with the depository of the Convention, while the domestic procedure in general necessitates approval by the relevant organs of the state and legislative action to adopt the domestic laws (UN, 2008: 10).

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<sup>70</sup> Retrieved from <http://www.un.org/sc/ctc/laws.html#t1> on 13.05.2009.

<sup>71</sup> <http://www.un.org/sc/ctc/laws.html#t1> retrieved on 13.05.2009.

**Table-6: UN Legal Instruments<sup>72</sup>**

- Convention on Offences and Certain Other Acts Committed on Board Aircraft, signed at Tokyo on 14 September 1963.
- Convention for the Suppression of Unlawful Seizure of Aircraft, signed at the Hague on 16 December 1970.
- Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation, signed at Montreal on 23 September 1971.
- Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, adopted by the General Assembly of the United Nations on 14 December 1973.
- International Convention against the Taking of Hostages, adopted at New York on 17 December 1979
- Convention on the Physical Protection of Nuclear Material, signed at Vienna on 26 October 1979.
- Amendments to the Convention on the Physical Protection of Nuclear Material, signed at Vienna on 8 July 2005.
- Protocol on the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, DONE AT Montreal on 23 September 1971, signed at Montreal on 24 February 1988.
- Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, done at Rome on 10 March 1988
- Protocol to Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation, adopted at London on 14 October 2005
- Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf, done at Rome on 10 March 1988
- Protocol to the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf, adopted at London on 14 October 2005.
- Convention on the Marking of Plastic Explosives for the Purpose of Detection, signed at Montreal on 1 March 1991.
- International Convention for the Suppression of Terrorist Bombings, adopted at New York on 15 December 1997.
- International Convention for the Suppression of the Financing of Terrorism, adopted at New York on 9 December 1999
- International Convention for the Suppression of Acts of Nuclear Terrorism, adopted at New York on 13 April 2005

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<sup>72</sup> Source: Webpage of UN Security Council Counter-Terrorism Committee:  
<http://www.un.org/sc/ctc/laws.html#t1>, retrieved on 15.05.2009

In terms of requirements from states that are party to UN legal instruments; nine conventions, four protocols and one amendment except for the 1963 Convention on Offences and Certain Other Acts Committed on Board Aircraft and The Convention on the Marking of Plastic Explosives for the Purpose of Detection require:

(a) criminalization of the conduct defined in a particular agreement as a punishable offence; (b) establishment of specified grounds of jurisdiction over that offence, such as the registration of an aircraft or ship, or the location of an attack; and (c) the ability and obligation to refer a case against a suspected or accused offender to domestic authorities for prosecution if extradition is not granted pursuant to the applicable agreement and to furnish related forms of international cooperation. (UN, 2008: 13)

The UN Publication entitled as *Legislative Guide to the Universal Regime against Terrorism* (UN, 2008: 24-28) mentions four issues common to all conventions and their application by countries. The first issue is defining terrorist acts and terrorism, which requires the repetition of the terminology used in international conventions while creating domestic legislation. The second issue is proving motive or intent, which requires that a political, ideological or religious motive should be in the commission of the act. The third issue is special laws and code amendments that touch upon the issue of creating special laws or amending relevant penal laws to fill the gaps between the domestic laws and the requirements of international legal instruments. The last issue is the relevancy of the universal instruments to all countries which focus on creating an understanding about how agreements could possibly be relevant to the circumstances of a country.

### 5.2.1 Conventions by Regional or Other Organizations

In addition to UN Conventions at the global level, we can also observe the existence of other conventions, for example, regional conventions established by organizations such as the European Union and Organization of American States. There are also conventions established by organizations such as the Islamic Conference, which exceeds beyond a specific region. Such regional/other organizational instruments are provided in Table 7.

According to the UN publication entitled *Legislative Guide to the Universal Legal Regime Against Terrorism*, “The inadequacy of reactive criminal law mechanisms, that depend upon violence being attempted or accomplished, to protect society against persons willing to die for a cause is also leading to greater attention to preventive anti-terrorism mechanisms at the regional level”(UN, 2008: 9).

Another UN publication on the internet, the *Guide for the Legislative Incorporation and Implementation of the Universal Anti-Terrorism Instruments* investigates offences covered by the universal instruments and gives several examples of how regional conventions also give place to those offences. Accordingly, regional conventions are basically divided into two groups based on the political offence exception criteria. The first group of conventions, which are the Inter-American Convention against Terrorism of the OAS, the SAARC Regional Convention on Suppression of Terrorism, and the Treaty on Cooperation among States Members of the Commonwealth of Independent States in Combating Terrorism and European Convention on the Suppression of Terrorism, all share a common point in that they “exclude applicability of the political offence exception for the offences they define; the European Convention nevertheless authorizes this

exception by providing for reservations to the treaty, provided they are applied judiciously and case by case” (UN, 2006: 41-43):<sup>73</sup>

**Table-7: Regional/Other Organizational Legal Instruments<sup>74</sup>**

- Arab Convention on the Suppression of Terrorism, signed at a meeting held at the General Secretariat of the League of Arab States in Cairo on 22 April 1998.
- Convention of the Organization of the Islamic Conference on Combating International Terrorism, adopted at Ouagadougou on 1 July 1999.
- European Convention on the Suppression of Terrorism, concluded at Strasbourg on 27 January 1977.
- OAS Convention to Prevent and Punish Acts of Terrorism Taking the Form of Crimes against Persons and Related Extortion that are of International Significance, concluded at Washington, D.C. on 2 February 1971.
- OAU Convention on the Prevention and Combating of Terrorism, adopted at Algiers on 14 July 1999.
- SAARC Regional Convention on Suppression of Terrorism, signed at Kathmandu on 4 November 1987.
- Treaty on Cooperation among States Members of the Commonwealth of Independent States in Combating Terrorism, done at Minsk on 4 June 1999.
- Council on Europe Convention on the Prevention of Terrorism, opened for signature at Warsaw, 16 May 2005, CETS No. 196
- Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism, opened for signature at Warsaw , 16 May 2005, CETS No. 198
- Inter-American Convention against Terrorism, adopted at the second plenary session held on 3 June 2002, in ILM 42 (2003), p.19. [www.ciste.oas.org](http://www.ciste.oas.org)
- Additional Protocol of the SAARC Regional Convention on Suppression of Terrorism, done in Islamabad on 6 January 2004 [www. Infopak.gov.pk/saarc..](http://www.infopak.gov.pk/saarc..)
- Protocol to the OUA Convention on the Prevention and Combatting of Terrorism adopted by the Assembly of the African Union
- Protocol Amending the European Convention on the Suppression of Terrorism, 2003
- EU Framework Decision 2002 on combating terrorism
- Agreement on Cooperation among the Governments of the GUAM Participating States in the Field of Combat Against Terrorism, Organized Crime and Other Dangerous Types of Crimes 2002

<sup>73</sup> De Feo (2006: 114) also discusses this issue in his study.

<sup>74</sup> The information gathered from the following sources were combined in this table: International Cooperation in Counter-Terrorism, Edited by Giuseppe Nesi. 2006 and UN webpage retrieved from [http://www.icclr.law.ubc.ca/Site%20Map/compendium/Compendium/Regional\\_Conventions.htm](http://www.icclr.law.ubc.ca/Site%20Map/compendium/Compendium/Regional_Conventions.htm) on 15.05.2009

On the other hand, the second group of conventions, namely, the Arab Convention for the Suppression of Terrorism, the Convention of the Organization of the Islamic Conference on Combating International Terrorism, and the Organization of African Unity (OAU) Convention on the Prevention and Combating of Terrorism, instead “eliminates the exception for the offences they define, but exclude struggles for self-determination from their scope of application” (UN, 2006: 42).

Both the UN sources and De Feo mention hesitations over whether the second group of conventions comply with the 1997 International Convention for the Suppression of Terrorist Bombings and the 1999 International Convention for the Suppression of the Financing of Terrorism, the Security Council resolution 1373 (UN, 2006: 43; De Feo, 2006: 114-117).

According to De Feo, there are two possible interpretations about this issue. First, if the armed struggle exclusion is interpreted as *jus ad bellum*, which in international law means “...the legitimacy of the resort to armed struggle itself, in which case all political violence committed in that struggle would be excluded from the coverage of conventions”, then possible conflicts may emerge with the overall approach of the twelve UN anti-terrorism conventions and protocols (De Feo, 2006: 119). On the other hand, De Feo argues that if the exclusion is interpreted as *jus in bello*, which means not taking only justification into account but also means and targets, including the prohibition of attacks on civilians under humanitarian law principles, then “this interpretation would resolve any potential conflict between UN and regional instruments” (De Feo, 2006: 119).

### **5.2.2 Evaluation of the Conventions**

The UN has throughout its history focused on establishing a common understanding of terrorism. However, its inability to reach this aim forced the organization to look for other mechanisms. The establishment of conventions has been the prime method, by which the organization has focused on only specific matters, and thus avoided the wider complex phenomenon of terrorism. However, the accounts on UN publications reveal that higher levels of success in acceptance and implementation of the conventions by states were achieved after the 9/11 attacks. This point requires attention because it reflects the changing atmosphere in global perceptions of these conventions following the 9/11 attacks. Nevertheless, the UN's inability to establish a general convention, understanding, and definition regarding terrorism continues.

The existence of regional and other organizational conventions also reflects the importance of establishing similar tools. However discussions about the second group of regional or other organizational conventions--those which exclude struggles for self-determination from their scope--reflects that diversity still exists in terms of establishing a common ground.

### **5.3 Regimes**

There are different definitions of regimes by scholars; however I will give a few examples here. The most widely referred to definition belongs to Krasner, who writes that: "Regimes can be defined as sets of implicit or explicit principles, norms, rules, and decision-making procedures around which actors' expectations converge



in a given area of international relations” (Krasner, 1982: 186). According to Krasner, principles and norms are basic defining characteristics of a regime, and their change means the change of the regime itself, while regimes change rules and decision-making procedures also change (Krasner, 1982:187). Krasner implies that regimes should be established for long terms, and with a sense of obligation (Krasner, 1982:187).

Haggard and Simmons summarize regime definitions under three headings: *patterned behaviour*, based on Donald Puchala and Raymond Hopkins’s understanding, *convergent norms and understandings*, based on Krasner’s definition, and multilateral agreements between states that outline *explicit injunctions*, based on Oran Young’s definition (Haggard and Simmons, 1987: 492-496).

According to Keohane and Nye, *international regimes* are governing arrangements which are established by “creating or accepting procedures, rules, or institutions for certain kinds of activity” so “governments regulate and control transnational and interstate relations” (Keohane and Nye, 1977:5).

We can also talk about different approaches to regimes. For example Hasenclever et al. propose that there are three main approaches, which are power-based, interest-based, and knowledge-based (Hasenclever and et al., 1997: 1). Accordingly, power-based theories are influenced by realist understandings and argue that relative gains are important, with less of an emphasis on institutionalism. Interest-based theories are influenced by neoliberal principles, with a strong emphasis on institutionalism. Lastly, knowledge-based theories focus on preferences, interests, and identities in regime formation. According to Hasenclever

and et al., the degree of institutionalism is an important difference among those theories. Regarding the effectiveness of regimes, the same authors mention two overlapping ideas, which are regime strength and regime robustness (Hasenclever and et al., 1997: 2).

Haggard and Simmons view the regime literature “as an experiment in reconciling the idealist and realist traditions” (1987: 492). According to them there are four dimensions of regimes, namely, strength, organizational form, scope, and allocational mode. Strength refers to the degree of compliance; scope is the range of issues covered by the regime, organizational form covers issues such as membership, administrative forms, and regulations, and allocational mode refers to mechanisms for resource allocation (Haggard and Simmons, 1987: 496-498). Haggard and Simmons also propose various theoretical approaches for understanding regimes, which are structural (hegemonic stability) approaches, game-theoretic approaches, functional approaches with an emphasis on behaviours, and institutionalism and cognitive approaches (Haggard and Simmons, 1987: 498-513). If we combine game-theoretic approaches and functional approaches under the same heading, this proposal is almost the same classification as that of Hasenclever and et al.

Another scholar, Haas, contributes the term “epistemic communities,” which are constituted by experts of an issue area. According to Haas (1989, 377) regimes are not only “static summaries of rules and norms” but also “vehicles for international learning that produce convergent state policies.” For Haas, epistemic communities refer to “a specific community of experts sharing a belief in a common set of cause-and-effect relationships as well as common values to which policies

governing these relationships will be applied” (Haas, 1989: 384, footnote 20). He goes on to argue that epistemic communities “may introduce new policy alternatives” and convince governments to pursue them (Haas, 1989: 402).

In terms of critics, Strange is the most famous critic of regimes and she argues five shortcomings of regime theory. She proposes that regime theory is a passing fad that will not make a long-term contribution to knowledge, that it is imprecise, value biased, overly static and narrow-minded due to its state-centered paradigm (Strange, 1982: 479).

### **5.3.1 Security Regimes**

As this study is basically on security regimes, it is important to mention Jervis’s argument that a security regime consists of “...those principles, rules, and norms that permit nations to be restrained in their behavior in the belief that others will reciprocate” (Jervis, 1982: 357). According to him, by following the prisoner’s dilemma concept, “states will benefit by setting up rules and institutions to control the competition among them” (Jervis, 1982: 358). He argues that security regimes are “difficult to achieve, because of the fear that the other is violating or will violate the common understanding.” (Jervis, 1982: 358).

Jervis writes that there are five conditions for forming a security regime: the support of great powers; a shared value on security and cooperation; no belief in expansion to provide security; seeing war and individualistic pursuit as costly; and being distanced from negative implications of security dilemma. (Jervis, 1982: 360-362).

Since this dissertation focuses on cooperation against terrorism, specifically police cooperation, talking about relevant regimes may be useful. In the terrorism field, UN conventions and other international agreements constitute the ground for those regimes. Therefore, labelling those conventions and international agreements as regimes could also be a method of classification. However, as I am looking for policing practices at the functional level in particular, employing the regime expression to those functional initiatives seems to be more proper for the purposes of this study. For example, a UN report focusing on strengthening international cooperation, including the legal regime against terrorism, mentions several tools for international cooperation in criminal matters as “extradition, mutual legal assistance, transfer of criminal proceedings, transfer of sentenced persons, recognition of foreign penal judgements, freezing and seizing of assets and law enforcement cooperation” (UN, 2005b:13).

Wynngaert and Stessens (1995:142), who investigated cooperation in criminal matters in the European Union, based on Maastricht Treaty, divide cooperation in criminal matters into three areas: judicial co-operation; police co-operation; and administrative co-operation. This seems a useful and simple classification to use as a framework for understanding cooperative regimes against terrorism.

Judicial cooperation succeeds cooperation between judicial authorities of states. Police may take role in the processes of judicial cooperation in varying degrees, such as compiling files, transferring them to judicial authorities etc. An administrative regime constitutes those agencies that conduct administrative functions, such as customs, immigration and so on. The importance of those agencies is increasing in the current era because of the cross-border nature of

terrorism. Identifying and capturing terrorists and hazardous materials at borders is one of the vital issues of fighting against terrorism. Lastly, police cooperation itself is becoming a regime in terms of establishing cooperation, sharing intelligence, and improving terrorism fighting capabilities.

### **5.3.2 Judicial Cooperation**

According to Wyngaert and Stessens “Judicial co-operation refers to co-operation between judicial authorities, in the framework of a criminal investigation or a trial” (1995:142).

The UN publication entitled *Legislative Guide to the Universal Legal Regime Against Terrorism* states that, “There being no international tribunal with competence for acts of terrorism, those acts can only be dealt with by domestic courts” (UN, 2008: 39). Consequently, prosecution and punishment of terrorist acts can only be achieved by judicial cooperation.

The following tools can be classified in this field of cooperation: extradition, mutual legal assistance, transfer of criminal proceedings, transfer of sentenced persons, recognition of foreign penal judgements, freezing and seizing of assets. It can be argued that judicial cooperation forms constitute a regime and these forms can be titled as “judicial co-operation regimes”, because there are rules and norms of each form. First those tools will be defined below; afterwards relevant issues related to terrorism will be explored briefly.

Extradition is handing over a criminal by a state to another state for trial. Extradition is practiced according to agreements, generally bilateral or multilateral, between parties. National legislation is also an important component of the extradition procedure. Basic rules of extradition can be stated as follows: 1-States generally do not extradite their own citizens, 2-Political offences are not accepted as extraditable offences as principle. 3-Based on the double criminality principle, the crime must be defined and punishable in both requesting and requested states. 4-The person cannot be tried again for an offence which he has been tried before. 5-The person can be tried for only the crime that he is extradited for. 6-There is expectation of a fair trial.

According to Wyngaert and Stessens (1995: 145) “The term mutual assistance refers to co-operation between judicial authorities, as opposed to police co-operation and administrative co-operation.” Mutual Legal Assistance Treaties (MLATs) are agreements of assistance between states to gather and exchange information and evidence related to an investigation via judicial ways. MLATs include assistance in examining people, transfers and gathering evidence. Examples of such treaties include the European Convention on Mutual Assistance in Criminal Matters, and, in terms of bilateral arrangements, the treaty between the United States and Switzerland which came into force in January 1977. The United Nations has also produced a Model Treaty on Mutual Assistance.

Transfer of Sentenced Persons is another method of judicial cooperation, meaning that a sentenced person may be transferred from one state to the other state to serve the sentence imposed on him/her.

According to Wyngaert and Stessens (1995: 161), Transfer of proceedings allows the transmitting of criminal proceedings to the state “deemed to be in the best position to try the case” and it is used when extradition is not viable due to offence-sentence fulfilment or a semi-administrative offence.

As a last method, the freezing and seizing of assets obviously refers to the freezing and seizing of accused individual or corporate assets in one or more states, as based on the decision of judicial authorities.

The UN’s *Legislative Guide to the Universal Legal Regime Against Terrorism* summarizes important points regarding the use of these tools as follows. Accordingly, there is a mutual legal assistance article “in all of the subsequent conventions that create criminal offences (except the 1991 Convention on the Marking of Plastic Explosives for the Purposes of Detection)” (UN, 2008:39) and “The most fundamental rule of international cooperation established by the terrorism-related conventions and protocols is the principle of extradite or prosecute. This obligation is found in all of the terrorism-related agreements that define criminal offences” (UN, 2008: 37).

Although the above mentioned two issues create the image that cooperation on terrorism can easily be established between parties, two other issues, namely, dual criminality and human rights considerations, can make the issue problematic. In terms of dual criminality; international cooperation based on UN Conventions does not require commission of the act with a racial, religious, political or other ideological motive, but many countries require a specified state of mind which:

may be a general criminal intent (to do the prohibited act ‘intentionally’, or in some instruments ‘willfully’) or a specific intent in other cases (in order to intimidate a population or to coerce a government or international organization to do or to refrain from doing any act). If a country that defines an offence as only requiring a general or specific intent were to request international cooperation from a country that also requires an ideological motivation as an element of the offence, the question arises whether dual criminality exists (UN, 2008: 41).

Lastly issues related to protections for political activity against discrimination, requiring fair treatment and considering human rights, play an important role in successful management of judicial cooperation between parties.

Judicial cooperation regimes constitute an important field for police cooperation. Police authorities as part of criminal investigations may take a role in the processes of given judicial cooperation actions. Therefore, as partners of judicial authorities, police forces should have an understanding of how the components of judicial regime operate.

### **5.3.3 Police Cooperation**

It can be argued that police cooperation has been broadening over time. As this study reveals, it is possible to see various examples and applications of cooperative police initiatives in all four domains of the cooperative security framework. To exemplify this point, we see bilateral relations and agreements, the establishment of international and regional institutions such as Interpol and Europol, and the existence of police associations as non-state entities. In the following



chapters of this dissertation, those various cooperative methods will be investigated in detail.

There are other significant issues to be held in mind about police cooperation. For example, the difference between judicial cooperation and police cooperation is important. Wyngaert and Stessens summarize this distinction in the following passage:

Police co-operation involves the co-operation between national police forces. The distinction lies in the fact that the police co-operation is not necessarily part of a criminal investigation in the requesting state, whereas judicial co-operation always aims at furthering such an investigation. Police co-operation is often aimed at preventing crime, whereas judicial co-operation presupposes that the crime has already been committed. Moreover, police co-operation is evolving towards being more and more proactive, whereas judicial co-operation remains essentially reactive. However, in practice, the distinction is often less clear: information, transmitted through channels of police co-operation is often eventually used in a criminal investigation and produced as evidence at a trial. Police co-operation, as opposed to judicial co-operation, often occurs on an informal basis, and is often considered as much more efficient, because the substantive and procedural rules governing judicial co-operation don't exist. Even if police co-operation is granted on the condition that the information transmitted will be used "for police purposes only", there is no guarantee that this will actually be the case in practice, and in some member states, police officers may not be able to comply with the requirement. The result, however, is that police co-operation may be used as a substitute for judicial co-operation, in order to circumvent the existing obligations, which may result in abuse (Wyngaert and Stessens, 1995: 145).

This passage reveals another issue of police cooperation, which is formal and informal cooperation. While formal cooperation emphasizes interaction between police forces according to the existing rules of information exchange and judicial

cooperation, informal cooperation emphasizes a more flexible way of conducting cooperation between police forces.

Joutsen argues that “international cooperation need not be based on formal agreements between states. Domestic law may allow the authorities to engage in various forms of cooperation” (Joutsen, 2004: 256). Accordingly, in situations where trust emerges, less formal forms of bilateral cooperation can be initiated between the central authorities or between the authorities in border areas, and bilateral executive agreements may follow such relations (Joutsen, 2004: 256-257). According to Joutsen, Interpol cooperation “...is not based on any international instrument; instead, the criminal police of each participating state have simply decided to cooperate with one another within the framework of Interpol” (Joutsen, 2004:257).

One of the main aims of this study is to track the changes in police cooperation. The following chapters and especially the sections on police liaison practices reveal the direction and the size of those changes.

#### **5.3.4 Administrative Cooperation**

Administrative cooperation regimes include cooperation between administrative entities such as customs and immigration authorities. Although such entities are generally labelled as administrative authorities, we should keep in mind that those entities may have policing powers in several countries. Administrative regimes are becoming increasingly important with the increasing threat level of

terrorism. As the cross-border nature of terrorism grows over time, the importance of controlling borders and human movements becomes ever more important.

Since the 9/11 attacks, it is evident that the importance of securing territory has increased dramatically. By securing territory, states initially aimed at controlling people who are entering into the country. The purpose of this move is the fear that people who are entering the country may be terrorists. Illegal immigration is one of the most important aspects of security today. So states are focusing on this issue. The second aim of controlling territory is preventing the entrance of materials that can be used for terrorist activity.

As the above shows, agencies which conduct administrative functions constitute an important regime against terrorism and also present themselves as a vital partner for police forces.

#### **5.4 Overall Evaluation of the Liberal / State-Centric Domain before 9/11**

The liberal/state-centric domain, which consists of international organizations, conventions, and regimes, is also an important area in the fight against terrorism. This area makes the establishment of international norms, structures, and entities possible in the fight against terrorism. However, differences of parties on terrorism issues make sound cooperation problematic in this field. In fact, this problem was acknowledged by several of those organizations themselves as exemplified by the UN's confession on its website, which clearly states that many states are not a party to legal instruments or are not implementing them. Similarly, extradition, a very effective tool against criminals, is almost an unused tool in

terrorism issues because of the political crime exception. Those comments do not aim to downplay the importance and role of traditional methods in dealing with terrorism, however, the impotency that they remind us of, forces us to think about reconstructing some of the traditional methods and look for new innovative ways. This study therefore focuses on police cooperation, which represents a promising area for innovative ways of dealing with terrorism.

The examples during the Anarchist wave show us that liberal/state-centric forms have long been a strategy in the fight against terrorism. States, unable to deal with violence individually, need international cooperation and support. Therefore, there have long been liberal/state-centric initiatives on the scene to create an international understanding. States take part in those initiatives to share their problems and opinions.

The overall assessment of the liberal/state-centric realm shows us that terrorism has been an important issue of cooperation for entities in this realm since Anarchism, in other words, since the beginning of terrorism in its modern understanding. Despite the efforts of those entities, differences of contributing parties have kept cooperation in a limited position. Success was possible only at criminalizing certain acts of terrorism, while collaboration on more important issues such as establishing a common understanding or reaching a universally acceptable definition of terrorism was impossible.

From the narratives of several sources mentioned in this study, we observe success stories for Europe, which was able to have an understanding on terrorism, and which was able to create cooperation between various law enforcement and intelligence agencies even before 9/11. Europe's success lies in the fact that

countries in this region have the advantage of creating almost a common understanding about the threat and the way to respond it. While there were several attempts at countering terrorism before 9/11, the real changes seem to come to the surface after 9/11. For example, in UN publications it is argued that becoming party to legal instruments has increased after 9/11. We also observe that more has been done both at the global and at the regional levels after the September 11 attacks.

### **5.5 New Initiatives of the Liberal / State-Centric Domain: Transformation of the liberal/state-centric domain**

Although institutions in the liberal/state-centric domain still represent their previous characteristics and systemic shortcomings, careful investigation reveals some important changes. First of all, it needs to be acknowledged that international organizations are more focused on terrorism issues today when compared to the past. The European example shows that agreement on certain topics by member countries within a relatively smaller regional environment may produce attainable results such as a common framework of terrorism and establishment of a common structure to deal with terrorism issues. Nobody, including international organizations, can deny the importance of terrorism in today's world; therefore it would not be an exaggeration to assume that a focus on terrorism by liberal/state-centric entities will continue to grow in the future.

Another issue in the liberal/state-centric domain is the fact that usage of liaison officers has gained a new perspective in recent years as will be examined in detail in Chapter 7. We can talk about three important trends in establishing

liaisonship system in this domain. The first issue is the employment of liaison officers from non-member states to member based international organizations. For example, FBI, Secret Service and DEA liaison officers have been deployed to Europol. Similarly, Switzerland, Norway, Iceland, Australia and Colombia also have liaison offices in Europol, although they are not members of the EU. The second trend in this domain is deployment of liaison officers by an international organization to a non-member state, as is the case with a liaison officer from Europol being appointed to Washington DC. A third trend is the deployment of liaison officers between international police organizations. According to information on the webpages of Europol and Interpol, they have each exchanged liaison officers with each other. All of these three trends of liaison officer exchanges by international organizations and non-member states have been launched in the post 9/11 era and with a special concern on terrorism.

## **CHAPTER 6**

### **THE LIBERAL / MULTICENTRIC AND REALIST MULTICENTRIC DOMAINS**

This chapter mainly focuses on multi-centric section of the forms of relationship dimension, which is believed to host the most transnationalizing forms. Therefore both realist and also liberal multi-centric domains are investigated here.

#### **6.1 Liberal /Multi-Centric Domain**

This domain covers liberal actors and multi-centric relationships. This area is far from the influence of state actors. Traditionally this area is constituted by non-governmental organizations, individuals, and private entities.

Entities in this area may have an interest in terrorism issues; however their role in shaping state behavior and agendas has been accepted as limited in the past, especially in the terrorism field. This approach has begun to change with the

emergence as actors of transnational terrorist groups with an ability to influence the state dominated international relations field.

While terrorist groups emerged as non-state groups in this realm, this study is exploring whether countering actors have also emerged. It is possible to classify several groups under this domain. First of all we can talk about Police Associations and Policing Focused Initiatives, while private security companies constitute the second group.

### **6.1.1 Police Associations and Police Focused Initiatives**

The first case to look at is the establishment of international police associations and their function of providing platform for discussions and information/experience sharing, as seen in the example of the The National Bureau of Identification established by an American initiative, IACP (International Association of Chiefs of Police), was used as a point for establishing international contact for other countries (Jensen, 2001: 29). Members of such associations may be active police managers and police officers, as well as retired ones. Any activity of such associations related to crimes, is to set up a place for discussions.

The IPA (International Police Association) was founded in 1950 by an English police sergeant, Arthur Troop, with an aim to establish friendship and cooperation between police officers. *Service through friendship* is the slogan of the IPA. According to the webpage of the IPA there are 300,000 members, who are on active duty or retired. IPA as an independent body has 60 national sections and as activities, it encourages personal contacts, develops social and cultural activities,



facilitates information exchange and publications, and improves international cooperation through friendly contacts. The supreme body of the IPA is the International Executive Council, which meets every year, while the IPA World Congress meets every three years.

The International Association of Chiefs of Police (IACP) is another such association. The IACP was founded in 1893 in the United States, and opened its European bureau in the 1980s. According to the webpage of IACP, the aim of the association is to:

advance the science and art of police services; to develop and disseminate improved administrative, technical and operational practices and promote their use in police work; to foster police cooperation and the exchange of information and experience among police administrators throughout the world; to bring about recruitment and training in the police profession of qualified persons; and to encourage adherence of all police officers to high professional standards of performance and conduct.<sup>75</sup>

The International Union of Police Associations (IUPA) is a North American trade union chartered for law enforcement, corrections and related support personnel. The IUPA is a participant in the AFL-CIO (American Federation of Labor and Congress of Industrial Organizations). The IUPA was originally chartered as the "National Conference of Police Associations" (N.C.P.A.) in 1954. In 1966 the organization's charter changed to include Canadian police associations, leading to a change of name to the "International Conference of Police Associations". A split among member organizations over whether or not to join the AFL-CIO led those in favor of joining to leave the ICPA and form the IUPA, which joined the AFL-CIO in

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<sup>75</sup> Retrieved from <http://www.theiacp.org/About/History/tabid/80/Default.aspx> on 17.12.2009

1979. The focus of the IUPA expanded during the 1990s to include corrections personnel and organizations from Puerto Rico. The IUPA is governed by a President, Vice-president and Board, the Board representing the sixteen geographical regions that the organization covers. Fourteen of these regions are contained in the United States; one region includes Puerto Rico, the Virgin Islands and the Caribbean; and one region includes Canada and the states of New York, New Jersey and Alaska. The IUPA currently has more than 100,000 members in 372 local chapters across 32 US states, Puerto Rico, and the Virgin Islands.

The IAWP (International Association of Women Police), founded in 1915, has nearly 2500 members from over 50 countries worldwide. According to the webpage of the IAWP, its mission and purpose is to strengthen, unite, and raise the profile of women in criminal justice internationally. To ensure the mission of the association, the IAWP is committed to programs that provide professional development, training, recognition, mentoring, networking, and peer support.

In the appendix part of the International Police Cooperation book by Koenig and Das, it is argued that the IPES (The International Police Executive Symposium) founded in 1994, “.brings police researchers and practitioners closer; to facilitate cross-cultural, international, and interdisciplinary exchanges for the enrichment of the profession of policing;...” (Koenig and Das, 2001:345). The IPES is funded by institutional supporters and sponsors that host IPES events around the world. It encourages “...discussions and writing on challenging topics of contemporary importance...” through an array of initiatives including conferences and publications (Koenig and Das, 2001:345).

### **6.1.2 Private Security Companies**

Private security companies, as special entities focusing on protection and threats, have always been involved in terrorism issues. The first example can be presented here as the Pinkerton Detective Agency, which provided their services to the Germans to watch Anarchists in the USA during the Anarchist wave (Jensen, 2001: 28). According to its webpage, its name today is the Pinkerton Government Services, and it is “a legacy of the company formed by Allan Pinkerton in 1850.”<sup>76</sup>

In the following years we can observe the emergence of companies which provide security to the private sector, as it too may become a target of terrorism. There is as well the emergence of think-tanks or private entities specialized in training, education and evaluation and with an interest in terrorism matters.

Those examples reveal that private companies may deal with terrorism issues to different degrees over time. Therefore, the current level of interest and practices of the private companies in terrorism related issues requires investigation.

### **6.1.3 Liberal/ Multi-Centric Responses to Terrorism**

We should accept that liberal entities such as NGOs, associations, think-tanks, private firms, and similar entities have always carried a potential of being a partner to the state actors in terrorism related activities.

Usage of private entities became part of the struggle against terrorism starting from the Anarchist wave, as exemplified by the Pinkerton example. During

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<sup>76</sup> Retrieved from <http://www.pinkertons.com/companyinfo.htm> on 01.09.2010.

the second half of the 20<sup>th</sup> century, the world witnessed increasing incidents of terrorism and selection of both agents and institutions of governments and of individuals or private firms. Because it was not an easy task to secure all security threat targets by governments alone, private security firms began to fulfill several security functions for providing protection against terrorism.

Another development with the increase of terrorism worldwide has been the emergence of private individuals and institutions in the evaluation of trends in terrorism. Think-tanks can be seen as examples of such entities.

#### **6.1.4 New Initiatives of the Liberal/Multi-Centric Domain: Increasing Usage of the Liberal / Multi-Centric Domain as a Support Mechanism for Police Cooperation**

In the liberal/multi-centric domain it can be argued that room for cooperation by non-governmental groups and organizations is growing. Initiatives in this area have previous older examples such as non-governmental international police organizations (e.g. the International Police Association (IPA), the International Association of Women Police (IAWP), the International Association of Chiefs of Police (IACP), and the International Police Executive Symposium.) Those organizations contribute to the shared understandings between police officers around the world in different areas. For example the IPA is a worldwide police organization, which aims to increase and improve social interaction among its members. The International Police Executive Symposium is an academic platform,

which organizes conferences to discuss specific police problems. All these organizations contribute to the establishment of a discussion ground for members.

Although the police organizations mentioned above serve to create an atmosphere of belonging and help between police officers around the world, they do not mainly serve the aim of creating a better transnational security cooperation, as real cooperation takes place between official entities of the states.

As a second issue in this realm, we see private entities, which may provide different services to governments and private companies. Private security firms have long been cooperative partners for states in countering terrorism. Basically, private security firms provide security and protection services to both government and private entities. Those services also help in achieving security against terrorist attacks.

A third group in this realm is comprised of organizations which provide information and reports to their clients, which exist within the government, intelligence and law enforcement bodies. The Intel Center ([www.intelcenter.com](http://www.intelcenter.com)) and The Search for International Terrorist Entities (SITE-[www.siteinstitute.com](http://www.siteinstitute.com)) are examples of such entities. Although such initiatives have long been on the scene, recent developments in gathering intelligence by such entities and sharing them with others including government bodies have begun to attract more attention due to their direct focus on terrorist groups. The SITE institute represents a perfect example today. This institute surfs the internet with a special focus on web pages and chat rooms to trace terrorist content (Wells, 2006). According to the information on the website of SITE, [www.siteinstitute.org](http://www.siteinstitute.org), this institute translates four kinds of sources: transcripts of terrorist leaders' speeches, videos and messages; secondly, terrorist

books, magazines, fatwas and training manuals, thirdly, terrorist communiqués; and lastly terrorist chatter discussing potential targets, methods of attack and other relevant material.<sup>77</sup> Those translations are then provided to clients including government entities including law enforcement bodies. This individual involvement is an important development in the fight against terrorism, which has always been accepted as a domain of states. As understood, government entities are also becoming clients of such private initiatives.

As for the private entities, although they are valuable information providers, they may be controversial. For example, a basic search on the internet reveals numerous websites full of hesitations and accusations about Rita Katz, the owner of SITE, because of her Jewish background, alleged links with Mossad, and the killing of her father by the Saddam Regime in Iraq. Those allegations make the information that services such as hers provide, problematic for some.

As a fourth issue we can talk about the New York Police Department (NYPD) example. In this example we observe that the NYPD, as a local entity, has sent liaison officers overseas. We will examine details of this example in the following sections.

A fifth issue is the strategy of inserting individuals with special assets into the counter-terrorism system, especially at the local level but with international influence. Although different examples can be given at different locations, the one that I would like to narrate is the New York example. When I wanted to interview with an NYPD official about New York's international liaison system, a Turkish

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<sup>77</sup> <http://www.siteinstitute.org/iss.html>, retrieved 14 September 2007. Since then the Site Institute has been closed and a new initiative, the Site Intelligence Group, has been established. This information now can be found at <http://www.siteintelgroup.org/iss.html>

origin person employed by the NYPD Director's office contacted me.. In fact this person, Erhan Yildirim, was a religious leader at the Turkish Fatih Mosque in Brooklyn, where we met for an interview on 3 March 2007<sup>78</sup>. He established links with New York Police after the disastrous earthquake in Turkey in 1999, for the purpose of initiating a support rally (Canikligil, 2007). His strong ties with the New York Police opened the way for him to become a part-time liaison officer between the NYPD and the Muslim Community (Shulman, 2007). Erhan Yildirim as a community coordinator works at Police Headquarters directly under Commissioner Ray Kelly, and carries a police ID (Witt, 2007). During our interview I observed that he was involved with the police work more than a public liaison officer: "Raymond Kelly wants me to visit him at least two times a month. Beside community meetings, I join some of the staff meetings with him." He was also involved with the establishment of NYPD liaison officers around the world. He narrated the liaison system in detail and said that "Overseas liaison officers have my name in their phone books. When they need to know anything special about Islam or culture there, they just call me and ask. I inform them about what they would like to learn." He also explained his duties in this way: "I take part during the international visits of police forces from Muslim countries to the NYPD and Raymond Kelly. This situation surprises visiting delegations because although I am originally a civilian I have a role in official circles." Based on our interview I got the feeling that this Muslim citizen was not only a community liaison but also an important asset of the New York Police for conducting its international operations.

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<sup>78</sup> Interview with Erhan Yildirim, 3 March 2007

Those examples show that, usage of the liberal/multi-centric domain as a supportive mechanism may be productive. However some of those methods may also be controversial, as in the SITE and Blackwater cases. Therefore, careful employment of those methods is crucial. Although benefitting from those supportive mechanisms is a necessity, states should look for other options to initiate more secure and reliable methods.

Transforming the current state entities into new structures with an ability to function in the multicentric world may be one of the options in hand. At this point, it seems feasible to propose that the facilitation of Police Liaison Officers (PLOs) and their evolution in the terrorism field presents a promising example.

## **6.2 The Realist/Multi-Centric Domain**

This domain covers realist actors but multi-centric relationships. Establishing transnational relations has always been on the scene as exemplified in the USA case. We can also recall aforementioned European examples, where various sub-state entities have initiated their own cooperative ventures for decades, such as the regular meetings of the heads of police from Berlin, Bern, Bratislava, Budapest, Munich, Prague and Vienna, the close international cooperation in the tri-national Upper Rhine Area between Basel (Switzerland), Freiburg (Germany) and Mulhouse (France) since 1980s, police cooperation between France and England for the securing of the Channel Tunnel Region, and the Police Partnership Programs (PPP) of Netherlands with Hungary, Poland and the Czech Republic. Another example is the Metropolitan Police of London. The Metropolitan Police have a Counter



Terrorism Command which is responsible for undertaking counter-terrorism investigations not only in London but in the UK and abroad. In this structure, although the Metropolitan Police is mainly established as an agency for the metropolitan area of London, they also function as a support agency for investigations outside of the city. Most importantly, the Counter-Terrorism Command of the Metropolitan Police is “the police single point of contact for *international* partners in counter-terrorism matters” with an ability to investigate overseas attacks against British interests.<sup>79</sup> These examples show that parts or sub-sections of realist actors have proven to have the ability to establish links by using multi-centric relationship formats.

Another important part of police cooperation in this domain is the informal side of establishing cooperation. Establishing informal individual contacts and establishing information/experience sharing channels between police forces and managers were observed during the Anarchist wave. For example, at the 1898 Conference, several police forces agreed to forward to each other lists of expellees on a monthly basis (Jensen, 1981: 332). Jensen also argues that direct relations between higher police officers enabled secret information sharing and surveillance of Anarchists (Jensen, 2001:19).

Another important application during the Anarchist wave is employing officers or hiring agents abroad to get information about the citizens of a country. Jensen notes that during the Anarchist era, Italy placed a police officer in New York to monitor Anarchists (Jensen, 2001: 28). Germany hired a New York police officer to keep watch on the famous Anarchist Johann Most, and hired other agents,

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<sup>79</sup> (Italics mine). This information was retrieved on 28 November 2007 from the webpage of the Metropolitan Police: [http://www.met.police.uk/so/counter\\_terrorism.htm](http://www.met.police.uk/so/counter_terrorism.htm)

including agents from the Pinkerton Detective Agency, in New York and Chicago (Jensen, 2001:28). Austria -Hungary and Russia also had agents in America (Jensen, 2001: 28).

Informal interaction implies daily contacts between police officers. While more details will be discussed on this in later sections, it can be said here that informal cooperation offers several advantages to police organizations, from easing communication to increasing trust between parties. Having an understanding about what is going on both at the threat and also at the response levels is essential for police organizations, and the flexible, day to day nature of informal cooperation helps parties to understand those issues. What we observe in today's world is the increasing importance of informal cooperation and the realization of this point by an increasing number of actors.

## **CHAPTER 7**

### **POLICE LIAISON OFFICERS**

Bearing in mind the previous sections, we can argue that usage of liaison officers has become a common strategy in almost all fields of cooperative security initiatives, which is depicted in the earlier presented realist/liberal and state-centric/multi-centric table designs. It seems that recent developments in terrorism especially after 9/11 have heightened the need for liaison officers. In order to link the usage of liaison officers with terrorism, the background to liaison officers will be briefly outlined first. Then, I will examine current developments about the usage of liaison officers in policing and terrorism field.

#### **7.1 The Scope of Police Liaisonship**

Several definitions can be found for liaison officers. The following definition of liaison officers by the European Council reflects the general characteristics of the term. Therefore, for the purposes of this study, it can be accepted as a guiding

definition which outlines the general characteristics of what a liaison officer is and what the functions of liaison officers are:

... 'liaison officer' means a representative of one of the Member States, posted abroad by a law enforcement agency to one or more third countries or to international organisations to establish and maintain contacts with the authorities in those countries or organisations with a view to contributing to preventing or investigating criminal offences (EU, 2003: 4).

Because this definition has been formulated for an international organization, the liaison officer is defined as a representative of a member state. In this study, the term liaison officer is used in a wider perspective. This study focuses on liaison officers of states, international organizations, and local police entities; therefore construction of a liaison officer definition in this study will be formulated as *a representative of a state, an international organization or a local police entity*. The main function of a liaison officer as mentioned in the above definition is to establish and maintain contacts with the relevant authorities of the host entity; therefore establishment of a liaison officer system carries out a vital communicative role between police authorities. The aim of establishing such a system between police forces is to prevent crimes and investigating criminal offences. Consequently, it is possible to argue that police liaison officers cover a wide area of responsibility in fighting against crimes. One significant point, that should be mentioned here is that the work of liaison officers is defined and structured based on agreements between parties. Those agreements clearly define the expected patterns of behaviour by the liaison officers. Logically, liaison officers do not initiate any intelligence gathering or investigation activities by themselves in the host country. The main purpose of

their existence is to act in cooperation with their partners in investigating crimes, information sharing, and experience sharing.

The following passage taken from a UN publication titled *Cross-Cutting Issues – International Cooperation* by the UN Office on Drugs and Crime basically focuses on the activities of law enforcement liaison officers:

Law enforcement liaison officers provide direct contact with the law enforcement and government authorities of the host State. They can develop professional relationships, build confidence and trust, and generally facilitate the liaison between the law enforcement agencies in the States involved. When the legal systems of the States concerned are very different, liaison officers can also advise law enforcement and prosecutorial authorities, both in their own State and in the host State, on how to formulate a request for assistance. The role of such liaison officers can be enhanced by ensuring that they have access, in accordance with the law of the host country, to all agencies in that country with relevant responsibilities (UN, 2006b: 18).

Block defines liaison officers as:

law enforcement officers stationed in another territorial jurisdiction where they do not have any formal powers but are tasked with maintaining contacts and acting as intermediary between their agency and the law enforcement agencies in the host country (Block, 2008: 77).

## **7.2 The History of Using Police Liaison Officers**

Appointing police liaison officers goes back to the late 19<sup>th</sup> century when the world witnessed the Anarchist wave. The Police Union of German States, established in 1851, has been proposed as a pioneer of police cooperation (Gerspacher and Dupont, 2007: 350). While narrating the mid-1800s, Deflem argues

that the Police Union of German States appointed a German police officer at the German embassy in London and “other agents were placed in Paris, London, Brussels, and even in New York” (Deflem, 2002:49-53)<sup>80</sup>. As another example, Fijnaut argues that the Russians established a special bureau in Paris, and other cooperative initiatives in Berlin and several other European cities with an aim to police revolutionary activity organizing abroad against the Russian Empire (Fijnaut, 1997: 110-111). Even the U.S. Marshals Service, which was founded in 1789, has had among its aims the establishing of international cooperation, while US customs involved sending or stationing agents abroad (Nadelmann: 1993 p: 48-49 and 22-24).

According to Bailey:

In the wake of World War II, the United States pioneered the practice of having law-enforcement officers (as distinct from intelligence agents, state security officers and embassy security personnel) as attaches. The large number of law –enforcement agencies at the federal level in the United States led to a proliferation on overseas postings... (Bailey, 1995: 388).

Accordingly, after World War II, The FBI was the first agency to establish overseas posts for counterintelligence and organised crime (Bailey, 1995: 388).

Another reason for the emergence liaison posts was the communist threat, for example, Switzerland allowed French, British and American agents to serve in embassies in Berne to “observe the communist presence” (Deflem, 2002: 116). But it was really in the 1970s that the use of liaison officers increased dramatically, and this was due to drug related issues. Block supports this proposal for Europe when

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<sup>80</sup> Gerspacher and Dupont also mentions the same information by mentioning that the Union posted LOs to these destinations.(Gerspacher and Dupont, 2007: 350).

arguing that the use of liaison officers emerged in Europe in the second half of the 1970s for combatting against drug trafficking, and then “spilled over to combating organized crime and counter-terrorism” (Block, 2008: 77).

The United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substance of 1988 encouraged the usage of liaison officers. In Paragraph 1-e of Article 9 of this convention, member parties are urged to "facilitate effective co-ordination between their competent agencies and services and promote the exchange of personnel and other experts, including the posting of liaison officers" (UN, 1988: 10).

In fact, due to the focus on drugs, police liaison officers have often been referred to as drug liaison officers. This situation began to change in the 1990s with the spread of cross-border terrorism, and the subsequent gradual growth in states permitting the involvement of police liaison officers with terrorism cases. Andreas and Nadelmann (2006: vii) argue that today’s global counterterrorism campaign is built on previous policing efforts against drugs. Today`s developments, which will be explored in detail in the coming pages, verifies Andreas and Nadelmann`s proposal in terms of the liaison officers.

Based on given historical development, it can be argued that the usage of police liaison officers throughout history has presented a flexible and opportunistic employment by states, which initiated this method in areas of great concern of the time. For example, this method was first initiated during the Anarchist era with a political concern because of the increasing threat of Anarchism. In the following years, while usage of liaison officers in the political area decreased, it is possible to

observe an increasing importance of liaison officers in the drugs field. With the emergence of terrorism as an important issue again, terrorism has once again become a primary occupation for liaison officers. Unsurprisingly perhaps, terrorism therefore seems to play a key role in the deployment of new liaison posts. In the words of one liaison officer:

I have learnt that as threats to states change in time, our focus as liaison officers may also change. Sometimes I am so surprised when dealing with terrorism cases today, because I had specialization as a police officer to deal with drugs. Time shows that as world changes we have to adopt (Personal communication, 29 May 2006).

### **7.3 Ways of Appointing Liaison Officers**

As seen in Table 8, there are several ways of appointing liaison officers. Liaison officer (LO) deployment can be examined basically on two dimensions: the LO Employing Entity and the LO Receiving Entity. Those entities may be states, international organizations, or local authorities. 'States' includes police and law enforcement organizations as sub-state entities. International organizations signify not only international or regional police organizations but also organizations which have an influence on police work. Finally, local entities includes local sub-state entities with an ability to develop individual international cooperative initiatives. According to the above, there may be several scenarios of establishing liaison officer employment. The below sections will investigate those scenarios individually by focusing on their varieties.



**Table-8: Methods of Liaison Officer Employment**

		LO Employing Entity			
		<i>State</i>	<i>International Organization (IO)</i>	<i>Local Authorities</i>	
<b>LO Receiving Entity</b>	<i>State</i>	1. Stationing in one country	Bilateral appointment at General Police Headquarters	<i>Europol LO appointed to USA</i>	<i>NYPD LOs appointed to other countries</i>
			State to state employment bid, stationing in other cities		
			Lack of police representation, rep. By other diplomatic personnel, usually military LOs		
			2. Accredited to other states in the same region		
		3. Representing other states in the host country			
	<i>Intl. Org. (IO)</i>	1. Membership structure (e.g. Europol)	<i>LOs appointed between Interpol and Europol</i>	<i>NYPD LO appointed at Interpol</i>	
2. Appointment of non-member countries' LOs to an IO					
<i>Local Authority</i>	Jordan, Jamaica, South Korean Los in New York		<i>European examples, esp. between border cities</i>		

### 7.3.1 Appointment of Liaison Officers Between States

Bilateral employment of liaison officers from state to state is the most basic and common way of establishing a police liaisonship system. As revealed in the historical narrative, its roots go back to the Anarchy era of terrorism in the late 19<sup>th</sup> century. Today we face various and developed models of liaisonship deployment between states.

The most widely found model is the establishment of bilateral liaison officers between police organizations in the respective cities where the Central Police Headquarters are placed. In this model, police liaison officers are generally stationed at the embassies of the sending country. There are, however, also examples where the host police organization provides facilities to the liaison officers. For example, according to the information on the webpages of Interpol, Germany hosts liaison officers at the Federal Criminal Police Office,<sup>81</sup> known as BKA. States may also have liaison officer deployment in other cities of the host country. In such cases there may be more than one liaison office in the host country. The FBI may be mentioned here as a significant example. Examining the webpage of the FBI reveals many examples of more than one office in the same country. To exemplify the practice, we can give examples of the FBI's offices in Germany and Italy. The FBI has offices in Berlin and Rome but also has sub offices in Frankfurt, and Milan.<sup>82</sup> If states do not have bilateral police liaison appointments between each other, other diplomatic personnel at the embassies may also act as police liaison officers. For

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<sup>81</sup> Retrieved from <http://www.interpol.int/Public/Region/Europe/pjsystems/Germany.asp> on 30.4.2008

<sup>82</sup> Retrieved from <http://www.fbi.gov/contact/legat/europe.htm> 3.12.2009.

example I have learnt at a NATO workshop meeting<sup>83</sup> in Ankara that the Military Attaché of Egypt, who joined the meeting, is also performing the police liaison functions at the Egyptian Embassy (Personal Communication, 6/12/2007).

As a second way of establishing bilateral relationship, states may use their liaison officer in one country as an accredited liaison officer for other countries in the region. As a prime example it is mentioned on the webpage of the FBI that “...Legal Attaché offices- commonly known as Legats- and smaller sub-offices in 75 key cities around the globe, provide coverage for more than 200 countries, territories, and islands.”<sup>84</sup>

A third and also interesting method is the usage of common liaison officers by several states in a host country. For example, a liaison officer from one Nordic country represents all Nordic countries in a host country. Such a practice presents an interesting case because it requires that a state trust the agent of another state in conducting operations on behalf of its interest in a third country. The information provided on the Interpol webpage about the Police and Justice System of Finland demonstrates this system. Interpol webpage provides information that “Finland participates in the Nordic Liaison Project whereby each Nordic liaison officer posted abroad also represents the other Nordic countries.”<sup>85</sup> The information on this Interpol page shows that there are 20 countries which host Nordic Liaison Officers. Those countries are mentioned as follows and the country names in the parentheses imply which Nordic country or countries have liaison officers there: Albania

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<sup>83</sup> International Security Cooperation: Intelligence Practices NATO Advanced Research Workshop Bilkent Hotel Ankara, Turkey December 6-8, 2007

<sup>84</sup> Retrieved from <http://www.fbi.gov/contact/legat/legat.htm> on 3.12.2009

<sup>85</sup> Retrieved from <http://www.interpol.int/Public/Region/Europe/pjsystems/Finland.asp#43> on 30.04.2008

(Denmark) , Arab Emirates (Norway & Denmark), Bulgaria (Norway), China (Finland), Estonia (Finland & Sweden), Germany (Sweden), Latvia (Sweden) , Lithuania (Sweden & Finland), Netherlands (Sweden), Morocco (Denmark starts 08/07), Pakistan (Norway), Poland (Sweden), Russia (Finland, Sweden, Denmark & Norway), Serbia (Sweden & Norway), Spain (Finland & Norway), Syria (Sweden), Thailand (Sweden & Denmark), Turkey (Denmark), Ukraine (Denmark), United Kingdom (Norway).

### **7.3.2 Appointment of Liaison Officers between States and International Organizations**

Establishing an organizational structure based on membership and the deployment of liaison officers from contributing parties is a significant example in terms of establishing a liaison system between states and international organizations. Although Europol has an individual organizational structure, it also provides an establishment for the representation of each country by their liaison officers. Communication and cooperation between member countries are carried out through the liaison officers appointed to Europol. Therefore, most functions of Europol are basically founded on the establishment of the liaison system between the organization and the member countries. Another example is the Southeast European Co-operative Initiative (SECI), which was established in Romania after the decision taken at Euro-Atlantic cooperation in May 1995 in Vienna.<sup>86</sup> The Police and

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<sup>86</sup> Retrieved from [http://www.secicenter.org/m106/About\\_SECI](http://www.secicenter.org/m106/About_SECI) on 15.05.2008

customs representatives from Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Greece, Hungary, F.Y.R. of Macedonia, Moldova, Romania, Serbia, Slovenia, and Turkey work together at the SECI Center. According to the information on the SECI webpage, liaison officer appointment began at the beginning of January 2001 with just two officers, and then by the end of 2002 twelve Member States appointed 19 liaison officers (10 customs and 9 police) to the SECI Regional Center.<sup>87</sup>

Recent developments show us that deployment of liaison officers between membership-based international organizations and non-member states is also becoming a significant practice. The following examples reveal how such practice is developing in the world especially around Europol. A first example should be the liaisonship relation between the USA and Europol. According to the information provided in Europol's 2003 Annual Report, strategic and operational co-operation agreement was signed between the two parties just after the 9/11 attacks (Europol, 2003). The following summer witnessed the appointment of two EUROPOL Liaison Officers in Washington in August 2002 (Europol, 2003; Europol, 2002). Co-operation between the USA and Europol has improved the liaisonship appointment between the two entities. According to the 2005 Europol Annual Report, the USA's Secret Service and FBI first deployed officers to Europol in 2005 (Europol, 2006b, 3), and the Drug Enforcement Administration (DEA) has employed a liaison officer at Europol since 2006 (Europol, 2007:57).

Norway, as a non-EU member country, also has a liaison bureau at Europol (Europol, 2002b). The first complete year for the Norwegian Bureau at Europol was

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<sup>87</sup> Retrieved from from [http://www.secicenter.org/p166/Liason\\_Officer](http://www.secicenter.org/p166/Liason_Officer) on 15.05.2008

2003 (Europol, 2003). The Europol Annual Report 2006 also reveals the employment of liaison officers by Switzerland and Colombia to Europol and Europol's preparations to open liaison offices for Canadian, Icelandic and US Postal Inspection Services in early 2007 (Europol, 2007: 21). According to Platypus Magazine, which is The Journal of the Australian Federal Police, Australia also has an agreement with Europol to appoint a liaison officer to the Hague in 2007 (Platypus Magazine, 2007: 14)<sup>88</sup>.

Another interesting case that should be mentioned here is the possibility of using bilateral liaison officers of member countries in third countries as accredited liaison officers by other member states of an international organization. For example, a European Union Council Decision (EU: 2003) regulate the common use of liaison officers posted abroad by the law enforcement agencies of the Member States.

### **7.3.3 Appointment of Police Liaison Officers Between International Organizations**

Establishment of liaison officer posts between international organizations is another new trend. According to the Europol Annual Report 2003, Europol recruited a liaison officer for its planned Interpol liaison office in 2002 and then a Memorandum of Understanding in relation to the Interpol liaison officer was signed in May 2003 (Europol, 2003). The Europol Annual Report 2004 revealed that

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<sup>88</sup>Also look at Europol page of <http://www.europol.europa.eu/index.asp?page=news&news=pr071005.htm>

deployment of a Europol Liaison Officer to Interpol took place at the beginning of 2004 (Europol, 2005: 17). In return, an Interpol Liaison Officer was deployed to Europol in 2006 (Europol, 2007: 21; Interpol, 2007). Another significant liaison officer appointment took place between Interpol and the United Nations. Finally, although the two organizations had had a co-operation agreement since 1996, Interpol for the first time appointed a special representative to the United Nations in 2004.<sup>89</sup>

#### **7.3.4 Appointment of Police Liaison Officers by Local Authorities**

The history of police cooperation showed us that establishing cooperation between police forces in the border regions through local law enforcement channels has been a common practice. However, current developments reveal that the international activity of local police forces has reached new dimensions after 9/11, in particular with the NYPD's overseas liaison officer appointment initiative.

The first example of this is the appointment of liaison officers by Local Police Forces to overseas posts abroad. The liaison program of the NYPD, which started in 2002 following the 9/11 attacks, is very well known today as a significant example. According to the NYPD homepage, the New York Police has LOs in Amman, Jordan; Lyon, France; London, England; Madrid, Spain; Montreal, Canada; Paris, France; Santo Domingo, Dominican Republic; Singapore, Tel Aviv, Israel; and Toronto, Canada (NYPD, 2008). A news report also reveals that the NYPD

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<sup>89</sup> Retrieved from <http://www.interpol.int/Public/ICPO/IntLiaison/UN.asp> on 16.05.2008.

planned sending a liaison officer to Abu Dhabi, United Arab Emirates in mid-2008 to help with counterterrorism efforts (Lemire, 2008). This strategy was largely built up however for countering terrorism in the aftermath of the September 11 attacks, for the sole aim of protecting a local place, in this case, New York, from such tragedies. The NYPD example also shows us that a local entity may initiate an international cooperative strategy in the counter-terrorism field, which has been accepted as a state level issue (Nussbaum, 2007: 214-18). Another dimension of the counter-terrorism liaisonship strategy of New York City is its presentation of a model to other local entities. As mentioned, above the Toronto and Madrid police forces already have liaison officers in New York. Other news in the media also reflects the desire of other local police forces in the USA to host or send liaison officers. For example, a Los Angeles Times report reveals that New York City's practice was to be copied soon by the Los Angeles Police Department (McGreevy, 2006). A report by a US Congressman, Bennie G. Thompson, also indicates that Los Angeles, Miami, Las Vegas and Chicago would like to replicate New York's experience (Thompson, 2006:11). Thompson also argues that because sending liaison officers is costly, the LAPD and other major city police and sheriffs would like to pool their resources to establish such an overseas liaison system (Thompson, 2006:11). In his report, Thompson, also proposes the establishment of a "Foreign Liaison Officers Against Terrorism (FLOAT) Grant Program" (Thompson, 2006:12).

Faherty's news also enriches the available analysis by providing the second variety of liaison officer appointment involving local authorities. In this second



variety, we see the appointment of the officers of national police departments to a local police entity (Faherty, 2008). According to Faherty, in addition to the police officer from Toronto and the newly agreed-upon appointment of a Madrid police department officer, the officers of national police departments of Jordan, Jamaica and South Korea are working at police headquarters in New York as part of “a growing number of international law enforcement agencies stationing officers in New York” (Faherty, 2008).

A third variety of liaison officer appointment at the local level is the establishment of a liaisonship link between a local entity and an international organization. Our example is again the NYPD, which has employed a liaison officer to Interpol headquarters in Lyon (Elkies, 2005; Nussbaum, 2010: 150; NYC, 2005).

Finally, it should also be mentioned here that there may be Interpol Offices at local levels. These offices act in relation with their NCBs (National Central Bureaus), however, so their working mechanism does not reflect a liaisonship structure.

### **7.3.5 Examination of Various Forms of Police Liaisonship Appointments**

Examination of various police liaison types reveals that use of this method is recognized as an important tool of establishing international relations and cooperation for police actors. The range of police actors deploying liaison officers comprises national police forces, international police organizations, and local police entities. Examination of the motives and strategies of police organizations to use a

liaison system reveals that each organization has its own priorities in establishing this system, and indeed, there are cases which suggest that the priorities of those actors may even clash with each other in surprising ways. A bizarre example of such a case is the creation of local and federal rivals in one country with respect to the NYPD's international liaison program and the FBI's strong opposition to this project at the initial stages. What this interesting case reminds us is that we are living in a globalized world, and that the transnational environment gives local actors various opportunities to bypass and even supercede federal actors in the international arena. In fact, each method seems to have its own advantages and disadvantages for police organizations, therefore examination of those differences may help us to draw a balanced opinion about their distinct application.

Despite the emergence of different methods, bilateral liaison appointment between states has long remained the most widely used method of police liaisonship. Both data found in various country and international organization reports and web pages and also interviews with police officers shows that states primarily focus on their bilateral liaison system in cooperation with partners. As a first example, to show that states mainly prefer bilateral liaisonship appointment with other states, looks at the relationship between Europol and the USA. The Europol Annual Reports of 2003, 2004, 2005 and 2006 show that Europol would like to improve the level of cooperation between itself and the US law enforcement bodies via the liaison channel between Europol and the USA. However, accounts in the reports reveal that US law enforcement entities give priority to bilateral relations with

European Union countries individually. It is argued, in the Europol Annual Report 2003 that:

A difficulty concerning information exchange remains since an internal US policy stipulates making use of the bilateral liaison network in EU Member States as a first priority (this is particularly true of the Federal Bureau of investigation (FBI), and the Drug Enforcement Administration (DEA) (Europol, 2003).

Similar remarks have been placed in the 2004 and 2005 Europol Annual Reports as follows:

As a preliminary conclusion, it was confirmed that the co-operation agreements between Europol and the US law enforcement authorities have been implemented. The full potential however had not been accomplished due to the US policy of utilising bilateral co-operation with EU Member States as a matter of priority (Europol, 2005: 16; Europol, 2006c).

The Europol Annual Report 2006 draws similar conclusions, but this time only for the FBI:

The FBI mandate to engage in increased bilateral cooperation with European police and security partners through European-based Legal Attaché Offices preclude active engagement of the Europol liaison bureau, but increased FBI cooperation with the multilateral aspects of Europol is expected in the future (Europol, 2007: 58).

These excerpts clearly show that for a state level law enforcement entity, establishing liaison with its state counterparts seems to carry a different and more valuable meaning.

Another example drawing attention to the importance of bilateral liaison appointments, involves Europol itself. Europol was established to conduct police

cooperation under one umbrella organization in the EU. Its liaison bureaux scheme aims to bring the liaison representatives of all countries under the same structure to facilitate cooperation between the member states and the organization. Logically, one may think that this structure makes unnecessary the need to appoint liaison officers between states bilaterally. However, the reality doesn't reflect this logical thinking. Several members of Europol still have bilateral liaison officers between themselves, instead of using their officers located at Europol Headquarters. The information on the webpage of Interpol also shows that countries such as Austria, Germany, France, the Czech Republic, the Nordic Countries, Belgium, the United Kingdom, and Spain have LO posts in other European countries although they are members of Europol.<sup>90</sup> As a significant example among those countries, we can give as an example the liaison officers of Germany, which are located in fellow Europol member countries of Bulgaria, the Czech Republic, Cyprus, France, Greece, Hungary, Italy, Latvia, the Netherlands, Poland, Portugal, Romania, Slovakia, Spain, Switzerland and the United Kingdom.<sup>91</sup> According to the information on this same webpage, Belgium, Denmark, France, Hungary, Italy, Poland, Spain, Switzerland, and the United Kingdom as members of Europol also have liaison officers in Germany. This example clearly shows that member countries of the same international organization also prefer establishing bilateral relations between each other.

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<sup>90</sup> Retrieved from <http://www.interpol.int/Public/Region/Europe/pjsystems/Default.asp> on 03.05.2008

<sup>91</sup> Retrieved from <http://www.interpol.int/Public/Region/Europe/pjsystems/Germany.asp#43> on 03.05.2008.

A police manager, representing his country at Europol, argued that “I am strongly opposed of using bilateral liaison appointments between member countries instead of using Europol structure. Bilateral appointment is costly for states and is not contributing to the foundation purposes of Europol” (Personal Communication, 2 May 2007). In fact this argument reflects an ongoing debate at Europol. As another European police manager argued:

Using only Europol channel and liaison offices at the headquarters between member states and ending the practice of liaison officer employments bilaterally between member states is proposed by a few countries, but accepting such a proposal seems to be impossible right now”(Personal Communication on 3 May 2007).

This issue is also related to the question of to what degree the member states would like to have an operationally powerful Europol. According to Gerspacher and Dupont, Denmark proposed to increase the operational powers of Europol while France resisted it because “an increase in powers must be accompanied by adequate control mechanisms” (Gerspacher and Dupont, 2007: 359). The following words of a liaison officer explains the practical reason for not ending bilateral liaison appointments between member states of Europol: “Impotencies of Europol channels urge several European States not to deplete their liaison officer posts in other European States” (Personal communication: 17/08/2006). These arguments and member states` tendency to have bilateral police liaison links with other members shows that states may be in need of establishing bilateral relations although they are in the same IOs as members.

The general impression, as based on a series of interviews with liaison officers and police managers, is that organizations such as Europol and Interpol are good for policy setting, establishing common standards, and creating data warehouses. However, they also noted some problems that are faced in practice. First of all, the interviews revealed a tendency to focus criticisms on the bureaucratic structure of international organizations as a negative characteristic. A liaison officer who had experience both at international organizations and in bilateral appointments argued that “Bureaucracy dominates the relationships at international organizations. Processing a request at an international organization may take months. On the other hand bilateral liaison officers may conclude the same requests in hours and even in minutes” (Interview with a Liaison Officer on 26/10/2005). Similarly, a deputy National Police Commissioner of a country argued that:

Through our liaison officers, we can get very important and urgent information in quite a short time when we need them. Otherwise we could have waited for days through other channels. Therefore we give special importance in employing liaison officers to areas of our concern (Interview on 27/09/2007).

These arguments comparing the use of bilateral liaison officers and international organizations seems to be a contradiction to another argument which was expressed, namely, that it is possible to bring LOs (Liaison Officer) at Europol into the meeting room “in five minutes”. From that quote it can be understood that physically, those LOs at Europol can be rapidly gathered for informing them on general urgent issues. For example, informing them about intelligence that an attack will take place somewhere in Europe. But the counter-argument of officials here implies something else, which is actually about the speed of investigations. This distinction was

suggested as well by a National Police Commissioner of another country, who also argued that “We have been receiving requests of Liaison Officer employment by our partners more and more because quite a lot of police organizations believe that employing liaison officers [bilaterally] is an important way of succeeding timely and successful cooperation” (Interview on 25/11/2004).

The emergence of local police authorities as actors of international police cooperation against terrorism also seems to be a growing development. It can be argued that one of the reasons for the emergence of the NYPD`s international liaison system has been the absence of support by federal law enforcement agencies or their inability to prevent New York attacks (Pincus, 2008, Linzer, 2008). Therefore the NYPD`s top management decided to establish their own system of intelligence gathering and policing terrorism. One of the methods that the agency utilized was establishing an international liaison system by sending police officers overseas to ask questions about subjects relevant to New York. This situation angered the FBI, as the federal law enforcement agency, and a race began between a federal and a local agency emerged. This race even affected several investigations, according to Linzer, who argued that the NYPD had good relations with other key intelligence agencies and with the Department of Homeland Security, but: “...the FBI, protective of turf and disdainful of local initiative, froze Kelly's department out of two New York-related terrorism investigations, officials say” (Linzer, 2008). Linzer`s following sentence shows that the problems between the FBI and the NYPD seem to have been moderated: “But, recently, officials in the FBI and the NYPD said the

bitterness that plagued their first years after the 2001 attacks has faded”(Linzer, 2008).

The narrative given above discloses several insights. Police agencies have several alternatives for international cooperation through establishing a liaison system. International organizations created based on a liaison system help to establish common standards and methods for all members. Therefore, taking part in such organizations is important for police organizations to have a say. Bilateral appointments between police organizations help police authorities to speed up information-sharing and investigations in a secure way. Lastly, the emergence of local police authorities as international actors enriches the possibilities of police cooperation. Although tensions exist between those three types, we observe that actors adjust over time. When Europol complains that relations between itself and the USA’s law enforcement agencies are restricted due to the USA’s preference on bilateral relations between states, we clearly see that a bilateral relation between states carries different meanings than a relation with an international organization. If the FBI as a federal agency is in a position to adjust itself to the idea of a local police entity capable of establishing international capabilities, then we should see that today’s world is providing various opportunities for different levels of police authorities. The table about the various types of liaisonship reveals that we face a complex relationship web between among levels of police authorities. States are very well aware of this web and its enlargement. It is interesting to note that states having those relationships seem not to be unhappy about the existence of such a



complex web. The reason for states' acknowledgement of this system may be an indication of states' gradual adaptation to this web of relations.

#### **7.4 Expansion of the Police Liaison System Around the World**

We have been observing an expansion in the use of a police liaisonship system. First of all we see an expansion in terms of kinds of actors who use liaisonship. Police liaisonship has traditionally been a method employed by states at the national/federal level in either bilateral settings or in connection with member-based international organizations. However, recent developments show us that deployment of liaison officers has become a method used by international organizations themselves in establishing relations with other actors and local authorities. In terms of international organizations, we observe four new developments. As the first example, international organizations may employ liaison officers to non-member states. For example, Europol has deployed two liaison officers to Washington DC (Europol, 2002). Secondly, an international organization may accept liaison officers from non-member third countries, again as in the case of Europol. Australia became the latest non-EU party to sign an operational agreement with Europol, following Iceland, Colombia, the United States, Switzerland, Canada, and Norway (Platypus Magazine, 2007:14). Europol also has working relationships with the FBI through their European-based Legal Attaché Offices. Information in the Europol 2006 report reveals that terrorism is a special concern in agreements between Europol and Switzerland, Colombia and the USA. A third development is

deployment of liaison officers between international organizations. The one example discussed here was employment of liaison bureaus between Europol and Interpol, based on a cooperation agreement signed on 5 November 2001 just after the September 11 attacks (Interpol-Europol Cooperation Agreement, 2001). While Europol opened a liaison bureau in Interpol in 2004 (Europol, 2005: 17), Interpol opened its Europol liaison bureau in 2007 (Interpol, 2007). Lastly, as a fourth new development, we see employment of local LOs to an international organization, for example, an officer from the NYPD being stationed at Interpol Headquarters in Lyon.

In terms of local level initiatives, the most interesting is the case of the New York Police Department. The NYPD has on its own initiative sent police liaison officers to 10 countries. The narratives in the relative sections show that Toronto and Madrid also have liaison officers in New York. This situation reveals that other local entities from other states also deal with liaison officer employment. Although a small example, the place of this example in the wider police liaison appointment scheme is significant.

Based on given narratives we can also talk about an expansion regarding the kind of relationship established between actors. Establishment of a liaisonship structure between a local entity and national police forces of other countries is one example of this situation. Logically, relationships between equals should be the norm in international relations. Accordingly, we expect a relationship between two national or federal forces to be conducted as though they are equals. But the liaisonship relation between a local entity and a national police force does not fit

into this picture. That seems to be the reason for the FBI's strong initial reaction against the NYPD's liaisonship initiative. By the same token, establishment of a liaison system between Interpol, as an international organization, and the NYPD, a local entity, also encourages us to make similar interpretations. In fact, when we look at those shifts in establishing relations between police forces, we see a transnationalization of relationships between different levels of police authorities. Thinking about the definitions of transnational relations, we can argue that the existing police actors of international cooperation and the varieties of relationships between them can be accepted as examples of transnationalization. First of all, we observe the existence of cross border interactions taking place between those actors. We do not observe control of a central foreign policy organ in the functioning of those systems. Additionally, as exemplified in the NYPD case we also observe the disappearance of national/federal level dominance over local level actors in establishing international relations. The capability of international police organizations in becoming cooperative partners with each other, with national and even local level police organizations also reflects how much police cooperation has been transnationalised.

The third point in understanding the expansion of police liaison system is measuring the extent of police liaisonship. If various types of police liaisonship are evolved in the fight against terrorism, are they also growing in number? How many actual police cooperation agreements have been signed, and how many police liaison officers have actually been appointed between countries? These are seemingly simple questions, but surprisingly difficult to answer. In fact, I understood this

difficulty at the beginning of my thesis writing when I contacted an Interpol officer. I asked this officer where I could find a database that includes bilateral police cooperation agreements, which also set the ground for liaison officer appointments between police organizations. The answer was discouraging because he mentioned the impossibility of achieving such a result. He informed me that “Interpol does not interest in agreements between states because of their bilateral nature and the 3<sup>rd</sup> article of Interpol Constitution legally and administratively do not allow establishing such a database. I guess that you are in a desperate pursuit” (E-mail communication, 28 March 2007). In fact, conversations with other scholars who focus on policing issues revealed that lack of reliable statistical data regarding this issue is a common problem. For example, during an international conference in Ankara, I had the opportunity to meet with Otwin Marenin, a distinguished professor focusing on criminal justice. Regarding my thesis, his first question was if I had been able to find the exact numbers of liaison officers. I replied that I was not able to because of the difficulties mentioned in this study. He supported my argument by arguing that he was not even able to find those figures for the USA alone (Personal Communication, December 6, 2007). This example reflects the general difficulty of scholars in finding sound statistics on the issue.

There are several reasons for not being able to achieve such a comprehensive dataset. The first reason is that the data that do exist are difficult to keep up to date because of the flexibility in appointing liaison officers. States appoint LOs based on their immediate needs. If a state needs to appoint a liaison officer to another state, application of such a decision may take only a few months. Similarly, as soon as that

specific need is gone, the states may withdraw the liaison officer. Therefore, appointing liaison officers reflects a dynamic process based on the needs of the states. This situation makes keeping a stable statistical understanding difficult to track.

The second reason is that there is not an accessible comprehensive source for such data, especially data on bilateral appointments. It is possible to find information on the web pages of international organizations; however they seem to be quite restricted and narrow. For example, Interpol provides the names of the member countries on its webpage, but country-specific information can be found only on the European Police and Justice Systems page. According to the information provided on those country specific pages, 23 of the 188 member countries provide detailed information about their police and judicial systems including numbers of liaison posts.<sup>92</sup> It is also possible to find data regarding bilateral appointments on the webpage of several national police organizations. For example, the FBI and DEA as the law enforcement organizations of the USA, the Australian Federal Police, the Estonian Police, the Lithuanian Police, and the Royal Canadian Metropolitan Police reveal information about their liaison postings on the internet.<sup>93</sup> The Royal Canadian Metropolitan Police even provides the results of a survey measuring the success of

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<sup>92</sup>Information regarding police and judicial systems has been retrieved from <http://www.interpol.int/Public/Region/Europe/pjssystem/Default.asp>, on 03.12.2009.

<sup>93</sup> Information regarding LO posts has retrieved on 30.04.2008 from the following webpages: FBI (<http://www.fbi.gov/contact/legat/legat.htm>), DEA (<http://www.usdoj.gov/dea/pubs/international/foreign.html>), Australian Federal Police (<http://www.afp.gov.au/international/liaison.html>), Estonian Police (<http://www.politsei.ee/?id=1122>) Lithuania (<http://www.policija.lt>), RCMP (Royal Canadian Metropolitan Police) [http://www.rcmp.ca/factsheets/fact\\_iob\\_e.htm](http://www.rcmp.ca/factsheets/fact_iob_e.htm)

their LOs.<sup>94</sup> There are also scholarly studies mentioning LO numbers, such as Block, who focuses on European experience, argues that at the time of his writing, 2008, EU law enforcement agencies had approximately 100 LOs “stationed in other EU Member States and approximately 250 stationed outside the Union in third countries” (Block, 2008: 78).

However, it is impossible to construct a general view of a global police liaison system based on those country-specific pieces of information because not all organizations provide such data on their web pages. A relevant point here is the way that states perceive revealing data regarding police cooperation agreements or appointment of police liaison officers. While some states either provide information on their official webpage or permit international organizations to publicize them, several others may perceive that information as a national security issue. For example, as mentioned in another part of this study, my inquiry to police organizations to get information about their police cooperation agreements and appointment of police liaison officers was declined by several police organizations due to national security arguments. In fact, this hesitation is clearly reflected at the webpage of the British Serious Organized Crime Agency (SOCA) in the following passage, which is the text written in response to a commonly asked question of “What will SOCA do overseas?”: “SOCA will maintain a large network of overseas officers. We do not provide details of where they are located or their work for security reasons.”<sup>95</sup>

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<sup>94</sup> This survey can be found at . <http://www.rcmp-grc.gc.ca/surveys-sondages/2005/survey-sondage-partnrs-eng.htm> retrieved on 03.12.2009.

<sup>95</sup> Retrieved from <http://www.soca.gov.uk/faqs/index.html> on 29, April, 2008

Another observation that I have had during my study is the reality that absence of comprehensive datasets on the deployment of police liaison officers leads to a broad neglect of the issue. Despite the restrictive nature of statistical data presented in this study, restricted in the sense that they have been gathered only through open sources such as news and webpages of relevant organizations, the general big picture of liaison officer employment may cause surprise for some academicians and even practitioners due to the previous neglect. During a presentation in Ankara I observed several reactions. One of them was the reaction of a practitioner, who simply asked me where I had found the data shown at the presentation. I explained that most of the data can be found on the internet. I became aware that although he was dealing with this issue as a practitioner, he was not very much aware what was going on in the world in his own profession (Personal communication, December, 7, 2007).

Despite the existing difficulties of gathering data I was able to obtain some information about the numbers of current and past liaison officers by searching the internet and by directly contacting national police organizations via their e-mail addresses. Internet searches for “police cooperation agreement” and “police liaison officer” revealed various news reports, reports of international organizations, and web-pages of police/law enforcement organizations. The search results showed that several countries provide police liaison officer employment information on the web-pages of relevant entities, which may be the web page of police organizations or interior ministries. However the numbers of such countries doing so is not large.

Numbers from the reports of international organizations or news can be found more easily, but are less likely to be accurate because of changes over time. Directly contacting the national police organizations was the best way to get the most accurate and up-to-date information, but as a method it also had some practical complications. The primary problem was that of the 145 countries whose police organizations or relevant ministries' e-mail addresses were found and to whom emails were sent requesting information, 40 bounced back as failed delivery.

Ultimately however, based on a search on the internet, exploration of various reports, and e-mail communication with a number of police organizations, a total of 554 police cooperation agreements between countries were found. The majority of those agreements were signed between countries in common regions, which supports the assertion by Andreas and Nadelmann that most transnational law enforcement relationships are between neighbors (Andreas-Nadelmann, 2006:116).

In terms of numbers of police liaison officers, 54 countries were found to be deploying police liaison officers to around 650 points, though just 13 send liaison officers to more than 10 different sites. The total number of those sites does not accurately reflect the total number of officers sent however, since more than one officer can be appointed to a liaison office. A more important point is that several liaison offices may cover a wider area. In other words, an office established in one country may be responsible for other countries in the same region. For example, the FBI legal attaché office in Nigeria is also responsible for Ghana, Togo, Benin, Equatorial Guinea, Sao Tome and Principe, and Cameroon.<sup>96</sup> Taking this point into

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<sup>96</sup> Retrieved May 17<sup>th</sup> 2008 from <http://www.fbi.gov/contact/legat/africa.htm> on 17.05.2008.



consideration, we can also argue that the liaison offices are responsible for more places than the given total number. In yet another example, the FBI currently has liaison offices in 75 key cities, but these cover almost all countries around the world because each liaison post is responsible for more than one country.

In general, the numbers noted here are almost certainly underestimates of the total number of PLOs stationed around the world currently. Direct contact with national police organizations revealed more liaison agreements and postings than those revealed by the internet search. For example, no information about Lebanese police agreements was available on the internet, but an email from Lebanese authorities showed that they actually have bilateral police cooperation agreements with four other countries, and while the internet search showed only four LOs stationed in Lebanon, the email response attested to a total of 15. Similarly, the internet search found just eight Slovak LOs posted abroad, one foreign LO in Slovakia, and a total of eight police agreements between Slovakia and other countries. Direct reporting by the Slovakian authorities revealed however a total of 10 Slovak LOs abroad, six foreign LOs in Slovakia, nine foreign LOs in third countries with agreements to work on behalf of Slovakia, and 26 police agreements with other countries. With respect to future numbers, the email replies also point to intentions to increase the numbers of LOs currently posted. Polish authorities predict increases from current numbers of 7-10 LOs to about 15 in the next few years, and Slovakia also reported intention so to open up two additional LO posts in the coming year. During my research, I have also observed that other countries expressed the

desire to create more posts, but pointed to budgetary or political restraints preventing this expansion.

## **7.5 Growth of Bilateral PLOs**

While remaining aware of the difficulties of measuring the exact official numbers of police liaison officers, the information presented below gives some indication of growing numbers and increasing importance. Overall, the USA seems to have the lead in appointing liaison officers. This is in part because the USA has more than one agency appointing officers, each with a different focus. These include the Drug Enforcement Agency (DEA), the FBI, the Department of Homeland Security, the State Department, and the Department of Immigration and Naturalization. Among these, the DEA and the FBI are the most well known ones in terms of using liaison officers. The DEA has offices in 62 countries around the world, while the FBI, responsible for serious crimes and terrorism, has offices in 60 countries. With such numbers, both organizations clearly have already a global reach, but in fact the numbers of American liaison posts is on the rise. Looking specifically at the FBI, in 1992 there were only 16 offices worldwide, but due to increasing international terrorism this had grown to 44 in June 2001, when FBI Director Louis Freeh left office (Watson, 2002), and to 57 after 9/11.<sup>97</sup> Former FBI director Louis Freeh testified in post-9/11 hearings that “the FBI needed to significantly increase its international role and liaison with our foreign law

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<sup>97</sup> Information in this sentence is a combination of Watson’s comments and information on FBI’s webpage. The webpage is retrieved from <http://www.fbi.gov/aboutus/transformation/international.htm> on 27.11. 2007

enforcement and security counterparts” (Freeh, 2002) and in reference to the 1996 Khobar bombings, stated that he would have done much better if he had “had an FBI agent in Riyadh on June 25th, 1996, when that tragedy occurred, who had the trust and the relationship that the legate had three years later when he set up the office.” (Freeh, 2002b)

The Liaison System is an important aspect of policing in Europe both internally between European countries and also externally in establishing relations with other countries. The previous narratives in this study reveal that Europol as an international organization takes the liaison appointment scheme to new horizons as seen in the examples of its liaison appointments with other international organizations and with non-member countries.

Another region where the importance of police liaisonship against terrorism is increasingly recognized is Oceania, particularly following 9/11 and the attacks in Bali. The webpage of the New Zealand Police announces that establishing new liaison posts is seen as an important step in increasing capability to pre-empt and respond to terrorist attacks,<sup>98</sup> and the Acting Deputy Commissioner of the New Zealand Police has said publicly that “International co-operation is vital in responding to terrorist attacks” and that therefore their Liaison Officer network has been expanding since 2001 (Mckenzie-Mclean, 2006). The international network of Australian LOs gives them reach into virtually every corner of the globe (Thorp, 2003), and has been compared in its vastness to that of the USA, with references to Australia being the “new regional policeman” (McPhedran, 2004).

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<sup>98</sup> Retrieved from <http://www.police.govt.nz/service/counterterrorism> on 14.07.2007

In Asia, the ASEAN countries have several efforts focused on improving cooperation on crimes, particularly terrorism, and the exchange of LOs is becoming an important component of this cooperation. The 5<sup>th</sup> ASEAN ministerial meeting in 2005 focused on the establishment of police liaison officers in the member countries (Minhlong, 2005). Korea and Japan also contribute to cooperative efforts in the region, and a Xinhua News Agency report in 2004 notes China's calls for closer cooperation and for greater exchange of LOs.<sup>99</sup>

The results of this inquiry into the growth of police liaisons reflect at least two important issues. First, while the numbers are on the rise, still, only about a quarter of all countries are able to send LOs to other countries, and only a quarter of *those* countries have managed to establish liaison posts widely—i.e. in more than ten countries. The USA, France, Britain, Germany, Spain, Italy, Canada, and Australia can be accepted as the leading countries in appointing LOs, and so we can safely say that this is a method used predominantly by western states and by those that are economically strong.

Secondly, it is important to consider the sensitive nature of establishing police agreements and LOs. While sending out email requests for information on LOs, the responses were not always positive. The Royal Canadian Mounted Police, for example, replied only that police cooperation agreements are classified and that it was therefore not possible to release these numbers publicly. Similar replies were also received from Italy and the Czech Republic. Some other countries however, went out of their way to provide up-to-date and accurate information. What is

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<sup>99</sup> 'China calls for Closer Law Enforcement Cooperation in East Asia', Xinhua News Agency, BBC Monitoring Asia Pacific, 10.01.2004. Retrieved from LexisNexis on 18.12.2006.

interesting about this is the varying degrees of sensitivity with which different countries treat the issue of sharing this information. While some states openly place this information on their webpages, others refuse to make the information public for any reason.

This fact in itself indicates the gray area in which this type of cooperation takes place. It is not necessarily seen as part of the traditional, completely secretive national security way of thinking, but it is not completely open either. It thus has clearly the potential to be invaded by a national security mentality. If this happens, police liaisons will become a part of international practices, with their age old limitations for cooperation, such as mistrust. If it can remain a less nationalized, more transnationalized practice, it will remain a powerful potential for cooperation.

## **7.6 The Impact of Terrorism in Enlargement of Police Liaison Appointments**

The history of liaison officer appointments reveals that terrorism has an important impact in establishing liaison posts, their expansion, and also their demise. The reasons for the emergence of the earliest liaison formations, in the form of appointing police officers abroad or hiring agents to observe suspicious groups in other countries, was in response to the Anarchist movement, which is considered to be the initial form of modern terrorism. The cross-border nature of the Anarchist movement and the relationships between Anarchist groups in distant territories drove police forces to initiate various forms of cooperation, including sending their representatives abroad to monitor the Anarchist movements in other countries, and

cooperating on policing Anarchism. When Anarchism lost its influence, the method of liaison officer appointment also seems to fade.

Liaison officer appointments became popular among law enforcement entities again after the end of the Second World War, but this time in the struggle against drugs. The need to establish cooperation between law enforcement entities in their fight against drugs made liaison officer appointment an important and popular strategy. The emphasis on liaison officer appointment paved the way to legal and practical developments in the expansion of this method. Placing this method in the Drug Convention of the UN, the use of liaisons in regional stages especially in Europe, and increasing state application as in the case of the USA, seems to have had a positive impact in the development of this strategy.

Although the use of liaison officers has been a growing strategy, their role in terrorism related issues has not been noticed until recently, in the aftermath of the 9/11 attacks. With the emergence of terrorism as the dominant security threat, the use of an LO system seems to be expanding through various dimensions.

First, we observe that most of the new Liaison Officer appointment strategies adopted by international organizations, states, and local level police authorities has taken place since the 9/11 attacks. In terms of liaison officer appointments between Interpol and Europol, the decision to appoint bilateral liaison officers has taken place only after the signing of the Co-operation Agreement Between Interpol and Europol, which was signed on 5<sup>th</sup> of November 2001 just after the 9/11 attacks. The foundation of liaison appointments between Europol and the USA have also begun taking place since 9/11, starting on 6 December 2001, when both parties signed a

strategic agreement, which mentions cooperation against terrorism as an important aim (Europol, 2002).

Interpol's special representative appointment to the UN took place in 2004 "to strengthen the global capacity to respond coherently to ever-changing developments in the world from a law enforcement perspective."<sup>100</sup> The term "changing developments" refers, I would argue, to terrorism more than anything else.

The NYPD's ground-breaking moves in liaison appointments have also taken place in the aftermath of the 9/11 attacks, with an aim to prevent future terrorist attacks against New York. Information found on the webpage of the New York City Police Foundation, which supports the NYPD's liaison program by providing grants, reveals the following accomplishments of this program:

- London, 2005 - Our post was in the tube at the time of the terrorist bombing. He was immediately in contact with the NYPD from the scene and conferred directly with Scotland Yard. This information was instrumental in the NYPD's strategic personnel redeployment both in subways and the streets.
- Madrid, 2005 - Our post responded with an Interpol team and was the first non-Spanish law enforcement person to arrive at the scene of the terrorist attack and begin transmitting information back to the United States.<sup>101</sup>

In an interesting sign of how these connections work, the NYPD Commissioner gave testimony before the Senate Committee on Homeland Security & Governmental Affairs on January 8, 2009 regarding the lessons that the New

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<sup>100</sup>Retrieved from <http://www.interpol.int/Public/ICPO/IntLiaison/UN.asp> on 17.05.2008

<sup>101</sup>Retrieved from <http://www.nycpolicefoundation.org/global.asp> on 11.03.2009

York City Police Department had drawn from the attacks in Mumbai. He pointed out that:

Within hours of the end of the attacks, the NYPD notified the Indian government that we would be sending personnel there. On December 1, we dispatched three senior officers. Their assignment was to gather as much information as possible about the tactics used in the attack. This is in keeping with a practice we have followed for several years. In all cases, our officers do not take part in investigative activity. In Mumbai, our officers toured crime scenes, took photographs, and asked questions of police officials. They relayed what they learned back to New York.

These officers are part of the Police Department's overseas liaison program in which we post experienced personnel to 11 cities around the world. They partner with local police and intelligence agencies and respond when terrorist incidents occur. In this case, the most senior officer in the group had served as a liaison in Amman, Jordan. In July 2006, when seven bombs exploded in Mumbai trains and railway stations, he flew to the city on a similar mission. The relationships he forged during that trip proved helpful in November. (Kelly, 2009).

According to a United States Department of Justice Report provided on the FBI's web page, it is stated that "By 1996, the FBI had 25 offices abroad. Since then, the number has doubled due in part to the threat of international terrorism directed against the United States."

The experience in Asia and Oceania also reveals that states facing with the terrorism threat there have declared the liaison officer appointment as an important strategy in the fight against terrorism. The following two decisions taken from the Joint Communique of the 28th ASEAN Chiefs of Police Conference Brunei Darussalam, 25-29 May 2008 shows that the practice of appointing liaison officers is encouraged by the members of the ASEAN organization:



8.12.5.To acknowledge the benefits of assigning police liaison officers in other member countries in facilitating mutual assistance amongst law enforcement agencies in the member countries;

8.12.6.To continue encouraging remaining member countries that have not assigned police liaison officers to do so, where practical, to facilitate mutual assistance (ASEANAPOL, 2008).

News reports from the Turkish *Hürriyet* daily newspaper mention the plan of Turkish Police Liaison Officer appointment to 20 places worldwide (Soner, 2008). In fact this plan signifies an increase of more than 100% in liaison officer appointments, an increase that can be quite easily charted. According to the country-based information on the webpage of Interpol, on 1 March 2009 there were seven possible Turkish posts, of which five were vacant.<sup>102</sup> Visiting the same page on 14.12.2009 reveals updated numbers, showing that Turkey now has police liaison officer posts in 13 countries, and also one LO at the SECI Center<sup>103</sup>. This increase of almost 100% has been achieved in quite a short time.

Turning to the case of China, a recent news report states that, “China will send additional police officers to liaison with security forces in countries facing major terror threats, in a bid to boost cooperation and head off attacks,...” also “An announcement on the ministry's Web site said police officers already posted abroad had played a key role in heading off attacks on Chinese diplomatic missions and financial institutions.”<sup>104</sup>

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<sup>102</sup> Retrieved from <http://www.interpol.int/public/Region/Europe/pjsystems/turkey.asp?HM=1> on 01.03.2009.

<sup>103</sup> Retrieved from <http://www.interpol.int/public/Region/Europe/pjsystems/turkey.asp#43> on 14.12.2009.

<sup>104</sup> “Chinese police to dispatch anti-terror liaisons” on Khaleej Times Online on 3 December 2008. Retrieved from [http://www.khaleejtimes.com/DisplayArticle08.asp?xfile=data/international/2008/December/international\\_December160.xml&section=international](http://www.khaleejtimes.com/DisplayArticle08.asp?xfile=data/international/2008/December/international_December160.xml&section=international) on 11.03.2009.

Regarding this development in China, one analysis of public announcements by officials states that, with respect to police liaison appointments by China: China plans on sending PLOs to several countries “facing terrorist threats to improve police networking and better combat terrorism...”. (Zhe, 2008) These moves are being taken because sending PLOs is believed to be an effective way of expanding China’s anti-terrorism frontline to meet the growing threat of terrorism and because ever since the first Chinese police liaison officer appointment to the USA in 1998, authorities in China have argued that LOs play an important role “in combating cross-borders crimes” and “have managed to provide a lot of valuable intelligence on terrorism” (Zhe, 2008).

The information given above reveals that the threat of terrorism has brought about an increase in the use of liaison appointments in various forms. My research has also revealed that the proportion of liaison officers’ working time devoted to terrorism issues has also increased. Information in an FBI report on their Legal Attaché Program reveals that since 9/11 “their number one priority is the prevention of terrorist attacks against the United States and its interests. As a result, the bulk of the Legats’ workload centers on counterterrorism activities” (USDOJ, 2004).

Supporting this idea are the words of a police liaison officer, who represents his organization on all kinds of crimes, and who has been working as a liaison officer for more than 10 years in different parts of the world. He argued that he was mainly dealing with drug related crimes before 9/11, but now he devotes most of his time to terrorism related investigations and cooperation.

A police manager working at a National Police Headquarters that served as a host for liaison officers, explained that his country has been hosting liaison officers from several countries. Before 9/11, liaison officers of some of those countries were deployed only for drug related issues. According to him, 9/11 has changed the atmosphere and forced them to establish cooperation on terrorism issues as well as drug cases. He also argued that in such cases, having foreign liaison officers in his own country is a great advantage, because a liaison officer can easily open all needed doors to establish links and cooperation. This argument is also in line with Andreas and Nadelmann's previously given argument that the current anti-terrorism structure has been established on the framework of the previous drug fighting structure.

Another active LO argued that his presence in a host country is a great advantage in that it allows him to express his own country's terrorism problems and approach first hand. He argued that terrorism has always been an area of reluctance for partners; therefore, convincing those partners to initiate an investigation could sometimes take years. He described his own experiences with such a case, where, in the absence of a liaison, it took him 1½ years to convince the partner police authorities to initiate an investigation—a case which revealed numerous crimes such as money laundering, threats, and others for terrorist purposes. What frustrates police officers in such cases is that the criminal networks and activities behind the terrorist organization may use their political standing as a cover for justifying its activities, and thus complicate the work of the police. From the opposite perspective, this is the point Deflem attempted to make at a conference in Ankara, when he

proposed that police officers can best cooperate on terrorism issues when they see it, terrorism, as a crime.

In fact this point deserves attention, because if a society and politicians in a country see a terrorist group as freedom fighters, the criminal activities of this terrorist group may easily be overlooked, not only by society but also by the police organization itself. Therefore, if a police organization would like to gather the support of the police organizations of *other* countries on terrorist groups, the primary aim should be to convince the other parties about the criminal and terrorist nature of the group. Appointing liaison officers can be seen as one way of informing the partners about the real nature of those groups. As exemplified in the words of one liaison officer, convincing the partners may take months and even years.

## **7.7 Formal Cooperation**

Block, himself an ex-liaison officer who served in the Russian Federation, summarizes the work of liaison officers in the Russian Federation as follows:

Taking a request for intelligence from the liaison officer's home country as an example, the first step in each case for the liaison officer would be to properly channel the request. This means finding the appropriate legal context and a competent law enforcement agency (and sometimes person) to deal with the actual substance of the request. In the next step, the translation of the request takes considerable effort although the actual linguistic translation is not the main reason for that. More effort is often needed to adapt inquiries to meet the Russian Federation legal and operational requirements for the case to be dealt with quickly. This entails providing sufficient information in the preferred format of the requested agency and sometimes rephrasing the actual questions so that they make sense to that law enforcement agency and match the way information is stored

there. Then the case is presented to the agency, often in person. Answers received from the requested agencies in their turn are translated, where necessary annotated with additional explanations and advice and then sent back to the requesting agency (Block, 2008: 78).

Interpol's web page makes available country profiles of several European states. Information on these web pages provides *Possibilities of Police Cooperation* and *Access to Files Through Interpol National Central Bureaus*.<sup>105</sup> The information provided in Table 9 and Table 10 below gives the practices of Latvia, France and Finland in terms of possibilities of cooperation and access to files through Interpol's National Central Bureaus. "Y" implies Yes, "N" implies No. Explanations are given in the boxes and the empty boxes mean no information is provided on them. As seen on the tables, those countries have different applications on the aforementioned cooperative options. The reasons for choosing these three countries in particular are twofold: first, they all permit Interpol to provide that information on the Interpol web page; and second, their applications reflect differences. For example, regarding access to files options in terms of bank accounts, Latvia does not allow such access, while France does so, but requires a prosecutor's request or rogatory commission. Finland, on the other hand, sees this practice as possible in some cases.

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<sup>105</sup> Retrieved May 18<sup>th</sup> 2008 from the following country pages of Interpol  
<http://www.interpol.int/public/Region/Europe/pjsystems/Latvia.asp>,  
<http://www.interpol.int/Public/Region/Europe/pjsystems/France.asp>,  
<http://www.interpol.int/Public/Region/Europe/pjsystems/Finland.asp>

**Table-9: Investigation Possibilities of Latvia, France and Finland According to the Information on Interpol Webpage**

	LATVIA	FRANCE	FINLAND
Telephone tracing		Y No special prior authorization unless ex-directory and portable (COM-ROG. requested)	Y (1-7 )In certain cases: Requirements are in Coercive Measures Act (450/1987)
Telephone tapping	Y With judge`s permission	Y Decision by examining magistrate required	Y (1-7 )In certain cases: Requirements are in Coercive Measures Act (450/1987)
Bugging public premises		N	Y
Bugging other premises	Y With judge`s permission	N	Y (1-7 )In certain cases: Requirements are in Coercive Measures Act (450/1987)
Bugging Homes	Y With judge`s permission	N	Y (1-7 )In certain cases: Requirements are in Coercive Measures Act (450/1987)
Electronic tracking surveillance		Y	Y (1-7 )In certain cases: Requirements are in Coercive Measures Act (450/1987)
Surveillance		Y	Y (1-7 )In certain cases: Requirements are in Coercive Measures Act (450/1987)
Pseudo-buying	Y With prosecutor`s permission	Y With prior judicial authorization; provocation forbidden	Y (8&10) In some cases: provisions are in Police Act (493/1995)
Controlled delivery	Y With prosecutor`s permission	Y With prior judicial authorization; provocation forbidden	Y (8&10) In some cases: provisions are in Police Act (493/1995)
Infiltration		Y Judicial authorization and supervision	Y (8&10) In some cases: provisions are in Police Act (493/1995)
Witness Protection	Y With prosecutor`s permission	- Legislation being prepared	N

It is possible to propose that there is generally common understandings on sharing information on issues such as wanted persons, missing persons, stolen motor vehicles etc., but for issues involving individual information and privacy we observe differences between countries. It can be argued that country-specific principles regarding access to Interpol files also draw the general guidelines for Liaison Officers. Bilateral agreements between countries may also institute special information sharing compositions.

**Table-10: Access to files (through NCB) of Latvia, France and Finland According to Information on Interpol Webpage**

	LATVIA		FRANCE			FINLAND		
	Y/N	Response time	Remarks	Response Time	Remarks	Y/N	Response time	Remarks
Wanted persons	Y		Y	Unquantifiable	Direct	Y	< 2 hrs	On line
Missing persons	Y	2hrs	Y	Unquantifiable	Direct	Y	< 2 hrs	On line
Stolen motor vehicles	Y	2-6hrs	Y	Unquantifiable	Direct	Y	< 2 hrs	On line
Stolen property	Y	Immediate	Y	Unquantifiable	Direct	Y	< 2 hrs	On line
Criminal records	Y	2hrs	Y	Unquantifiable	Direct	Y	< 2 hrs	Ministry of Justice: Only during office hours
Fingerprints	Y	Immediate	Y	Unquantifiable	Direct	Y	< 2 hrs	On line Only during office hours
Photograph of criminals	Y	2hrs	Y	Unquantifiable	Decentralized	Y	< 2 hrs	Centralized

Serving prisoners	Y	Immediate	Y	Unquantifiable	Direct	Y	> 2 hrs	On line
Listed telephone subscribers	Y	Immediate	Y	Unquantifiable	From France Telecom	Y	< 2 hrs	
Unlisted telephone subscribers	Y	Immediate	Y	Unquantifiable	Prosecutor's request or rogatory commission	Y	< 2 hrs	
Vehicle owners and registrations	Y	24hrs	Y	Unquantifiable	Direct	Y	< 2 hrs	On line
Passports	Y	Immediate	Y	Unquantifiable	Prefecture	Y	< 2 hrs	On line
Company registers	Y	Immediate	Y	Unquantifiable	Commercial court registers	Y	< 2 hrs	
Driving licenses	Y	Immediate	Y	Unquantifiable		Y	< 2 hrs	On line
National register / Electoral roll	Y	Immediate	Y	Unquantifiable	Prosecutor's request or rogatory commission	Y	< 2 hrs	On line
Register office records			Y	Unquantifiable				
Bank accounts N	N		Y	Unquantifiable	Prosecutor's request or rogatory commission	Y&N	> 1 week	Possible in some cases
Tax information N	Y	3 days	N	Unquantifiable	Except at judicial authority's request	N&N	> 1 week	Possible in some cases

Investigation possibilities on the other hand focus on chances of operational activity between the police forces of the countries. Similar to the information sharing options, investigation possibilities also present differences between countries and different options such as gathering prosecutor approval or judge's approval for the execution of the investigation. A liaison officer should learn such principles of the country where he works, because those principles of information



sharing and investigation possibilities draw the formal framework for the work of the liaison officer.

### **7.8 Liaison Officers as Brokers of Informal Cooperation**

Formal interactions between parties reflect the official picture of cooperation. Additionally, we may talk about another layer of interaction that takes place informally between parties, informal interaction, which implies daily contacts between police officers. The following passage that defines informal interaction is gathered from the webpage of the Kent Police, which is situated at the gateway from England to Europe via the Channel Tunnel and several ports, and therefore can be considered as an important example of a police authority in a position to establish international cooperation with its partners. Although this definition is established for the cooperative structure between specifically the Kent Police and its international partners, it can guide us to understand what informal cooperation is about. Accordingly, informal is:

natural consequence of day to day contact through meetings, visits, telephone conversations, use of LinguaNet system, e.g. information required/given on a police to police basis by the spoken word or simple documentation. Such information would only be used for police purposes and cannot be used in judicial proceedings. The use of the information can, by negotiation, be upgraded to the levels and associated procedures of *formal* or FORMAL information.<sup>106</sup>

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<sup>106</sup>Retrieved on 29 September 2006 from <http://www.kent.police.uk/About%20Kent%20Police/Policy/n/n95.html>

Informal cooperation gives several advantages to police organizations. Undoubtedly, informal cooperation makes communication between parties faster and safer through spoken word and simple documentation. The spoken word as the fastest way of communication should be accepted as the heart of informal cooperation. Issues are discussed between parties without the existence of any delaying mechanisms. Then parties reach a specific conclusion about the issue at hand. If more steps are required formally to take further action, such as getting a prosecutor's approval, the parties move to a higher, more formal level. The informal nature of interactions at the initial stages actually reduces the chances for mistakes and safeguards the developments to keep on the right track. Informal cooperation also helps to increase trust and reliability between parties, and thus ease relations between different police organizations. According to Brady, working informally is a way of getting around differences between police forces in Europe. (Brady, 2008: 104). Therefore, the use of LOs represents itself as an important strategy to overcome otherwise major challenges, because of the particular dual role of the liaison. Liaison Officers represent the state, a formal entity, but act informally with their colleagues, and therefore become a formal representative who functions as an "informal fixer" (Nadelmann, 1993:109).

As informal cooperation relies on day to day interaction, it helps parties to learn and trust each other. The higher the level of trust, informal cooperation may be more productive. Mutuality stays at the heart of establishing a trustworthy and reliable relationship. In a healthy relationship, partners try to satisfy each other by meeting the requests of the other party. Unreasonable refusals to requests will be

met in the same way. One liaison officer narrated a devastating episode in a country where the relationship between a liaison officer from one country and the officials of the host country went awry (Personal communication, 15 May 2008). According to his account, the liaison officer in question requested information about a fast developing operation that was taking place in the host country, because the case was also related to his country. Although the relations between the liaison officer and the official that the request had been directed to had been previously positive, the initial reply of the official was “no,” without including a satisfactory explanation. This situation frustrated the liaison officer because he was not expecting such a reply. In the following days, as a response, the liaison officer either refused or slowed down several requests by the officials of the host country.

As the above example shows, clearly, establishing—and keeping--trust between parties is important. Moreover, it deserves special attention when cooperation on terrorism is the issue. As explored in other parts of this study, terrorism is a sensitive issue because of the inherent differences between parties. Having a liaison officer link between police authorities of different countries may create a significant change in understanding each other’s terrorism problem, and thus help to create an atmosphere of assistance and ultimately lead to more successful operations. However, the prerequisite of such a success seems to be having mutual understandings about the possibilities of cooperation, and equal desires to overcome any problem in a constructive way. Such informal methods of cooperation provide incentives for both ongoing cases and also for establishing preventive strategies, especially in countering terrorism. The following example

demonstrates how liaison officers can pass vital information to their partners in urgent cases when a sound cooperation is established between police organizations:

After an explosion took place, we have found that the perpetrator had lived in a European Country before. We asked the LO of this country information about this person and we got all the information. However we could not have gotten the same information via letters of rogatory from the judicial authorities of the same country (Words of a police officer at the NATO conference Ankara, Turkey, December 6, 2007).

This unique example shows how a liaison system may be beneficial and helpful in urgent cases, when established on an informal trusting relationship.

Another positive side of establishing informal cooperation is its power to open paths to learning about the trends and unknown realities about crimes and also about one's partners. Formal cooperation generally focuses on specific cases and their procedures. However, having an understanding about what is going on both at the threat and also at the response level is essential for police organizations. Flexible, day to day nature of informal cooperation helps parties to understand those issues and follow up new developments. During informal communication with counterparts, police liaison officers share their experiences. During those information exchanges both parties give each other information about what is going on in cases, what kind of developments are taking place in criminal strategies, and what the ideas of other parties are about a specific problem. Sharing information in this way gives both parties a broader understanding about the trends in different problem areas. In that way, parties share current problems as well as ways to prevent crimes. This dimension seems to have been one of the guiding aims of establishing the NYPD liaison system. As discussed earlier, the NYPD liaison officers abroad try

to understand the terrorist organization and trends in the host countries with an aim of learning about terrorist strategies, techniques and links which may be used in New York. In terms of preventive strategies, learning about threats that others are experiencing may lead to taking necessary steps to avoid similar threats in one's own country. As terrorism is global today, a terrorist method used in one country may spread all over the world in just a few days, thus learning more about a terrorist method in time may be an invaluable lesson for another country. As a liaison officer put it "Liaisonship is mostly about learning what is going on" (Personal Communication, 7 February 2006).

Although the police liaison system is officially established within the realist/state-centric domain, it is possible to argue that the informal character of the liaison role also extends its existence into the realist/multi-centric realm. In other words, while police liaisonship preserves its formally established nature, it functions informally in several ways. Formal cooperation, it should first be noted, takes place within the bureaucratic circles of the relationship. Mutual agreements, conventions and all other relevant legal documents shape the formal functioning of the relationship, and the rules for these formal relationships have been long established. However, informal relationships contribute a different and supportive attribute to formal relations. Spoken daily words may have a guiding role in what to do and plan for the future steps. Consequently, by establishing informal cooperative channels, parties may avoid unnecessary, time consuming cooperative initiatives. A deputy director of one national police force argued that:

We are expecting our liaison officers to explore the practices and laws of our partners before we initiate cooperation on a case. He should be able to advise us what to do and what to avoid. Each case may have different characteristics and different ways to follow. Therefore those issues should be discussed with partners before taking a step to avoid mistakes. Our liaison officers first goes to relevant authorities and speak about the case to learn which way to follow, what to do and not to do. Then we take the step (Personal Communication, 27 September 2007).

Liaison officers also have a role to play in informing their partners and influencing them to carry out desired actions. This point is connected with diplomacy in the way that was conceptualized by Morgenthau, namely, “diplomacy must look at the political scene from the point of view of other nations” (Morgenthau, 1973: 543). Liaison officers should be able to transfer their own point of view to their partners in order to be able to gain their cooperation.

The value of informal cooperation between police organizations has been mentioned in many studies. For example, Jensen argues that direct relations between higher police officers enabled secret information sharing and surveillance of Anarchists (Jensen, 2001:19). Informal communication between European police organizations is mentioned as an important aspect of cooperation in the fight against terrorism during the 1970s and 1980s. Police liaison officers also have been using informal communication between each other (Nadelmann, 1993:109).

### **7.9 Actors of State Transnationalization (Who are the PLOs?)**

The characteristics of police liaison officers are important to understand. Based on research on the police liaison system in Europe, Bigo (2000, 73-74)

summarizes the characteristics of police liaison officers as being on the margins of the police world, often multilingual, having some form of advanced education, being urbane and cosmopolitan, and recognising each other as belonging to the same small elitist and political world. According to his study, they see their position as a promotion with financial and symbolic benefits. They report their job's emphasis on strategic analysis and on the use of analytical skills, requiring the ability to make comparisons between states. Based on this argument we can argue that the role of the police liaison necessitates a personality that is adaptive to transnationality. On the other hand, liaison officers have also been described a bit more cynically in the limited literature about them:

The second model is that of the liaison, in the dual role of formal representative and informal "fixer". Like the assorted representatives of the many non-law enforcement agencies that increasingly crowd U.S. embassies, few of whom engage in detective-like activities, U.S. law enforcement agents stationed abroad are expected to act both as official representatives of their agencies and as "fixers" for the assorted requests and problems that come their way. U.S. agents abroad often find their days crowded with fielding inquiries from U.S. based agents, transmitting requests for information and other assistance between local police agencies and U.S.-based law enforcement agencies, serving as hosts for fellow agents flown in on specific investigations, arranging reservations and programs for visiting politicians and high level officials, dealing with the media, giving speeches, and attending assorted social functions (Nadelmann, 1993: 109-110).

This definition raises some interesting points about what might otherwise be considered a positive feature of liaison officers, their dual role between formality and informality, and seems to suggest the possibility that this duality might also prove overwhelming for a single liaison. It might also point to the possible root

causes to conflicts arising between some liaisons and other national representatives abroad, such as diplomats.

### **7.10 Tension with diplomats**

There are two primary ways to describe the types of relations between police liaison officers and diplomats: In the first option there is almost no interaction between the two. This can be observed in the case of LOs serving at international organizations or appointed in border areas where LOs travel daily between the countries. The second option however is when the LOs are appointed to serve in an embassy abroad, and function there as part of the diplomatic mission. In these cases it is possible to see still further distinctions between types. In some cases, such as in that of the USA, the country aims to establish police liaisonship as an important part of the diplomatic relationship. As mentioned earlier in this study, “the US State Department is increasingly involved in international police matters because the US government views the international crime problem as a component of foreign policy and national security, not just as a law enforcement issue.” (Deflem, 2001: 76), and police cooperation programs are “part of the general foreign policy of the United States” (Marenin, 2001: 314). Therefore we can argue that there are states that accept and approve of the institution of the police liaison officer system as an individual entity and initiative. Those states seem to be well aware of the changes towards a more transnational world, and are willing to try and benefit from the flexible police liaison system.



On the other hand, in countries which do not have as well established liaisonship programs, it is more likely to observe problems and tensions arising between LOs and the diplomats they serve alongside. A liaison officer from a European country reported his own experiences this way: “my Ambassador asked me quite a lot of times what I am doing as a liaison officer. And he still wonders why our country needs me” (Personal Communication on 15/12/2007). The liaison officer of another country complained that “the Ambassador did not want to give me a room at the Embassy. He doesn’t see my work necessary” (Personal Communication on 22 March 2007). The same liaison officer later argued that he and the diplomats at the embassy have gradually come to understand each other better. That officer’s experiences mirror the report by an official at the National Police Headquarters of another country, who observed that “When we appointed a liaison officer to a country, the ambassador showed hesitation at first. But now this Embassy wants a second officer appointment today” (Personal Communication, 24.04.2008). Yet another liaison officer argued that:

The continuation of the liaison post to the country was in question by authorities, but the ambassador that I work strongly advocated the existence of the post. I was surprised because his attitude at the beginning of the post was quite neutral. He was behaving in a mood that my existence there was not significant (Personal Communication, 18.10.2007).

These examples are interesting because we see a change in the approach of embassies and embassy personnel towards the police liaison officers they work with. Moving from expressions of hesitation to openly requesting more liaison officers reveals that the diplomats are gradually adjusting to the idea and benefits of the

liaison appointment system. In other words diplomats, as agents of state-centric international structures, seem to be adjusting themselves to this transnational reality.

### **7.11 Reasons to Apply a Liaison Officer System**

A number of arguments have been made in the literature and based on practitioners' accounts, that support the introduction of a liaison officer system.

Among these is the following by Bailey:

The liaison officer system has advantages because it allows direct personal contact among law enforcement officials in different countries. This can expedite investigations particularly by putting investigating officers in touch with the right authorities in the cooperating country. The good liaison officer can be a valuable resource in helping to clear up misunderstandings, and provide information about a foreign jurisdiction and its crime investigation and control policies. Sending police officers on temporary mission for the purposes of particular enquiries is not usually regarded as an adequate substitute for liaison officers, because often they cannot acquire sufficient information about the country to which they are visiting in the time available. The main way in which things go wrong is when liaison officers pursue enquiries in a foreign jurisdiction on their own initiative (Bailey, 1995: 389).

Bailey also mentions that “in the annual Justice Department submission to Congress, arguments defending the FBI budget state that the Legats play crucial roles in counterintelligence and in the fight against international organized crime.”(Bailey, 1995: 388).

In another account, Block argues that the contribution of LOs to the fight against organized crime is:

...particularly visible in cases that because of complexity, sensitivity, or urgency, need more active support than a simple information exchange that could pass through Interpol channels for example. Based on their personal contacts and knowledge of the different systems and cultures, liaison officers are able to swiftly channel requests for intelligence exchange and cooperation. In addition, they could—depending on the case—provide real-time liaison in operations or directly introduce investigators to appropriate cooperation partners. Liaison officers also frequently fulfill a supporting role by explaining legal, cultural, and organisational differences to investigators at both sides of the border (Block, 2008: 77).

Meanwhile, Schulte, talking about the German experience argues that:

These liaison officers play an important role in the domain of international police cooperation. Besides the mere exchange of information, their work in local areas with police colleagues of other countries strengthens and reinforces the awareness that the fight against international crime must be carried out jointly (Schulte, 2001: 152).

What is interesting is that these accounts are based on experiences in different contexts and with respect to a variety of threats, yet they all converge on the point that liaison officers play an important role in developing international cooperation and thus responding to security challenges.

## **7.12 Evaluation of the Police Liaisonship**

Based on the examination of the history of terrorism and response it can be argued that there is a widening gap between the two. Moreover, the widening of this gap has accelerated since the end of the Cold War, as terrorism has become an

increasingly transnational phenomenon and the response has remained still predominantly at the international level.

Recent efforts of police organizations show, however, that the police, as one of the key actors in fighting against terrorism, is trying to find ways of closing this gap. Police forces are trying to establish transnational networks, the most significant example of which is in the usage of liaison officers. Theoretically, application of liaison officers can be accepted as an example of transgovernmental relations, which has gathered scholarly attention in recent years.

The liaison officer system reflects a network structure in which states place their officers in regional or global points with a desire to protect their national interests. But developments show that this network structure can not be labelled only as a national network, because interactions of liaison officers from different countries also serve to create a new broader network at the international level. As seen in the examples, several of those liaison officers may represent the interests of other states or members of international organizations. Liaison officers in a country may also constitute a network, where agents of several states can come together in a host country. In the words of one liaison officer:

LOs, in the country that I work, come together monthly to socialize and discuss crime problems. Each LO gives a party. At that party he gives a lecture about a crime problem in his country and then we discuss about it. Then we eat and drink (Personal communication, 22.03.2007).

Another liaison officer explained the benefits of having liaisons in this way:

This is my third country that I work as a liaison officer. My partners here were in need of finding a contact point where I worked before. They asked me if I can find such a contact point in that country. It took my half an hour to establish a link for them (Personal communication, 10.05.2008).

Yet another liaison officer described his experiences with other LOs in these words:

I have many LO friends from different countries. When we work in the same country, we come together. I know where they are now. If I need any contact in a country, I also look for my previous LO friends from other countries. You may never guess who will help more (Personal communication, 20.March.2005).

These examples show that the interactions of police liaison officers from different countries generate a kind of network. Talking about the existence of such a network brings to mind the idea of building “networks to fight networks” (Arquilla, Ronfeldt, Zanini, 1999: 42). At this stage, it is impossible to draw strong assumptions about the existence of such an organized network structure in the fight against crime and terrorism, but, knowing about the existence of such a network and the possibility that in time it will increasingly have the capacity to produce positive results, seems to encourage the use of such a description.

The use of a liaison system in police work has become a tool used by states, local entities, and also by international organizations, in cooperating with their counterparts all around the world. Interactions by these entities provide clear evidence that borders are truly ‘disappearing’. It is no longer unimaginable that a local sub-state entity might appoint a liaison officer to another country, even

bypassing its own state level authorities. A transnational phenomenon, terrorism, has been the spark which has launched these innovative examples in the field of policing. Police entities at the local, state, or institutional level are showing themselves to be in a position to restructure themselves and adapt to the new transnational threat environment.

How is it possible that police entities seem to be managing such a global accomplishment in establishing links between state, local, and institutional settings? There should be an identity or a driving philosophy behind this accomplishment. To answer this question it may be useful to look at how something becomes transnational. In that respect I find using Scholte's (2000:172) classification of non-territorial communities a productive means for formulating this option. According to Scholte, in today's globalized world "various solidarities have developed that lack a territorial referent," which includes "transworld communities related to class, gender, race, religious faith, sexual orientation and youth, as well as...a host of other shared concerns like disabilities, hobbies, political programmes and professions" (Scholte, 2000: 172).

Drawing on this, we can see, for example, how religion, in the new terrorism case, is an important phenomenon to explain its transnational reach. I think what makes police cooperation an essential tool between police organizations is having a "police culture" as identity. This police culture lets police officers identify similar problems in the same way. In an interesting comment on this special relationship, one officer remarked: "Although the country that I work has diplomatic tensions with mine, I never feel those tensions with my police counterparts, because as police

officers we look at crime and criminals, including terrorism, in the same way” (Personnel communication, 18/10/2007). Deflem reformulates these words in an academic style when he argues that “the objective of counter-terror policing is de-politicization of terrorism and seeing terrorism as a crime” (Presentation at NATO conference, Ankara, Turkey, December 6, 2007). Ultimately, this point reflects the identity of police in evaluating terrorism as a security challenge; when it becomes possible to view terrorism as a crime, as seems to be the case among police officers, cooperation becomes easier.

## **CHAPTER 8**

### **CONCLUDING ANALYSIS**

Theoretically it can be argued that the assumptions of several theories can be used to explain various aspects of international police cooperation and the appointment of liaison officers. Therefore, understanding international police cooperation and liaison officer appointments requires taking into consideration all relevant theoretical approaches in applicable situations. When such an eclectic approach is applied, we observe that different parts of the cooperation issue can best be explained by different approaches. In this dissertation therefore, such a multi-layer theoretical approach was implemented to understand the practices of police cooperation and liaison appointment experiences. This approach was the main assumption in establishing the framework based on realist/liberal and state-centric/multi-centric approaches. Based on the accounts and findings presented in this study, it is possible to exemplify several findings as follows.

Although realism views cooperation as limited, it can be argued that realism has a powerful explanatory power in interpreting police cooperation and the practice



of liaison officer appointments, especially when they occur in the realist/state-centric domain, which is generally dominated by the interests of states in bilateral establishments. An important example of relations in this domain is the USA's approach in establishing ties with Europol and its member countries. According to the Europol Reports of 2003, 2004, 2005 and 2006, for information exchange the USA prefers its bilateral liaison network with EU Member States instead of using the direct Europol Channel, an approach that Europol interprets as a difficulty in its relations with the USA. This practice is a primary example that reflects basic realist assumptions regarding cooperation. The USA's practice of preferring direct bilateral relations with member countries instead of exchanging information with Europol, reflects the realist understanding which proposes the impotency of institutions.

As mentioned in relevant parts of this study, bilateral relations occupy a significant place in cooperative security relations in particular. The USA's approach of relying on individual member states instead of Europol can be accepted as a significant sign of this approach. Another example is the bilateral Police Liaison Officer appointments between several Europol member countries. Such arrangements among a group of countries sharing a membership-based institutional entity, strongly suggests the continuing perceived worth of establishing bilateral relations. In addition to those examples, this dissertation also reveals the common and developing application of bilateral liaison officer appointments especially when regarding terrorism-related issues. Of course, other realist ideals such as achieving relative gains, focusing on national security, enhancing capabilities, and maintaining the ability for independent decision making, influences the choice for bilateral relations.

Approaches focusing on power have also been important throughout this study. Theoretically, powerful states may have the capacity to influence others more. It has also been observed that LO appointments sometimes seem to be a matter of resources. Therefore, the extent of LO appointments able to be made often depends on the power of the state.

Although realism explains well the above mentioned issues, we also observe that liberal understandings have much to say when explaining the current structure of police cooperation and police liaison officer appointments. It was observed that international and regional organizations play an important role in both establishing common understanding, and also in building up norms and procedures to fight against terrorism. International and regional mechanisms also include cooperative initiatives in the policing fields. This study tried to investigate a wide array of those organizations and their activities in the terrorism and policing fields. During the course of the study, new practices that have been established in the cooperative policing field were presented, such as the establishment of new and innovative forms of LO postings. The first example was the establishment of LOs between international organizations. Another example noted was the appointment of LOs between international organizations and non-member states. As a last example, it was also observed that LOs are now being appointed between international organizations and sub-state entities, such as in the example of an LO appointment from the NYPD to Interpol.

Another issue for which liberalism is useful to explain is the issue of linkage. It can be argued that the practice of police cooperation and especially the appointment of LOs have been facilitated by the diverse experiences of

organizations in the field. First of all, it is apparent that previous cooperative experiences against drugs and organized crime have been guiding what is being done today against terrorism. Secondly, what some are doing is constituting a model for others to imitate. Consequently, linkages established between actors on some issues, creates a need to repeated interaction and imitation, which in turn facilitates cooperation. Andreas and Nadelmann's aforementioned argument that today's counter-terrorism campaign has been founded on the previous cooperative experiences against drugs and drug trafficking, also constitutes a supportive argument to this claim. During the conduct of this study, I also observed that previous drug-related structures are playing an important role in helping to build up and develop cooperation in counter-terrorism. Also, the experiences of the police organizations in different states constitute a source of learning knowledge for others.

Talking about liberalism also necessitates recalling the importance of understanding the idea of a multi-centric world, and the role in it of sub-state entities, such as the New York Police Department and private initiatives such as SITE. Those examples revealed that the field of national security may go beyond the hands of the traditional owner of the concept, which was states. This study revealed that in today's security environment, states are not the only actors. We are living in a world that comprises a wide diversity of actors, none of which can be dismissed, even though they may not fit into earlier conceptualizations of security studies.

This research shows that although traditional thinking regarding state security still may exist, states have not been resisting changes and developments, and their relative openness to these changes is leading to what might be considered a transnationalization of several state structures and practices. From this perspective,

the argument follows that states are in fact trying to adapt to the changing threat environment.

One particular example of how states are adapting to this new threat environment can be seen in the practice of liaison officer appointments, which has been the case study of this thesis.

In fact, it may even be possible to also talk about a regime formation in establishing police liaison appointments. The findings here show that the use of liaison officer appointments, particularly in light of developing conceptualizations and realities with respect to new terrorism practices, is growing, and while doing so, it is creating its own rules, patterns, and decision-making procedures. What remains to be seen is how these developments will continue to unfold, both on the side of the threat, and on the side of those mandated to deal with that threat, the responders.

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