

# INTERPOL's Way: Thinking Beyond Boundaries and Acting Across Borders through Member Countries' Police Services

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In this speech, INTERPOL Secretary General Ronald K. Noble examines the complex issue of whether it is possible for transnational crime to be combated effectively without sacrificing or subverting national sovereignty. As well, he urges police forces around the world to increase their preparedness for terrorist acts in the event of a war in Iraq.

Mr Noble spoke at Tufts University during the Education for Public Inquiry and International Citizenship Symposium, at which he was presented with the Dr. Jean Mayer Global Citizenship Award.

Good afternoon.

First, I wish to recognize the presence of Professor Lois Grossman of Tufts University, who over 25 years ago took time to ensure that a then-young Ron Noble was able to get the finest education possible. Lois, thank you for taking the time to help and guide someone who had nothing to offer you or give you in return except a thank-you and a life's worth of appreciation.

Second, I wish to recognize the presence of Professor Philip Heymann of Harvard Law School, who 10 years ago served as Deputy Attorney General for the U.S. Department of Justice and who headed the Justice Department's review of what went wrong at Waco while I headed the Treasury Department's Review as its Under Secretary for Enforcement. Yesterday marks the 10th Anniversary of the Bureau of Alcohol, Tobacco and Firearms' failed raid at David Koresh's compound which housed the Branch Davidians. Phil showed great leadership and integrity while serving at the Department of Justice. Let me now accept the Dr. Mayer Global Citizenship Award on behalf of all of the honest and hardworking men and women of INTERPOL's General Secretariat.

[Formal Remarks]

I feel privileged to be given the opportunity of sharing some of my thoughts about transnational organized crime and national sovereignty with you today in this fine academic environment here at Tufts University. Academic institutions provide all with an intellectually stimulating environment in which to test and debate ideas.

The issue at hand for today's panel discussion is whether it is possible for transnational crime to be combated effectively without sacrificing or subverting national sovereignty. This topic cannot be easily addressed in 15 minutes, but I do hope that my remarks will be of interest to you and will form the basis for a lively panel discussion.

By way of disclaimer, let me note that INTERPOL is the world's most democratic international institution. We have [181 member countries](#), and we operate by one country, one vote. There is no Security Council. In light of the nature of the organization's structure and the fact that I have not asked my remarks to be endorsed by the organization as a whole, this presentation should be considered as the personal reflections of the Secretary General and as such may not necessarily reflect the views of INTERPOL's 181 member countries.

Certain assumptions must be made about how transnational organized crime affects the sovereignty of countries.

For purposes of my remarks one can think of individual sovereignty as the quality or authority of being independent and in charge of the conditions one lives under. In order for a nation to be a sovereign however, it needs to reunite at least three elements: (1) a territory (with borders), (2) a population of citizens granted nationality and (3) an effective legal authority over these citizens as well as over their activity and the activity of others found within a country's borders.

Another assumption will be that organized criminal organizations (and terrorist groups in particular), will in many cases infringe upon the sovereignty of states in carrying out their illegal activities, such as, for example, murder, extortion, drug trafficking, fraud or the smuggling and exploitation of human beings.

With these basic assumptions in mind let me make one important observation. The complexity of fighting transnational organized crime while ensuring the sovereignty of countries is multi-faceted, as you will see from the following examples:

One, in conducting their activities, transnational organized crime groups are always aiming to maximize return while minimizing the risk that they, their assets and colleagues will be thwarted by police. The methods they use to achieve this goal are to move among many jurisdictions, to employ threats and force, to corrupt government officials and police, and to use the difficulty that countries have in sharing information and cooperating as well as the lack of harmony among countries' legislation to their advantage.

Two, transnational organized criminal organizations are aware of the fact that weak states, remote areas within stable states, and post-conflict zones are environments in which they can operate optimally. In these circumstances, law enforcement often finds itself less powerful than the organized criminal groups in terms of financial resources, expertise, corruption and freedom to operate with few bureaucratic barriers. Practical and legal barriers to gathering and sharing vital police information become important obstacles to fighting transnational organized crime. Post-conflict zones, including Afghanistan, Kosovo and Bosnia, are especially vulnerable to these problems.

Three, the increasing links between [terrorism](#) and organized crime aggravate this situation further. Organized crime groups, to a certain extent, provide illegal services to terrorists, such as providing them with false passports, which provides terrorists with the ability to move globally without being detected. Giving an organized criminal or terrorist false identity documents multiplies the threat that he or she poses to the sovereignty and security of all states. In addition, organized [people-smuggling](#) networks also assist terrorists.

With this background of assumptions and observations, I would like to draw your attention to a different aspect of the relationship between sovereignty and organized crime.

If we consider the nature and the extent of the threat posed by transnational organized crime, we must ask ourselves whether it is possible to consider responses that do not also implicate sovereignty. Let me put it another way: Is it possible to fight transnational organized crime without sacrificing some formal procedural and substantive aspects of sovereignty?

In answering this question we must remember that there are essentially two principal means that governments use to protect themselves from external threats to their sovereignty: Diplomacy and the

actual use of, or threatened use of, military force. However, these methods can only really be effective if the opponent is also a country with identifiable targets vulnerable to military attack or if the group is being sheltered by a country, such as when Al-Qaeda was sheltered and protected by the Taliban.

Diplomatic and/or military courses of action cannot be effective alone, however, in defending against or in thwarting attacks from elusive opponents such as terrorist and transnational organized criminal networks that operate without fixed bases, without any constraint of border, without nationality and outside a binding legal framework. These factors combine to put these types of transnational organized crime groups beyond the reach of not only any single country's diplomatic and military powers, but also beyond the reach of any one country's law enforcement agency.

So, the premise on which my remarks are being built is as follows: No one country can effectively fight transnational organized crime within or outside its borders. Therefore, I submit, countries must relinquish some of their procedural or substantive sovereignty in order for the purpose for which sovereignty exists in the first place to remain intact. Sovereignty ultimately exists to ensure the freedom of any country to act as it believes appropriate without jeopardizing its very existence and without putting its citizens and their interests at risk. This simply cannot be done by one country alone.

Grappling with questions of sovereignty in fighting transnational organized crime is a fundamental issue for INTERPOL. Our member countries' police services deal with this issue on a daily basis with life and death consequences at stake; with individual liberty concerns at stake and with the rule of law's effectiveness at stake.

INTERPOL's General Secretariat and member countries' police services are a first line of defense for any one country's security and sovereignty.

Think about it. INTERPOL has a membership of 181 countries. INTERPOL is committed to police cooperation at a global level. Only a handful of the world's countries are not members, such as North Korea, Turkmenistan, Tajikistan and several islands in the South Pacific. Police cooperation is possible even when other cooperation is not.

For the sake of all countries throughout the world, INTERPOL must be able to cooperate and function as an institution with countries knowing that some of our other member countries' governments may hate or distrust these countries; even though they are contemplating war with one another and even though they may not have diplomatic relations with one another. We can do so because INTERPOL's cooperation is based on the voluntary and independent decision of each one of our member countries to cooperate on each individual matter.

If we agree that the best way to provide homeland security for any one country is to prevent dangerous transnational criminals or terrorists from entering one's borders in the first place, then working together to enhance the likelihood of their detection, detention and apprehension before they enter any one country boundaries should be one of our primary objectives.

From the police perspective, the ultimate question of sovereignty can be seen as the following: Does the potential for a legally binding global arrest warrant exist? That is, if any one country were to issue a warrant, all other countries in the world would be required to honor that warrant. Or, is it so unlikely that all of the countries in the world would be willing to honor one another's arrest warrants, that it would be waste of time to set an unattainable standard. Or, even if attainable might such a binding system not be desirable.

It is my view that we should embark on giving countries of the world as much information about one another's judicial and legal systems so that each country can make an individual choice about whether to honor another country's warrant. It is not necessary to oblige all countries to act when by giving them the right information they will act on their own.

This is in large part INTERPOL's philosophy. But, in order to help you to understand this point I must clear up what you might have seen on television or in the movies about INTERPOL and what you might have read in fiction novels or non-fiction books that should have been called fiction.

One of INTERPOL's most important functions is to help member countries' police communicate critical crime-related information to one another using INTERPOL's communication system. INTERPOL relies on a sophisticated computer system and network of 181 member countries' police services for the exchange of sensitive police information. We have no armed agents who travel the world like James Bond. Our power resides in our databases, the people who use them and our network of police services. In specialized crime areas we have projects designed to maximize or leverage our potential for targeting certain crime that is global in scope such as terrorism, [drug trafficking](#), organized crime; Internet based [child pornography](#); [financial](#) and [cyber-crime](#), etc.

We also have a system of [international notices](#) (red, blue, yellow, etc). Please focus on the word "notice". An INTERPOL International Notice is a method used to help the world's law enforcement community exchange information about [fugitives](#), [missing persons](#), [stolen objects](#), persons being investigated and criminal 'modus operandi'. INTERPOL color-codes these notices by category.

Based on this afternoon's theme, I would like to talk to you specifically about our Red Notices, which are the notices used to alert the world's police services about persons wanted internationally for arrest. These notices are often incorrectly referred to as international arrest warrants. In fact, arrest warrants are issued by judicial bodies and are legally binding on the jurisdiction where they are issued. An INTERPOL Red Notice is one country's way of notifying the world through the INTERPOL network that a fugitive is being sought internationally and that if any country locates that fugitive, the country that sought the Red Notice will seek the fugitive's extradition. The legal basis for INTERPOL's issuing a Red Notice is thus a valid arrest warrant by the judicial authorities in the country in the requesting country and a commitment by the requesting country to seek the fugitive's extradition in the event of arrest or detention by another country.

The Red Notice contains identifying information on the fugitive such as physical description, photograph and fingerprints if available, etc, and judicial information about the crime for which his arrest is being sought. Where time is of the essence, INTERPOL also permits its member countries to issue what are called "Diffusions" which are much like emails containing all relevant information except photographs and fingerprints.

In 2002, INTERPOL issued about 1,300 new Red Notices and some 7,450 new Diffusions. INTERPOL currently has a total of around 30,000 Red Notices and Diffusions in circulation. To give you an example of the effectiveness of INTERPOL's system, last year over 1,200 people were arrested throughout the world based on INTERPOL's Notices and Diffusions.

The issuing of Red Notices is a service that INTERPOL has been providing since 1946 and is universally accepted as an instrument for international exchange of law enforcement information. However, not every country grants the same legal value to a notice. For example, some countries consider a Red Notice as the equivalent of a valid request for provisional arrest, while others regard the Red Notice as requiring no governmental or police action by them.

Let me give you a practical example of how the Red Notice and Diffusion system works. Assume you wish to enter a country legally. You give your passport to the immigration or border crossing official; he or she scans the passport against national and international data bases; assuming no problem arises, you are permitted to enter the country. This same process is repeated millions of times throughout the world each and every day.

Now let me make the example more concrete using a country (where I am speaking in this case, the U.S., and a country with whom it has no extradition treaty, in this case Libya)

Imagine now that you are a U.S. immigration official, and a person carrying a Saudi Arabian passport with what appears to be a valid visa is attempting to enter the United States. Imagine now that you check your databases and you see that INTERPOL has issued a Red Notice based on an arrest warrant that had been issued by Libya for terrorism. This person, when confronted with the existence of the arrest warrant, says one of two things: "That warrant can't be for me, or that warrant was issued by Libya to punish me for my political speech or my attacks on the current Libyan leadership."

What would you as members of a free and democratic society want done? If you consider the concept of sovereignty in the strictest sense, you might conclude that your country does not honor any other country's arrest request. So you do nothing and you let the person enter your country. Employing a less hard-and-fast concept of sovereignty, you might honor arrest requests only where you have diplomatic relations or extradition treaties with the country concerned. Alternatively, you might treat the arrest warrants of certain countries as the equivalent of arrest warrants in your own country. The 15 members of the European Union have done this with 36 agreed-upon crimes for which extradition would be unnecessary. Finally, you might judge each situation on a case-by-case basis.

Depending on the approach your country uses, you have a sense of how your country regards sovereignty. From an organized crime perspective, a too conservative view of sovereignty would give organized criminals and terrorists many safe havens throughout the world. They could commit crimes in one country and flee to those countries unwilling to arrest and expel them to the country where the crime or crimes were committed.

Giving some weight to international requests for arrest by INTERPOL through its Red Notice system would leave terrorist and international organized crime groups with fewer safe havens in which to hide. They would in effect instantly lose many of the places where criminals can go to escape the rule of law. They would run the risk that any border officer in any country can take them into custody based on an outstanding INTERPOL Red Notice.

Keeping this example in mind, you can see how there is often a trade-off between sovereignty and fighting transnational organized crime or terrorism. But I submit that a certain trade-off is necessary to ensure the sovereignty and security of any one country and all countries that believe in the rule of law.

Let me give you a concrete and true example demonstrating why I believe this so strongly. It may surprise most of you in the audience.

After September 11, the world's attention was focused on Osama Bin Laden and he became incontestably the world's most wanted person. The United States, through its INTERPOL National Central Bureau in Washington, did immediately request a Red notice on Bin Laden. However, INTERPOL already had issued an international Red Notice three years before. The surprise for you may be to learn that the Red Notice had been issued at the request of Libya! The notice was dated 17 August 1998.

My question is the following: what would have happened if Osama bin Laden had entered the U.S. before he became a household name? Would the country in question have disregarded the fact that it was Libya? Before arriving here today, my plane stopped in the UK where a newspaper article had criticized INTERPOL because an INTERPOL Red Notice was outstanding for a person for whom an arrest warrant had been issued by Libya for terrorism. The person was living openly in the UK because no extradition treaty exists between the UK and Libya.

Now I do not want to speak about the facts of that case. I will focus instead on the principle. If no extradition treaty exists between countries and countries give INTERPOL Red Notices no special consideration, then terrorists and transnational organized crime figures could operate freely in those countries even if these people are dangerous terrorists but still unknown terrorists like Osama bin Laden was many years ago.

I submit that member countries should exercise due diligence on each and every INTERPOL Red Notice that has been issued against a person based on valid judicial arrest warrants for dangerous crimes that

could pose a risk to the life and safety of persons. This due diligence would permit countries a chance to decide for themselves whether to honor another country's arrest warrant. Such an approach would require it to give up little of its own sovereignty.

I also submit that INTERPOL should be encouraged to enhance the cooperation of police services of all of its member countries. INTERPOL should not get dragged into political, military, religious or ethnic disputes. INTERPOL's constitution prohibits such involvement and should be applauded. Finally, INTERPOL should help all countries be prepared to share police information under any legal circumstances.

This is especially true in the light of the possible war in Iraq and the possible implications of this war on global security. At INTERPOL, our aim is to continue developing our existing services and focus on expanding our operational and proactive role in dealing with the threats that face the international community in the event of war. And in this context, before ending my remarks, I would like to address this very important matter.

One cannot escape the impact that terrorism, in its many forms, has had on our member countries and on police and security forces worldwide. No matter what any of us might have thought before September 11, 2001, terrorism instantly became our Number One global priority on that date.

Whether we live in Africa, the Americas, Asia, Europe or the Middle East, the number of terrorist incidents accompanied by graphic images witnessed by us since the September 11 attacks, and indeed over the last year in places like Bali, Kenya, Colombia and Pakistan, should make each of us feel that terrorism could indeed strike any of our countries, organizations or colleagues anywhere in the world at any time.

When INTERPOL thinks about criminality, terrorism and security, our principal concern is people -- the actual populations of target countries.

Throughout its history in fighting terrorism, INTERPOL has learned that constant cooperation among police throughout the world, and between police and citizens, is essential before, during and after terrorist attacks. Without such cooperation, the efforts to prevent, investigate and prosecute terrorist acts will undoubtedly fail. This is true whether there is a war anywhere in the world.

As I said earlier, INTERPOL's constitution forbids it from involving itself in matters of a political, military, ethnic or religious nature, so we take no position on the potential military confrontation involving Iraq, certain other countries and the UN. But it is the police worldwide who are expected to prevent, or at least reduce the risk of and react quickly to, terrorist acts. So INTERPOL and the world's police forces must prepare themselves for any potential increase in terrorist attacks if there is a war. INTERPOL simply cannot afford to ignore this risk, and will not ignore this risk.

Here are some of the INTERPOL General Secretariat's views on the implications for the security situation in the event of a war in Iraq:

Osama bin Laden and Al-Qaeda intend to use the possibility of a war in Iraq as a pre-text for more terrorist attacks. The Al-Qaeda network is probably already at maximum operational level, with cells ready to execute attacks where possible

The immediate operational effect of a war on the level of terrorist activity depends in large part on whether groups wish to strike in direct response to a war. However, there could also be significant consequences if Al-Qaeda or other groups that support its aims and tactics get more support as a result of a war - that is, more recruits, more financing, increased support in other forms.

In general, hard targets in countries supporting the war could be under higher risk of terrorist attack.

Soft targets in countries not participating in the war, but where citizens of those countries engaged in the war currently live, work or travel, could be under higher risk of terrorist attack

Law enforcement agencies' increased attention on fighting terrorism might make other criminal groups believe that they can engage in increased crime in non-terrorist related areas.

These are some of the reasons I am ordering a doubling in the manpower available at the General Secretariat in Lyon to be on stand-by around the clock. They must be ready to use our unrivalled global police communications network and our extensive criminal information database to scan for any evidence of new threats.

Our analysts and police officers are already scrutinizing any terrorist-related information as our highest priority in an effort to prevent terrorists from carrying out preparations for attacks and from moving freely around the world. But if a war breaks out all of us at INTERPOL and throughout the world must become even more vigilant and aggressive in our anti-terrorist effort.

Police in INTERPOL member countries are already making strenuous efforts to meet the terrorist threat. But in the event of a war such efforts must be intensified. Simple prudence dictates a heightened level of awareness. Al-Qaeda is the globe's Number 1 organized crime group and terrorist organization. At INTERPOL, the infrastructure for fighting Al-Qaeda and other terrorist groups is in fact already in place. Our most important priority and our greatest success over the last 18 months has been the creation of a General Secretariat Command and Coordination Center that is operational 24 hours a day, 7 days a week. For national police forces and local police forces, the idea of 24-hour service has always been a fact of life. They are staffed for such operations and have the budget and staff are hired knowing the obligation to provide 24 hours' worth of service on a daily basis.

This was not the case at INTERPOL's General Secretariat before 11 September 2001. Consequently, to speak frankly, we were not thought of in some quarters as being able to provide worldwide operational support on a real-time basis. We were considered a very "starchy" white collar headquarters. This has now changed. Over the last 18 months, we have redirected our resources to demonstrate how we could provide valuable assistance 24 hours a day, 7 days a week. We have made this an essential service and it has added great value to the fight against terrorism.

INTERPOL has a unique view on criminal activity worldwide, because of the INTERPOL Criminal Information System (ICIS). Through ICIS, our 181 member countries can request information on any criminal or terrorist, 24 hours a day, and get a rapid response. The strength of our information system is double; it not only has a wide geographical scope, but it also contains information about both criminal activity and terrorism, thereby allowing connections between terrorist, and other criminal activity, to be made.

Now, before joining to other panel members for a discussion, allow me to go back to the original topic of this talk for a moment; that is, the issue of sovereignty and combating transnational crime.

As a world community, we are threatened by transnational organized criminal groups, especially terrorist groups. This threat exists domestically with some terrorist groups; it exists internationally with others; and it exists globally with groups like Al-Qaeda. Organized terrorist groups threaten national sovereignty and security through the use of threats of violence and violence. As odd as it may seem at first glance, countries must be willing to relinquish some of their sovereignty in order to provide greater protection for their citizens, the activity of their citizens and the very aims of sovereignty. The decision of how much to give up and under what circumstances must be studied very closely by each individual country. The European Union has done this with the European Arrest Warrant which covers 36 crimes for the 15 European Union countries. Other countries treat an INTERPOL Red Notice as the equivalent of a provisional arrest warrant depending on the country from which the arrest warrant originates. Unfortunately, there remain a large number of countries that do not treat any warrant or notice of warrant coming from another country or INTERPOL as the basis for provisional arrest. This failure is a great weakness in the world's ability to fight serious transnational organized crime and terrorism and thus ultimately may lead to a weakening of the sovereignty and security of countries throughout the world.

It is my strong belief that INTERPOL, through its activities and services, notably its notices system, is one tool that strengthens the capability of states rather than diminishes it. Being able to share information about criminals enhances sovereignty because it provides countries with a means to fight crime beyond their borders. Countries can do so on a voluntary basis. Each country can comfort itself in the knowledge that other countries face the same challenges and will act upon the information they provide. In the end by giving up a little bit of sovereignty we may find ourselves with a safer world.

I firmly believe that all countries should at least "stop" a person for whom an INTERPOL Red Notice has been issued for a serious crime that could pose a danger to the life and well being of the community in which this person might find himself. That person should be stopped, questioned and examined until such

time as the police are certain that he poses no danger to the community. This due diligence is owed to us all.

To disregard a Red Notice completely simply because it originates from a particular country ultimately will undermine the sovereignty and security of countries throughout the world. Each country owes more to its citizens and visitors than blanket conclusions that are made without due diligence.

In closing, let me say that considering the name of the award I have had the honor of receiving today, I believe it would be appropriate to say that INTERPOL, as a police organization, is working towards more responsible global citizenship and a stronger international partnership against crime which makes it all the more important that I accept this award in behalf of all of the honest and hardworking colleagues of mine at INTERPOL.

Thank-you very much.