

The creation of europol was mainly political essay

[Business](#), [Management](#)



The Creation of EUROPOL was Mainly Political Introduction Policing in Europe has obviously been undergoing tremendous transformations following the creation of the European Police Office - EUROPOL- and the recent modifications of the Treaty creating it, to allow it some operational powers¹. Bruggeman² contend that Europe, as a whole, seem to be entering into an era when governments find real benefits in working towards practical international police and justice co-operation for two reasons; one, as a response to real or perceived threats to order and security, and most importantly as a way of compensating for the removal of border controls that characterise the single community imposed by the European Union. While Woodward³ argue that the idea of creating a police force with intelligence and operational powers across the European Community is not such a new idea, as it has always been the political agenda of some countries; Mangelaars⁴ support this contention, suggesting that the informal police cooperation that existed between the German, Belgium and Netherlands in the 1960s could well be seen as the precursor to the present EUROPOL.

As it stands now, especially with the creation of EUROPOL, it has been argued that, considering the numerous structure of alliances operational in Europe, such as Interpol, the World Customs (WCO), and Schengen, European Police cooperation could be seen as a complex—————

1. Bruggeman, W (2002). "Policing and Accountability In A Dynamic European Context", 12 (4) Policing and Society, pp. 259-273. 2.

Bruggeman, W (2001). "International Law Enforcement Co-Operation: A Critical Assessment", 9, European Journal on Criminal Policy and Research, pp 283-290. 3.

Woodward, R (1998). Establishing Europol, 1-4, European Journal on Criminal Policy and Research, pp 7-34. 4.

Mangelaars, J. W (1999). “ Where does politics meet practice in establishing Europol”? European 1-4, Journal on Criminal Policy and Research, pp 71-83.

patchwork of overlapping institutions⁵. Quoting from Benyon et al, Bruggeman further assert that the police network (or cooperation) in Europe can be seen as operating on three interrelated levels: a macro-level, concerned with constitutional and international legal agreements and the harmonisation of national laws and regulations; a meso-level, concerned with police operational structures, practices, procedures and technology; and a micro-level, concerned with the prevention and detection of specific offences and crime problems⁶. As a result, the author concludes that the European continental can be best characterised as a ‘ crowded police space’.

Therefore, this essay aims to look at the contention that the creation of EUROPOL was not as a result of any logical or pressing necessity.

That politics and political reasons appears to be the major driving factor behind the trend towards an operational European police Co-operation. To achieve this purpose, the next section of this essay will take a general look at EUROPOL, its creation, strengths, functions and limitations. The third section will look at EUROPOL within the context of INTERPOL. The fourth section of this essay will provide the argument to support the contention that EUROPOL did not satisfy any necessity or pressing need, while the last section shall be a conclusion. EUROPOL, a contraction of the word ‘ European

Police Office' was ratified by the EU member states in 1998 and came into effect on the 1st of July 1999.

The purpose of creating European Police Cooperation was, supposedly, to improve the effectiveness and cooperation between competent authorities of the member states⁷. This was to be achieved primarily by intelligence gathering across borders, crime analysis and information sharing to adequately—5. Bruggeman, W (2001), op.

Cit. 6. Benyon, J, Turnbull, L. W, Woodward, R and Beck, A (1993). Police Co-operation in Europe: An Investigation, Leicester University. 7. Woodward, op. Cit.

combat serious international organised crime⁸. Wagner contend that though EUROPOL as an organisation could be perceived as a new comer to the process of European integration, it indeed has its origin in the TREVI, ('terrorisme, radicalisme, extre'misme et violence internationale') which was established in the 1970s as a functional internal security cooperation within the European political co-operation that existed then⁹. The TREVI initiative was still operational until it gave in, early in the 1990s to the Maastricht Treaty which created the Europol Drugs Unit as the first step in the process of establishing EUROPOL¹⁰. Woodward ¹¹ explains that EUROPOL metamorphosed into its present state through three distinct stages. After the Maastricht Treaty, the European Drugs Intelligence Unit (EDIU) was first created to act as focal point for the National Drugs Intelligence Units in the member states. Then the National Criminal Intelligence Services was set up in each member state to serve as both entry and exit points for information

to and from the EUROPOL located in each member state and finally the EDIU metamorphosed into the operational EUROPOL which would have the ability and capacity to analyse intelligence data on all forms of organised crimes. The convention establishing EUROPOL set, in details, the functions and limitations of EUROPOL.

Basically, the functions of EUROPOL are limited to intelligence gathering, information exchange and co-ordination. The organisation is politically accountable to and supervised by the Justice and Home Affairs Council through the Management Board, made up of—8. Wagner, W (2006). Guarding the Guards. The European Convention and the communitization of police co-operation, 13(8) Journal of European Public Policy, pp1230-1246. 9. Wagner, Ibid, p123210.

Storbeck, J (2003). The European Union and Enlargement: Challenge and Opportunity for Europol in the Fight Against International Crime, 8, European Foreign Affairs Review, pp283-288. 11. Woodward, op. Cit., pp9Interior Ministry officials, one representative from each member state. The budget of the organisation is also regulated by the Council which is financed through member state's contribution.

Appointment of Europol's Director and other legislative functions concerning the organisation are carried out by the council. The Management Board meets at least twice annually and controls the organisation's routine staffing and budgetary matters, amongst other things. Essentially, EUROPOL is set up as an entirely independent body from the EU and so, its budget and supervision is outside the concern of the EU parliament^{12, 13}.

EUROPOL's core activities include the collection, exchange and analysis of crime related data. It has several data systems in place in its headquarters in The Hague. Also, and more importantly, EUROPOL keep 'work files' which contains several information not contained in its information system¹⁴. In this regard, an independent body – Joint Supervisory Body (JSB) is also created to constantly monitor the activities and data processing carried out by EUROPOL, this is to ensure that rights of individuals are not violated in the storage, processing and utilisation of data by EUROPOL¹⁵ Since EUROPOL intends to perform, in Europe, the duty that Interpol is already carrying out in Europe and other parts of the world, it is only reasonable to compare the two organisations.

However, it is noteworthy, as Mangelaars puts it, that comparing Europol and Interpol could be likened to comparing apples to pears. Interpol is considered the third largest organisation in the world, just after the United Nations and FIFA, with a current membership of 186 member countries and over sixty years in existence (initially created in 1923 and known by its full name – International Criminal Police Organisation)¹⁶.-----12.

Wagner, *Ibid*, p123413. Schalken, T and Pronk M (2002).

On Joint Investigation Teams, Europol and Supervision of Their Joint Actions. 10 (1) *European Journal of Crime, Criminal Law and Criminal Justice*, pp. 70–82. 14. Wagner, *Ibid*, p123415. Bruggeman, W (2001), *op. Cit.*, pp 28316.

Mangelaars, op. Cit., pp72 Apparently, there is no significant room to compare such an organisation with a Europol that is just about a decade old in existence and with just about 25 member countries¹⁷.

However, since both organisations were established for similar purposes, their structures could be compared. The most important point of comparison for this purpose is the political structure of these organisations. While Europol is accountable to a council of Interior Ministers representing each member country's interest, Interpol on the other hand, has no such political accountability. Interpol is supervised and regulated by a General Assembly, comprising members that lack any form of political accountability. As a result, Interpol is not under any form of monitoring, like the Joint Supervisory Body (JSB) of Europol^{18, 19}. It should be stated here that the political structure of Europol further underpins the argument that its creation was mainly out of political interest.

Also, while Interpol operates on a commitment basis, with each country supplying information and complying with regulations freely, Europol is moving towards enforcing compliance and participation among member countries^{20, 21}. From this perspective, it could be argued that Interpol is operated based on mutual agreement and understanding and in pursuance with the need for integration and co-operation in policing, while Europol appears to be driven by political interests. However, both organisations are financed from members' contributions, though Interpol's annual budget is in the vicinity of £41.7 million compared to Europol's £63.4 million annual budget²².—————17.

en Boer, M. (2002) 'Towards an accountability regime for an emerging European policing governance', 12(4), Policing and Society, pp275–90.
18. Mangelaars, op. Cit., pp7319.

Schalken, T and Pronk M, op. Cit., pp7320. Mangelaars, Ibid21.

Wagner, op. Cit.

, pp123622. den Boer, Ibid, pp276 This fact probably indicates that there appears to be more commitment to Europol than Interpol enjoys. The question of whether Europol was created in response to a pressing necessity has often appeared in several circles and literatures. The most obvious answer to this question, irrespective of whatever has been said to the contrary, is that Europol only satisfies political interests. The structure and operations of the organisations bears eloquent testimony to this fact.

This argument can be proffered from two dimensions: the first is that Europol essentially serves the purpose that several other organisation have been created for and the second is that Europol has such a political structure that is not likely to be found in any other police co-operation. Taking the argument from the first perspective and referring to Europe as a 'crowded police space', Bruggeman²³ opine that almost all European countries are member countries of Interpol, The World Customs Organisation and The United Nations. In addition, some are also member countries of Benelux and Schengen.

He argued that with this mind, one cannot help but conclude that Europe, in policing terms, can be considered as being made up of concentric and

overlapping organisations and co-operations. Furthermore, he asserted that this period is obviously a problematic era in police co-operation in Europe, considering the fact, from his viewpoint, governments seems to be pursuing police and justice co-operation as a means of compensating for the removal or border controls or other or political interests. Although, he posit that this overlapping of functions appears to stem from the fact that several conventions exist on virtually the same subject or made up of the same partners.—————23. Bruggeman, W (2001), op. Cit.

Interestingly, he concludes that the trend of events, recently, appears to indicate that governments are searching for the most appropriate method of keeping police co-operation under full political control. This perspective, obviously, lends credence to the theory that Europol is but a political tool.

Adding weight to this argument, Mangelaars²⁴ explain that sequel to the creation of Europol; the Interpol had already established a European Regional Conference comprising of 27 countries, and also a European Contact Officers System to ensure rapid and unhindered exchange of information. Furthermore, the European Secretariat of Interpol was expanded by the creation of the European Liaison Bureau, to which police officers from a large number of European countries were seconded²⁵. This author concludes that the Interpol structure provided European countries with facilities that met their wishes. This fact, when coupled with the acknowledged excellent worldwide data communication network of Interpol precludes the necessity for creation of a European police co-operation, which obviously will only result in duplicity of functions and perhaps redundancy.

This line of argument is shared by Wagner who opines that as it stands almost 70% of Interpol's activities are carried out in Europe²⁶. This argument for the unnecessary status of Europol is further strengthened by Woodward. He argued that right from the onset, concerns about duplication of existing agencies, the harmonisation of judicial and policing systems across Europe and most importantly, the accountability structure of Europol has been raised in several quarters²⁷.

The author presented the argument that since Interpol already has a functional and operational European Division at the Interpol headquarters in Lyon, there was no need for another European police organisation.

—————Mangelaars, op. Cit. Bruggeman, W (2001), op. Cit. Wagner, op. Cit.

Woodward, op. Cit. This author reports Interpol representatives as contending that the almost 80% of Interpol's work is European based, as a result, there was already a machinery in place for battling cross border crimes in Europe. Another line of argument is that the duplication of Interpol's duties by Europol amounts to a waste of resources. All these point to the fact the Europol was not, for any reason, a necessity. To establish that the creation of Europol was politically driven, we would take a look at the political structure and line of accountability in Europol. The unusual political structure of Europol was extensively discussed by Wagner. In this report, the author posit that the fact that the police must be subject to efficient parliamentary and judicial control is one of the primary principles of any liberal constitutional state.

However, the author contend that this basic arrangement has been challenged by the creation of the Europol, which has been deliberately and conspicuously placed outside the influence and control of the European Parliament and European Court of Justice. Thus the Europol was established as a police force which operations and activities evaded both parliamentary and judicial scrutiny. It is argued that the governments of the member states created several instruments to enable Europol evade parliamentary and judicial control or monitoring. For example, “ national courts retain exclusive jurisdiction over member state police but any effort to scrutinise a possible involvement of Europol is hampered by the immunity granted to Europol staff and the inviolability of Europol’s archives” 28.

To further make judicial control of Europol difficult, only the Director of Europol is granted the power to waive the immunity of Europol staff, if the course of justice would be otherwise impeded. This way, judicial scrutiny of Europol activities would have to rely on the Director’s discretion.

-----Wagner, op.

Cit., pp1239The political structure of Europol is such that the organisation is only answerable to a Council of Interior Ministers of member countries who are supposed to report to their respective country’s parliament. Even during the negotiations of the Europol convention, the member states government kept both the European and national Parliaments in the dark and at the end of the process, members of parliament only had to rubber stamp an agreement that has been reached by the member governments.

Bruggeman adds that parliaments were held under the impression that Europol will only analyse criminal data and will not participate in any operational activity. This intense manoeuvring and secrecy indicates that Europol obviously results from a deeper and political reason than the necessity to battle crime. This conclusion was also reached by Bruggeman, who after an examination of the Europol issue concludes that international law enforcement and police co-operation is more being influenced on the basis of political interests². ConclusionEUROPOL, a contraction of the word 'European Police Office' is a regional police co-operation amongst the European Community that was ratified by the EU member states in 1998 and came into effect on the 1st of July 1999. The reason offered by the proponents of a regional police co-operation was that it would grant member states better capacity and facilities to effectively combat cross border organised crime.

This was to be achieved primarily by intelligence gathering across borders, crime analysis and information sharing to provide member states with information necessary to combat serious organised criminal activities. However, several arguments and controversies have trailed the creation, structure and operation of Europol, based on the argument that there does not appear to be any serious or logical necessity for a supranational police organisation, considering the presence and effective operation of Interpol in the European continent. This essay has therefore critically examined the creation and structure of the European Police Office - EUROPOL. Though this pages, it has been argued that there was no reason or necessity, whatsoever, for the creation of Europol.

It has been argued that Europol, to a large extent, would only duplicate the functions already carried out by Interpol, and as a result, there could possibly be no logical reason for a Europol. Also, this essay has argued that the creation and structure of Europol appears to satisfy political reasons, giving the intense political interest in the organisation and the way it has been set up to reflect the needs and interests of member country governments without recourse to parliamentary or judicial control and/or participation. Bibliography Benyon, J, Turnbull, L. W, Woodward, R and Beck, A (1993). *Police Co-operation in Europe: An Investigation*, Leicester University. Bruggeman, W (2002). "Policing and Accountability In A Dynamic European Context", 12 (4) *Policing and Society*, pp.

259–273. Bruggeman, W (2001). "International Law Enforcement Co-Operation: A Critical Assessment", 9, *European Journal on Criminal Policy and Research*, pp 283–290. den Boer, M. (2002) 'Towards an accountability regime for an emerging European policing governance', 12(4), *Policing and Society*, pp275–90. Mangelaars, J. W (1999). "Where does politics meet practice in establishing Europol"? *European Journal on Criminal Policy and Research*, pp 71-83.

Schalken, T and Pronk M (2002). *On Joint Investigation Teams, Europol and Supervision of Their Joint Actions*. 10 (1) *European Journal of Crime, Criminal Law and Criminal Justice*, pp.

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Woodward, R (1998). Establishing Europol, 1-4, European Journal on Criminal Policy and Research, pp 7-34.;