

Mapping Interpol's Evolution: Functional Expansion and the Move to Legalization

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Abstract This article examines the historical origins and continuing evolution of Interpol by focusing on two developmental trends, namely, its functional expansion and move toward legalization as a form of governance. It situates these developmental trends against wider political, cultural and social changes of the time and explains how these changes influenced Interpol's evolution from an informal and administrative body to an increasingly legalized body charged with a variety of policing functions. In doing so, particular focus is given to the impact of these trends on Interpol's data processing regime. . .

Introduction

Interpol prides itself as being the world's only international policing organization with a global membership.¹ There are a number of other formal and informal cross-border policing arrangements at the regional level, such as Europol that has at times challenged Interpol's position in Europe.² Other

examples of today's varied cross-border policing arrangements include specialist committees within international organizations, such as ASEANAPol, and informal networks, such as the Egmont Group of Financial Information Units.³ Interpol has in fact entered into a variety of cooperation agreements with other formal policing organizations.⁴

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¹ In a 2006 speech, the Secretary General referred to Interpol as 'the world's largest international police organization, the world's only global police organization, and the world's most effective international police body'. Speech by Interpol Secretary General, European Regional Conference (extraordinary session), Lyon, France, 07 June 2006.

² Interpol started off as a predominantly European institution. Interpol however lost its European position with the establishment of European police cooperation arrangements, such as Schengen and Europol, that used more advanced technology and appeared better-positioned to facilitate cooperation between European members with the support of EU-related frameworks. For example, the European Arrest Warrant system, which was negotiated at the EU-level, delivers more far-reaching police and judicial cooperation compared to the Interpol Red Notice that expressly leaves enforcement subject to Interpol members' domestic legal systems.

³ ASEANAPol is not recognized in the 2007 ASEAN Charter as a formal organ. For a copy of the charter, see www.aseansec.org. The Egmont Group comprises domestic Financial Intelligence Units (FIUs) that meet certain conditions. The Group describes itself as an 'informal group whose goal is to facilitate international cooperation', www.egmontgroup.org.

⁴ For a list of Interpol's cooperation agreements with different formal and informal organizations, see <http://www.interpol.int/Public/ICPO/LegalMaterials/cooperation/AgriList.asp>.

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Despite its international stature, Interpol has, for most of its history, had a public reputation shrouded in myth and has been perceived as 'a mysterious, seemingly occult organization' (Fooner, 1989, p. 21). This article aims to demystify Interpol by revisiting its origins and tracing its evolution. It first examines how changing perceptions toward crime and policing enabled Interpol's establishment and a gradual broadening of its functions. It then identifies and analyzes Interpol's increasing turn to legalization as an approach to governance by studying its data processing regime. In conclusion, and for future research purposes, this article highlights some issues of practical and theoretical importance that have been raised by its overview of Interpol's evolution.

Interpol's historical origins and institutional structure

Interpol's origins can be traced to 1923, when the Second International Criminal Police Congress decided to establish what would be the predecessor of Interpol, namely the International Criminal Police Commission [*hereinafter* ICPC].⁵ The ICPC's plenary body met on an annual basis in Vienna until WWII, when control of the ICPC fell into the hands of Nazi Germany's police authorities (Anderson, 1989, pp. 41–42; Fooner, 1989, pp. 48–49; Deflem, 2002, pp. 174–198). This resulted in most ICPC members withdrawing their participation and support from the ICPC. After WWII, in 1946, a small group of police officers reconvened the ICPC. At its first post-WWII meeting, ICPC members redrafted the ICPC constitution to pre-

vent any future use of the organization for political purposes. The organization's headquarters was also relocated to France where it remains until today (Anderson, 1989, p. 40; Fooner, 1989, p. 50). In 1956, the ICPC adopted its present-day title of the International Criminal Police Organization-Interpol [*hereinafter* ICPO-Interpol] (Fooner, 1989, pp. 66–67).

Interpol's institutional structure has remained remarkably stable over the years since the adoption of its 1956 constitution. The organization currently has 188 members, all of which are official police bodies.⁶ The General Assembly functions as the organization's plenary organ where all of its members are entitled to a single vote. It plays a legislative role, being constitutionally charged with the adoption of 'resolutions', 'recommendations', 'principles' and 'general measures'.⁷ It also serves as an electorate and votes individuals to key posts identified in the constitution, such as members of the Executive Committee and the Secretary General.⁸ In addition, it oversees the organization's administration and is responsible for approving the organization's general program of activities, its financial policy and its external agreements with other entities and organizations.⁹

Interpol's executive organ is known as the Executive Committee. It is headed by a President, three vice-Presidents and altogether composed of thirteen members elected by the General Assembly.¹⁰ Members are required to be from different countries and are selected with consideration given to representative 'geographical distribution'. The Committee oversees the organization's implementation of the General Assembly's decisions as well as the

⁵ The First International Criminal Police Congress was convened in Monaco in 1914. This conference that was attended by representatives from 17 countries discussed how police cooperation could be more systematic and official, including the establishment of centralized criminal records for policing purposes. Countries attending were largely European with four Latin American countries and one Asian county. The second conference was convened after WWI and was attended by the USA (Anderson, 1989, pp. 38–39).

⁶ <http://www.interpol.int/public/icpo/default.asp>.

⁷ Interpol Constitution, Art. 8 (b), (d), (f).

⁸ *Id.*, Art 8 (e).

⁹ *Id.*, Art 8 (h).

¹⁰ *Id.*, Art. 15.

administrative work of the General Secretariat.¹¹ It also supports the General Assembly by preparing its agenda, submitting plans for its consideration and exercising powers delegated to it by the General Assembly.¹²

Responsibility for Interpol's day-to-day administration is assigned to the General Secretariat, which is headed by a Secretary General elected by the General Assembly, staffed by 'technical and administrative' officers and currently based in Lyon, France. The General Secretariat is tasked with implementing the decisions of the General Assembly and Executive Committee as well as providing technical or administrative assistance to these two bodies.¹³ Among other administrative duties, the General Secretariat ensures Interpol's 'efficient administration' and facilitates communication and coordination between Interpol's different organs and its members.¹⁴ It is also responsible for ensuring that users of Interpol's facilities observe the organization's rules. For example, the General Secretariat is required to annually remind NCBs of their various legal obligations under Interpol's rules.¹⁵

Interpol's constitution requires all its members to nominate a national police body to the organization that will serve as the member's National Central Bureau [*hereinafter* NCB].¹⁶ These NCBs are to serve as liaison points that facilitate 'constant and active co-operation' between Interpol members and the organization.¹⁷ For example, NCBs instruct the General Secretariat on the kind of data access that is to be given to different national police authorities within the country. NCBs are also to supervise

domestic police institutions which have been given access to Interpol's facilities. For example, Interpol's rules require NCBs to ensure that domestic police institutions authorized to access Interpol's facilities are aware of, and able to comply with, Interpol's rules.¹⁸

The Commission for the Control of Interpol's Files [*hereinafter* the Commission] is a relatively young but particularly important Interpol organ, one whose existence was recently enshrined in 2007 in Interpol's constitution.¹⁹ The Commission is 'an independent body' responsible for ensuring that Interpol's processing of personal data complies with the organization's rules, the Universal Declaration of Human Rights and 'general principles of data protection'.²⁰ To do so, it is authorized to conduct spot-checks on Interpol's databases, provide advice on personal data processing matters and evaluate access requests or complaints from individuals affected by Interpol's data processing activities.²¹

The evolution and expansion of Interpol activities: a functional overview

In its early years, Interpol's activities were limited in nature, restricted to facilitating message exchanges between its members and maintaining small repositories of police data. In the 1980s, Interpol jumped on the information technology bandwagon, albeit belatedly, and made the switch from Morse code to the electronic transfer of messages. Interpol's embrace of advanced technology contributed to, but

¹¹ *Id.*, Art 22 (a) (d).

¹² *Id.*, Art. 22 (a), (c), (e).

¹³ *Id.*, Art. 26.a, g, h.

¹⁴ *Id.*, Art 26. b, d, e, i.

¹⁵ Interpol RPI, Art. 5.1.

¹⁶ Interpol Constitution, *supra* n 7, Art. 32.

¹⁷ *Id.*, Art. 31, 32 (b), (c).

¹⁸ Interpol RPI, *supra* n.15, Art. 5.2.b.

¹⁹ Interpol Constitution, *supra* n. 7, Art. 36.

²⁰ Interpol Constitution, *supra* n. 7, Art. 36; Interpol RCI., Art. 1.a.

²¹ Interpol RCI, *supra* n. 20, Art. 1.c.

cannot wholly explain, the rapid growth of its activities. This is particularly so given the fact that historically, national police authorities engaged in cross-border policing only on a bilateral and ad hoc basis. Attempts during the 19th and 20th centuries to organize more permanent and multilateral forms of police cooperation were unsuccessful.²² This was because policing was then seen as an important expression of State sovereignty and cross-border police cooperation as a concession of such sovereignty.²³

Over time, State perceptions on cross-border policing evolved in response to wider political and social developments, such as the 'depoliticization of international policing' and the globalization of crime (Deflem, 2002, pp. 70–74). At the domestic level, the development and spread of the administrative State brought with it increased departmental specialization. This resulted in an increased independence of the police from political branches of the State government, enabling national police bodies to bypass national political bodies as they

initiated cross-border arrangements with their foreign counterparts.²⁴ National police authorities also increasingly represented cross-border policing as a scientific and professional endeavor instead of as a political or legal undertaking.²⁵ This approach continues today, with cross-border policing being mainly represented as involving data exchange and technical support. In addition, cross-border police cooperation soon became seen as a necessity. The under-belly of today's globalization processes includes the proliferation of transnational crime and organized criminal groups that are taking advantage of the erosion of State barriers, increased cross-border movement and advances in technology and transport. (Deflem, 2002, pp. 75–77; Loader and Sparks, 2002, pp. 97–98).²⁶

All these factors enabled and provided the impetus for policing organizations to expand their repertoire.²⁷ The trend toward functional expansion is reflected in Interpol's evolving interpretation of its own constitutional competence. Article 2 of Interpol's constitution defines Interpol's area of

²² Cross-border policing in the 19th century was generally bilateral and temporary with the exception of certain multilateral attempts at coordinating cross-border responses. There were however two instances of multilateral cooperation on the issue of suppressing anarchism and sex trafficking as demonstrated in the organization of the 1898 Anti-Anarchist Conference (Rome) and 1899 International Congress on White Slave Traffic (Deflem, 2002, pp. 45–77).

²³ The 'First Congress of International Criminal Police' an early European attempt at organizing multilateral police cooperation ran into difficulties given that its discussions were 'rooted in principles of national politics and formal systems of law'. Deflem observes how because most of the participants were 'legal experts and diplomats', this resulted in discussions 'dominated by a framework of formal law' (Deflem, 2002, p. 107).

²⁴ The independence of police authorities from the State's political branches and the corresponding ability to independently undertake cross-border cooperation ebbs in times of international political instability. During times of political instability, domestic political authorities would use the police to further political goals. For example, during WWI and WWII, there was a politicization of the police as political authorities used them to fulfill political war-time objectives (Deflem, 2002, pp. 119–123). Deflem notes however despite temporary disruptions such as WWI and the threat of communism, police authorities were able to retain practices of bureaucratic autonomy that enabled them to revert back to being independent (Deflem, 2002, p. 123).

²⁵ For example, early multilateral efforts against anarchism and sex trafficking were the most successful in influencing information exchange at the national level given that the relevant treaties phrased such information exchange in 'technical and bureaucratic terms' rather than 'legal language' (Deflem, 2002, p. 72).

²⁶ Authors have noted how the process of globalization or 'global interconnectedness' has existed over centuries. What differs today is the 'extensity, intensity, velocity and impact' of such processes that have created opportunities for transnational organized crime that States are ill-equipped to manage due to their territorially-bound jurisdiction (Loader and Sparks, 2002, pp. 97–98).

²⁷ It should be noted however that none of these efforts have aimed at, or succeeded in, establishing a supranational police force with cross-border enforcement powers. Such a supranational police force has been avoided by international police organizations so as to avoid any political implications, opting instead for a coordination of information exchange and cooperation that respects the 'individuality' of national police forces (Deflem, 2002, p. 137).

competence as the 'prevention and suppression of ordinary crime.'²⁸ At first sight, this appears generously broad. However, Article 2's scope must be read side-by-side Article 3 that prohibits the organization from engaging in any 'military, political, religious or racial' activities.²⁹ Over the years, this prohibition has been interpreted by the General Assembly to expand rather than restrict the scope of Interpol's permissible activities. For example, in response to members' concerns over terrorism, the General Assembly adopted a number of resolutions in the 1960s and 1970s clarifying that Interpol may deal with matters with political, military, religious or racial elements as long as the matter is 'predominantly' an ordinary crime by nature.³⁰ By adopting this test of predominance, Interpol would be able to deal with terrorist cases on a case-by-case basis.³¹

It should be noted that while Interpol's functions have expanded, it does not have police enforcement powers as traditionally understood at the domestic level. In other words, Interpol is not authorized to exercise coercive police powers such as the arrest or questioning of individuals. It is however charged with a variety of tasks aimed at facilitating police cooperation between its members. Currently, Interpol organizes its work around four areas of police cooperation, also referred to by the organization as its 'four core functions'. These functions are, the provision of 'secure global police communication

services', 'operational data services and databases for police', 'operational police support services' and 'police training and development'.³² Interpol's first two core functions refer generally to its data processing activities. Members may transmit messages to each other and the General Secretariat through Interpol's global communications network, known also as I-24/7 due to its round-the-clock accessibility. Interpol has also set up a range of general and specialized databases that its members may access at all times for policing purposes.³³ In addition, the organization publishes various international notices containing important police information that are then circulated among its members.³⁴ For example, Interpol and the UN co-publish Interpol-UN Security Council notices on individuals who have been listed by the 1267 Committee and are associated with the Taliban and Al-Qaida.³⁵

Apart from its data processing activities, Interpol has also developed a number of operational and support services for the benefit of its membership. For example, Interpol members may contact Interpol's Command and Co-ordination Centre [*hereinafter* CCC] for policing assistance on a 24-hour basis. The CCC is intended to serve as 'the first point of contact' for Interpol members and is staffed by employees fluent in the organization's four official languages, namely, English, French, Spanish and Arabic.³⁶ In addition, Interpol also puts together expert teams at the request of its members to assist them in times

²⁸ Interpol Constitution, *supra* n. 7, Art. 2.

²⁹ *Id.*, Art. 3.

³⁰ *Request for International Inquiries*, AGN/20/RES/11; *Application of Article 3 of the Constitution*, AGN/53/RES/7.

³¹ The test of predominance has been drawn from domestic extradition practice, specifically domestic jurisprudence on the political offence exception.

³² <http://www.interpol.int/public/icpo/about.asp>.

³³ Its specialized databases includes those on stolen and lost travel documents, stolen motor vehicles, fingerprints, DNA profiles, missing persons and unidentified bodies, stolen works of art and child sexual abuse images. Interpol Annual Report 2007, at p. 10.

³⁴ Interpol members may request for notices to be published against individuals wanted for provisional arrest with a view to their extradition or for criminal investigation purposes. The organization also publishes notices on missing or regarding unidentified bodies, warnings on serious crime and dangerous materials or events threatening public safety. *Id.*, p. 9.

³⁵ *Id.*, p. 9.

³⁶ <http://www.interpol.int/Public/ICPO/corefunctions/polsupport.asp>.

of 'crisis', 'disaster' or 'major crime'.³⁷ These teams, such as Interpol's Response Teams or Disaster Victim Identification teams, consist of staff from the General Secretariat as well as from Interpol members.³⁸ Of late, Interpol has substantially invested in designing and conducting police training courses for its members. In 2008, the organization organized altogether 83 training sessions that involved 2722 participants from 169 countries.³⁹ It is currently developing a Global Learning Centre (IGLC) that will deliver training information to its members through a web-based learning platform.⁴⁰

Toward increasing legalization: examining Interpol's data processing regime

In addition to functional expansion, Interpol has increasingly turned to legalization as a form of governance. This trend is not unique to Interpol and has also been observed in other international organizations. Legalization, as a mode of governance, has been studied by commentators at both the descriptive and motivational level (Abbott, Keohane, Moravcsik & Slaughter, 2000; Barnett & Finnemore, 1999; Kahler, 2000; Lutz & Sikkink, 2000. Descrip-

tively, legalization refers to a 'set of characteristics that institutions may or may not possess' (Abbott *et al.*, 2000, p. 401). It is associated with the adoption of rules that are legally binding, precise and enforceable through dispute resolution before independent third-parties.⁴¹

In terms of motivations, international organizations like Interpol may decide to adopt legalization for self-interested or value-based reasons. Legalization increases efficiency and member confidence by providing clear, enforceable rules, stabilizing member expectations and reducing the possibility of self-interested manoeuvring.⁴² In addition to such 'self-interested calculations', international organizations may choose to adopt legalization as a form of governance for legitimacy reasons (Finnemore and Toope 2001, p. 774).⁴³ Recent years have seen the spread of ideas and frameworks emphasizing the need to hold international organizations legally responsible and accountable for their decisions and actions. It is widely accepted today that international organizations, as members of the international legal order, are subject to international law.⁴⁴ The International Law Commission has been engaged in developing a set of Draft Articles on the Responsibility of

³⁷ *Id.*

³⁸ *Id.*

³⁹ <http://www.interpol.int/Public/ICPO/corefunctions/TrainingDev.asp>.

⁴⁰ *Id.*

⁴¹ Abbott, Keohane, Slaughter and Snidel assess the degree of legalization adopted by an international organization based on the binding nature of rules imposed, the precision by which these rules are defined and the extent to which rule enforcement is delegated to third parties (Abbott *et al.*, 2000, p. 401).

⁴² Abbott and Snidal note how the adoption of legal approaches enables organizations to reduce efficiency costs through the stabilization of expectations and the outsourcing of dispute resolution to third parties (Abbott and Snidal, 2000, 422).

⁴³ Finnemore and Toope argue for the need to adopt a 'richer understanding' of law's functions and effects including its constitution of relationships and delimitation of acceptable behavior. In particular, there is a need to consider law's legitimizing effect (Finnemore and Toope, 2001, p. 745). In studying the impact of 'norm cascades' that are weakly legalized and yet generated compliance, Sikkink and Lutz have observed that law performs a expressive function that may then be emphasized by other political or socio-cultural factors, p. 658.

⁴⁴ International organizations are deemed subject not only to its own internal rules but also the larger general international legal order such as human rights norms (Schermers and Blokkers, 2003, pp. 994–996). As subjects of international law, they are subject to international law, the breaches of which generates responsibility at the international level (Amerasinghe, 2007, p. 386). The International Law Commission has been engaged in a project to define the international obligations of international organizations. In addition, scholars have rapidly developed global administrative law that imposes certain principles of governance and regulation on how international organization's function (Kingsbury *et al.*, 2005; Harlow, 2006).

International Organizations.⁴⁵ Scholars at the NYU Global Administrative Law Program have put forth a global administrative law framework that analyzes international organizational responsibility from an administrative law angle (Kingsbury *et al.*, 2005; Marks, 2005). It should be noted however that this is an area of study that is still developing. Many questions remain contested and unresolved, *inter alia*, how should responsibility be allocated between international organizations and its members and to whom is an international organization ultimately accountable?⁴⁶ Regardless, an international organization's legitimacy has become closely linked to how much 'law' it deploys in the structuring and regulation of its activities. In what follows, I will examine the extent to which legalization's *characteristics* are reflected in Interpol's data processing regime.

Though Interpol has from its early days engaged in data processing activities, it only adopted its first set of data processing rules in 1982.⁴⁷ Recent years have seen the organization adopting more compre-

hensive rules in this area. For example, in 2003, Interpol adopted the Rules on the Processing of Police Information [*hereinafter* the RPI].⁴⁸ The RPI replaced three separate sets of earlier data processing rules.⁴⁹ In 2007, the organization elaborated on the RPI by adopting the more detailed RPI Implementing Rules.⁵⁰ The RPI reflects internationally recognized data processing principles.⁵¹

Interpol's data processing rules set out relatively precise substantive and procedural requirements that are to be observed when processing data using Interpol's facilities. For example, in line with the internationally recognized data processing principle of purpose-specificity, Interpol's rules specify the kind of data that may be processed through its channels. Data may only be processed for certain purposes that are explicitly set out in the RPI.⁵² One important aspect of this principle of purpose-specificity is that data may only remain processed for a period proportionate to its purposes. This prevents data from being retained indefinitely in Interpol's

⁴⁵ For an overview of principles and objectives relating to the responsibilities incurred by international organizations for international legal violations, see generally, Giorgio Gaja, *Fourth report on responsibility of international organizations*, A/CN.4/583, 2 May 2007.

⁴⁶ Consider Krisch's treatment of the problem of accountability in international governance (Krisch, 2006). Sheptycki has studied the question of Interpol's accountability in detail. Though I do not enter into a detailed analysis here, I tend toward a stance that differs from his position that Interpol is only subject to 'its own internal accountability regime' (Sheptycki, 2004, p. 123). The question of accountability however requires more comprehensive and detailed study. For reasons of space and focus, my article does not intend to undertake such an analysis directly here. I do however intend to address this question in a future article.

⁴⁷ The impetus for Interpol's adoption of these rules came from its host State, the French government, which attempted to argue for the extension of French data protection laws over Interpol's repository of information. In a compromise reflected in a 1982 Exchange of Letters, Interpol agreed to pass its own rules on data protection as well as establish and subject itself to the supervision of an independent review body, namely the Supervisory Board. The first set of rules adopted which also established the Supervisory Board is the Rules on International Police Cooperation. The Supervisory Board was the precursor to Interpol's Commission (Fooner, 1989, pp. 77–79, Anderson, 1989, pp. 65–67).

⁴⁸ Interpol RPI, *supra* n. 15.

⁴⁹ The three sets of rules replaced by the Interpol RPI are namely, Articles 1 to 14 of Interpol's Rules on International Police Cooperation and on the Internal Control of Interpol's Archives [*hereinafter* Interpol RCI] (adopted by Resolution AGN/51/RES1), Interpol's Rules on the deletion of police information held by the General Secretariat (adopted by Resolution AGN/55/RES/2) and Interpol's 'Rules governing the database of selected information at the ICPO INTERPOL General Secretariat and direct access by NCBs to that database (adopted by Resolution AGN/59/RES/7). See Interpol RPI, para. 15.2.2.

⁵⁰ RPI Implementing Rules, *id.*

⁵¹ G.A. res. 44/132, 44 U.N. GAOR Supp. (No. 49) at 211, U.N. Doc. A/44/49 (1989).

⁵² Interpol RPI, *supra* n. 15, Art. 3.1.a, Art. 10.1.a. For example, data may be processed to search for an individual with a view to his arrest, to obtain information about an individual who has participated in or is likely to participate in an ordinary law crime, to warn police authorities about an individual's criminal activities, to locate a missing individual or to identify an individual or dead body. Data may also be processed to identify threats and criminal networks in general.

databases. Data registered in Interpol's databases are to be assessed every 5 years to determine if there is a need for such data to be retained.⁵³ Indeed, the Commission has criticized the General Secretariat for maintaining a practice of automatically postponing its assessments of the need for such data retention.⁵⁴

Apart from defining the kind of data that may be processed using Interpol's facilities, Interpol's rules also require data to be processed in accordance with certain standards. Users of Interpol's facilities are obligated to ensure that data are processed in an accurate and updated manner. Data sources are responsible for informing the General Secretariat of 'any change or deletion' to their processed data or to update or amend the data themselves.⁵⁵ For example, personal data are to be processed in a way that accurately indicates whether the said individual is being sought as a fugitive, missing person, suspect, witness or victim.⁵⁶ Data sources must also clearly state the action requested of other users, such as whether the individual concerned is to be arrested, located or identified.⁵⁷ When processing data relating to victims and witnesses, data sources are required remind users that 'no restrictive measure' is to be taken against such individuals.⁵⁸ This prevents police authorities from taking disproportionate or wrongful action against individuals in violation of their rights.

Users of Interpol's data processing facilities are also required to respect the security and confidentiality of data processed through Interpol channels. These guarantees are particularly important given

the kind of data processed through Interpol's channels and the sensitive nature of police investigations. Specifically, Interpol's rules confirm that data sources 'retain control' over their data and have the right to indicate the kind of access they wish to give to their data.⁵⁹ Users downloading data from Interpol's databases are required to 'manage the access rights' to their own databases and to consider 'any restrictions imposed on Interpol by the information sources concerned'.⁶⁰ Prior to using any data, members are required to consult the General Secretariat and the data source on the data's continued accuracy.⁶¹

Legalization as a form of governance involves not only adopting detailed rules but also establishing rule-supervision mechanisms that ensure the observance of such rules. In this regard, the General Secretariat and the Commission has been charged with performing a variety of internal supervisory functions.⁶² For example, the General Secretariat is authorized to request additional information from the data source concerned and receive information on rule violations from members.⁶³ It is also empowered to 'modify, block or destroy' any data that it has found to have been processed in violation of Interpol's rules.⁶⁴ Apart from the General Secretariat, the Commission plays an important day-to-day supervisory role by conducting spot-checks on how the organization's data processing facilities are being used.

Apart from internal, day-to-day supervisory processes, Interpol has also put in place complaint mechanisms by which users and affected

⁵³ Id., Art. 13.b.

⁵⁴ CCF Annual Activity Report, CCF/67/11/d066, p.6.

⁵⁵ RPI, Art. 5.3.b.2.

⁵⁶ Interpol RPI Implementing Rules, *supra* n. 49, Articles 11 and 12.

⁵⁷ Id., Articles 11 and 12.

⁵⁸ Id., Article 12.

⁵⁹ Interpol RPI, *supra* n. 15, Art. 5.4.a & 5.4.2.

⁶⁰ Interpol RPI Implementing Rules, *supra* n. 49, Article 27 (g).

⁶¹ Id., Art. 5.5.a.

⁶² Interpol RPI, *supra* n. 15, Art. 4.1.a.6; Interpol RCI, *supra* n. 21, Art. 1.a.

⁶³ Interpol RPI, *supra* n. 15, Art. 15.2.a.

⁶⁴ Id., Art. 10.1.c & Art. 15.2.b.

individuals may raise specific instances of rule violations.⁶⁵ Users of Interpol's facilities may at any time submit complaints or disputes for resolution pursuant to Article 24 of the RPI. This dispute will first have to be resolved via consultation.⁶⁶ If this fails, the dispute is submitted to the Executive Committee, and then 'if necessary', to the General Assembly.⁶⁷ It is however not clear what kind of investigations are to be taken by the Executive Committee or General Assembly. Private individuals affected by Interpol's activities have the right to submit access requests or complaints to the Commission.⁶⁸ Upon studying such complaints, the Commission issues advisory opinions to the General Secretariat. If the General Secretariat decides not to follow the Commission's advice, the Commission may follow-up by submitting a report to the Executive Committee. The Commission's internal rules set out its review procedure in relatively clear terms.⁶⁹ In contrast, the Executive Committee's review procedure is not detailed anywhere in Interpol's rules.

Conclusion: Interpol today and identifying an agenda for further research

This article has aimed to give a contextualized account of Interpol's evolution. To sum up, in response to changing perceptions of crime and policing, In-

terpol has developed from an organization with relatively narrow administrative functions to one taking on a range of policing functions. Recent years have also seen the organization's discernable turn toward legalization as a form of governance. Interpol has expanded its functions and sought to regulate them through the adoption of relatively precise legal rules and the establishment rule-supervision procedures, as demonstrated in this article's study of Interpol's data processing regime.

Given this article's primary overview function and the relative lack of academic literature on Interpol, one of its aims has been to highlight rather than analyze future research questions. An area of potential study would be Interpol's complaint mechanisms given their vague and undeveloped nature. Apart from engaging normative and theoretical issues, this area is of practical importance because as the organization's functions expand, so does the possibility of its actions adversely affecting interests of its members and private individuals.⁷⁰ Recently, Iran challenged red notices requested by Argentina against high-ranking Iranian officials in a dispute that was eventually settled by the General Assembly.⁷¹ This dispute has again re-emerged with one of the subjects' recent appointment as Iran's Defence Minister.⁷² This article's brief consideration of Article 24's procedures demonstrates its relative infancy and vagueness. What is the nature of

⁶⁵ The RPI and RPI Implementing Rules refer to different categories of users: the NCBs; 'authorized domestic institutions' expressly authorized by NCBs to use Interpol's facilities; 'authorized international entities' which have concluded an agreement with the Organization authorizing it to use Interpol's channels; and 'private entities'. *Id.*, Interpol RPI, *supra* n., Art. 1.f. & g; Interpol RPI Implementing Rules, *supra* n., Art. 28.

⁶⁶ Interpol RPI, *supra* n. 15, Art. 24.

⁶⁷ *Id.*, Art. 24.

⁶⁸ *Id.*, Art. 25.

⁶⁹ Operating Rules for the Commission for the Control of Interpol's Files, available at www.interpol.int.

⁷⁰ For example, in the 1950s, the USA and Czechoslovakia both withdrew their membership from Interpol over requests submitted by Czechoslovakia through Interpol's facilities against a number of individuals. The USA alleged that these individuals were in fact political dissidents who were being persecuted by the Czech government and that any Interpol cooperation would contravene Article 3 of Interpol's constitution (Anderson, 1989, p. 44; Fooner, 1989, p. 41).

⁷¹ *INTERPOL General Assembly upholds Executive Committee decision on AMIA Red Notice dispute*, Interpol Press Release, 7 November 2007. The General Assembly eventually confirmed that six of the notices could be published. *INTERPOL Executive Committee takes decision on AMIA Red Notice dispute*, Interpol Press Release, 15 March 2007.

⁷² *INTERPOL chief to meet Iranian and Argentinean officials to encourage co-operation on AMIA terrorist bombing investigation*, Interpol Press Release, 14 September 2009.

'consultation' that Interpol users are required to engage in? What are the conditions before a dispute is deemed sufficiently 'necessary' to be submitted to the General Assembly?

Similar concerns of vagueness exist for Interpol's private complaints mechanism. What kind of remedies can the Commission give to aggrieved individuals? Are 'recommendations' issued by the Commission merely 'advisory' in nature? Interpol will also need to ensure that its private complaints mechanism conforms to rapidly developing human rights standards, in particular the individual's right to an effective and adequate remedy for any human rights violation. In the event that it fails to do so, the organization may lose its immunity from suit and find itself subject to legal suits before domestic courts.⁷³ These are some of many other issues in need of further study and examination. In many ways, our quest to demystify and understand Interpol has only begun.

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⁷³ Domestic courts that are obliged to ensure the rights of individuals to an effective and adequate remedy may refuse to recognize an international organization's immunity from suit in the event that the organization has not established a procedure by which the said individual may have his complaint heard (Reinisch and Weber, 2004).