

# Strengthening Police Cooperation in South Asia: Lessons from the Europol

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Conventional wisdom suggests that policing is a typical law enforcement activity designed to prevent crime and maintain public order within a sovereign state boundary. This article rejects the conventional wisdom. It argues that maintaining domestic law and order is an important but not the only task for national law enforcement agencies. This is because the rise of transnational organized crime and terrorist threats has made the divide between domestic and external aspects of policing quite irrelevant.<sup>1</sup> As a result, cross-border policing and international cooperation on criminal matters have emerged as a salient feature in international relations.<sup>2</sup>

At least three cases of police cooperation can be cited to illustrate the need to move beyond a state-centric model. These are bilateral U.S.-Mexico cooperation on anti-drug trafficking, intelligence sharing among European countries through the channel of Europol, and the use of Interpol as a clearing house for global police cooperation. These three cases offer three distinct – bilateral, regional, and global – models of police cooperation. Despite these differences, the most important similarity between them is the creation of highly institutionalized and formalized channels for strategic and operational cooperation in criminal matters.

Although there is a growing body of literature on international police cooperation, the large majority of existing studies looks at the evolution of Interpol (International Criminal Police Organization), the role of Europol (European Law Enforcement Agency), and the dynamics of various Euro-Atlantic initiatives for police cooperation.<sup>3</sup>

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<sup>1</sup> Mathieu Deflem, "International Police Cooperation against Terrorism: Interpol and Europol in Comparison," in *Understanding and Responding to Terrorism*, edited by H. Durmaz, B. Sevinc, A.S. Yayla, and S. Ekici, (Amsterdam: IOS Press, 2007), 17-25.

<sup>2</sup> Ethan A. Nadelmann, *Cops Across Borders: The Internationalization of U.S. Criminal Law Enforcement* (University Park, PA: Pennsylvania State University Press, 1993); Doron Zimmermann, and Andreas Wenger, eds. *How States Fight Terrorism: Policy Dynamics in the West* (Boulder, CO: Lynne Rienner Publishers, 2007); Musa Tuzuner, *Intelligence Cooperation Practices in the 21<sup>st</sup> Century: Towards a Culture of Sharing* (The Hague, Netherlands: IOS Press, 2010).

<sup>3</sup> Malcom Anderson, *Policing the World: Interpol and the Politics of International Police Cooperation* (Oxford: Clarendon Press, 1989); B. Heberton, and T. Thomas, *Policing Europe: Co-operation, Conflict, and Control* (New York: St. Martin's Press, 1995); Daniel J. Koenig, and Dilip K. Das, *International Police Cooperation: A World Perspective* (Lanham, MD: Lexington Books, 2001).

Missing in the literature is the state of regional police cooperation in South Asia. This article seeks to address this research gap by asking two central questions:

- To what extent have the South Asian states moved toward the creation of a regional police cooperation mechanism?
- Can South Asia emulate the European model of police cooperation, and what are the challenges of doing so?

I attempt to answer these questions in several stages. First, I provide a snapshot of major transnational threats to South Asia, with an emphasis on Bangladesh. Next, I examine how regional police cooperation in South Asia has evolved and culminated in the proposal to establish SAARCPOL (South Asian Association for Regional Cooperation Police). Third, I review the evolution of Europol as a regional police organization. Fourth, I explain why Europol can offer the best role model for the proposed SAARCPOL. Next, I present a comparison between Europol and SAARCPOL, and identify the major barriers to transforming SAARCPOL from an idea to an operational entity. In conclusion, I summarize the key research findings and discuss the policy implications.

### **Data and Methodology**

A brief description of data and research method is in order. This article uses both primary and secondary data. Primary data were generated from face-to-face interviews with senior officials at the Ministry of Home Affairs, Ministry of Foreign Affairs, and Police Headquarters in Bangladesh. The interviewees have participated in various SAARC level meetings on police cooperation, and they have firsthand knowledge of the decision-making process at SAARC. Secondary data were obtained from published newspapers, scholarly journals, and academic books on international law enforcement cooperation. Data on South Asian police cooperation and European police cooperation are heavily drawn, respectively, from the SAARC and Europol websites. I have used the method of structured and focused comparison in assessing the broader questions of whether Europol can offer a role model for

SAARCPOL, and what institutional attributes are lacking in the proposed SAARCPOL.<sup>4</sup> In a nutshell, this article uses qualitative data, and adopts a comparative case study method.

### **Transnational Threats to South Asia**

There are at least two major forms of transnational threats facing the South Asian countries. These are organized crime and terrorism.<sup>5</sup> Transnational organized crime refers to illicit activities involving criminal network(s) in more than one country (Naylor 2004). The major transnational crimes in South Asia are drugs trafficking, illicit trade in small arms, human trafficking, currency counterfeiting, and money laundering.<sup>6</sup> Terrorism, by contrast, is the use of political violence or threat of violence targeting innocent civilians or non-combatants in a war.<sup>7</sup> Terrorist attacks and political violence are motivated by a number of factors, such as ethnic separatism, religious fundamentalism, left-wing extremism, and petty criminality.<sup>8</sup>

Organized crime and terrorism are widely perceived to be two separate domains of criminality. The former involves profit-oriented illicit trade, while the latter refers to politically motivated crime.<sup>9</sup> Although they present two distinct forms of national security threat, one may find a nexus between organized crime and terrorism.<sup>10</sup> For instance, an organized crime group may use violence and terrorism to run its activities and to protect its people from a rival group. Colombian drug cartels using gun violence is an example of such crime-motivated terrorism. On the other hand, a terrorist group or network may use organized criminal activity to recruit, train, and finance its

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<sup>4</sup> For a discussion of the method of structured and focused comparison, see Alexander George, and Andrew Bennett, *Case Studies and Theory Development in the Social Sciences* (Cambridge, MA, and London, England: MIT Press, 2004), chapter 3, 67-72.

<sup>5</sup> Sridhar K. Khatri, and Gert W. Kueck, *Terrorism in South Asia: Impact on Development and Democratic Process* (Delhi, India: Shipra Publications, 2003); Rajesh Basrur, Timothy Hoyt, Rifaat Hussain, and Sujoyini Mandal, *The 2008 Mumbai Terrorist Attacks: Strategic Fallout* (Singapore: S. Rajaratnam School of International Studies, 2009); Sandy Gordon "Regionalism and Cross-Border Cooperation against Crime and Terrorism in the Asia-Pacific," *Security Challenges* 5, no. 4 (2009): 75-102.

<sup>6</sup> Imtiaz Ahmed, "Contemporary Terrorism and the State, Non-State, and the Inter-State: Newer Drinks, Newer Bottles," in *Terrorism in South Asia: Impact on Development and Democratic Process*, edited by Sridhar K. Khatri, and Gert W. Kueck (New Delhi, India: Shipra Publications, 2003), 353-387.

<sup>7</sup> Bruce Hoffman, *Inside Terrorism* (New York: Columbia University Press, 2006).

<sup>8</sup> Europol *TE-SAT 2008: European Terrorism Situation and Trend Report* (The Hague, Netherlands: Europol Corporate Communications, 2008), 8.

<sup>9</sup> Phil Williams, "Strategy for a New World: Combating Terrorism and Organized Crime," in *Strategy in the Contemporary World*, edited by Baylis, John, James Wirtz, Colin S. Gray, and Eliot Cohen, (New York and Oxford: Oxford University Press, 2007), 192-208.

<sup>10</sup> R. T. Naylor, *Wages of Crime: Black Markets, Illegal Finance, and the Underworld Economy* (Ithaca, NY: Cornell University Press, 2004); Antonio Giustozzi, *Koran, Kalashnikov and Laptop: The Neo-Taliban Insurgency in Afghanistan* (London, UK: Hurst Publishers Ltd, 2007).

operations or to execute a terrorist attack. The use of drug money for executing the 2004 Madrid bombings is an example of terrorist-motivated crime.

The scope of this paper is highly focused. It does not offer a comprehensive analysis of transnational threats to all South Asian countries. Instead, it emphasizes the sources of transnational threats to Bangladesh, and points to the scholarly works on similar threats to other South Asian countries. Bangladesh is chosen for two reasons: it is a founding member of the South Asian Association for Regional Cooperation (SAARC); and it has consistently supported the idea of forming the SAARCPOL to facilitate police cooperation in the region.

To begin with, the spread of small arms and light weapons, and their growing use in terrorist attacks pose a principal security threat to Bangladesh.<sup>11</sup> Currently there are an estimated 122,000 licit small arms, and 200,000-400,000 illicit small arms in the country (Islam et al 2010: 208). Although rifles and shotguns have been the most widely known small arms, the frequent use of improvised explosive devices (IEDs) or homemade explosives have come to dominate the small arms agenda in recent years. This is due to the use of IEDs in executing several high profile terrorist attacks in Bangladesh.<sup>12</sup> The influx of military style small arms, such as, AK47, AK56, and rocket launchers are also a major concern for the security and intelligence agencies in the country.<sup>13</sup> Most of the illicit small arms enter Bangladesh from Afghanistan, India, and Pakistan or the Southeast Asian countries, such as Thailand and Myanmar.<sup>14</sup> An alarming fact is that while Bangladesh was previously used as a transit point for small arms trafficking into northeast India, it has recently emerged as a destination for trafficked small arms.<sup>15</sup>

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<sup>11</sup> A.T. Amin, "Developing a Counterterrorism Strategy for Bangladesh," in *Countering Terrorism in Bangladesh*, edited by Farooq Sobhan (Dhaka, Bangladesh: UPL, 2008), 11-36; Neila Husain Chowdhury, "Curbing Proliferation of Small Arms, Light Weapons and Explosives in Bangladesh," in *Countering Terrorism in Bangladesh*, edited by Farooq Sobhan, (Dhaka, Bangladesh: UPL, 2008), 97-114.

<sup>12</sup> The victims of such terrorist attacks include, among others, secular cultural activists, Muslim and non-Muslim worshippers, senior leaders and party followers of Bangladesh Awami League, and the British High Commissioner to Bangladesh. While South and Southeast Asian countries have historically been the main source of illicit small arms in Bangladesh, an alarming fact is the existence of indigenous cottage industry producing crude small arms and IEDs.

<sup>13</sup> Chowdhury, "Curbing Proliferation of Small Arms."

<sup>14</sup> AKM Nazrul Islam, Neila Husain, and Mahbubur Rashid Bhuiyan, "Small Arms Trafficking in Bangladesh: Threat to National Security," in *National Security Bangladesh 2009*, edited by Golam Mohammad, (Dhaka: UPL, 2010.) p. 206; Interview with senior officials from Bangladesh Police, Dhaka, July 2012.

<sup>15</sup> Gordon, "Regionalism and Cross-Border Cooperation," 87.

Terrorist groups with diverse backgrounds, and international connections, present another major threat to Bangladesh. Three distinct types of terrorist threat are pertinent here – Islamist extremists, ultra-leftists, and ethnic separatists. Among the various Islamist terrorist groups, the Jamaat ul Mujahideen Bangladesh (JMB), Harkat ul Jihad al Islami Bangladesh (HUJI-B), and Hizbut Tahrir (HT) are identified as the most dangerous groups using violence against innocent civilians and the State. These groups receive direct or indirect support from various transnational Islamist groups in Afghanistan, Pakistan, and the Middle East.<sup>16</sup> Among the ultra-leftist groups, the Purba Banglar Communist Party (PBCP) is part of an underground communist network, known as Coordination Committee of Maoist Parties and Organizations of South Asia (COCOMPOSA). COCOMPOSA includes radical leftist insurgents from Bangladesh, India, Nepal, and Sri Lanka. Security experts suggest that the ultra-leftists in Bangladesh and its neighboring countries are engaged in extortion and terrorism, and they exhibit a strong desire to maintain operational cooperation with each other.<sup>17</sup>

The third type of terrorist threat to Bangladesh comes from the ethnic separatists in the southeastern part of the country – the Chittagong Hill Tracts (CHT). The Parbatta Chattagram Jana Samhati Samiti (PCJSS) and its armed wing Shanti Bahini was engaged in a violent insurgency for two decades, which ended in 1997 with the conclusion of the CHT peace accord, signed by the Bangladesh government and the PCJSS leadership. The external intelligence agency of India, Research and Analysis Wing (RAW), was allegedly involved in supporting the Shanti Bahini's insurgent movement targeting Bangladesh.<sup>18</sup> In December 2011, fourteen years after the conclusion of the CHT peace accord, PCJSS leader Shantu Larma claimed that his group was disappointed with the lack of progress in implementing the CHT peace accord.<sup>19</sup> Larma also revealed that PCJSS had begun holding arms in a bid to fight the rival United Pahari Development Forum (UPDF). If unchecked, the clashes between PCJSS and UPDF may pave the way for the resurgence of Shanti Bahini's rebel attacks, and escalate into a full blown insurgency. Besides the

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<sup>16</sup> International Institute for Strategic Studies (IISS), "Non-State Groups," *Military Balance*, 108, no. 1 (2008): 477.

<sup>17</sup> M. Shakawat Husain, "Capacity Building of Law Enforcement and Intelligence Agencies," in *Countering Terrorism in Bangladesh*, edited by Farooq Sobhan, (Dhaka, Bangladesh: UPL, 2008), pp. 37-82; IISS, "Non-State Groups," 477.

<sup>18</sup> Ashoke Biswas, "RAW's Role in Furthering India's Foreign Policy," *The New Nation*, Dhaka, August 31, 1994; Amin, "Developing a Counterterrorism Strategy," 25.

<sup>19</sup> Interview with Shantu Larma. *Independent TV* (Bangladesh), December 1, 2011.

religious, left-wing, and separatist groups, there are a number of organized criminal gangs engaged in violent activities in Bangladesh. According to one estimate, “Bangladesh has 1027 organized criminal groups, ... 16062 noticeable gang criminals, and 762 politically sponsored criminal groups” – some of which are linked to the domestic and transnational organized criminal networks.<sup>20</sup>

Trafficking in persons presents a non-traditional threat to Bangladesh.<sup>21</sup> According to most authoritative sources, each year an estimated 10,000 to 20,000 women and children are trafficked from Bangladesh.<sup>22</sup> The destinations of these trafficked persons are India and Pakistan in South Asia, and Bahrain, Kuwait, and United Arab Emirates in the Middle East. The negative effect of human trafficking is enormous. Some of the trafficked women and children are forced into prostitution; others become the victims of forced labor, bonded labor, and sexual abuses.

Currency counterfeiting poses another security threat.<sup>23</sup> Between 2008 and 2011, Bangladesh law enforcement agencies arrested several criminal networks involved in the trading of fake currencies, such as, Bangladeshi Taka, Indian and Pakistani Rupees, and U.S. Dollars. Members of these illicit currency networks include Bangladeshi, Indian, and Pakistani origin citizens.<sup>24</sup> Intelligence reports indicate that Bangladesh is often used as a transit point for counterfeit currency smuggled from Pakistan to inject into India. Previously the fake money would come directly from the Pakistani port city Karachi to Bangladesh en route to India. Later the criminal gangs began using Dubai and Abu Dhabi to smuggle fake currency to Dhaka.<sup>25</sup> Indian experts suggest that the fake currency networks in South Asia are part of a Pakistan-based criminal-terrorist network, involved in drugs trafficking, and

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<sup>20</sup> Amin, “Developing a Counterterrorism Strategy,” 26.

<sup>21</sup> Tasneem Siddiqui, “Securitization of Irregular Migration: The South Asian Case,” in *Studying Non-Traditional Security in Asia: Trends and Issues*, edited by Ralf Emmers, Mely Caballero-Anthony, and Amitav Acharya (Singapore: Marshall Cavendish Academic, 2006), 143-167..

<sup>22</sup> Abdur Rob Khan, ABM Ziaur Rahman, and Beneka Ferdousi, “Role of Civil Society Organizations in Security of Bangladesh 2008: The Case of Human Trafficking,” in *National Security Bangladesh 2008*, edited by Sheikh Md Monirul Islam (Dhaka: UPL, 2009), 244.

<sup>23</sup> “SAARC Police: Being Planned,” *SAARCLAW* (South Asian Association for Regional Cooperation in Law) I, no. 2 (July-September 2011), 4.

<sup>24</sup> Mizan Rahman, “Bangladeshi Women Caught in Fake Currency Smugglers’ Web,” *Gulf Times*, October 30, 2011. [http://www.gulf-times.com/site/topics/article.asp?cu\\_no=28&item\\_no=467229&version=1&template\\_id=44&parent\\_id=24](http://www.gulf-times.com/site/topics/article.asp?cu_no=28&item_no=467229&version=1&template_id=44&parent_id=24), accessed December 4, 2011; Rajeev Sharma, “Fake Indian Currency Note Racket in Bangladesh,” *South Asia Analysis Group*, Paper No. 4695 (September 13, 2011). <http://www.southasiaanalysis.org/%5Cpapers47%5Cpaper4695.html>, accessed December 4, 2011; Staff Correspondent, “Fake Currency Gang Busted in City,” *Daily Star*, Dhaka, October 6, 2011. <http://www.thedailystar.net/newDesign/news-details.php?nid=205380>, accessed December 4, 2011.

<sup>25</sup> Rahman, “Bangladeshi Women Caught.”

procurement of illicit weapons for violent terrorist activities.<sup>26</sup> India is not the only target of the fake currency network. This was evident in October 2011, when Bangladeshi law enforcement and intelligence agencies arrested several fake currency gangs producing and marketing fake Taka. Bangladesh Bank and law enforcement agencies assess that the fake Bangladeshi currency was circulating ahead of the Eid ul Azha – one of the two largest religious congregations of Muslims in Bangladesh and around the world.<sup>27</sup> It is alleged that African, Filipino, Pakistani and Thai origin nationals are active in various currency counterfeiting networks operating in Bangladesh.<sup>28</sup>

The foregoing discussion shows an alarming trend in transnational organized crime and terrorist threats to Bangladesh. Discussions on the nature and scope of similar threats to other South Asian countries can be found elsewhere, which focus on cross-border terrorism in India and Pakistan, insurgent attacks in Nepal and Sri Lanka, and trafficking of drugs, arms, and human being across the region.<sup>29</sup> Presumably, national law enforcement and intelligence agencies provide the first line of defense against the criminal and terrorist threats discussed above. This article argues that national efforts are necessary but not sufficient in dealing with transnational crime and terrorism. What is needed is a framework for regional and international police cooperation, supported by legal provisions, adequate resources, and institutionalized channels to facilitate collaboration in criminal and police matters.<sup>30</sup> It is in this context, the next section examines the status of police cooperation in South Asia.

### **Police Cooperation in South Asia: Evolving Trends and the Concept of SAARCPOL**

This section examines regional responses to transnational terrorism and organized crime in South Asia. It finds the existence of several legislative frameworks and monitoring bodies in promoting police cooperation. The most

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<sup>26</sup> Sharma, "Fake Indian Currency Note Racket in Bangladesh."

<sup>27</sup> F. M. Masum, "Injected Fake Notes Pervade Circulation Ahead of Eid," *New Age*, October 31, 2011. <http://newagebd.com/newspaper1/frontpage/38877.html>, accessed December 4, 2011.

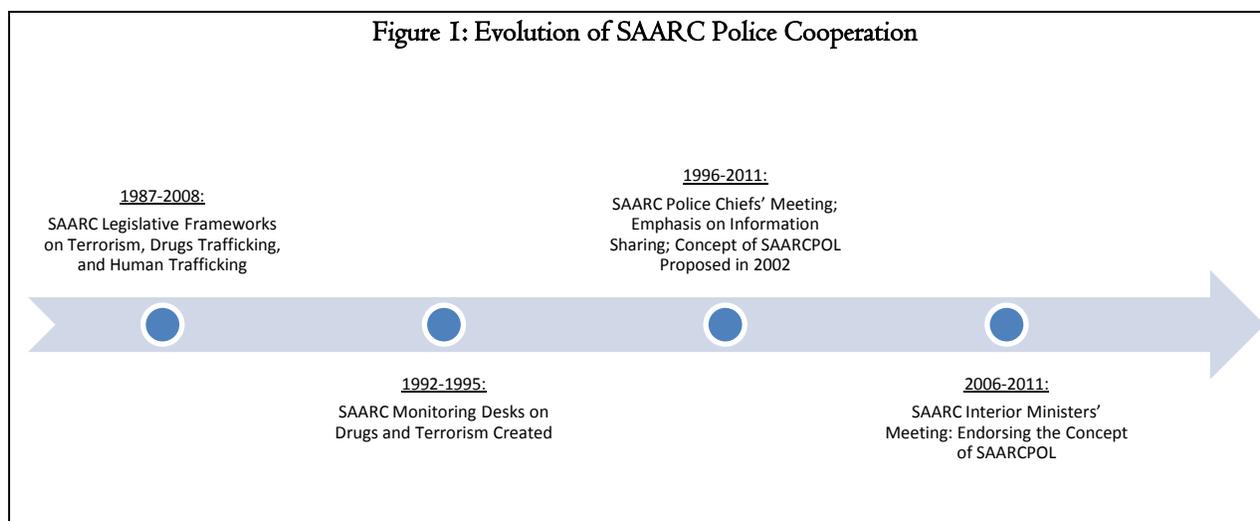
<sup>28</sup> Masum 2011.

<sup>29</sup> Ahmed, "Contemporary Terrorism"; Siva Dhungana, ed., *The Maoist Insurgency and Nepal-India Relations* (Kathmandu, Nepal: Friends for Peace, 2006); Sumnit Ganguly, "Counterterrorism Cooperation in South Asia: History and Prospects," *NBR Special Report*, No. 21 (Seattle and Washington, D.C.: National Bureau of Asian Research, 2009); Gordon, "Regionalism and Cross-Border Cooperation"; Hoffman, *Inside Terrorism*; Golam Mortuza, "Bangladesh Identified as a Supplier of Ya Ba (Drug)," *Daily Prothom Alo*, December 3, 2011.

<sup>30</sup> V. Balachandran, "Insurgency, Terrorism, and Transnational Crime in South Asia," in *Transnational Trends: Middle Eastern and Asian Views*, edited by Amit Pandya, and Ellen Laipson, (Washington, DC: Henry L. Stimson Center, 2008), 114-135; Ganguly, "Counterterrorism Cooperation in South Asia"; South Asian Association for Regional Cooperation (SAARC), SAARC Conference on Cooperation in Police Matters. [http://saarc-sec.org/areaofcooperation/detail.php?activity\\_id=20](http://saarc-sec.org/areaofcooperation/detail.php?activity_id=20), accessed November 30, 2011; Govind P. Thapa, "Combating Organized Crime Regionally," *República*, May 9, 2010. [http://archives.myrepublica.com/portal/index.php?action=news\\_details&news\\_id=18387](http://archives.myrepublica.com/portal/index.php?action=news_details&news_id=18387), accessed December 4, 2011.

interesting development is, however, the proposal to establish SAARCPOL to provide an institutionalized channel for intelligence sharing on criminal and terrorist matters.<sup>31</sup>

SAARC was established in 1985 to promote economic, political, and security cooperation among the seven South Asian nations – Bangladesh, Bhutan, India, Maldives, Nepal, Pakistan, and Sri Lanka. Later, Afghanistan joined the organization in 2005. Despite much enthusiasm, SAARC has failed to form a regional trading bloc, let alone a South Asian currency union.<sup>32</sup> The SAARC summits are the highest level meetings of heads of states, which make important decisions on economic, political, and security issues affecting the region. In more than two decades, SAARC has confronted newer security threats, and demonstrated its willingness to create cooperative security mechanisms to deal with those threats. Consequently, since 2006, the interior (home) ministers’ meeting and forging regional police cooperation have emerged as an important part of SAARC integration process.



Source: Author

Law enforcement cooperation in South Asia progressed in four overlapping stages (See Figure 1). The first stage saw the SAARC members’ emphasis on adopting legislative frameworks for prosecuting terrorism, drugs, and human trafficking related offences. In the next stage, SAARC created two monitoring desks to combat drugs

<sup>31</sup> “SAARCPOL in the Offing,” *Bangla News*, February 4, 2011; “Regional Police for South Asia,” *BBC News*, August 30, 2002. [http://news.bbc.co.uk/2/hi/south\\_asia/2223833.stm](http://news.bbc.co.uk/2/hi/south_asia/2223833.stm), accessed December 5, 2011; Thapa, *Combating Organized Crime*.”

<sup>32</sup> H.S. Chopra, R. Frank, and J. Schroeder, *National Identity and Regional Co-operation: Experiences of European Integration and South Asian Perceptions* (New Delhi, India: Manohar, 1999); Gordon, “Regionalism and Cross-Border Cooperation.”

trafficking and terrorism. The third stage involved the police chiefs' meeting on cooperation in criminal matters. The final stage saw the involvement of interior ministers in prioritizing new issue areas, and institutionalizing police cooperation.

In 1987, just two years after the formation of SAARC, the Regional Convention on Suppression of Terrorism was signed.<sup>33</sup> The Convention was ratified in 1988, and later updated in 2006 with the ratification of the Additional Protocol to the SAARC Regional Convention on Suppression of Terrorism. In 2008, the SAARC Convention on Mutual Assistance in Criminal Matters was signed, and in 2009, the SAARC Ministerial Declaration on Cooperation in Combating Terrorism was issued. These four SAARC documents – the Convention on Suppression of Terrorism, the Additional Protocol, the Convention on Mutual Assistance, and the Ministerial Declaration – emphasize bilateral and regional cooperation among SAARC countries to fight terrorism in South Asia. For instance, Article VIII of the SAARC Regional Convention on Suppression of Terrorism calls for member states to exchange information, intelligence, and expertise to prevent terrorism.<sup>34</sup> The Additional Protocol is more specific about police cooperation. Article II of the Protocol says, “State Parties shall work closely with one another, consistent with the respective domestic legal and administrative systems, to enhance the effectiveness of law enforcement action for the prevention, suppression, and prosecution” of terrorist offences.<sup>35</sup>

Following the United Nations Security Council Resolution 1371 (2001), the Additional Protocol calls for concerted actions in combating terrorist financing, and money laundering. It also encourages SAARC members to promote cooperation on immigration and customs control to prevent cross-border movement of terrorists and drugs traffickers by using fraudulent documents.<sup>36</sup> Although the Convention on Suppression of Terrorism and the

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<sup>33</sup> According to the SAARC Terrorism Convention, the following offences are defined as terrorist acts: unlawful seizure of aircraft, unlawful acts against the safety of civil aviation, crimes against diplomats and internationally protected persons, murder, manslaughter, physical assault, kidnapping, hostage-taking, firearms-caused offences, use of weapons, explosives and dangerous substances to perpetrate indiscriminate violence, causing death or serious bodily injury to persons or causing serious damage to property. See Article I of SAARC Terrorism Convention.

<sup>34</sup> South Asian Association for Regional Cooperation (SAARC), *SAARC Regional Convention on Suppression of Terrorism*. Done in Kathmandu, Nepal, 1987, 5.

<sup>35</sup> South Asian Association for Regional Cooperation (SAARC), *Additional Protocol to the SAARC Regional Convention on Suppression of Terrorism*. Done in Islamabad, Pakistan, 2004, 4.

<sup>36</sup> SAARC 2004, 3-4.

Additional Protocol merely emphasize intelligence sharing, the Convention on Mutual Assistance presents a legal obligation for countries to assist each other at the bilateral and multilateral levels to combat criminal activities, including terrorist offences. This was evident in the Ministerial Declaration of 2009, which generates strong support for “strengthening the SAARC and the global regime against terrorism”.<sup>37</sup> As the Declaration suggests, the SAARC conventions and additional protocol provide an important legal basis for regional police cooperation in fighting transnational terrorism, and organized crime in South Asia.

In 1995 the SAARC Terrorism Offences Monitoring Desk (STOMD) was created to implement various legislative instruments, adopted by SAARC. Based in Sri Lankan capital Colombo, STOMD aims to collate, analyze, and disseminate terrorism related information. Despite much enthusiasm, STOMD is widely perceived to be a weak initiative.<sup>38</sup> However, the STOMD focal point meetings, attended by high level SAARC officials, appear to have some positive effects in shaping the discourse of counterterrorism cooperation. This was evident in the STOMD meetings held between February 2007 and April 2011. These meetings made some modest progress by reiterating the SAARC nations’ goals to promote real-time intelligence sharing, secure data exchange, and networking among the police agencies.<sup>39</sup>

South Asian strategy to combat organized crime progressed in parallel with the development of SAARC counter-terrorism initiatives. In 1993, SAARC adopted Regional Convention on Narcotic Drugs and Psychotropic Substances. In 2002 SAARC Convention on Prevention and Combating Trafficking in Women and Children for Prostitution was adopted. Prior to these two important treaty laws, an institutional body was created in 1992 by establishing SAARC Drug Offences Monitoring Desk (SDOMD). Like the anti-terrorism desk’s focal meetings, the SDOMD meetings between 2007 and 2011 emphasized capacity building for, and information sharing among, the

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<sup>37</sup> South Asian Association for Regional Cooperation (SAARC), *SAARC Ministerial Declaration on Cooperation in Combating Terrorism* (Colombo, Sri Lanka, February 28, 2009), 2.

<sup>38</sup> Balachandran, “Insurgency, Terrorism, and Transnational Crime,” 121; Interview with a senior official from Bangladesh Police, Dhaka, July 2012.

<sup>39</sup> South Asian Association for Regional Cooperation (SAARC), “SAARC Terrorist Offences Monitoring Desk (STOMD),” [http://saarc-sec.org/areaofcooperation/detail.php?activity\\_id=24](http://saarc-sec.org/areaofcooperation/detail.php?activity_id=24), accessed November 30, 2011.

law enforcement officials in South Asia.<sup>40</sup> Such meetings also focused on financing the desk activities, and providing training to SAARC police officials.

The third stage of South Asian law enforcement cooperation took a distinct form by involving the police chiefs in sharing their ideas on fighting cross-border criminal issues. Between 1996 and 2011, nine SAARC conferences on cooperation in police matters were held in Bangladesh, India, Maldives, Nepal, Pakistan, and Sri Lanka (See Table I). In August 2002, at the third conference in Kathmandu, the Nepali Police came up with the idea of establishing SAARCPOL to facilitate quick and effective cooperation on policing among the SAARC nations.<sup>41</sup> Since then successive meetings of SAARC police chiefs have discussed the idea of SAARCPOL. The proposed SAARCPOL will promote regional security cooperation in South Asia by creating a common platform for intelligence sharing among police authorities.<sup>42</sup> Modeled on the Interpol or Europol, SAARCPOL is expected to play an important role in fighting organized crime, corruption, drugs trafficking, money laundering, and human trafficking.<sup>43</sup>

**Table I: SAARC Conference on Cooperation in Police Matters, 1996-2011**

Month & Year	Venue
July 1996	Colombo, Sri Lanka
September 1997	Malé, Maldives
August 2002	Kathmandu, Nepal
April 2004	Islamabad, Pakistan
May 2006	Dhaka, Bangladesh
October 2007	New Delhi, India
April 2008	Islamabad, Pakistan
June 2010	Islamabad, Pakistan
April 2011	Colombo, Sri Lanka

Source: SAARC Website

In the fourth stage, SAARC interior ministers, as strategic decision makers on criminal matters, shaped the discourse of regional police cooperation. This is evident in the way the interior ministers conceptualized and

<sup>40</sup> South Asian Association for Regional Cooperation (SAARC), "SAARC Drug Offences Monitoring Desk (SDOMD)," [http://saarc-sec.org/areaofcooperation/detail.php?activity\\_id=23](http://saarc-sec.org/areaofcooperation/detail.php?activity_id=23), accessed November 30, 2011.

<sup>41</sup> Thapa, "Combating Organized Crime."

<sup>42</sup> SAARC, "SAARC Conference on Cooperation in Police Matters."

<sup>43</sup> SAARC, "SAARC Conference on Cooperation in Police Matters"; Fathimath Dhiyana Saeed, "Message From H.E. Fathimath Dhiyana Saeed, Secretary General of SAARC at the Ninth SAARC Conference on Cooperation in Police Matters," Colombo, April 5, 2011; Thapa, "Combating Organized Crime."

securitized various forms of threat to national and regional security. Interestingly, although SAARC originated in 1985, and an anti-terrorism convention was signed in 1987, it was not until 2006, when SAARC interior ministers met in Dhaka, Bangladesh, for the first time in the organization's history to discuss threats from transnational terrorism and organized crime. At the 2006 Dhaka meeting, South Asian interior ministers discussed the idea of creating SAARCPOL.<sup>44</sup> They also decided that police chiefs in the region would meet on a regular basis to discuss cooperation in fighting transnational crime.<sup>45</sup> Subsequent interior ministers' meetings in New Delhi, India (2007), Islamabad, Pakistan (2010), and Thimphu, Bhutan (2011) emphasized regional cooperation in fighting terrorism, organized crime, and maritime piracy.<sup>46</sup> Given the fact that police services in South Asia are directly under the authority of the interior ministries, the SAARC interior ministers' meetings provided a useful channel for catalyzing law enforcement cooperation in the region.

In summary, since the mid-1980s SAARC has gradually moved toward formalizing police cooperation at the regional level. The process of institutionalized law enforcement cooperation began with the adoption of regional conventions and protocols on terrorism, drugs trafficking, and human trafficking. This process was expanded with the formation of SAARC monitoring desks on organized crime and terrorism. Later, the meetings of South Asian police chiefs and interior ministers prioritized real time intelligence sharing. Since no formal channel or regional hub of intelligence sharing on criminal matters is currently in place in South Asia, an important challenge for SAARC nations is to transform SAARCPOL from an idea to a fully operational agency. It is the contention of this paper that South Asia can learn from the model of Europol in promoting regional cooperation in police matters.

### **Profile of Europol**

Europol is the European law enforcement agency with headquarter in The Hague, Netherlands. Its main task is to combat international terrorism and serious transnational crimes, such as credit card fraud, currency counterfeiting,

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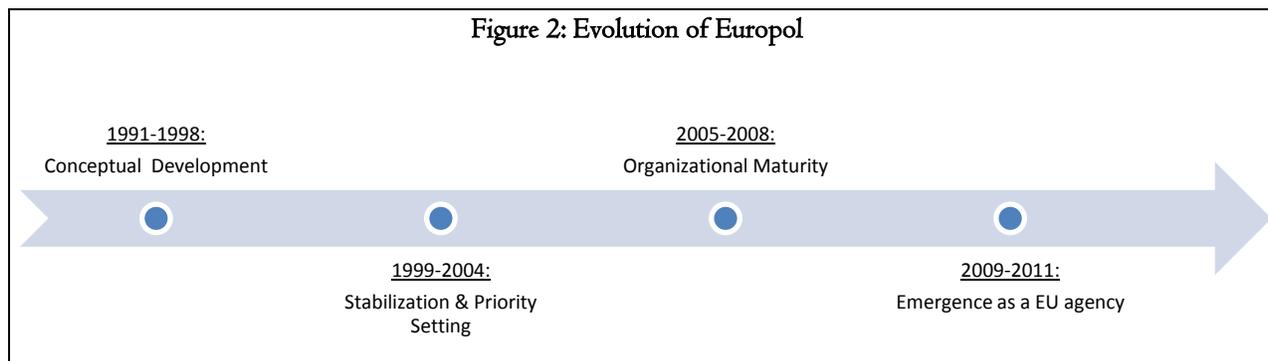
<sup>44</sup> Haroon Habib, "SAARC Ministers Pledge to Fight Terror," *The Hindu*, May 13, 2006.

<sup>45</sup> Habib, "SAARC Ministers Pledge."

<sup>46</sup> South Asian Association for Regional Cooperation (SAARC), "Meeting of the SAARC Interior/Home Ministers," [http://saarc-sec.org/areaofcooperation/detail.php?activity\\_id=19](http://saarc-sec.org/areaofcooperation/detail.php?activity_id=19), accessed November 30, 2011.

cyber crime, drug trafficking, human trafficking, money laundering, and car stealing.<sup>47</sup> The European countries use Europol as a coordination center for their law enforcement activities. A designated Europol National Unit, based in a member state, acts as a liaison between Europol and the member-state's competent law enforcement authority.<sup>48</sup> This is somewhat similar to the national central bureaus, which act as a bridge between Interpol and domestic law enforcement agencies.<sup>49</sup> Europol has a clearly defined mandate. It lacks any executive power, such as detaining individuals or conducting home searches. These are the prerogatives of the national police services. However, the value that Europol adds to national policing is to facilitate intelligence sharing and coordination of law enforcement operations in multiple countries.<sup>50</sup>

Since 1991, Europol has emerged as a regional hub for crime and terrorism related intelligence.<sup>51</sup> This evolution took place in four distinct stages (See Figure 2). The first stage lasted from 1991 to 1998. It was the period of conceptual development. The second stage lasted from 1999 to 2004. It was the time for stabilization and priority setting. The third stage began in 2005 and continued until 2008. During this stage, Europol emerged as a full-fledged organization. In the final stage, from 2008 until 2011, the organization achieved the new legal status of a formal EU Agency, with budget appropriations from the European Union.



Source: Author

<sup>47</sup> Deflem, "International Police Cooperation against Terrorism"; Europol, "About Europol," <https://www.europol.europa.eu/content/page/about-europol-17>, accessed November 30, 2011.

<sup>48</sup> Europol, "Management," <https://www.europol.europa.eu/content/page/management-147>, accessed November 30, 2011.

<sup>49</sup> Interview with a senior Europol official, Brussels, May 2009.

<sup>50</sup> Recep Tayfun, "A New Paradigm in Intelligence Sharing: International Cooperation (IC)," in *Intelligence Cooperation Practices in the 21<sup>st</sup> Century: Towards a Culture of Sharing*, edited by Musa Tuzuner (The Hague, Netherlands: IOS Press, 2010), 45-64.

<sup>51</sup> Europol, "History," <https://www.europol.europa.eu/content/page/history-149>, accessed November 30, 2011.

*Conceptual development (1991-1998).* Although Europol went through a process of conceptual development in the early 1990s, the genesis of European police cooperation can be traced back to the 1970s, when the European interior and justice ministers formed TREVI (Terrorism, Radicalism, Extremism, Violence International) to facilitate inter-governmental cooperation on counterterrorism.<sup>52</sup> As the European integration process deepened, with new issue areas (e.g. economic, political and security issues) included into regional cooperation, European nations decided to formalize and institutionalize police cooperation. Credit goes to the then German Chancellor Helmut Kohl, who in 1991 floated the idea of a European law enforcement agency to deal with cross-border crime and terrorist offences.<sup>53</sup> Later, in 1992, police cooperation was codified in the Maastricht Treaty on the European Union, which emphasized international cooperation in fighting terrorism and transnational organized crime.<sup>54</sup> The first serious attempt to formalize European police cooperation was taken in 1993 and 1994, with the formation of Europol Drugs Unit (EDU). Although the EDU lacked the power to arrest a person, it played a crucial role in assisting national police units to carry out criminal investigations on drugs trafficking, and other serious crimes, such as terrorism and motor vehicle crime.<sup>55</sup> Europol emerged as a treaty-based entity after the Europol Convention under Article K3 of the Maastricht Treaty was agreed in 1995 and ratified in 1998. The Convention requires that each EU member state form a national unit to act as a liaison between Europol headquarters in Hague and national competent authorities.<sup>56</sup>

*Stabilization and priority setting (1999-2004).* Europol became fully operational in 1999, and since then it went through a process of stabilization and priority setting. The agency adopted a comprehensive approach to fighting organized crime, which emphasized bringing the diverse perspectives from law enforcement, criminal justice, academia, public sector, and private sector officials. In 2001, it merged the three units – investigation support, intelligence analysis, and organized crime – to form the Serious Crime Department. Soon it identified intelligence sharing and operational analysis as two core tasks. It also focused on enhancing collaboration with various EU-wide

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<sup>52</sup> Deflem, “International Police Cooperation against Terrorism.”

<sup>53</sup> Europol, “History.”

<sup>54</sup> Deflem, “International Police Cooperation against Terrorism.”

<sup>55</sup> Deflem, *Ibid.*

<sup>56</sup> Europol, “History.”

legal-judicial entities, such as Eurojust, Police Chief Task Force and Joint Investigation Task Force.<sup>57</sup> Europol has the mandate to conclude bilateral and multilateral agreements with EU member-states, non-EU member states, and international organizations. For instance in November 2001, an agreement between Interpol and Europol was signed to combat transnational terrorism and organized crime.<sup>58</sup> The central purpose of such international cooperation is to prioritize the exchange of information, including personal data.<sup>59</sup>

*Organizational maturity (2005-2008).* During the third stage, Europol emerged as a full-fledged police cooperation organization, with more countries coming under its jurisdiction and newer criminal activities added to its priority list. It was the time when the European enlargement process brought new members into the ambit of EU. With Euro emerging as the single currency for most of the EU members, Europol assumed the lead in combating the counterfeiting of Euro. Europol enhanced its encrypted information communication system by replacing the Info-Ex (Information Exchange) with SIENA (Single Information Exchange Network Application). SIENA brings together EU member-states' designated national units under a seamless communication system to share the operational and strategic intelligence on transnational crime.<sup>60</sup>

*Emergence as an EU agency (2009-2011).* In 2009, a European Council Decision was adopted to change the legal status of Europol from a non-EU agency to an EU agency. This came into effect in 2010, and since then Europol has been financed from the European Community budget. In addition, the financial and staffing decisions on Europol are now under the direct purview of the European Commission. Mathieu Deflem argues that although Europol operations are monitored and supervised by the European Union, the agency enjoys "a degree of autonomy

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<sup>57</sup> For a brief description of these EU entities on police cooperation, see Monica den Boer, "Fusing the Fragments: Challenges for EU Internal Security Governance on Terrorism," in *International Terrorism: A European Response to a Global Threat?* edited by Dieter Mahncke and Jörg Monar, 83-112 (Brussels, Belgium: P.I.E. Peter Lang).

<sup>58</sup> Mathieu Deflem, "Global Rule of Law or Global Rule of Law Enforcement? International Police Cooperation and Counter-terrorism," *Annals, AAPSS*, 603 (2006), 247.

<sup>59</sup> Dieter Mahncke, and Jörg Monar, eds. *International Terrorism: A European Response to a Global Threat?* (Brussels, Belgium: P.I.E. Peter Lang, 2006).

<sup>60</sup> Europol, "History."

to determine the specific means and objectives of its policing and counter-terrorist programs”, and it promotes “efficient sharing of information among police on the basis of professional standards of policing.”<sup>61</sup>

***Leadership, management, and accountability.*** The director of Europol is the operational chief of the agency, appointed for a four-year term, which can be extended for a second four-year term. The director is appointed by the European Union Council of Ministers for Justice and Home Affairs (the equivalent of SAARC Council of Interior Ministers). In appointing the director, the Council takes into cognizance the opinion of a management board, composed of high level officials from EU member states and the European Commission. The European Union has set up a strong mechanism for ensuring the Europol’s financial accountability. There is also a sound data protection body, which ensures the safeguarding of individual rights while the personal data are stored, processed, and utilized by Europol. As stated before, despite the emergence of Europol as a EU entity, a considerable degree of autonomy is exercised by Europol in running its operations, in concerted with national law enforcement agencies.<sup>62</sup>

### **Can Europol be a Role Model for the proposed SAARCPOL?**

An important question for many observers is the suitability of Europol as a role model for the proposed SAARCPOL. This section contends that regional police cooperation in South Asia can certainly follow the path of Europol. This is due to the fact that Europol is the most successful and most effective, if not the only, regional police cooperation agency in the world. Countries from other regions and continents have played with the idea of regional law enforcement collaboration, but none have achieved the level of institutionalization and maturity, the Europol has. For instance, the police chiefs in ten members of Association of South East Asian Nations (ASEAN) have aspired to create ASEANPOL to combat transnational organized crime.<sup>63</sup> Although they have introduced the e-ADS (Electronic ASEAN Database System) in 2007 for data sharing purposes, ASEAN police chiefs are yet to institutionalize regional policing.<sup>64</sup> In a similar vein, in 1995 the South African police agencies have formed Southern African Regional Police Chief’s Cooperation Organization (SARPCCO). The goal was to conduct joint training,

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<sup>61</sup> Deflem, “International Police Cooperation,” 21.

<sup>62</sup> Deflem, *Ibid.*

<sup>63</sup> “ASEAN to Set Up Security Agency on Lines of Interpol,” *Zee News*, May 14, 2009.

<sup>64</sup> James Kon, “Police Chiefs Coming to Brunei for ASEANPOL,” *Borneo Bulletin*, May 22, 2008.

investigation, and share information on cross-border criminal offences. Although SARPCCO claims to be a regional hub for Interpol activities, it has failed to emerge as an effective mechanism for regional police cooperation in South Africa.

The North American countries do not offer any case for regional police cooperation. This is due to the preference of the United States for greater autonomy and bilateral cooperation in criminal matters. For instance, the U.S. Drug Enforcement Agency (DEA) and the Federal Bureau of Investigation (FBI) cooperate with their counterparts in Mexico and Canada in combating transnational crime.<sup>65</sup> Such cooperation takes place at the bilateral level, and prioritizes several key issues, such as the fight against drug cartels in Mexico, and irregular migration at the U.S.-Mexico borders. Since the United States is the only country to share a land border with Canada, U.S.-Canada bilateral police cooperation is also quite significant. Such cooperation often centers on joint investigation, extradition procedures, and scientific detection methods such as DNA testing.<sup>66</sup>

In summary, the brief discussion on Southeast Asian, South African, and North American police cooperation shows the absence of effective regional police cooperation in three continents of the world. In contrast, the profile of Europol presented before offers the best available case of effective regional policing. This leads to a logical conclusion that SAARC nations can follow the path of Europol to enhance regional police cooperation. Now an important task is to compare and contrast the attributes of Europol and SAARCPOL, and identify the challenges of regional police cooperation in South Asia.

### **Comparison between Europol and SAARCPOL**

There are at least ten areas of comparison between Europol and SAARCPOL. These are identity, headquarters, core tasks, mandate limits, top security threats, genesis, evolving paths, leadership and management, accountability, and data protection mechanism. Table 2 reveals the similarities and dissimilarities between Europol and SAARCPOL. It shows that Europol has established itself as an agency for European law enforcement cooperation, while

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<sup>65</sup> Mathieu Deflem, "International Police Cooperation in North America: A Review of Practices, Strategies, and Goals in the United States, Mexico, and Canada," in *International Police Cooperation: A World Perspective*, edited by Daniel J. Koenig and Dilip K. Das (Lanham: Lexington Books, 2001), 73-94.

<sup>66</sup> Deflem, "International Police Cooperation in North America."

SAARCPOL is still in its infancy. There are a few differences in the core (and proposed) tasks, mandate limits, and top threats identified by the two initiatives for police cooperation.

**Table 2: Similarities and Dissimilarities between Europol and SAARCPOL**

Area of Comparison	Europol	SAARCPOL
Identity	A fully operational center for European law enforcement cooperation	A concept and an idea in South Asian regional police cooperation
Headquarters	The Hague, Netherlands	Not decided yet
Core tasks	Intelligence sharing on strategic and operational issues in criminal matters	Proposed objectives are to share information on criminal and terrorist offences
Mandate limits	Lacks any executive power to detain or conduct home search; however facilitates coordinated operation in multiple countries	Will lack any executive power of arrest and home search, but facilitate coordinated operation in multiple countries
Top security threats	Terrorism, drugs trafficking, human trafficking, Euro currency counterfeiting, credit card fraud, corruption, money laundering, cyber crime, VAT fraud	Terrorism, drugs trafficking, human trafficking, maritime piracy, money laundering, cybercrime, currency counterfeiting
Genesis/ Precursor	1970s: European interior ministers' meeting and the formation of TREVI	1992-1995: SAARC monitoring desks on terrorism and organized crime
Evolution	<ul style="list-style-type: none"> <li>• 1991-1998: conceptual development</li> <li>• 1999-2004: stabilization and priority setting</li> <li>• 2005-2008: organizational maturity</li> <li>• 2009-2011: transformation into a EU agency</li> </ul>	<ul style="list-style-type: none"> <li>• 1998-2008: Adoption of legislative framework</li> <li>• 1992-1995: Creation of monitoring desks on drug and terrorism</li> <li>• 1996-2011: Police chiefs' meeting</li> <li>• 2006-2011: Interior ministers' meeting</li> </ul>
Leadership and Management	Europol director is the chief executive, appointed by EU council of interior ministers	No visible progress
Accountability	Accountable to the EU management board, and auditing bodies	No visible progress
Data protection	Data protection officer, and joint supervisory body are appointed to safeguard individual rights	No visible progress

Source: Author

As shown in Table 2, the genesis and evolutionary pathways of the two entities show that SAARCPOL has successfully conceptualized its rationale and identified the key priorities; however, it is yet to achieve the organizational status, let alone stabilization, and maturity, accomplished by Europol. Consequently, SAARCPOL lacks four major attributes of an effective and institutionalized police cooperation agency: a permanent headquarters, strategic and operational leadership, accountability and oversight, and data protection body. An important task for SAARC nations is to take concrete actions to attain visible progress in these areas of institutionalized police cooperation. Taking such concrete actions, however, would require identifying the key challenges to police cooperation in South Asia.

### **Challenges to South Asian Police Cooperation**

With SAARCPOL lacking some of the core attributes of institutionalized police cooperation, an important question is whether SAARC can successfully emulate the path of Europol. This article shows that a general consensus exists among the South Asian interior ministers, and police chiefs on the need to formalize and institutionalize police cooperation. The idea of promoting police cooperation has also been, in principle, endorsed by the SAARC foreign ministers and high level technical experts. Despite these progresses, several challenges impede the process of transforming SAARCPOL from an agreed concept to an operational police entity. Below is a discussion of the major challenges to regional police cooperation in South Asia.

***Weak regionalism.*** Weak regionalism presents the first major challenge to police cooperation in South Asia. Regionalism is conceptualized as an economic integration process, which involves the removal of tariff and non-tariff barriers among members of a regional association. One way of measuring regional integration is to look at the percentage of intra-region trade among neighboring countries in a region. According to one estimate, intra-regional trade accounts for only 5% of total South Asian regional trade (aggregate value of trade by SAARC countries).<sup>67</sup> This figure is 62% for the European Union and 55% for the North American Free Trade Area (NAFTA).<sup>68</sup>

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<sup>67</sup> Gordon, "Regionalism and Cross-Border Cooperation," 86.

<sup>68</sup> Gordon Ibid.

The EU integration process may indicate an association between high level of regionalism and strong regional police cooperation. The causal link between economic integration and police cooperation is straightforward. Greater integration has allowed the EU countries to create a border-free region, where transnational crime and terrorism pose a serious threat to the area of freedom, security, and justice, envisioned by the EU. This has necessitated greater cooperation on intelligence sharing, legal assistance, and criminal issues. The resultant effect is the strengthening and institutionalization of Europol.<sup>69</sup> Why, then, has NAFTA, with strong intra-regional trade, failed to create any institutionalized and regional police cooperation agency? As stated earlier, the dominant member of NAFTA – the United States – prefers bilateral cooperation, rather than multilateral cooperation on policing affairs. Besides, endemic corruption and the prevalence of drug cartels in Mexico have discouraged the USA and Canada to enter into any regional police cooperation agreement in the NAFTA region. The net effect is the absence of any NAFTAPOL in North America.

Following the footprint of EU, the South Asian nations have expressed profound interests in SAARCPOL. Hence, it is posited that greater economic interdependence will create mutual interests among SAARC nations to enhance cooperation in trans-border criminal affairs.

***Indo-Pak disputes.*** The Kashmir dispute between India and Pakistan presents the second major barrier to SAARC integration process, and by extension, to regional police cooperation.<sup>70</sup> In addition, the mutual distrust and the blame game between New Delhi and Islamabad often derails the existing peace process and counterterrorism cooperation.<sup>71</sup> For instance, New Delhi accuses Islamabad of sponsoring Kashmir-based Islamist militant groups. Similarly, Islamabad alleges that New Delhi instigates the Baloch separatists in Pakistan. The Indo-Pak disputes and mutual suspicion have had negative effects on police cooperation in the region. This was evident during a technical committee meeting of the SAARC ministerial assembly in June 2010. At the meeting, delegates from Islamabad

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<sup>69</sup> Deflem, "International Police Cooperation Against Terrorism"; Jolyon Howorth, "European Security and Counterterrorism," in *Immigration, Integration, and Security: America and Europe in Comparative Perspective*, edited by Ariane Chebel d'Appollonia and Simon Reich (Pittsburgh, PA: University of Pittsburgh Press, 2008), 95-110.

<sup>70</sup> Gordon, "Regionalism and Cross-Border Cooperation," 88-90.

<sup>71</sup> "Indo-Pak Trust Deficit Hampering Efforts to Set Up SAARCPOL," *Daily Times*, June 25, 2010; Ganguly, "Counterterrorism Cooperation in South Asia." Senior officials at the Ministry of Home Affairs (MOHA) and the Ministry of Foreign Affairs (MOFA) in Bangladesh also share the view that Indo-Pak dispute and mutual distrust is the most important barrier to police cooperation in South Asia. Interviews with MOHA and MOFA officials, July-August 2012.

proposed that a SAARC Institute of Criminology be established in Pakistan. Indian delegates opposed the idea on the ground that such an institute already exists in India, and that SAARC members can benefit from it, rather than duplicating it. Islamabad rejected the Indian opposition citing that Pakistani students were denied extension of visa, and were not guaranteed any security in India.<sup>72</sup>

Although a composite dialogue is in place between the two South Asian archrivals, more confidence building measures (CBMs) need to be taken to promote operational cooperation on bilateral issues, such as cross-border terrorism, drugs trafficking, and human trafficking. Such bilateral cooperation will pave the way for regional police cooperation among the SAARC nations.

*Mutual suspicion between India and its small neighbors.* Mutual suspicion between India and its small neighbors also hinder the flow of information sharing and police cooperation in South Asia. After Pakistan, other South Asian nations, especially, Bangladesh, Bhutan, Nepal, and Sri Lanka have experienced bitter relations with India. This bitterness concerns the unresolved disputes over land and maritime border demarcation, sharing of common rivers, and cross-border terrorism.<sup>73</sup> The acrimonious relationship between India and its neighbors has led to the generation of mutual suspicion between New Delhi and other South Asian capitals.<sup>74</sup> Consequently, the small members of SAARC perceive India as a hegemonic power, whereas New Delhi sees her small neighbors attempting to use SAARC to gang up against India.<sup>75</sup> It is important that India and its neighbors resolve the bilateral disputes in an amicable manner, and facilitate police cooperation at the regional level.

*Absence of extradition treaty or MLAT.* Although the SAARC Convention on Mutual Assistance in Criminal Matters was agreed in 2008, it is yet to come into force. As of July 23, 2011, only Bangladesh, Bhutan, India, Maldives, and Sri Lanka have ratified the Convention, whereas Afghanistan, Nepal, and Pakistan have not

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<sup>72</sup> Kashif Abbasi, "Hotline Proposed; Differences Persist on 'SAARCPOL.'" *The Nation* (Pakistan), June 25, 2010.

<sup>73</sup> AKM Nazrul Islam, Abu Taher Salahuddin Ahmed, and Mahbubur Rashid Bhuiyan, "Traditional Security of Bangladesh 2008," in *National Security Bangladesh 2008*, edited by Sheikh Md Monirul Islam, (Dhaka, Bangladesh: UPL, 2009), 43; S. D. Muni, "Terrorism and Interstate Relations in South Asia," *Terrorism in South Asia: Impact on Development and Democratic Process*, edited by Sridhar K. Khatri, and Gert W. Kueck (New Delhi: Shipra Publications, 2003), 328-337.

<sup>74</sup> Balachandran, "Insurgency, Terrorism, and Transnational Crime."

<sup>75</sup> Gordon, "Regionalism and Cross-Border Cooperation," 93.

done so<sup>76</sup> The absence of any extradition treaty or mutual legal assistance treaty (MLAT) in South Asia is acts as a major stumbling block toward the creation of SAARCPOL.<sup>77</sup> The Europol model suggests that the signing of extradition treaties and MLATs would increase the prospects for bolstering police cooperation in South Asia.

***Absence of data protection.*** The absence of a data protection mechanism presents a long term challenge to institutionalized police cooperation in South Asia. As SAARC has demonstrated the political will to form a regional police cooperation body, it is important to draft a data protection convention, and to create an oversight mechanism to ensure the accountability of the proposed SAARCPOL.

***Lack of organizational preference for intelligence sharing.*** Lack of organizational preference for intelligence sharing presents a formidable challenge to police cooperation in South Asia. As seen after the 2008 Mumbai terrorist attacks, New Delhi and Islamabad lacked any genuine interests in intelligence sharing.<sup>78</sup> Although quite often bilateral relations may have a strong effect on the level of intelligence sharing, organizational behavior of the national police agencies play an important role in determining the nature and scope of tactical and operational cooperation in criminal matters. Besides, corruption, lack of professionalism, and human rights violation by police agencies may create a strong disincentive for regional and multilateral cooperation in policing affairs. One way to overcome such obstacles is to emphasize in police training curriculum the necessity of sharing and coordination in dealing with transnational threats. Another approach can be emphasizing police professionalism by upholding human rights standards and creating a strong oversight mechanism for combating corruption and malpractices.

### **Concluding Remarks and Policy Implications**

Several conclusions can be drawn from the foregoing discussions. First, transnational organized crime and terrorism pose two principal threats to South Asian security. Second, regional cooperation on police and criminal justice matters can play an important role in building a strategy to fight organized crime and terrorism in South Asia. Third, Europol offers an effective model for the proposed SAARCPOL. Fourth, emulating the Europol model requires that

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<sup>76</sup> "Bangladesh Delegation Brief (with interventions), 4<sup>th</sup> Meeting of SAARC Home Ministers (Thimphu, July 23, 2011), p. 17.

<sup>77</sup> Gordon, "Regionalism and Cross-Border Cooperation," 88-89.

<sup>78</sup> Ganguly, "Counterterrorism Cooperation in South Asia," 9.

SAARC nations devise an action plan for leadership and management, accountability and oversight, and data protection. Finally, the formation of SAARCPOL requires overcoming several challenges, such as, the removal of tariff and non-tariff barriers and promotion of intra-region trade, resolution of the Kashmir dispute and an emphasis on confidence building measures between India and Pakistan. Other measures include the ratification of a SAARC extradition treaty or MLAT to facilitate the transfer of accused or criminals, and adoption of a data protection framework, and encouraging organizational preference for intelligence sharing.

As a founding member of SAARC, Bangladesh can take several initiatives to promote regional police cooperation in South Asia. The first step is to articulate a strategy to transform SAARCPOL from a concept to a regional police cooperation agency. The next task is to propose the strategy to various layers of SAARC's decision making process. The country has a modest police organization with 135,000 personnel. Members of Bangladesh Police are engaged in maintaining domestic law and order and preventing serious crimes. They also have a track record of participating in UN police missions, and coordinating with Interpol activities.<sup>79</sup>

Given the fact that some of the traditional and non-traditional security threats to Bangladesh come from the SAARC states, and SAARC members share many common security challenges, Dhaka should make a concerted effort to promote the idea of SAARCPOL. In doing so, Bangladesh should emphasize that SAARCPOL will not replace the national police services, nor will it have the executive power of search and detention. Instead, its greatest value would lie in creating an intelligence fusion center, from which the national desk officers from SAARC nations would benefit immensely. If South Asia follows the footsteps of Europol, the net effect would be observed in joint investigations and coordinated operations in the fight against transnational organized crime and terrorism. The greatest beneficiaries will obviously be the South Asian people, who are often the victims of criminal and terrorist offences.

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<sup>79</sup> Interview with National Security Officer, Interpol National Central Bureau Office in Dhaka, July 2012.