

Bilateral Police Liaison Officers: Practices and European Policy

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Abstract

Police from the European Union (EU) Member States make significant use of bilateral liaison officers to cooperate with police in other countries. In the past decades, a number of TREVI and EU Council policy instruments have aimed to enhance the common use of liaison officers by the Member States. This research article discusses these policy instruments from the perspective of the practicalities of the work of liaison officers, examines the underlying rationalities of the instruments and assesses their effects. The findings show that national interests of Member States remain paramount in posting liaison officers. Practices of liaison officers are largely governed by national regulations and organisational particulars, but also depend on the high level of discretion that liaison officers can exercise. In contrast, the policy instruments are largely driven by a political rationality and little intended effect of these instruments can be detected.

Keywords

Police cooperation; Liaison officers; TREVI; JHA

IN SEPTEMBER 2000, A DEAD MAN WAS FOUND IN A MEADOW JUST NORTH OF Amsterdam with a Russian passport lying close to his body. The victim's body was severely mutilated and police suspected a connection with organised crime. As a consequence, they set up a large homicide team. Since getting information from Russia through Interpol channels could take some weeks, the team contacted the liaison officer of the Netherlands in Moscow, who within a few hours was able to confirm the identity of the victim. Moreover, he could inform the team that the Moscow police chased the victim, together with another person, on suspicion of rape five days earlier and lost them near the capital's airport, Shermetyevo. The other person had already been found deceased in the landing gear compartment of a Boeing 737 that had arrived in Amsterdam from Moscow. Apparently the victim fell from the same plane when it had lowered its undercarriage whilst flying over the meadow where he was found (The Moscow Times 2000). The swift information exchange with the Russian authorities through the liaison officer made it possible to directly end the investigation, which otherwise could have taken a few weeks.

This is just one example of the effectiveness of the work of liaison officers in police cooperation. Police from the European Union (EU) Member States make use of different strategies for information exchange and cooperation, and one widely used strategy is maintaining a network of bilateral liaison officers, also known as Drug Liaison Officers, International Liaison Officers or Overseas Liaison Officers.¹ The use of liaison officers in

¹ Throughout this article, the general designation 'liaison officer' will be used.

police cooperation has been subject to various policy efforts at the European level that aim to regulate the posting of liaison officers, formalise their role and tasks, and make a common use of liaison officers possible. These efforts commenced in the 1980s with policy instruments of the TREVI² Council of Ministers and continued after 1993 with several instruments adopted by the EU Council.

A key question is whether these instruments have led to changes in practices in the Member States with regard to the posting of liaison officers and the liaison officers' role and tasks. It has been argued that EU policy instruments on Justice and Home Affairs lack practical orientation because of the limited participation of content-oriented law enforcement professionals in this strongly executive-driven policy-area (Bigo 2000: 183; Den Boer 2006). Snellen (2002) argues in this respect that 'good' public policy meets simultaneously the requirements of four rationalities, *i.e.* political, legal, economic and professional rationality. Consequently, the acceptance and full implementation of public policy that shows an unbalance towards one or two of the four rationalities, is unlikely (Snellen 2002). This would suggest that EU policy instruments that lack a practical orientation would have a limited effect on police practices.

This article investigates the practices of liaison officers and the background and effects of TREVI and EU policy efforts in that field. A review of the academic literature on police cooperation reveals only a few contributions based on original research regarding the practices of liaison officers (*i.e.* Bailey 2008; Bigo 1996 and 2000; Block 2007; Fowler 2008; Nadelmann 1993). Other contributions that discuss practices of liaison officers usually build on Bigo or Nadelmann. Bigo (2000) provides an extensive account on the use of liaison officers in European policing, but does not go into detail regarding their practices. Nadelmann (1993) details many practices of liaison officers, but specifically from a US law enforcement perspective.

The following section will therefore be largely descriptive. It discusses the practices of European liaison officers in detail with the aim of providing a background against which the policy efforts in this field can be examined. It will offer a detailed description of the role and tasks of liaison officers in police cooperation for which mainly practices of EU liaison officers posted in Russia are used as illustrations. The nature of the work of European liaison officers posted in the Russian Federation however is essentially the same in any other country (Interview 27 September 2009; Interview 27 October 2009). Section three will then examine the emergence, development and current relevance of liaison officers in European police cooperation. Thereafter in section four, the policy instruments related to the posting and tasks of liaison officers adopted under TREVI and by the EU Council will be examined in detail. Particular attention will be given to the rationalities that played a role in the policy-making of each of these instruments. At the same time, the effect of these instruments will also be assessed. The concluding section will provide a summary of the findings and a brief reflection on their implications.

Practices of liaison officers

Role of liaison officers in police cooperation

Liaison officers are law enforcement officers posted on behalf of their agency in another country (*i.e.* the host country) to 'liaise' with the law enforcement agencies in that country. This strategy has emerged as a practical form of interagency cooperation between police

² The TREVI forum was set up in 1975 and brought together Home Affairs and Justice Ministers and high officials from the European Community. In 1992, TREVI was integrated in the third pillar of the EU.

and allows them to directly (horizontally), sometimes informally, exchange information across borders and coordinate cooperation efforts mostly in criminal investigations.

The exact role of liaison officers is subject to national preferences and regulations and can differ widely between Member States. Liaison officers have in common that they develop and maintain a network of privileged contacts in their host country and act as intermediaries between their agency and the law enforcement agencies in the host country. They provide support to and have an intelligence role in operational police cooperation. However, it is important to realise that liaison officers do not have powers to investigate in the jurisdiction where they are posted. Through their direct contacts in either country they facilitate requests from and to their home country for information, evidence, interrogations, arrests and extraditions. Depending on the specific tasks assigned and particulars of the investigation, this can expand to coordinating joint (covert) operations or facilitating the judicial follow-up of the initial information exchange. A simple request for intelligence could end up in a long lasting logistically and legally challenging endeavour. Furthermore, liaison officers often have a role at the tactical level in explaining the legal and operational particulars of the law enforcement systems of their host country to their colleagues at home and advising on the most promising avenues for cooperation. Some liaison officers are also tasked with informing and advising their agencies at the strategic level regarding issues and developments in the host country.

Most EU liaison officers are accredited as diplomats in the host country, or host countries if they serve multiple countries, and enjoy diplomatic immunity. With few exceptions, they are seconded to their country's embassy or consulate in the host country and maintain an office there. In the 1980s, there were discussions amongst the European Community (EC) Member States on whether liaison officers should have diplomatic immunity. Some Member States argued that particularly liaison officers stationed within the EC should have the same status as police officers in the host country. For liaison officers posted outside the EC all Member States agreed that they should have diplomatic immunity (CRI 1992). Nowadays it is common practice that EU liaison officers posted in or outside the EU are accredited diplomats. This offers them a formal position; both Bigo and Nadelmann emphasise in this respect the ambiguity of the role of liaison officers. On the one hand liaison officers can use their informal direct contacts with local law enforcement to exchange information and to secure quick responses to the requests of their agency. On the other hand they are the formal representatives of their agency and can choose where necessary to formalise their efforts when informal solutions prove to be insufficient (Bigo 2000: 70; Nadelmann 1993: 109). An exception to the practice of seconding liaison officers to an embassy can be found with the counter-terrorism liaison officers in Europe posted under the aegis of the Police Working Group on Terrorism. Those are usually seconded to the counter-terrorism agency in the host country where they, because of the sensitivity of the matter, function as a dedicated point of contact between two specific agencies without a wider remit (Bigo 2000: 75, Interview 4 October 2005).

Case work

Within the EU, the police can choose between multiple channels for exchanging information and cooperation such as, for example, Interpol, Europol, the Schengen Information System and direct contacts. Requests for information, usually referred to as 'cases', are likely to be routed through liaison officers instead of through the other available channels whenever a case requires more active support than a simple information-exchange because of its complexity, sensitivity or urgency. It should be noted that, as with many other aspects of policing, no standard exists in European policing for what constitutes a 'case' (Hobbing 2008). In the work of liaison officers a case could refer to anything between a single one-time request and a complex investigation that stretches

over multiple years. Although cases usually relate to serious and organised crime investigations, liaison officers can also support local crime problems. For example, a detective of London's Metropolitan Police has been posted as a liaison officer in Jamaica in support of an operation targeting local gun violence in London (BBC News 2000).

Cases can originate from the home country of the liaison officers or can be brought to the liaison officer's attention by the host country. Bailey calls the former "referred cases", whilst the latter are known as "discovered cases" (Bailey, 2008: 97). The bulk of a liaison officer's casework is likely to consist of referred cases although discovered cases can from a perspective of reciprocity receive equal priority (Interview 27 September 2009; Block 2007: 375). Liaison officers are regarded as effective and efficient because through their personal contacts and knowledge of the system they are in a better position to handle the bureaucracy or other hurdles in the system of their host country. In particular, when a liaison officer presents a case in person to the requested agency, he or she is often able to obtain support at the highest level necessary and subsequently gets the case directly assigned to a competent case officer. This has two advantages. Firstly, it increases the speed with which the case is handled. Secondly, it decreases the risk of premature disclosure, an advantage that is particularly valued by the police when dealing with countries outside the EU.

Differentiation in tasks and practices

How liaison officers organise their work depends on national regulations, the police system in their home country and their personal preferences. An example of variation in tasks as a result of diverging national regulations is whether a liaison officer is tasked by his or her agency to use covert human intelligence sources (CHIS) in the host country. The EU Member States diverge in their legislation and approach regarding the use of CHIS. Therefore, some Member States allow their liaison officers posted abroad to use CHIS, whilst others do not. In addition, the host country may have restrictive regulations on what liaison officers are allowed to do or not. For example, regulations in the Netherlands do not allow foreign police liaison officers posted there to use CHIS (*Ministerie van Justitie* 2002).

Moreover, the differences between the police systems of the Member States result in diverging tasks for liaison officers. Some Member States mostly send out very high ranking officers as liaison officers, whereas other Member States value investigative competencies more than rank and send out lower ranking, but seasoned, investigators. The latter usually focus more on operational tasks, while the former generally focus on maintaining contacts at the highest level possible in their host country. Finally, the personal preferences of the liaison officers form a third important source for further variation in their practices. Liaison officers may differ in the agency, department or person they trust and prefer to contact and whether they choose a formal approach as representative of their country or a more informal approach as 'colleague' (Interview 27 September 2009).

The process of intelligence exchange

For a deeper understanding of the nature of the work of liaison officers, their role will be described in the process of criminal intelligence exchange. When a liaison officer receives a request for information from his or her home country, the first step he or she usually takes is to determine the best channel to manage to answer the request. This entails finding the appropriate legal context and in the liaison officer's perspective the most competent agency, and sometimes person, to deal with the actual substance of the case. In the Russian Federation, for example, there is no single central point of contact for

foreign liaison officers, whilst, at the same time, the various law enforcement agencies have overlapping mandates. Therefore, liaison officers can *de facto* choose the agency, and sometimes department, that they consider the most adequate to handle their request. Simultaneously, there is limited inter-agency coordination and intelligence sharing between the Russian Federation law enforcement agencies. Choosing one agency to which to send the request entails the risk that relevant intelligence available in one of the other agencies remains untapped. Of course, a request can be sent simultaneously to multiple agencies, although unwritten rules prescribe the liaison officer then to inform all requested agencies accordingly. In practice, the liaison officer then runs the risk that none of the receivers would give much priority to the request. Therefore, the liaison officer chooses the agency to which the request is forwarded on the basis of the substance of the case, past experience and personal preferences (Block 2007).

Significant effort then goes into adapting the inquiry to meet the local legal and operational requirements, so that the case can be dealt with quickly. This entails providing sufficient information in the preferred format of the requested agency, rephrasing the query so that it fits into the world of comprehension of the requested agency, and possibly rephrasing the specific questions to match the way information is stored in their databases. The answer from the requested agency is in turn translated and evaluated to determine the origin, classification and quality of the received information to ensure that it can indeed operationally and legally be used in the liaison officer's home country. Thereafter, the answer is annotated where necessary with other information available to the liaison officers and sent back to the requesting agency in the home country.

The practicalities of the liaison officers' work as depicted in this section show that liaison officers have a significant level of discretion with regard to the organisation of their work. Their efficacy depends on their knowledge of investigative and operational issues in the different legal and organisational systems in the jurisdictions between which they liaise. Additionally, liaison officers should possess extensive experience in crime investigations because, "if they [in the host country] see that you don't understand how it works, you'd better go home" (Interview 27 October 2009). Finally, personal skills in forging relationships and maintaining a network, as well as linguistic and cross-cultural competencies, are key in performing the tasks of a liaison officer. These elements are important to remember when we examine the TREV1 and EU policy efforts with regard to liaison officers.

Liaison officers in European police cooperation

Emergence

Until the 1970s, European police forces did not use liaison officers as a strategy for bilateral cooperation. It is likely that the first liaison officer was posted by France in 1971 in Washington D.C. (Bigo 2000: 76). Throughout the 1970s, an increasing number of European countries began to post liaison officers in other European countries, as well as in source countries in relation to the issue of illicit drugs. For example, the first foreign liaison officers posted in the Netherlands arrived in 1974 and in 1976, whilst the Dutch police sent out its first liaison officer to Bangkok - where the Swedish National police had been the first European police force to post a liaison officer (Anderson 1989: 124).

The concept of using liaison officers in law enforcement cooperation was not new. The FBI sent its first special agent in a 'liaison' capacity abroad in 1939 and started its legal attaché (LEGAT) program in the 1940s with legal attachés posted in Latin America, London and Ottawa (Fowler 2008: 111; Nadelmann 1993: 151-152). The Federal Bureau of Narcotics, which preceded the US Drug Enforcement Agency (DEA), sent its first permanent liaison

officer abroad to Rome in 1951 (Nadelmann 1993: 131). The first use in the 1970s of liaison officers by European police forces coincided with a significant increase in the US drug enforcement presence abroad (Nadelmann 1993: 140-141). These European liaison officers were initially solely active in the field of combating drugs. Later, their use expanded into other areas like combating organised crime and counter-terrorism (Bigo 1996: 30).

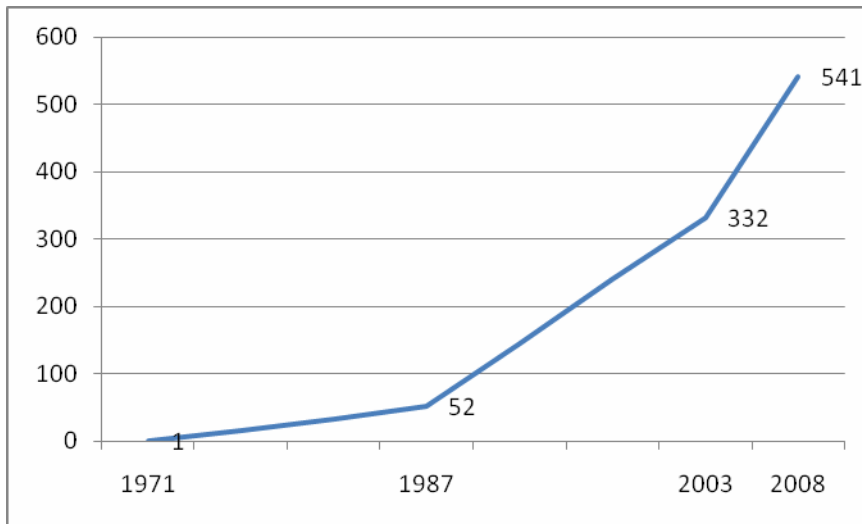
At the time, two other types of liaison officers existed. Some of the EC countries had posted liaison officers at the Interpol headquarters. Those were, however, not 'bilateral' liaison officers in the sense that they maintained direct contacts between law enforcement agencies, but rather acted as liaison officers on behalf of Interpol often assigned to maintain contacts in a number of countries, most specifically in the field of combating drug trafficking. This practice started within Interpol in 1972 (Bresler 1992: 133 and 227-231). In 1987, there were 13 liaison officers from EC countries posted at Interpol (TREVI 1987a). The other type of liaison officers that existed were the officers posted abroad by the *Service de Coopération Technique Internationale de Police* (SCTIP) of the French Interior Ministry. France did not regard them as liaison officers because they were not tasked with operational cooperation. The SCTIP exclusively focused on technical police cooperation, although it has been argued that sensitive political and intelligence interests were involved in its establishment, which coincided with de Gaulle's decolonisation of sub-Saharan Africa (Anderson 1989: 154). Nonetheless, in the 1990s, the focus of the SCTIP shifted because of the "*réalités du moment*" (the current situation) and the "*impératifs de sécurité*" (the security requirements) (French Interior Ministry 2003). Nowadays operational cooperation is a primary task of the SCTIP liaison officers abroad (French Interior Ministry 2008).

Development

Over the first decade after liaison officers emerged in European police cooperation their number increased rather slowly. An overview circulated in 1987 within TREVI Working Group III showed that the 12 EC Member States at that moment together had 52 liaison officers posted in 21 countries in and outside the EC (TREVI 1987a). These included ten liaison officers jointly posted by the Nordic countries (Denmark, Finland, Sweden, Norway and Iceland), which have pooled their police and customs liaison officers since 1982 (Gammelgård 2001:233).

By the end of the 1980s and early 1990s, the use of liaison officers in European police cooperation expanded further. France, Spain, Italy and the UK in 1992 had together posted a total of 70 liaison officers abroad. Throughout the 1990s, the use of liaison officers in European police cooperation increased significantly. At present, the police forces of the EU Member States have posted a large number of liaison officers in countries both inside and outside the EU. This number increased particularly in the past decade. In 2003, the then 15 EU Member States had 255 liaison posts³ outside the EU and 77 inside the EU (Council 2003a). By 2008, this number had risen to a total of 541 liaison posts, of which 337 were outside the EU in different regions of the world (Council 2008). Figure one shows the development of the number of liaison officers posted by the EC/EU Member States over time.

³ Sometimes, more than one liaison officer is stationed at a liaison post. Therefore, the number of liaison officers mentioned here is in fact the minimum number.

Figure 1: Number of liaison officers posted by the EC/EU Member States, 1971-2008

Not all these liaison officers are necessarily 'police liaison officers' because some of the EU Member States, like for example the Nordic countries, make no explicit distinction between police and customs liaison officers. Furthermore, the number of liaison officers does not include the so-called 'Europol Liaison Officers' (ELOs) that are posted by the Member States and some third countries at Europol. By December 2008, there were 124 ELOs posted at Europol (Europol 2008). Although the tasks of an ELO are more or less similar to those of bilateral liaisons, their role differs from bilateral liaison officers as they cooperate only with each other within the contained environment of Europol and do not maintain direct contact with different law enforcement agencies in a host country.

Significance of liaison officers for European police cooperation

A total of 541 liaison officers are of course but a tiny fraction of the total of police capacity in the EU Member States. Nonetheless, especially given the fact that only a small number of police officers in Europe are engaged full time in transnational cooperation, liaison officers are a significant dimension of police cooperation, both within the EU and with third countries. The importance of liaison officers for police cooperation within the EU can be illustrated by the regional distribution of the liaison posts maintained by the EU Member States. A large proportion of these posts (*i.e.* 38 per cent) is located within the EU, even though ample other channels for information exchange and cooperation are available.

Table 1: Distribution of liaison posts maintained by the EU Member States in 2008

European Union	Central and Eastern Europe	Africa	Asia Pacific	South Asia	Middle East	Americas
204	108	70	42	17	24	76

Source: Council 2008

Bigo argues that the use of liaison officers has been a crucial development in European police cooperation. In his view, "since the widespread interconnection of police files is

forbidden, and even undesirable for operational reasons, they have become the human interface for data interconnection" (Bigo 2000:79).

In the EU policy arena the role of liaison officers in police cooperation has also been acknowledged as vital in the fight against organised crime. The following quote from a note to one of the working groups of the EU Council is illustrative for this:

In particular, past experience has shown that, in the fight against drugs, they have developed into an absolutely vital means of ensuring efficient cooperation with the law enforcement agencies of other States in the "advance deployment strategy", direct provision of information, direct cooperation with the law enforcement agencies on the spot and constant evaluation with regard to the emergence of new criminal trends in the receiving States. This wealth of experience in practical cooperation, which the liaison officers possess, should be drawn upon constantly (Council 1998).

The significance of liaison officers for police cooperation with third countries can be particularly well-illustrated with the EU liaison officers posted in the Russian Federation. Police cooperation between the EU Member States and the Russian Federation is still cumbersome for many reasons including the language difference, the different legal systems and organisational structures and of course the still present political contrasts. Therefore, the available channels for information exchange and cooperation are limited mainly to Interpol and liaison officers (Block 2007). Since the 1990s, the number of EU liaison officers posted in the Russian Federation has grown significantly. In 2004, their total number reached 31, representing 17 EU Member States.⁴ Almost all liaison officers have one or more local support staff, resulting in more than 50 persons dealing full-time with law enforcement cooperation on behalf of EU Member States in the Russian Federation. In 2004, the EU Member States' liaison officers in the Russian Federation handled approximately 4,000 cases, with the actual number varying between 60 and 500 cases per Member State. In comparison, during the same year, the National Central Bureau (NCB) of Interpol in Moscow handled a comparable number of cases, of which the great majority - that is 70 to 80 per cent - related to European countries. Thus, the overall workload of the liaison officers represents a fairly large, if not the largest, part of the cooperation in criminal investigations and criminal intelligence exchange between European law enforcement agencies and the Russian Federation.

These findings show that liaison officers represent a significant strategy for transnational cooperation by the police from the EU Member States, not only with third countries but also in the EU, despite the existence of multiple alternative channels available.

TREVI and EU policy instruments concerning liaison officers

Policy efforts under TREVI

The first time that liaison officers became subject to intergovernmental policy-making in Europe was in the TREVI forum, when the TREVI Working Group III examined issues of drug liaison officers (DLOs) in police cooperation in September 1986. Different aspects of the use of liaison officers were considered but it was recognised that sharing liaison officers was not possible for financial, legal, practical and linguistic reasons. After this first discussion, it was agreed that the delegations would provide the UK Presidency with details on their liaison officers and that this information would be used within TREVI as a

⁴ The quantitative data in this subsection was gathered through a survey conducted at the end of 2004. Of the 31 liaison officers posted in the Russian Federation, 27 responded. The findings have been published in more detail in Block 2007.

basis to further, as far as possible, the exchange of liaison officers and transfer of information between Member States (TREVI 1986a).

The focus on liaison officers as a policy subject received the most important momentum at the TREVI Ministers Conference on 20 October 1986. In his speech, the Dutch Minister of Justice proposed to add a paragraph on liaison officers in the TREVI *Conclusions on Drugs* (*Ministerie van Justitie* 1986). This was accepted with some amendments and the conclusions asked the Member States to build

on the good co-operation which already exists between law enforcement agencies, by posting drugs liaison officers (DLOs) within the Member States, by Member States posting DLOs to other countries, and by supporting a world-wide directory of contacts for drugs related messages. To this end Ministers asked Trevi Working Group III to examine the scope for building on existing arrangements to create a coordinated network of drug liaison officers to monitor developments in producer countries (TREVI 1986b).

This sudden emphasis by the Netherlands on liaison officers was actually prompted by the fear that in the TREVI ministerial meeting the European drug policy would predominantly be viewed from a repressive perspective. The relatively liberal drug policy in the Netherlands had some weeks earlier received heavy criticism in a session of the European Parliament and therefore a senior policy advisor to the Dutch Minister of Justice proposed to focus on liaison officers as a diversion towards a more preventive approach (*Ministerie van Justitie* 1986).

In April 1987, the TREVI Ministers united on a seven-point agreement on drugs liaison officers, which included rationalising the existing network by taking into account other DLOs already posted; cooperation between the DLOs; and the direct exchange of information of an urgent operational nature (TREVI 1987b). Further discussions in Working Group III eventually led to the inclusion of two paragraphs on liaison officers in the TREVI Program of Action adopted in 1990 where the designation 'DLO' was changed into the more general designation 'liaison officer' (TREVI 1990). In 1991, the TREVI Ministers adopted two recommendations on liaison officers (TREVI 1991a, TREVI 1991b), but their content was largely similar to the text in the 1990 Programme of Action. Some details in these recommendations were based on the answers to a questionnaire issued in 1990. An overview of the results of the questionnaire shows that on many subjects relating to liaison officers (*e.g.* posting, tasks, accreditation, competencies) no common opinion amongst Member States existed (CRI 1992). The effect of the TREVI policy efforts relating to liaison officers is difficult to assess in detail. Nevertheless, their apparent lack of effect was noted in 1996 as a reason to initiate further EU policy efforts (Council 1996c).

EU Policy Instruments on liaison officers

After the inclusion of the TREVI acquis in the third pillar of the EU, the first reference to liaison officers in EU policy documents can be found in a report of the Working Party on Drugs and Organised Crime in 1995. The report highlights the role of liaison officers particularly with regard to combating drug trafficking:

Member States should make efforts to enhance co-operation and coordination between DLOs both within the EU and in third countries, through increased exchanges of information and intelligence and through regular in-country meetings (Council 1995).

This led up to new policy efforts on liaison officers. Subsequently, the EU Council adopted in 1996, 2000, 2003 and 2006 five policy instruments concerning the posting and tasks of

the EU Member States' police liaison officers. Each of these instruments will be discussed below.

1996

During early 1996, discussions on a new instrument were initiated by a note written by the Italian Presidency (Council 1996a). The note built on the TREVI Ministers' recommendations of June 1991 and consisted of a questionnaire on the use of liaison officers by the Member States. The Italian Presidency subsequently drafted a Joint Action, which was adopted in the second half of 1996 (Council 1996d). The idea was to take the earlier agreements on the common use of liaison officers further. The document stated that "[it] would therefore appear desirable for the Member States to agree on a strategy to identify areas for action and procedures for possible shared use of the networks of liaison officers". That ambition was tempered by a response from the German delegation supporting most of the Italian suggestions, though stating firmly that "liaison officers are deployed according to national considerations" (Council 1996b).

The underlying arguments for the draft Joint Action did not contain any reference to practical aspects of liaison officers' work in relation to, for example, the diverging legal systems and traditions between EU Member States or the differences in police powers, police practices, structures and culture. These aspects all add to the complexity of transnational police cooperation (Block 2008) and therefore affect the proposed sharing of liaison officers. Subsequent policy documents related to discussions on the Italian proposal for the Joint Action also do not show any evidence of any discussion on these issues.

In 2001, the results of the implementation of the 1996 Joint Action were assessed in the Police Cooperation Working Party (Council 2001c). On the basis of the answers given to a questionnaire, it was concluded that little progress had been made in the cooperation between Member States on the posting and tasking of liaison officers (Council 2002a). Closer scrutiny of the actual answers provided by the Member States to the questionnaire shows diverging practices between Member States with regard to the use and posting of liaison officers, and little, if any, tangible implementation of the provisions of the Joint Action. Cooperation between the liaison officers of the Member States did take place though, predominantly on an informal and bilateral basis and not in a way intended by the Joint Action (Council 2002b).

2000

In 2000, liaison officers received a prominent role in the Action Plan on common action for the Russian Federation on combating organised crime. The action plan was "designed to promote close cooperation between the European Union and its Member States, and the Russian Federation in the fight against organised crime". The Action Plan summed up seventeen possible law enforcement cooperation arrangements and included a special paragraph devoted to the Member States' liaison officers posted in the Russian Federation. That paragraph stated that "these officers [should] meet on a regular basis...exchange relevant information [and] should have the opportunity to consider the implementation of the action plan and to put forward proposals for strengthening that process" (Council 2000).

In practice, the only identifiable consistent action taken on the basis of the Action Plan since 1999 has been the organisation of annual meetings for the EU liaison officers by the consecutive Presidencies. These meetings usually have a pre-drafted programme and

conclusions usually supporting national priorities of the Presidency with little space available for input – as recommended in the Action Plan – from the liaison officers (Block 2007).

More regular meetings between the EU liaison officers posted in the Russian Federation as suggested in the Action Plan to promote information exchange have been held since 1999 and have continued since then. These informal meetings are held between all (and not only EU) liaison officers. Such meetings are common in places where multiple foreign liaison officers are posted. A well-known example are the meetings of the Foreign Anti Narcotic Community (FANC), an informal working group of the foreign Drug Liaison Officers posted in Thailand, which was set up in 1979 (AFP 2002). Overall, close cooperation between the liaison officers of the EU Member States posted in the Russian Federation exists mainly on an informal basis and independently from the Action Plan.

2003

In 2003, the Council adopted two instruments concerning liaison officers. The first was a Council Decision aiming to regulate the posting and tasks of police liaison officers, which replaced the 1996 Joint Action (Council 2003b). The initiative for the Decision was taken by Denmark (Council 2002d), although the discussion started in 2001 when Sweden proposed to open “joint liaison offices” citing the cooperation between the Nordic countries on liaison officers (Council 2001a). However, except for Sweden, Denmark and Italy, all other Member States considered that proposal to be too far-reaching. It was argued that further developments in co-operation between liaison officers should instead be based on already existing agreements, formal as well as informal (Council 2001b).

The purpose of the Danish initiative was to further enhance co-operation between liaison officers of the Member States and to create a legal basis for Europol and Member States to make use of all EU liaison officers posted in third states and international organisations. The main difference with the 1996 Joint Action laid in the new possibility for the liaison officers of the Member States to directly exchange information with each other, in addition to information exchanges between the authorities of one Member State and a liaison of another Member State posted in a third country. Also, the Danish proposal created the possibility for Europol to forward requests to liaison officers of the Member States in third countries or international organisations where Europol is not represented. An emphasis was further put on cooperation and coordination in third countries where Member States should ensure that their liaison officers provide assistance to each other and that they share tasks. The explanatory note with the proposal mainly summed up political reasons for the proposed Decision, but did not offer any further explanation of, or references to, actual practices of liaison officers (Council 2002c).

A particularly interesting part of the Decision was the emphasis on the common use of liaison officers. The Nordic states successfully pool their liaison officers; the Nordic model is often quoted as ‘best practice’ in this regard. However, neither the proposal itself, nor the explanatory note, referred to these best practices of Nordic cooperation. Also, the question of why the close cooperation between the Nordic countries in posting liaison officers is successful and whether similar arrangements would also work at the EU level was not posed nor answered in the policy discussions. Gammelgård (2001) argues that the geographical, cultural and linguistic communalities between the Nordic countries are an important factor in their already longstanding police cooperation. However, in the policy documents relating to the discussion on the Danish proposal, no reference can be found to communalities amongst EU Member States, practical aspects or the feasibility of the idea of a common use of liaison officers. Questions like how a common use actually could work in practice or what obstacles could be met do not appear to have been discussed.

Asked whether liaison officers could represent other Member States, an interviewed liaison officer replied:

If you look at the liaison officers, of course they can. But the problem lies with the different standards between the Member States. It is like with the so-called Swedish initiative: everyone should be able to communicate everything with everyone. Sure. But as long as we each have different standards this simply does not work (Interview 27 September 2009).

The implementation of the 2003 Decision was evaluated two years after its adoption. The outcome of the evaluation shows a similar picture as the evaluation of the 1996 Joint Action. It is concluded that the exchange of information is functioning well, though no statistics or other evidence is provided. The element of task sharing seems to be rare. Processing requests from Europol seems to be equally rare. Representation of another Member State by liaison officers takes only place in the framework of bilateral agreements and between the Nordic countries. Meetings of EU liaison officers posted in third countries are being held, but again informal ties between liaison officers often appear to be the driving force behind these meetings (Council 2005a).

The only effect of the 2003 Decision that was found are the efforts of the Benelux countries (Belgium, the Netherlands and Luxembourg) to pool their liaison officers. With the 2003 Council Decision in mind, the chiefs of police from the Benelux countries developed ideas on a common liaison network in November 2003. The Benelux countries have a long history of police cooperation that, for example, formed an important basis for the 1985 Schengen Agreement (Fijnaut 1993: 39). A pilot for enhanced cooperation between the liaison officers from the Benelux countries posted in five countries was formalised in April 2004 and took place in 2004 and 2005. A further agreement at ministerial level, with a focus on cooperation between the liaison officers from the Benelux countries posted in the Balkan region, was reached in 2006 (Benelux 2006a) and the official 2006 Benelux Annual Report is highly positive on the project (Benelux 2006b: 9). There has been a widely published success story of the apprehension in Poland of a suspect of a murder committed in Brussels partly due to the efforts of the Dutch liaison officer in Warsaw (Ministry of the Interior of Belgium 2006). However, the involved practitioners are less convinced and see significant differences between the practices of liaison officers of the three Benelux countries that are not easily overcome (Interview 31 May 2007). To be more precise, taking care of routine requests on behalf of one of the other countries is usually not problematic. However, in sensitive and complex situations where liaison officers could have their most added value, the cultural, legal and practical (*e.g.* language, standards, procedures) differences between the Dutch and Belgian police systems represent formidable obstacles (Interview 27 October 2009).

The second instrument adopted by the Council in 2003 concerning liaison officers was a Resolution on the posting of liaison officers with particular expertise in drugs to Albania (Council 2004). Italy put forward the initiative for the Resolution in July 2003 (Council 2003c), although it had voiced an interest in joint liaison efforts in that region already in 2001. In the report from an expert group on the idea of a pilot scheme concerning the common use of liaison officers of the Member States in third countries, Italy proposed the Balkans as an interesting area for a joint pilot scheme (Council 2001b). Italy underpinned its initiative in 2003 largely from a political point of view and the first seven points in the preamble of the proposal cite other political developments rather than operational considerations. Points eight to ten of the pre-ambule make reference to a sizeable increase in cannabis smuggling through Albania into Italy and the rise of Albanian organised crime groups in drug trafficking in general. This indicates that the domestic interests of Italy played a significant role in their decision to table the initiative. In 2009, six years after the adoption of the Resolution, nine EU Member States had a police liaison posted in Tirana.

Two Member States, Italy and Greece, had already a liaison office in Tirana before 2003, two are 'new' Member States since 2004, which means that five 'old' Member States posted a new liaison officer after 2003. Even so, it is difficult to assess the extent to which this expansion has been the result of the Resolution, as over the years crime groups from Albania emerged as a serious nuisance all over Europe (Arsovska 2008). It is more likely that violent organised Albanian crime on their own territory, rather than the Resolution, was what, for example, prompted Denmark in 2005 and Belgium in 2006 to post a liaison officer in Tirana (Copenhagen Post 2005, Expatica 2007).

2006

In 2006, the Council adopted another Decision concerning liaison officers, which amended the 2003 Decision on the common use of liaison officers (Council 2006). The initiative for this Decision was put forward by the UK and Ireland (Council 2005b) on the basis of the evaluation of the 2003 Decision on the common use of liaison officers. The main changes related to two issues.

Firstly, Article eight of the amended Decision made the use by Member States of liaison officers posted by Europol to third countries or international organisations possible. However, the practical relevance of this provision can be questioned. Since 2002, Europol has had only one liaison office abroad, *i.e.* in Washington D.C. (US). In addition, an evaluation of this particular office questions its added value. The cooperation between the US and EU law enforcement agencies still predominantly takes place through long established bilateral channels (Council 2005c). The second change introduced by the 2006 Decision related to formalising the cooperation by, for example, appointing "lead nations" that will be given responsibility for the coordination of the EU cooperation in a particular country or region. The discussion on how to organise the coordination of the liaison officers' network in third countries and the role of a 'lead nation' in each region has been ongoing since then, as not all Member States stand unequivocally positive to a more formalised approach (e.g. Council 2009a).

Again, the documents relating to the policy-making on the 2006 Council Decision do not show any residue of discussions on the practical aspects of the proposed provisions. Only in the discussions on the actual implementation of these provisions did it become clear that the Member States held very different views. In its responses to a questionnaire relating to the discussion, Germany, for example, stated that it "does not consider the inflexible formalised expansion of the liaison officers' meetings indispensable". The United Kingdom even questioned the existence of 'best practices' because "each EU nation operates their LO functions in a different way and their priorities/strategic imperatives also differ" (Council 2009b). It might be too early to assess the effects of the 2006 Decision. However, to date, little of the intended effects on the posting and practices of liaison officers can be seen.

Summary and reflection

This article has examined the practices of the use of liaison officers as a strategy for police cooperation by the police in the EU Member States, as well as policy-making in this field in the TREV forum and later the EU Council.

The findings with regard to the practices of the use of liaison officers show in the first place that the posting of liaison officers is primarily governed by domestic considerations and priorities. This is also visible in some statements of Member States in the EU policy discussions on liaison officers and in the actual posting of liaison officers in Albania.

Moreover, the findings show that the role, tasks and practices of liaison officers are determined by national regulations, the particulars of the police system in their home country and the personal preferences of the individual liaison officer. The efficacy of liaison officers in coping with the complexity of transnational police cooperation depends on their ability to build a network of privileged contacts, as well as their knowledge of legal and organisational particulars of the jurisdictions between which they liaise. Combined with the high level of discretion liaison officers can exercise in their work, there are arguments to say that liaison officers embody the professional autonomy seen by Deflem as one of the conditions for successful police cooperation (Deflem 2002). The findings show that, despite the existence of multiple alternative channels, the police, also within the EU, make significant use of liaison officers for cooperation.

An important finding of the analysis of the policy-making concerning liaison officers is that only the documents from the TREVI Working Group III show residue of some discussion of the practical aspects of the work of liaison officers. The examination of the EU Council policy documents shows that the different instruments concerning liaison officers were almost fully underpinned by a political and legal rationality. Those usually referred to the construction of the common Area of Freedom, Security and Justice, but failed to consider the practical issues relevant to the work of liaison officers such as, for example, the legal, organisational and cultural differences between police systems in the Member States.

In line with the points highlighted by Snellen (2002), the findings show that the EU Council policy-instruments regarding liaison officers have had little, if any, effect. The findings suggest that the lack of practicality of the instruments is an important factor for this limited effect. Nevertheless, it should also be noted that, in spite of what the Member States agree in the Council, they appear to be reluctant to surrender control over the liaison officers. The posting and practices of liaison officers remain largely governed by national preferences and are subject to the specifics of the national police systems.

Nonetheless, it seems that there is ample room for improving EU policy-instruments if the aim is to create a common use of liaison officers. This might require reconciliation of the different standards and practices in the EU Member States with regard to police cooperation in general, and concerning liaison officers in particular, but in any case increasing the practicality of the instruments by giving due consideration to professional rationality in the policy-making. Perhaps further research on liaison officers' practices in different situations, such as the successful Nordic pooling of liaison officers and the work of the liaison officers at Europol, could provide the necessary ingredients.

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