

Euraspol as an additional mechanism for transnational crime control

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Abstract: This article discusses the problems of creating a special police organization on the territory of the Eurasian Economic Community. Based on the international experience, the structural and functional variants of the prospective organization have been offered, as well as organizational and structural measures to improve the fight against transnational crime.

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1. Introduction

Contemporary crime is internationalizing and expanding the boundaries of influence. Globalization processes also affect the strengthening of the organized international and transnational crime positions. In such circumstances, the activity of international law enforcement agencies and first of all, of the International Police Organization - Interpol is a deterrent. Today the significance of the Interpol contribution to the fight against international terrorism in the world can be seen, for example, in a study conducted by scientists of universities in Dallas, Texas and Alabama (USA) in 2010. During the research a statistical model was used to calculate the size of the potential property damage which was avoided by using the capabilities of Interpol due to the prevention of terrorist attacks. According to the researchers' findings, by the most conservative estimates, each dollar spent on maintenance of the Interpol allows to save more than two hundred dollars in prevented damage (1).

No less is successful the work of Interpol and its affiliates worldwide in detection and capture of the most dangerous criminals, establishing and returning of the stolen property and values, the colossal funds earned from illegal criminal activity. The history of formation of Interpol, its interaction with the police organizations of the planet is covered in the works of the foreign and domestic scientists in detail (2).

However, in the specialized literature very little attention is paid to the activities of the regional law enforcement agencies, in particular, those operating on the Eurasian continent. That is why, in consideration of the growing threat from the international criminal groups, President N. Nazarbayev announced the idea of creating a regional police structure Euraspol which would provide an effective interaction with similar structures of the Common economic space (CES) (3).

2. Materials and Methods

Methodological basis of the research is established on the traditional methods of the objective reality cognition. During the study, the statistical, comparative-legal and formal-logical methods have been used widely.

3. Results and Discussion

In the context of globalization, the manifestations of transnational crime significantly affect the safety of Kazakhstan and the neighboring countries. For instance, no one doubts the existence of large-scale criminal schemes in car theft in Europe and Russia with the subsequent resale of the expensive foreign cars in Kazakhstan. Under the control of criminals the streams of synthetic drugs produced in the clandestine laboratories in Poland, Latvia, Russia and other countries and entering Kazakhstan are expanding.

Frequently groups of "touring" thieves arrive to Kazakhstan from Georgia and other CIS countries, where in the recent years were adopted the rules toughening responsibility for involvement in the organized criminality (Georgia - 2005, Russia - 2009). Thus, Georgian criminals specializing in automobile thefts were detained in the Kazakhstan capital Astana. In their deeds, they used the so-called frequency scanner that instantly disables any, even the most advanced car alarm (4).

Transnational organized crime infrastructure has the "reverse" channels, primarily related to transportation of large parties of "heavy" drugs from Afghanistan and Pakistan through Kazakhstan to Russia. In November 2011, one of the most influential criminal bosses was detained in Almaty city, who enters the inner circle of the infamous Kyrgyz "thief in law" nicknamed "Kolya-Kyrgyz", controlling the drug trafficking route Tajikistan - Kyrgyzstan - Kazakhstan - Russia (5).

In addition, from the east rises the "pressure" of the Chinese "triads" representatives, which are a criminal threat globally as they are the most dangerous organized crime groups. In the recent years, they have increased the "cooperation" with the Kazakhstan criminal groups, operating in the southern regions of the country, in order to establish control over the flow of the consumer goods contraband transportation from Xinjiang Uygur Autonomous Region, including the resolution of problematic issues at the customs on both sides of the border. A considerable part of the smuggled goods goes in transit to Russian Federation.

To a great extent, the coordinating supranational police structure - Interpol executes the objectives of deterring criminal threats facing the international community (6). However, the global experience shows that the effectiveness of the bordering countries' police interaction is reached in the regional and international structures (7).

As noted above, the Kazakhstan side took the initiative to create not only a special, but to a greater extent a supranational law-enforcement structure - Euraspol (after Interpol) for the international fight against transnational crime on the territory of the Common economic space (CES) (8).

However, in our view, given the limited number of States-CES parties, it is more appropriate to speak of an analogy with another international police organization - Europol (9).

If Interpol unites almost all nations of the world (10) and is the second largest organization in the world after the United Nations (11), then Europol - is the police agency of the European Union. The main purpose of its creation was to increase the efficiency of interaction between the police authorities of the EU Member States in the fight against international, primarily transnational organized crime (12).

It was a necessary measure after the abolition of borders within the European Union (EU), where crime has gone beyond the domestic framework. Among the main factors for creating Europol, experts note, first of all, the uncontrolled movement of finances, increased flow of people from different countries, the strengthening capacity and capabilities of organized crime, criminal movement of capital (13).

At first the status of Europol as a "division of Europol for combating illicit drug trafficking", limited the possibilities of the new police force and the comprehensive work of the department began only on 1 July 1999 (14). The final recognition of the European Police Office was enshrined by the EU Council Decision of 6 April 2009 (15). Herewith, Europol, which is funded directly from the EU

general budget is entitled, considering its budget and available state, to help the member states in enabling all the support, advice and research programs in various fields, primarily analytical, organization and personnel, educational and scientific-methodical (16).

Europol Charter also provides for cooperation with non-member states of the EU (so-called "third countries"), as well as with other law enforcement agencies and institutions, including Interpol (17). Europol staff investigates cases that involve international criminal organizations, provided that their offenses have been committed on the territory of two or more member states and affected the interests of these countries. Furthermore, Europol provides substantial assistance to the member states in the implementation of expert studies, investigations in specific cases and police operations (18).

In the world, there are many international police organizations, similar to Europol. They have been created mainly on the regional basis. One of them is the South African Regional Police Chiefs Cooperation Organization (SARPPCO), established in 2006. This is the main police force structure in South Africa for the prevention and fight against transboundary crime. The organization has firmly established itself as a benchmark for interstate police cooperation. This African continental organization coordinates its activities with subregional bureau of Interpol in Harare through its activities and programs. The priorities of the SARPPCO in the southern African region are: the fight against terrorism, car theft, drug trafficking, economic and commercial crime, firearms and explosives, trade of gold, diamonds and other precious stones and metals, crimes against women and children, illegal immigrants, crimes against wildlife and endangered species, human trafficking (19).

The police structures of the Pacific islands are united by the organization of seven Pacific Islands Chiefs of Police (PICP), founded in 1970 at a conference held on Fidzhi, primarily for information and intelligence sharing to combat transnational crime in the region (20).

The police organizations of Latin America are combined in a community called Ameripol. This continental police organization was created mainly with the mission of the fight against drugs (21). The Executive Secretariat of the organization was opened on 17 April 2008 and is located in Bogota (Colombia). States members of the organization are the Latin American countries: Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Cuba, Dominican Republic, Ecuador, El Salvador, Guatemala, Haiti, Honduras, Jamaica, Mexico, Paraguay, Peru and Uruguay (22).

The U.S. and Canada through its structures FBI and Canadian Mounted Police (R.C.M.P.) are combined in a close-knit cross-border cooperation in the American continent and virtually anywhere in these countries, the employees of these departments have a shared access to computer data files more than ten years deep, both national and bilateral. Canadian police, for instance, contains a judicial record of all Canadian citizens convicted of a criminal offense in both countries. Through FBI, any police officer in the U.S. has access to the information on the wanted criminals and crimes (name and surname, date of birth, current address, etc.). Since April 1999, all police agencies in Canada and the United States may also have instant access to data files of the car numbers in both countries (23).

Law enforcement agencies of South-East Asia, members of the ASEAN unit are combined into a regional police organization ASEANAPOL. The main objective of the international cooperation of the ASEANAPOL is to combat transnational crime in South-East Asia. The current members of the ASEANAPOL are Brunei, Cambodia, Indonesia, Lao People's Democratic Republic, Malaysia, Myanmar, Philippines, Singapore, Thailand and Vietnam (24).

Virtually all of the above regional police associations direct their efforts to combat transnational organized crime, drug and human trafficking, illegal migration and economic crimes. Their activities are closely linked with Interpol, for example, information stored in the ASEANAPOL electronic database system (E-ADS) is always available to law enforcement agencies around the world through a global Interpol safe communications system (25), as well as exchanging information and best methods of exploration and investigation (26).

Thus, all regional police organizations differ from the Interpol by executing activities, directly participating in the detection and investigation of transnational crimes especially.

Given the above, we can offer several options of the future functioning of Euraspol.

One of them is to create it as a branch of the Bureau for coordination of the fight against organized crime (BCFAOC), consolidating the law enforcement authorities of the CIS countries, with a dislocation in Astana. In this case, Euraspol would be the coordinator for the participating States of the Customs Union in this area.

Another option is to create Euraspol as an independent international police organization for the coordination of police forces of the Customs Union and Common Economic Space member countries in the fight against transnational crime. Meanwhile, the structure of Euraspol may consist of a Secretariat with headquarters dislocation in Astana and the

National Bureaus (within the services of the member states' MIA Criminal Police/Criminal Investigation Departments).

The Kazakhstan side has proposed this option during the meeting of experts from Kazakhstan, Russia and Belarus, held in Astana in November 2012. At the same time, the Belarus side expressed concern that this form of Euraspol activities would duplicate the work of the existing integration structures of the CIS - The Council of Ministers of Internal Affairs (CMIA), BCFAOC and Anti-Terrorist Center (ATC).

Given the identified problems, it was decided to create a permanent working group for their solution and submit the proposals on the feasibility of creating Euraspol for the joint consideration (27).

In our view, the concerns of the Belarusian colleagues are substantially relevant. Indeed, the variant of the Kazakhstan side, proposes to create one more organizational structure, whose functions will include the exchange of information among Euraspol states parties. The role of the abovementioned CMIA, BCFAOC and ATC is the same.

Another option is to create not an information, but "working" unit that would actually participate in the planning and implementation of specific operational search and investigative activities on the combined territory.

For example, there is a need for controlled multiway transit of narcotic drugs through Kazakhstan to Russia or Belarus. Despite the international agreements in this respect, the legal system and the criminal justice system are not the same in different countries. Accordingly, there are distinctions in the law enforcement tactics. This affects the quality of the received materials and evidence, which then form the basis for criminal cases.

If at the initial stage, Russian and Belarusian counterparts took part in the operation planning along with the Kazakhstan police, the quality of implementation of the materials would have been much higher. Moreover, this scheme allows building the long-term cooperation patterns, but not the single contacts as happens currently.

For example, since 1996 in the European Union countries within Europol there function the lawyers exchange programs (Trotius program), as well as experts on fraudulent documents (Sherlock program), specialists in the field of combating trafficking in human beings and sexual exploitation of children. As a result, a global joint transnational police intelligence system has been created (28).

4. Conclusions

The above allows us to make the following

conclusions. Analyzing the structure and functions of the existing regional structures of law enforcement focus in the world, we believe it appropriate to state that the police unit created by the Common Economic Space - Euraspol should be more action-oriented, unlike the International police organization Interpol. Therefore, the functions and tasks of Euraspol must meet these goals. The Euraspol structure must conform to the selected targets and objectives and include the following elements:

- The operational activities unit;
- The crime investigation unit;
- The information-analytical center, where

would be concentrated the information about the transactions and supervised contingent on the territory of the Customs Union.

In addition, for a successful and long lasting operation the Euraspol needs a specialized training system, because of a different regulatory framework of the CES member states.

It seems appropriate to organize some special courses on drug trafficking, organized crime, extremism and terrorism, etc., taking into account their development in different countries. Sessions for Euraspol employees and the public authorities, interacting with them, can be held alternately in the relevant departmental schools of the law enforcement agencies of Euraspol member states - the MIA academies and universities (e.g., the European Police College functions for the Europol purposes).

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