

# **INTERNATIONAL COLLABORATION BY LAW ENFORCEMENT AGENCIES**

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## **Introduction**

Transnational organised crime is evolving rapidly. Many international criminals also undertake legitimate activities. They are aware of latest business developments and have adapted their criminal enterprises to reflect changes in business – a ‘best practice’ in crime, if you like.

Law enforcement agencies need to understand this evolution in order to successfully deal with criminal enterprise. They will need to adapt organisationally and interact far more with international counterparts and with other elements of government here in Australia than they have done in the past.

In this talk I will describe these changes in the way transnational criminals operate and how the AFP – along with its domestic and overseas partners – is endeavouring to meet the challenge of that change. In doing so, I will concentrate particularly on developments in our own Asia-Pacific region. But I will also range more broadly than that, because the criminal network is truly a global one.

## **Main features of transnational crime**

Let me illustrate the truly global reach of crime by describing to you a recent joint AFP-Customs operation which is reflective of joint operations more generally.

The Operation involved the attempted importation by an Australia-based syndicate of a large quantity of illicit drugs in Australia. I’m sure you are all familiar with the operation from press reporting.

The Operation commenced as a result of advice passed to the AFP London Liaison Office by the UK Police. This information alleged that a criminal was importing small amounts of cocaine into Australia from Asia on a regular basis – a modest piece of information, you might think. But it is from such small beginnings that large operations usually derive.

After receiving the information, the AFP Sydney Office conducted an intelligence probe on the individual allegedly involved and his associates. The probe phase utilised sworn police and civilian analysts who brought a range of skills to the task including relevant linguistic skills.

UK authorities provided invaluable and on-going assistance. New Zealand police also provided a great deal of assistance due to the fact that an alleged member of the importing syndicate was a New Zealander. Other alleged members were Australian, British and an Australian of South American background.

It is important to note here the multi-national nature of the syndicate, providing an extensive international network, links into the producing country in South America and spanning three continents.

In its work – if that is how it can be described – the syndicate apparently made use of sophisticated counter-intelligence techniques to communicate and avoid detection.

It became apparent that the syndicate had collected a large amount of illicit drugs from South America. These had been transhipped at or near New Zealand and were heading by sea for the Sydney area.

As well as AFP activity to interdict this vessel and apprehend the shore-based reception party, Australian Customs was heavily involved in hidden surveillance and tracking of the vessel. To do this, Customs utilised its new, high technology resources such as offshore covert aerial and sea surveillance provided by ACS Coastwatch, Customs Bay class patrol Boats and Tactical Response Vessels.

Now I have briefly mentioned this operation in order to illustrate a number of points. Firstly, they concern the criminal group and the way it operated. The criminal group:

- Was truly international in character. It had the capacity to work cross-culturally, which was necessary to acquire and transfer drugs into an illicit Australian market;
- Had the capacity to use sophisticated technology;
- Could finance itself to a high level;
- The product alone would have been worth over \$1 million at point of purchase, in addition at least two expensive yachts were also allegedly purchased for the importation;
- Was aware of counter-intelligence issues and the need for sophisticated communications;
- Appeared to be a small, flexible strategic alliance established for the specific purposes of this importation;
- Transferred funds electronically to finance its operations.

On their part, law enforcement agencies:

- Relied heavily on their international networks, including from an Australian perspective the overseas liaison network of the AFP;
- Co-operated closely both domestically and internationally, took measured risks and demonstrated high levels of professional trust;
- Had to use and manage some highly sophisticated technology; and
- Managed and sustained a complex operation without compromise over a considerable period.

In other words, the game we are now in is all about management, technology and co-operation, both domestically and internationally. These features of modern policing are in turn driven by the type of international crime we are now seeing. It is an environment in which traditional supply networks are constantly being revised and the ground is constantly shifting.

Some relatively recent changes:

- Colombian criminal groups have entered into strategic alliances with Russian, Mexican and long-standing Australian criminal;
- We are seeing increasing evidence of Chinese organised crime involvement with cocaine, possibly arising out of cocaine – heroin swaps;
- Pakistani and Nigerian criminals – whose traditional stamping ground is Europe and South West Asia – are now also operating in our part of Asia;
- Russians criminals are laundering money in the Southwest Pacific and Australia. They are also operating throughout Asia, including in prostitution, enforcement and fraud;
- There is evidence that long standing Australian criminals (what we in law enforcement refer to as ‘the East Coast Criminal Milieu’) are now dealing with Asian organised criminals in what amounts to a relatively new strategic alliance;
- Lebanese criminals are also dealing with South West Asian and South East Asian criminal groups.

The type of co-operation that is necessary to overcome these international criminal operations is difficult for law enforcement for a number of reasons:

- Law enforcement is by tradition insular and suspicious. In the past, this has been for good reason. Criminals with considerable resources have consistently sought to suborn law enforcement and compromise operations. When the purview of an operation was essentially local, this insularity did not matter – indeed it was probably a good thing. But now the very essence of good policing is co-operation it can be a problem;
- In Australia's immediate region, there has not been a tradition of international co-operation in law enforcement the way there has been in Europe:
- Interpol transacts only some 3% of global Interpol business within Asia, although this is improving;
- Europol, which has become an important means of sharing information and intelligence in Western Europe, was established and is funded through government initiatives in the participating European countries. There is a real determination by all participating European countries that Europol not only provides an intelligence capability but also that it facilitate and undertake investigations across borders and throughout Europe. There is no single such body serving Asia;
- Aseanapol has a different basis and has not yet developed an effective region-wide mechanism. There is perhaps not yet a regional habit of free and frank dialogue about crime, although as I shall outline shortly, there are some encouraging exceptions to this generalisation. Aseanapol is more akin to the Commissioner's Conference forum and does not enjoy the same governmental support and drive that Europol does;
- The diversity of the Asia-Pacific region in cultural economic and judicial terms provides opportunities for many criminal activities to be conducted with relative impunity.

There are consequently many challenges for all of us in the East Asian region before we can properly address the developing phenomenon of transnational crime. But we are now making much better progress. Let me give you some examples.

### **International Collaboration**

Law enforcement collaboration is being pursued internationally through an increasing number of bi-lateral and multilateral fora. Interpol, Europol, Heads of National Law Enforcement Agencies (HONLEA) and UN agencies such as the UN Drug Control Program (UNDCP) are well known. Other organisations such as Aseanapol and Foreign Anti Narcotic Community (FANC) may be less well known but nonetheless provide important regional platforms for law enforcement co-operation.

The Financial Action Task Force (FATF) which is an independent international body consisting of 29 countries is a good example of international law enforcement collaboration through an independent international body.

Money laundering is a significant problem for law enforcement and in Australia the responsibility for policy development and intelligence falls primarily to AUSTRAC. AUSTRAC is represented on FATF which has developed a blue print for action in the area of money laundering. In 1990 issued 40 recommendations, since revised, touching on money laundering and:

- The criminal justice system and law enforcement;
- The financial system and its regulation; and
- International co-operation.

FATF lists as its main activities or three main tasks include:

- Monitoring members' progress in implementing measures to counter money laundering through a two-fold process of annual self-assessment and a more detailed mutual evaluation;
- Reviewing money laundering trends, techniques and counter-measures and their implications for the forty Recommendations; and
- Promoting the adoption and implementation of the FATF Recommendations by non-member countries.

## **Regional**

Europol and Aseanapol are both regionally based organisations that provide avenues for improving and maintaining co-operation between the member law enforcement agencies.

Additionally, a number of annual conferences involving Asia/Pacific region law enforcement agencies meet to the emerging needs in this region. They include:

- Organised Crime Conference;
- Asia Pacific Operational Drug Enforcement Conference; Asian Organisation Crime Conference;
- Anti Drug Liaison Officers Meeting for International Co-operation – this forum is not limited to representative of the Asia/Pacific region but includes the USA, NZ, Canada, Germany, The Netherlands, France and Romania.

Many Asia countries progress co-operation and collaboration initiatives through bi-lateral or multi-lateral forums and arrangements between two or three countries sharing borders and affected by drug trafficking, people trafficking or other cross border criminal activity.

Arab Council of Ministers and the Southern African Association for Regional Co-operation (SAARC) operate in a similar fashion to Australian Police Ministers' Council (APMC) in Australia. They are region specific in their focus.

Interpol operates as a hub internationally for the collection and dissemination of data complemented by other forums able to provide a more specific regional focus. The challenge therefore is to forge strong and effective alliances that will facilitate the free flow of intelligence and assistance across and through these forums. Without such alliances it will be both easy and likely for law enforcement co-operation to fall between the cracks.

Strategic alliances and law enforcement co-operation are the only way we will be able to combat the illicit drug trade, money laundering, people smuggling or any other crime that has an international flavour. Progress is being made but more needs to be done.

Drug trafficking is an obvious example of a serious international problem in regard to which more structured alliances and responses have been created.

United Nations Drug Control Program (UNDCP) is an example. UNDCP met in Sydney on 8 November 1999. On the agenda for the discussions was the trend towards greater international co-operation in the fight against illicit drugs.

The forum jointly sponsored by the Australian Government Analytical Laboratories (AGAL) and the Australian Federal Police involved two parallel meetings.

- Firstly, a meeting of internationally acknowledged profiling experts, convened under the auspices of the United Nations Drug Control Program, to review the methods used by a number of overseas countries in profiling heroin and cocaine and make best practice recommendations; and
- Secondly, delegates from Asian countries met to discuss drug analysis methods and ways for better co-operation in the region.

The Australian Government strongly supports international profiling programs for heroin and cocaine that allow law enforcement agencies to identify not only the geographic origin of a drug but also how it is made. The government provided \$900,000 to fund Australia's National Heroin Signature Program operated by AGAL and the AFP.

A database of Australian heroin seizures allows links in drug seizures to be established and trends in importation and distribution networks within Australia to be identified.

A major feature of the National Heroin Signature Program is the extent to which AGAL, the AFP, the Australian Customs Service were collaborating in the use of profiling data in detecting and intercepting illicit drugs entering Australia.

Australia's profiling program provides a major contribution to the international community's efforts to stem drug trafficking through information exchange and co-operation, which is vital with the increasing globalisation of crime.

On a wider front, Australia has developed new capacities and initiatives aimed at improving the value of Australia's individual and collaborative law enforcement efforts and strengths. I will mention particularly those for which the AFP has responsibility.

As part of the Australian Government's commitment to fighting transnational crime under the National Illicit Drug Strategy, \$103 million has been made available to the AFP over a period of four years.

This funding has enabled the AFP to develop specific programs aimed at increasing our efficiency and our capacity to combat co-operative and global criminal enterprises. We have focused on two areas. One, the improvement to our internal resource and technology capacity and two, the improvement of our international network and our levels of international co-operation, coordination and particularly intelligence sharing.

For example, the AFP has:

- Introduced mobile strike teams under the Operation Avian banner;
- Strengthened the AFP's international liaison network by increasing the number of personnel deployed to high volume overseas posts such as Hong Kong and investigating the utility in opening new overseas posts in countries previously covered by liaison officers in other centres;
- Expanded the role of our international Law Enforcement Co-operation Program; and
- Enhanced intelligence and technological support.

### **The AFP's Overseas Liaison Officer Network**

The AFP's overseas liaison officer network comprises a total of 31 liaison officers in 18 cities in 17 countries. It is expected that the network will be expanded in the near future with proposal to open Posts in The Hague and Bogota currently under consideration.

This network provides not only the AFP, but also the Australian law enforcement community in general with a pro-active capacity to combat transnational crime. Much of the work of liaison officers is related to the National Crime Authority or State police investigations. The roles and functions of the Network are varied and extensive however the principal role can be described as facilitating the exchange of drug and other crime related intelligence between the AFP, other Australian law enforcement agencies and international law enforcement agencies. The Liaison officers are also responsible for providing strategic intelligence reporting on international criminal trends.

In order to meet its objectives, the establishment of strategic alliances with host agencies is crucial to the success of the Network. It is these alliances that are proving critical in the development of international law enforcement collaboration.

Given our geographical location, the Network has predominantly focussed its activities in the Asia/Pacific region. All heroin trafficked to Australia is sourced from Asia and the impact of increasing drug trafficking activities between South East Asia and Australia in recent years has seen the AFP re-assess its deployment of liaison officers in that region. In the past two years we have established new Posts in Beijing, Peoples Republic of China and Hanoi, Vietnam as well as Yangon, Myanmar on a trial basis for 6 months. Our Hong Kong Post has been increased by 2 officers.

The establishment and expansion of these Posts is a direct response to the criminal threat these activities pose to Australia.

The increase in people smuggling activities, money laundering and other significant financially focussed crimes as well as child sex tourism are increasing the operational diversity of the Asia/Pacific component of the network and placing additional pressures on these Posts.

Notwithstanding that 65% of our overseas liaison officers are located in the Asia/Pacific region, the growth in transnational crime has necessitated the continued expansion of the Network in Europe and the Americas to provide the global coverage I referred to. The recent record drug seizures are not confined to heroin sourced from South East Asia. Record cocaine and ecstasy seizures have identified the need for the AFP to establish a further South American Post in Bogota, Colombia as well as one in The Hague. The presence of an AFP Liaison Officer in The Hague will also enable the AFP to strengthen its alliance with Europol.

Many countries throughout the world operate similar networks to provide their respective nations with a capacity to respond to criminal threats internationally. Given its geographical location to the Golden Triangle, Thailand is strategically important to the many law enforcement agencies investigating drug trafficking activities in that region. Coupled with the infrastructure Bangkok provides, Thailand has attracted numerous liaison officers from these various networks.

Whilst these liaison officers have established individual liaison arrangements with the relevant Thai law enforcement agencies, the locating of so many officers within Bangkok enabled the development of a further platform for international collaboration promoted through the Foreign Anti Narcotic Community (FANC). It is an example of structured co-operation at work.

FANC is an organisation of law enforcement agencies and organisations based in Thailand. Its goal is the suppression of the illicit trafficking in narcotics within the Kingdom of Thailand. FANC was established 22 years ago and currently comprises 22 agencies representing 18 countries or organisations including Interpol and UNDCP.

FANC is a valuable forum for interaction between its members and Thai law enforcement agencies. It enables the timely exchange of valuable intelligence and operational methodologies in relation to the illicit trafficking of narcotics.

The success of FANC Thailand spawned the establishment of FANC South West Asia. Although smaller in nature with 14 agencies representing a total of 13 countries or organisations, the role of FANC in this region is the same as that of FANC Thailand and provides the same networking opportunities for the Golden Crescent area.

FANC is in effect, a network within a network and is a valuable adjunct to international Liaison Officer Networks. The alliances established through it have facilitated the collection of intelligence that has proved crucial in many major drug investigations in Australia and other countries.

### **The Law Enforcement Co-operation Program**

Pursuant to the National Illicit Drug Strategy, the AFP acquired additional funding for the establishment of the Law Enforcement Co-operation Program or LECP. In July 1998, \$5.602 million was appropriated over a 4 year period.

The aim of the LECP is to:

- Improve both the levels of co-operation and capacity of overseas law enforcement agencies within our region;
- To provide the assistance necessary for the AFP to develop law enforcement intelligence leading to the interdiction of illicit drugs before they reach Australia; and
- To disrupt, detect and prosecute those responsible.

The focus of the LECP was initially on law enforcement co-operative initiatives within the Asia/Pacific Region however in July 1999 the AFP acquired additional funding under NIDS in the amount of \$8.082 million to expand the current LECP to include areas other than the Asia/Pacific Region. This expansion of LECP brings the total value of the program to \$13.7 million of a 4 year period.

International collaboration is being pursued through the LECP both bilaterally and multilaterally. Some examples of bilateral collaboration include:

- A number of visits to Australia by senior delegations from law enforcement agencies with whom Australia has strong strategic alliances;
- Two - way exchanges at the operational level to enhance intelligence.

Similarly we are using LECP to promote international co-operation in the multilateral arena via attendance at international conferences and conducting regional seminars organised and facilitated by our Liaison Officer network.

### **International Management of Serious Crime (IMOSC)**

The AFP in conjunction with the University of the South Pacific, through the Law Enforcement Co-operation Program, developed the International Management of Serious Crime (IMOSC) course. Law enforcement training and the need for management of serious crime training in the region has been long recognised. The IMOSC program will contribute towards a unit of the University of the South Pacific (USP) Certificate in Policing at the USP School of Law campus.

The IMOSC program encourages participants to effectively manage serious criminal investigations. It is about capacity building to enable participating island nations to develop effective and modern investigation capabilities. In particular, it is designed to:

- Strengthen the capability of regional law enforcement agencies in gathering information and evidence against criminals and criminal groups;
- Contribute to the improvement of law enforcement infrastructure in the region;
- Contribute to improving the levels of operational understanding of international crime and investigative methods; and
- Contribute to improving the levels of understanding of cultural and social differences necessary to combat organised crime.

It is proposed to conduct a number of IMOSC programs in the future. The creation of the program sends a strong message to organised crime groups and individuals that their illegal activities, including drug trafficking and money laundering, will not be tolerated in the region.

More broadly, Australian Police attends the South Pacific Chiefs of Police and PNG/Australian borderline conferences and similar forums.

### **Conclusion**

The challenge for law enforcement in the future is to think collegiately as well as corporately: to see jurisdictional and national boundaries as hurdles, NOT barriers; and to recognise agency borders as boundaries of administrative convenience with dotted line rather than hard line significance which must operate to complement coordination and joint responses, not act counter-productively to them.

In my view, the next five years will demand much wider use and practice of international joint investigations. Such investigations will routinely comprise investigators from a range of signatory countries, as well as agencies. Having regard to the sometimes quite dramatic differences in culture and judicial and political systems such arrangements will not be easily agreed. They are though critical to law enforcement's continued relevance and effectiveness in a world of transnational crime.

The quality of intelligence presently being shared across nations is at an all time high and is in itself a reflection of increased levels of mutual trust and awareness of the internationality of the problems with which we are dealing.

This mutual trust is critical to our future. However, whilst the successes many of us are presently enjoying demonstrate the value of the process we must ensure we do not allow the isolated compromise of operations to return us to our traditional bunkers. Clearly from time to time such compromise will occur but in the absence of indications of systemic problems I strongly believe we must hold our resolve and continue with our commitment to the proper sharing of intelligence.

The need for joint international strike teams or task forces whilst obvious will accelerate the need for governments to more seriously pursue an international criminal court with powers and arrangements similar to those of the War Crimes Commission in The Hague. Indeed, the successes, at least in terms of the common investigative practices and procedures used within the Commission, provide clear evidence of the feasibility and viability of a similarly structured criminal process.

Regardless of the structures eventually put in place the emphasis must be on solutions and a problem solving approach to business. Much of this is within the authority of law enforcement agencies themselves. In order to achieve effective collaboration law enforcement agencies must not only improve mutual understanding and seek and explore opportunities to broaden individual and collective knowledge, they must aggressively and actively co-operate as much as is possible rather than simply as much as is necessary. Our commitment in this regard is largely a matter within our own authority and discretion.

Despite the obvious sensitivities and tensions which will need to be understood and negotiated in this process, I believe a commitment to anything less is a commitment to failure.