

Working Group X

Working document 1

Working group X «Freedom, Security and Justice»

Subject : "Speaking points" of M. Patrick ZANDERS, Director of the Federal Police
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MAIN PRIORITIES ON THE ROAD AHEAD

BOTTLENECKS AND SOLUTIONS

“IT’S IMPROVING – STEP BY STEP”

Patrick ZANDERS ⁽¹⁾

I. PHENOMENON

A. Geographical

The former Soviet republics and the Balkans remain the critical regions .

B. nature of the phenomena

The security phenomena that have priority, are divided into three categories on the basis of the national police security image:

1. First category

The first category encloses following top priorities:

Traffic;

Illegal immigration, trade in and smuggling of human beings;

Terrorism.

2. The second category

In a second category following issues are put forward as priorities:

- Robbery and assault;
- Serious thefts (without violence – also in houses);
- Infractions on the physical integrity;
- Drugs (use, production and trade);
- Vehicle fraud;
- Environment.

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3. The third category

The phenomena of the third category have mostly links with other phenomena and also require special attention and approach.

- Money laundering;
- Weapons
- Computer crime.

C. Offenders (group)

A new, quite regularly occurring phenomenon is that of non-accompanied minors from Romania and Bulgaria.

D. Approach

The present EU action plans are not operational enough to be effective. Below a possible model to remedy this problem is shown.

There is an urgent need to make a clear distinction between :

- the general policy
- the legislative work
- the operational action plans

A number of phenomena (that have priority) require an integrated and European approach on the basis of the programme methodology. To this end the European Union needs to elaborate an approach that complies with the philosophy of the EU Convention.

The programme working allows also to continue the approach of the security phenomena (that have priority) and to safeguard the necessary

continuity between the actors concerned.

Within this programme approach projects and subprojects that will be realised by means of project management need to be defined. A permanent police structure (see below) should accompany the implementation.

The concrete approach of the phenomena (that have priority) is elaborated in principle in an action plan, consisting of:

- The concrete, measurable goal(s) (performance- and if possible also achievement-oriented goals);
- The steps and terms that lead to the realisation of this goal;
- The relevant indicators for the follow-up and the evaluation;
- The actors concerned (the federal police and in the occurring case the local police and other actors) and the respective contribution they have to supply;
- The critical factors for success;
- The means to realise the goal.

The approach of the phenomena that have priority can already consist of an improved action in relation to the actual police answer to the problem. If the occasion arises it will demand an additional capacity in terms of personnel, material and/or budget. This can be taken care of by reallocating the available means and/or new means. The Task Force Chiefs of Police should play an important role in this assessment and these engagements.

II. Operational Bottlenecks

- **Penal Law (material and formal) remains a national matter →** remains an impediment for swift co-operation. Police co-operation depends on the goodwill of the judicial authorities that 'hide' themselves behind national sovereignty (e.g. terrorism after September 11th).

- **Cocoon moulding within national services:** national services prefer to run the information and investigation themselves with the sole object to pat oneself on the back (me-culture)
 - ➔ This culture should change into a European 'we-culture' in which a common quest for security output becomes more important than the personal or corps interest. This change in mentality is nevertheless very difficult to realise.
 - ➔ The majority of the Police chiefs are political individuals that have to score in the national politics.
 - ➔ There is a lack of political EU courage (but also suitable forum) to congratulate a national police and a European police service or to lodge a complaint against the lack of co-operation by a service.
- **Favour bilateral co-operation with respect to European co-operation:**
 - Competition between the multilateral co-operation and the bilateral co-operation via liaison officers
 - Grey networking dominates the police co-operation
- **Pace of the European co-operation is not attractive to the police services due to the stringent procedural rules**
- **Lack of awareness** of the law enforcement services
- **Capacity/priority problems:** every member state has its own priorities that still precede those of the European Union (e.g. the lax attitude of the police towards Europol)
- **Lack of fine-tuning of the concept police and the national co-ordination structures:** what is police and how is it being co-ordinated? ➔ difficult to fit in the European co-operation concept.

III. Policy bottlenecks

- **National security policy is not tuned to the European priorities** → enforcement of the European strategy
- **Overlap of initiatives without real underlying strategy** → loss of capacity. These overlaps are inherent to the lack of co-ordination and follow-up within the European Union. This is also linked with the issue of the Presidencies changing every six months.
- **Far-reaching pillar cocoon moulding concerning police co-operation:** border police is making its own way and detaches itself from the global police co-operation under the pressure of national border police services that feel threatened in their existence (e.g. BGS in Germany).

IV. Management bottlenecks

A. Leadership

- **Operational and policy supporting organ:** The EU lacks a clear operational and policy supporting police organ likewise the military within the second pillar → establishment of a **“European Police Staff”**. The Task Force of Chiefs of Police as established by Tampere could fulfil the role of a Management Board.
- **Lack of steering within the EU:** the Council could give political steering up to a certain level but the operational follow-up and adjustment lack. Road maps only give a passive (political) repercussion on the state of the activities but are not an active follow-up instrument → there should be an **‘operational secretariat’** (the Staff of the European Police) (just like in the second pillar concerning the civil crisis management).
- **Lack of steering by the Management Board with respect to Europol:** the members of the Management Board of Europol are not all familiar with the working of the police services. This paralyses the decision-making and the director has in fact free play because of the lack of clear guidance by the Management Board.
- **Lack of knowledge of the police practices by the participants in the EU working groups and higher co-ordination groups:** this in contrast with customs co-operation. Due to this, initiatives are taken that do not respond to the needs of the police or that are hard to realise or simply not feasible within the practices of the police.

B. Policy and strategy

- Tampere reflects a number of guidelines of policy but without formulating real operational goals. Tampere is a mixture of wishes without a real policy line and without being tested by practical experience (e.g. the working of the Task Force Chiefs of

Police)→drafting of a **strategic document concerning the law enforcement** within the European Union.

- The strategy is being prepared by civil servants that not always have the necessary practical knowledge of the law enforcement function. As a consequence every test by practical experience is lacking→ **a co-ordination and control group** should carry out these checks (=Task Force Chiefs of Police ????).
- The organs of the EU such as Europol and Cepol trace out their own strategy without striving for coherence with the EU. A strategic cell within the EU has to perform the guarding of sectorial strategic plans in relation to the EU strategy.

C. People

- **Fragmentation of co-operation without binding agent:**

The co-operation between law enforcement services becomes increasingly fragmented without real steering:

- Border police
- Antiterrorism services
- Proposal of a European riot police
- Co-operation between judicial police services
- Civil crisis management

This fragmentation is inspired by national sectorial police services (such as the French Gendarmerie, the German BGS, ...) and strengthened by the pillar construction of the European Union .

.....→ This **fragmentation should be counteracted**. Security policy is one and indivisible.

- CEPOL falls short of the expectation of the law enforcement services on the field and is rather an exteriorisation of the conservatism of police schools who try to safeguard their self-interest. The law enforcement service does not need the fragmented courses without a real strategic base but needs a coherent education set concerning EU co-operation→ **establishment of a real European Police School**

- **Police culture:** one of the obstacles for a good co-operation is the preservation of national reflexes within the national police culture → urgently putting lots of work (among others by a police academy) in a project of consciousness-raising that strives to get the idea of a European Police accepted.

D.

E.

F. Partnerships AND resources

The EU initiatives graft themselves to the efforts of the personnel in the existing national activities but do not integrate. The complementary activity is substituted with an added activity. Europol is a good example of this: the workload increases for the police services of the member states without savings by bringing the activities at a higher level.

POSSIBLE MODEL OF POLICE STRUCTURE WITHIN THE EU ACTIONS



