

The Top U.S. Priority at the 2020 Meeting of the Interpol General Assembly

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KEY TAKEAWAYS

The 2020 meeting of the Interpol General Assembly will elect a majority of Interpol's executive committee, including a new president.

The U.S. should prioritize forming a democratic caucus to elect qualified candidates from law-abiding democracies to fill these leadership positions.

Ensuring that Interpol's leadership is firmly committed to opposing its politicization by the autocracies is a necessary, but insufficient, step in Interpol reform.

The 89th annual meeting of the Interpol General Assembly (GA) will be held—subject to the COVID-19 pandemic—on December 7 and 8 in the United Arab Emirates (UAE). Interpol, an international organization of police and law enforcement organizations, has in recent years been criticized for failing to live up to the requirement imposed by its constitution that it focus exclusively on ordinary crime and avoid becoming an instrument of political oppression for autocratic regimes.

The U.S. Congress's introduction of the bipartisan Transnational Repression Accountability and Prevention (TRAP) Act in September 2019 demonstrates the concern with which U.S. lawmakers view the politicization of Interpol. While many reforms are necessary to reduce Interpol's vulnerability to politicization, the opportunities for reform in 2020 will be limited because, at the GA meeting, Interpol's

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member nations will elect a new president, two new vice-presidents, and four new delegates, a total of seven new members of Interpol's 13-member executive committee—and the U.S. focus will have to be on these elections.¹

If Interpol's member nations elect qualified candidates from law-abiding democracies to these positions, reforming Interpol has a chance of success. If those member nations elect poor candidates from the autocratic nations that politicize Interpol, reform may well be stymied. The U.S., in cooperation with other democracies, should take the lead in forming a democratic caucus within Interpol to support fit and proper candidates for the positions to be filled at the 2020 GA.

What Interpol Is, and What It Is Not

Media portrayals of Interpol often depict it as an international police force that investigates crimes, issues international arrest warrants, and has armed agents around the world that pursue and arrest criminals. Every part of this depiction is incorrect. Interpol is better understood as a sophisticated electronic bulletin board on which its member nations can post “wanted” notices and other information. At the request of a member nation, Interpol can publish a Red Notice, which notifies other member nations that an individual is wanted by the nation that made the request. Like all of Interpol's activities, Red Notices can only concern ordinary crimes, such as murder or robbery, and must have no political, military, racial, or religious character.

The Politicization of Interpol

In 2019, Interpol published 13,377 Red Notices. It also transmitted a substantial number of diffusions, a different kind of Interpol alert that can contain the same information as a Red Notice. Since 2008, when Interpol published only 3,126 Red Notices, there has been a dramatic rise in the use of Red Notices and diffusions by autocratic regimes, such as Russia, China, and Turkey, to harass political opponents and persecute entrepreneurs who refuse to pay off corrupt regime officials.

The consequences of being named in a Red Notice or diffusion can include arrest, cancellation of visas, deportation, loss of access to the financial system, and the reputational effects of being publicly accused of being an international criminal. These consequences make Interpol an ideal instrument of harassment and persecution. This is an abuse of Interpol's mechanisms, and is summed up as the politicization of Interpol.²

Interpol's Organizational Structure

The General Assembly is Interpol's supreme authority. Like the U.N. General Assembly, it operates on a "one-nation, one-vote" rule, although Interpol has no equivalent of the U.N. Security Council. Under the GA is the 13-member executive committee, composed of a president, three vice-presidents, and nine delegates, all from different countries and representing Interpol's four regions of Africa, the Americas, Asia, and Europe. Interpol's day-to-day operations are overseen by its Secretary General, currently Jürgen Stock of Germany.

The presidency is a part-time and unpaid position with significant prestige, but, by itself, it has only a limited ability to affect the direction of Interpol's policies. The full executive committee, on the other hand, carries less prestige but supervises the execution of the GA's decisions, Interpol's administration and work, and sets organizational policy and direction. The United States does not currently have a representative in the committee.

Interpol Positions to Be Filled in 2020

In 2020, the GA will fill, by election, two of the vice-presidential positions. Unless Interpol's new president is from the Americas or Africa, one of these positions will be filled by a representative from North or South America, while the other will be filled by a representative from Africa. The GA will similarly fill the positions of two delegates from Europe, one from Africa, and one from the Americas who are rotating off the executive committee.

Finally, the GA will elect a new president, replacing Kim Jong Yang of South Korea. Kim, in turn, replaced Meng Hongwei of China, who was elected in 2016 to a four-year term, but, in a controversial episode, purportedly resigned from the presidency after he was arrested by the Chinese authorities and charged with corruption in 2018.³ The Americas will have a strong claim to the presidency in 2020, as the last eight Interpol presidents have been from Europe, Africa, or Asia. A representative of the Americas has not held the presidency since 1994, when Norman D. Inkster of Canada served in that position.

In short, the Interpol GA will fill a majority—seven of the 13 positions—of the executive committee, including the presidency, in 2020. It is vital for two reasons that these positions be filled by qualified candidates from law-abiding democracies. First, the committee plays an important role in supervising Interpol's operations and setting its policies. Second, the election of committee members by the GA will show whether the GA is

collectively willing to live up to its responsibility to select committee members who will uphold Interpol's rules against politicization, or whether elections in the GA are dominated by log-rolling or the autocracies.

The Broader U.S. Reform Agenda Beyond 2020

The 2018 GA meeting focused on the struggle to prevent the election of Alexander Prokopchuk as president of Interpol and did not take up a reform agenda. The 2019 GA meeting was an opportunity for Interpol, and its democratic member nations, to put modest but meaningful reforms in place, but that opportunity was regrettably missed.

The opportunities for reform in 2020 are limited because the GA meeting will likely focus on filling the open positions on the executive committee and on electing a new president. The U.S. must anticipate that the autocracies will make a bid to claim Interpol's presidency, and defeating that bid—not reforming Interpol—has to be the top priority in 2020.

This is unfortunate, for the U.S. agenda is much wider than simply electing good candidates to the executive committee, as important as that is. The U.S. should be building the record against the Palestinian Authority (PA) and making it clear that the U.S. was right to oppose the PA's admission. The U.S. has since 2016 been legally obliged to develop a plan to obtain observer status for Taiwan in Interpol. This goal was insufficient: The U.S. should instead seek Taiwan's full membership in Interpol. In the interim, it should back initiatives like the 2019 bipartisan letter supporting the creation of a cooperation agreement between Taiwan's police authorities and Interpol led by Representative John Curtis (R-UT), which received 47 signatures, to demonstrate that the U.S. is serious about securing Taiwan an upgraded status within Interpol.⁴

Yet the aggressive Chinese campaign that led to Meng Hongwei's assumption of Interpol's presidency in 2016 and the presidential candidacy of Russia's unfit Alexander Prokopchuk at the 2018 GA meeting are telling evidence that the democracies, including the U.S., will find it difficult to make headway on reforming Interpol's membership—not to mention advancing wider reforms to Interpol's rules and institutions—until the efforts of the autocracies to take control of Interpol's leadership positions are clearly defeated.⁵ The U.S. does have the advantage that both Russia (in the Prokopchuk episode) and China (with Meng's arrest) suffered significant defeats (or self-inflicted embarrassments) in Interpol in 2018, which might discourage them from making a renewed effort in 2020. But the U.S. cannot rely on this.

Key Steps for the United States at the 2020 Interpol General Assembly Meeting

At the General Assembly meeting the U.S. and other democracies must therefore:

Back the Election of Candidates from Law-Abiding Democracies.

The U.S., in cooperation with other democracies, should take the lead in forming a democratic caucus with Interpol to lobby for and back the election of qualified candidates from law-abiding democracies. Currently, seven of the 13 members of the executive committee are from clearly democratic and law-abiding nations. Four of these democratic representatives—including Korea's Kim—will leave the committee in 2020. By 2021, the committee could therefore have as many as 10 democratic representatives, or as few as three.

Regrettably and unwisely, voting in the GA is normally confidential, so external observers are not able to assess the balance of power in the GA in detail. But available evidence implies that the democracies are not in a commanding position in the GA, and that the autocracies control around 70 votes. In 2017, the GA voted to admit the PA, despite the PA's statements that it planned to abuse its Interpol membership for political purposes.⁶ The vote was 75 in favor of the PA, 34 abstentions, and 24 against—meaning that 57 Interpol member nations did not vote. A year later, the GA voted for Korea's Kim as its new president, against Russia's Alexander Prokopchuk, a known leader in Russia's abuse of Interpol, by a margin of 101 to 61, with 30 Interpol members not voting.⁷

It therefore appears that the autocracies command a minimum of 61 votes and a maximum of 75 votes in the GA. The democracies have between 24 votes and 101 votes. The democracies do better when the question before the GA is existential (such as electing a Russian abuser to lead Interpol) and worse when fashionable follies, such as admitting the PA, are up for a vote.

For the democracies to win in the GA, they will have to have the support of about two-thirds of Interpol's smaller, and often only partially democratic, member nations. In order to gain his support, the democracies need to work together to emphasize to these smaller partial-democracies how seriously they take the election of qualified candidates to the executive committee.⁸ The U.S. goal should not be to secure the election of U.S. candidates, though if a U.S. candidate did win democratic support, it would be welcome. Rather, the U.S. should support the election of qualified candidates from widely recognized and secure democracies.

The Commission for the Control of Interpol's Files (CCF) is another vital Interpol organization. The CCF, Interpol's appellate body, is elected by the GA and is divided into two chambers, which collectively have seven separate members. Only three of these members are from clearly democratic nations—France, Finland, and the U.S. The U.S. should lead the democratic caucus in nominating suitable democratic replacements as the terms of current CCF members end, and should campaign vigorously and in coordination with the caucus for its chosen candidates. The caucus should also apply pressure to ensure that all significant vacancies in Interpol's General Secretariat are filled by candidates from democratic nations.

Oppose Politicized Red Notices and Diffusions. Interpol's member nations are responsible for not making politicized requests or taking politicized actions through Interpol. Interpol itself cannot prevent autocratic nations from making requests for politicized Red Notices—it can only refuse to publish them. Interpol's rules make it clear that, if a nation persistently makes requests that seek to break those rules, its access to Interpol's systems can be suspended.⁹ Unless nations face consequences for abusing the privileges of belonging to Interpol, it will be impossible to protect Interpol from exploitation and abuse.

The U.S. should work in advance with democratic nations to propose a GA resolution affirming that Interpol has the power and the responsibility to suspend the access of abusive nations, and directing Interpol's General Secretariat to carry out a factual study (to be published before the 2021 GA meeting) on which nations have submitted the most requests, and the highest proportion of requests that it rejected as abusive.

Oppose Interpol Funding Sources That Lack Transparency. The 2020 GA was supposed to be held in Uruguay, but earlier this year, without explanation or reference to Uruguay, Interpol stated that the meeting would be held in Abu Dhabi in the UAE.¹⁰ It is likely this move was occasioned by the COVID-19 pandemic, but the move is nonetheless troubling, for it is the second time since 2018 that the GA has met in Abu Dhabi, a fact that points to the UAE's growing financial role in, and influence on, Interpol.

One of Interpol's major funders is the Interpol Foundation for a Safer World. The foundation's funding comes largely, if not exclusively, from the UAE, whose support of the foundation is openly acknowledged by Interpol.¹¹ Funding sources like this reduce the ability of Interpol's member nations to control it, pose a risk that Interpol will become enmeshed in corruption, and create the serious risk of improper influence on Interpol's activities. Through the foundation, the UAE controls the single largest non-democratic share (about 3.5 times larger than China's contributions)

of Interpol's funding, and in 2017 contributed 5.74 percent of Interpol's total revenue.¹² The fact that the UAE is credibly and regularly accused of abusing Interpol makes Interpol's financial relationship with the foundation even more troubling.¹³

The U.S., and other democracies, should press for the termination of Interpol's relationship with the foundation, for full and public transparency on all sources of past and present Interpol income, and for a reduction in peripheral activities sufficient to allow Interpol to live exclusively within its nationally provided means.

Conclusion

The 2020 meeting of the Interpol GA will likely be dominated by the election of a majority of Interpol's executive committee, including a new president. The U.S. should work with other democratic nations to form a democratic caucus within Interpol to ensure that qualified candidates from law-abiding democracies fill these positions. While the agenda for Interpol reform is wide, the U.S. must anticipate that the autocracies will make a bid in particular to win Interpol's presidency, and defeating that bid—not reforming Interpol—will have to be the top priority in 2020.

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Endnotes

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