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Dubious Practices: Interpol's Organizational Change

A case study on the incorporation of counterterrorism practices by Interpol

THESIS

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Introduction

Terrorist attacks are unfortunately not a new phenomenon in the 21st century. With the attacks on 9/11, Paris, Brussels and many more, worries and fears of further attacks are a relevant subject of debate. Behind the scenes however, various governments, organizations and agencies are focussing their efforts on ways to stop these events from occurring. International police cooperation stresses the importance for nations to come together in fighting these forms of international crimes. By combining police forces across states effectiveness, speed and sharing of information is enhanced (Deflem & Maybin, 2005).

Interpol is one of the organizations that concerns itself with fighting international crime. By bringing together now over 190 countries, the organization aims to enhance cooperation across state borders. Their mission: “Preventing and fighting crime through enhanced cooperation and innovation on police and security matters” includes three main programmes, with one that focusses primarily on *counterterrorism* (Interpol, n.d.). However, this organization originally does not profile itself as a party which gets involved in political and controversial crimes. The reason Interpol has been able to evolve itself as primary international organization (IO) in the field of policing, is its non-political stance. The organization is built upon the premises that it would not get involved in political crimes to safeguard the political sovereignty of states (Mallika, 2007). The organization’s mandate clearly states, “it is strictly forbidden for the organisation to intervene in activities of a political, military, religious or racial character” (Interpol Constitution, Article 3). A clear demonstration of this is their refusal to provide information on the terrorist suspects of the Munich terrorist attack during the 1972 Olympic Games. Their response references to the prohibition of political interference “terrorism was clearly political and thus outside their original mandate” (Barnett & Coleman, 2005, p.610). However, in a world where the threat of terrorist attacks has a great impact on the international community, they have come to profile

themselves as the world's largest international police organization, capable of countering terrorism, and including such crimes as a main aim in their operations. This IO has thus changed its position on counterterrorism and found a way to start fighting a very political and religious battle against this phenomenon. This research aims to explore the change this IO has gone through concerning the incorporation of counterterrorism in their practices.

RQ: How can the transition of Interpol from a 'non-political' IO into a leading organization in counterterrorism be explained?

By looking at the organization's history, this research will follow the process that led the organization from refusal of working on counterterrorism projects to this becoming one of their main concerns. By identifying key periods in their history, this research aims to identify how the organization has been able to change and what motivated them to do so.

It is important to address this issue to understand how Interpol's practices nowadays are legitimized in the context of international police cooperation. International police cooperation is an interesting phenomenon in the field of IO research. Where most scholars stress the centrality of states in IO research (Barnett & Coleman, 2005), the notion of a 'supranational' police force that exerts power in different countries clashes directly with the notion of state sovereignty and police autonomy (Deflem, 2007, p.18). It is thus highly important for IOs such as Interpol to appear as an independent and neutral player in the international field.

Apart from its social relevance, this research also tackles a controversial factor in IO research. The concept of interorganizational change is one that scholars have yet to get a clear grip on. This research aims to take a closer look at the relationship between autonomy of IOs and the sovereignty of states. By looking at this case, which balances the IO's own challenges expanding into the field of counterterrorism whilst respecting the sovereignty of its members, it provides an interesting platform to explore views and factors from within IOs that can drive

change (Chwioroth, 2008). Looking at rationalist, institutionalist and constructivist theories on indicators of change, the response of Interpol to terrorism will be examined. Since Interpol deliberately and consciously incorporated practices that deviated from one of its fundamental articles and jeopardizes its position in the international field, this interorganizational change is noticeable. The processes leading up to this decision might explain ways in which other IOs are able to exert autonomy and break away from their original, perhaps constraining, aims. Through an in-depth analysis of the processes that led to the incorporation of counterterrorism practices in the mission of Interpol, this research does not only aim to examine the change this organisation has gone through but also provide an explanation and validation for their decision to go against their original mandate.

This research will first provide a theoretical framework on IO research and IO change in relation to international police cooperation, to lay out the basis for examining Interpol's alterations. By using the concept of critical junctures, this research will apply a framework to identify the context under which the organization was able to go against the core principle of non-political interference and set course on a path divergent of their original mandate. By locating factors throughout history attributed to this change, the underlying causes will be revealed. The findings show that after the attacks in Munich, member states called for increasing cooperation, loosening the constraints of the organization's respect for state sovereignty. Because of this Interpol was able to reinterpret their Article 3 opening up possibilities to expand their counterterrorism efforts, setting them on a path-dependent course.

Literature Review

This research aims to examine how an IO such as Interpol was able to change its stance on counterterrorism which was first clearly defined as a procedure that goes against the apolitical nature of the practices in the organization. The next section will explore existing literature on

IOs and build on different theories of organizational change to illustrate how organizations can be motivated to change their course of action. By creating a framework inspired by the concept of critical junctures, this research will argue that it was a critical period in Interpol's history that allowed for the organization to make alternative decisions and alter their path, causing this interorganizational change.

International Organizations Research

IO research focusses primarily on the formation of international organizations, their autonomy, their relation to states, or place in the international system (Abbott & Snidal, 1998; Barnett & Finnemore 2004; Mearsheimer, 1994). However, there is no consensus on why or how IOs change and what elements drive them to do so. To see where processes of change of IOs come from, one must first acknowledge the place they have in the international system. IO scholars have identified various perspectives on who or what controls the course of action of IOs. One can find a distinction between the state as primary actor, with IOs serving as a reflection of the world power balance (Mearsheimer, 1994) and IOs as a key actor themselves, responding to the fluctuating structures of the organization itself (Barnett & Finnemore, 2004). IO scholars arguing from a realist perspective give no autonomy to IOs in the international system. These organizations only reflect the self-interest of states trying to reach their goals in a power-grabbing world. In this logic IOs only change because they are used as tools for states to safely calculate and increase their share of world power (Mearsheimer, 1994). On the contrary, other approaches in IO research highlight explicitly the autonomy of IOs and their effect on change. Barnett and Finnemore (2004) argue from a constructivist perspective and state that if IOs are just constructs of rules and norms through which states behave and have no autonomy or agency, then they cannot prove to act in a meaningful way.

They argue that by attributing some form of autonomy and power to IOs, their behaviour, and especially changes in their behaviour, can be better explained.

In line with this research, it is of the essence to take an adaptive view on the relations between states and IOs instead of just seeing them as either mere tools or as complex bureaucratic processes. Sociologist Mathew Deflem has looked into this relationship in the field of international police cooperation. He argues from a sociological perspective and builds on Max Weber's bureaucratization theory to explain how international police cooperation can be made possible. According to this bureaucratization theory, international police organizations have only become possible when primarily detached from the politics and power of states. It is when they function autonomously as expert bureaucracies that cooperation across state borders can exist. Only when motivation is encouraged by professional interest instead of political calculation can the fight against international crime be efficient (Deflem, 2000). In addition, Bossard (1988) argues that the only way to fight criminality on a world-wide scale is through international cooperation, but with respect for every nation's sovereignty. To effectively foster cooperation across borders, an organization must assure its members that there are no signs of a political agenda that can harm the international power dynamics. Because of Interpol's unique position in this field, it is important to considering these relations between states and organizations in this research. Because of their expertise in the field of international police cooperation, they can only be successful as a fully autonomous organization that stays clear from any political agenda that can influence the effectiveness of their activities.

Organizational Change

Concerning organizational change, scholars have argued in favour of exogenous and endogenous sources. A theory that concerns itself with explaining organizational behaviour

and the alteration thereof is that of path dependency. Scholars using path dependent arguments often trace history and state that heightened moments of fluidity and change are followed by longer periods of stable reproduction (Soifer, 2012; Capoccia, 2015; Schreyogg & Sydow, 2011). In this line of thought, what happens at an early point in history will have an impact on the possibilities of actions for an organization that will eventually lead to set, altered course of action (Pierson, 2000; Schreyogg & Sydow, 2011). A part of this theory, rooted in historical institutionalism, is the concept of critical junctures. This is often seen as the phase of path dependency where uncertainty creates room for alternative decision which will eventually set an organization on a different persistent path (Capoccia, 2015). Although this theory places much emphasis on exogenous shock to trigger change and cause altering paths, it is useful in explaining deviant choices with organizations such as Interpol and explain their sudden change of action. The concept of critical junctures is useful for this research since it is able to provide tools for analysing the origins of organizational change within Interpol and explain the altering and permanent outcomes (Capoccia, 2015). Additionally, it stresses the dynamics during key decision points, as well as the force behind choices at times where organizations have the potential to change and alter their course of action (Calder & Ye, 2004).

Mahoney (2002) highlights the role of IOs themselves as part of their own change. He states that most literature concerning organizational change place too much emphasis on exogenous shocks and overlook shifts that are initiated by endogenous properties of these organizations. Mahoney and Thelen (2010) argue that the cause of change within IOs lies within the dynamic elements of their basic properties. They build on institutionalist theories and look closely at what aspects of institutions permit change. They argue that when rule interpretation and enforcement become problematic, this opens possibilities for change to

occur. They mention several indicators of gradual change that take into account political and institutional context to explain how change can occur.

This research will look both at the exogenous shocks as well as endogenous properties of the organization to explain the change made within Interpol by focussing on a framework of critical junctures. It is important to note that an approach of critical junctures in this research will not ignore the pre-existing institutional structure of the organization. The basic properties of an organization are important factors that play a decisive role in the decision-making process during a time of critical juncture where these structural constraints are loosened (Calder & Ye, 2004). This research will, therefore, also take into account those features of the organization that have aided the decisions to change such as the interpretation of Article 3, which safeguards the organization's unpolitical nature.

Theoretical Framework

To answer how Interpol has changed from an IO based on non-political interference into one of the leading organizations in counterterrorism, this research will argue that a period of critical juncture loosened up the organization's constraints and opened up more choices in their decision-making process. This research hypothesizes that after crises caused by terrorist activities, Interpol's role in international police cooperation widens as the need for their interference by member states increases. Their non-political nature and respect for state sovereignty is then open to reevaluation and their choices to get involved in counterterrorism expand. It is a combination of these new options plus the favourable features of the organization's ambiguous Constitution that aided the change in their course of action towards counterterrorism.

A crucial element of this argument is the concept of critical junctures. Critical junctures are often defined as "periods of significant change, which typically occur in distinct

ways, and which are hypothesized to produce distinct legacies” (Collier & Collier, 2002, p.29). This research identifies with the definition posed by Capoccia and Keleman (2007) defining critical junctures as “*relatively* short periods of time during which there is a *substantially* heightened probability that agents’ choices will affect the outcome of interest” (p.348). Critical junctures then mainly represent situations in which the influences and constraints on political actions are loosened during a brief time period. This leads to the expansion of available options open for decision and the consequences to be more effective (Cappocia & Keleman, 2007). This definition of the concept is able to explain the alternative options gained after the crisis situation, the alteration of Interpol’s stance on terrorism, as well as the increased impact of this decision for the organization’s future.

To argue for potential critical junctures in this case, and their effects on the decisions made by Interpol concerning counterterrorism, the elements of this concept must be analysed. Collier and Collier (2002) pose basic building blocks of critical junctures necessary for using their framework. *Antecedent conditions* or the base line explain the initial structural conditions prior to the critical juncture. Against these basic properties the critical juncture and its outcomes will be assessed (Collier & Collier). *The Cleavage* or permissive conditions emerge out of the antecedent conditions and represent an event or chain of events that trigger a period of critical juncture (Collier & Collier, 2002; Soifer, 2012). In the presence of permissive conditions, *productive conditions* produce the outcome which will be reproduces. *Legacies* of the critical juncture are the outcomes that through *mechanisms of reproduction* become persistent over time. This is what make the junction critical, meaning that the change that occurred in this specific point in history sticks (Soifer, 2012). Lastly, *alternative explanations* represent rival explanations with constant causes. These test possible decisions without the presence of a period of critical juncture to assess its impact.

By using these tools, this research will argue that the standard conditions in which Interpol has to remain non-political to safeguard their members' sovereignty have been loosened during a period of critical juncture making them able to get involved in counterterrorism practices and prove that, under alternative circumstances, the expansion of their activities into counterterrorism could not have been adopted.

The second part of the argument poses that the basic structural properties of Interpol have aided the change in being able to get involved in counterterrorism practices. These basic properties that aid change find their basis in Mahoney and Thelen's (2010) gradual change theory. They state that an important factor in gradual change is institutional ambiguity and malleability. They argue that change occurs when problems of rule interpretation opens up the possibility for these to be altered or implemented in new ways. This research expects the interpretation of Interpol's Article 3, which states "It is strictly forbidden for the Organization to undertake any intervention or activities of a political, military, religious or racial character" (Interpol Constitution, Article 3) has aided the choice to get involved in counterterrorism practices and opened up more possibilities in time to expand their activities. The lacking classification of actual cases that fall under these 'characteristics' allows for a different approach to each case. The interpretation of this rule by Interpol itself will come to light during the analysis, showing that its ambiguity played a big part in aiding the change the organization has gone through.

Overall, Interpol has been confronted with problems concerning their unpolitical nature during numerous events. This research, therefore, believes that it is possible for a period of critical juncture to have occurred in the history of Interpol that has led them to alternative decision on their future course of action. Since this research acknowledges the autonomy contributed to the organization itself as product of their position in the international cooperation field, the relationship between the Interpol and its members states will play a

crucial role as well as the processes playing out within the organization. This research will then argue that it was a combination of the expanded choices created by a critical juncture plus the interpretation of Article 3 found in the organization Constitution that caused and aided this change.

Method

This research examining the change from within Interpol to include counterterrorism efforts in their practices will look at the organization's history to assess how this path-altering choice has been able to be made. By using the qualitative research method of a case study of marked moments that gradually build up to the change of Interpol's inclusion of counterterrorism practices, this research aims to identify how the organization changed and what the attributing factors were that permitted and initiated this transformation. The case study will aim to apply a framework of critical junctures to find the key point in history that has expanded the organization's choices and allowed them to take a course-altering path. By using a framework of critical junctures, this research will aim to explain how Interpol has been able to deviate from their non-political nature and illustrate how this decision could have been made, plus how it has changed the priorities of this organization in the long run.

Case selection

Interpol's change to diverge from its a-political nature is defined in Article 3 of their Constitution: "It is strictly forbidden for the Organization to undertake any intervention or activities of a political, military, religious or racial character" (Interpol Constitution, Article 3). The alterations to this rule pose an interesting case to examine considering organizational change. The conscious decision to gradually include cases on terrorism in their activities over time shows the complicated processes this organization is confronted with and how these

have called for a change of course. The change of incorporation of counterterrorism practices in the activities performed by Interpol can be traced to certain changes throughout time that gradually led up to this IO being a leading agency in counterterrorism. Deflem and Maybin (2005) have examined Interpol's counterterrorism measures leading up and in response to 9/11. The outlined events by these researchers map out a period from the early 1970s with the refusal of getting involved in the investigation of the terrorist attack at the Olympic Games in Munich, to prioritizing terrorism as a main aim of the organization's activities as well as setting up a special division focussed on counterterrorism efforts after 9/11. This case study will focus on this period in which change has led to transformations or additions in the tasks performed by Interpol. The focus will lie on the resolutions passed in this period, the decisions made during General Assembly meetings, structural changes and expansion of activities, and adjustments concerning the interpretation of Article 3 in Interpol's Constitution.

Applying a Framework of Critical Junctures

For a critical juncture to be assessed in this research, it is important to take all necessary steps to locate all influential factors preceding and following this period. Capoccia (2015) and Collier and Collier (2002) have all set up conditions to examine critical junctures through history. First, the unit of analysis and the antecedent conditions must be defined, showing the normal conditions under which, the decisions could otherwise not have been made. Secondly, hypothesized critical junctures must be identified. Critical junctures are often a result of crises or shocks - for Interpol this research focusses on those points in history that have impacted and challenged the organization, such as confrontations during terrorist attacks. To select actual critical junctures that have impacted the organization, one must test structural effects that could lead to only one available choice during a critical period or that

the choice made does not have a lasting effect. Once a critical juncture has been identified, it must 'read history forward' (Cappoccia, 2015, p30). This means reconstructing the process and identifying the main decision-makers as well as the environment in which the decision was made. By looking at which forces were at play as well as what other options could have been taken, the impact of the critical juncture can be shown. Since a critical juncture is only critical if it opens up the organization to choices that could not have been made under normal circumstances and would not have had a lasting effect, this reconstruction is crucial. Lastly, the legacy of the critical juncture must be shown to explain the divergent path leading of the decisions made in this period (Capocchia, 2015; Collier & Collier, 2002). The key to using this framework for analysis of the inclusion of counterterrorism practices by Interpol and to see how this change could have occurred lies in the identification of legacies that have come from the critical junctures. By taking the above-mentioned steps, the argument that constraints on Interpol by its non-political nature have been loosened during a period of critical juncture can be analysed and assessed.

Data

The data will consist of primary sources from Interpol itself, such as articles from the Constitution, official passed resolutions, agreements and treaties, transcripts or records of General Assemblies, but also articles written about the organization from outside experts. Apart from documentation from the organization itself, data will also consist of secondary sources from scholarly authors that have written about the practices and changes within Interpol, as well as articles reflecting their reputation in the outside world. By gathering and analysing this data, this research hopes to sketch a clear picture of how Interpol has changed its position on terrorism and was able to alter its aims to go against its fundamental principles.

Analysis

Antecedent conditions

When analysing Interpol's change from an IO based on the principles of neutrality and non-political involvement to an international leading agency in counterterrorism, it is important to look at the foundation on which the organization is built as well as its history concerning the controversy on political cases. Since this research argues in line with the concept of critical junctures and explains that this change occurred as a result of expanding possibilities in the decision-making process, it is important to first outline the standard conditions under which Interpol functioned before entering a period of critical juncture to compare the outcome. The next section will outline the origins of the organization, the foundation of its non-political character and modes of decision-making.

Case History: Origins of Interpol

Interpol can be seen as the world's main international policing organization that fosters cooperation with a global membership (Ling, 2010). The origin of this global cooperation system can be traced back to the First Congress of Criminal Police held in Monaco in 1914, where the need and wish for a central documentation involving international crime was defined. However, the wish for this establishment of cross-border police cooperation was interrupted by the events of World War 1. In 1923, the basis of Interpol was founded during the second Congress of Criminal Police in Vienna. *The International Commission of Criminal Police*, which is the original forefather of the organization that would eventually turn into Interpol, came into existence (Bossard, 1988). The Commission developed from a unique institution with a constitution written by a random group of police officials, without recognition or diplomatic signatures from member states, to the first structured international police cooperation organization with a central criminal data bank. These efforts, however,

were set back with the outbreak of yet another war, the Second World War. Because of the divide of allegiance and the subtle replacement of staff with Nazi officials, the ICPC (Interpol) was deemed non-functioning at the time (Bresler, 1992). After the war, a third attempt was now made to re-establish the necessarily called for police cooperation. The headquarters of the organization moved to France and as of 1956 a new constitution restructured the International Criminal Police Organization -Interpol into existence (Bossard, 1988). The now Secretary-General of the organization Jean Nepoté was forced to completely rebuilt and re-establish the collection of criminal files, with one important change, there was no mention of the criminal's religion (Bresler, 1992). This time the organization increased its credibility by having gained consultative status of a non-governmental organization by the UN and constructing a new constitution that acts in line with the goals of the Universal Declaration of Human Rights (Yapsan, 2012; Stalcup,2013). The reformed Constitution created a new Interpol which is characterized by three fundamental principles namely, respect for national sovereignty, imposition of ordinary criminal law and universality (Yapsan, 2012). In addition, Article 3 was added to effectively rebuilt the neutral character of the organization by stating: "It is strictly forbidden for the Organisation to undertake any intervention or activities of political, military religious or racial character" (Interpol Constitution, 1956). Nowadays, Interpol is recognized as an intergovernmental organization, which 'ensures and promotes the widest possible mutual assistance between all criminal police authorities within the limits of the laws existing in the different countries and in the spirit of the Universal Declaration of Human Rights (Interpol Constitution, Article 2).

The reason Interpol can be a major player and work effectively in the field of international police cooperation, is its neutral character that safeguards the relations between its member states. As highlighted before, according to Deflem's (2000) theory on international police cooperation, organizations such as Interpol can only come into being and

foster cooperation once detached from political and power of states. The organization's neutral nature became increasingly important after the Second World War, with Cold War tension making international police cooperation a difficult field to operate in. Interpol placed high value on their neutrality and non-political nature to avoid its practices becoming an intrusion on the political sovereignty of its members and to safeguard effective relationships (Mallika, 2007). By keeping clear from any controversial cases involving political, religious, racial or military matter Interpol was able to assure its members of its neutrality and thus encourage more efficient cooperation. Especially the added Article 3 made sure that Interpol was unable to give preference to any member state, group or person with a diverging agenda, and solely focus on combatting international crime. This political neutrality was thus essential for the effectiveness of Interpol's practices (Rene, 2012). In its decision-making, Interpol was now often constrained by this article and its relationship to its members by staying away from any cases that could harm a nation's sovereignty and betray their faith in a neutral organization that safeguards their information.

The decision-making process

Interpol's foundations of political neutrality to safeguard efficient cooperation and respect for state sovereignty seem important factors in their decision-making process. To see how Interpol comes to certain decisions and how they have been able to alter their practices by including counterterrorism over the years, it is important to lay out the way the organization is set up and what implications this has for the organizational change to come.

Various scholars have described Interpol's structure as unconventional, remarkable and flexible (Stalcup, 2013; Ling, 2010; Mallika, 2007; Fijaut, 1992). As mentioned, the organization is not based on an international treaty, on the contrary its formative body was naturally agreed upon by the founding countries and a following General Assembly came up

with its Constitution (Fijaut 1992; Schneider, 2008). Where the organization was first limited to the mere exchange of messages concerning police data, the technological developments as of 1980 boosted its capabilities. Whilst considering state perceptions of cross-border cooperation and the globalization of crime, Interpol has been able to remain a stable structure over time and fulfil its obligations and practices to the international community on which the organization is built (Ling, 2010).

The working activities of Interpol are guided within a clear framework of governing bodies and statutory meetings. Their structure is characterized by three elements that form the decision-making process within the organization, namely an Executive Committee, a General Assembly and a General Secretariat (Interpol, n.d.). The General Assembly is Interpol's main supreme governing body which meets every year in a member country to debate and decide on issues concerning policies, activities, finances of the organization, programmes etc. All of Interpol's members are represented by a delegation entitled with a single vote. Decisions are then simply taken by a majority of votes on a presented Resolution that leads to policy formation (Fooner, 1989). The General Assembly within Interpol is a sovereign body of this international organization. However, it does not have any legislative power over the police bodies of its member countries. The purpose of the General Assembly, and with that the decisions as a result of it, are mere recommendations and suggestions that are aimed to be implemented in their member countries. This governing body of Interpol provides a platform for discussion of relevant topics to international police cooperation and serves as the basis for information exchange, shared knowledge and mutual trust between the countries involved (Fooner, 1989). The Executive Committee is the executive organ of Interpol. Its 13 members are elected during the General Assembly and led by the President of the Organization. The main task of this body is to guide the organization in its practices and manage the implementation of decisions resulting from the General Assembly (Interpol, n.d.). The daily

implementation and administration practices of Interpol is found within the General Secretariat, led by the Secretary-General. The office and thus the heart of the organization is based in Lyon France as of 1956. Noteworthy is that this component of Interpol operates 24 hours a day, 365 days a year (Interpol, n.d.). Because it functions as the centre of contact for national and international authorities, the General Secretariat is what keeps the organization going (Mallika, 2007).

Apart from the three elements that outline how decisions are made within Interpol, the organization distinguishes itself by their set-up of their NCBs, National Central Bureaus. To ensure international police cooperation, Interpol requires its members to participate, within their power and to the extent that the legislation of their country allows, to the practices and activities of the organization (Interpol Constitution, Article 31). The NCBs are the lifeblood of Interpol, by contributing information to the criminal databased and fostering cooperation across borders during international investigations (Fooner, 1989). This link of national police forces with Interpol's global network, all regions of the world are working together to combine their knowledge, expertise and resources in fighting international crime.

The baseline conditions under which Interpol thus functions can be summarized as a) high respect for nations sovereignty, b) the avoidance of cases with a political, religious, racial or military character, and c) through a decision-making process guided by General Assemblies which only task is to advise their members but does not have any impact or executive power. However, as the next sections will show, these conditions will be altered as a result of the following crises.

Crisis

Over the course of history Interpol has struggled with cases revolving around political matters and especially in terms of combatting terrorism. Even though the organization is guided by the principle of non-interference in political matters, they have been able to change their

course of action and get involved in counterterrorism efforts. The following events have confronted Interpol with its inability to act and sparked crisis situations to the organization and its member states. The first major issue that Interpol faced, occurred in 1951 when an aircraft from Czechoslovakia was hijacked and ended up on an American airbase in West Germany (Stalcup, 2013). This matter appealed to Interpol's political neutrality since two member-states argued against each other. Czechoslovakia called for Interpol's famous 'red notices' to capture the perpetrators of this act of piracy, where on the other hand the US urged Interpol to stay out of the investigation. Since the US interpreted this act as refugees from a communist regime seeking political asylum, this matter was argued political and thus outside of Interpol's activities. Surprisingly, going against their own restrictions, Interpol chose the side of the Czech government leading the walkout of the FBI and the US withdrawing their membership from the organization (Rene, 2012). The ambiguous nature and possible interpretations of Article 3 proved problematic in this situation as two countries played out their political cards, leading to severe consequences. This event sparked a higher importance to the non-political nature of the organization, but it is not considered leading to a critical juncture. This shocking event did not open a realm of decision-making for the organization nor did it set the organization on a path-dependent process. On the contrary, in years to follow their position on terrorism remained ambiguous.

A second major controversy occurred during the 1972 Olympic Games in Munich where Israeli athletes were shot in the Olympic village. The German police immediately requested information on the terrorists and urged Interpol to track down the perpetrators. However, this time Interpol did stay true to its neutral position and refused to get involved in a case that fell within the restrictions of Article 3 due to its high political motivation (Bresler, 1992). Response from former Secretary-General Nepoté sounded: "We found ourselves with some extremely difficult decisions on our hands because terrorism is not defined anywhere.

There is no code ... no definition which tells you which people are terrorists and which are non-political terrorists committing ordinary law crimes" (Bresler, 1992, p.148). This second controversial event showed the difficulty of defining a terrorist act or even defining what falls under activities with a political, military, religious or racial character. Even though the need to act was present, this time around the organization stayed true to its principles.

After these attacks Interpol was lucky not to have to deal with other difficult cases for a while, but the ambiguity and confusion surrounding their role involving terrorism was clearly demonstrated. Their inconsequent decisions and rising tensions with member states because of it, showed that their foundations did not provide them with a distinct recipe on dealing with terrorism. The need for international police cooperation between nations was growing and this event led to a willingness of states to tighten their bonds to ensure safety to the international community. The increase in international violence over the next years led to members from Western Europe and even the United States to urge Interpol to assist them in their counterterrorism efforts. During this time, it seems that the assistance that Interpol was able to provide in the area of counterterrorism, was valued over the member states' tight control of discovery and use of valuable information (Schneider, 2009). This external pressure resulting from the Munich attacks triggered a debate inside Interpol regarding the interpretation of the term 'political' and what cases were characterized and thus prohibited due to the restrictions of Article 3 (Barnett & Coleman, 2005).

Critical Juncture

This research argues that after the attacks in Munich in 1972 the need for international police cooperation by members states and their dissatisfaction of Interpol's ability led to a period of critical juncture, in which the organization expanded the interpretation of their political nature by altering Article 3 in the Constitution, leading to a path dependent process which set them

on a course to gradually include counterterrorism activities. Table 1. provides an overview of all the elements of the critical juncture framework needed to assess this case.

Table 1. Expansion of Article 3 as a Critical Juncture

Antecedent condition	Strong non-political interference based in “Article 3”
Cleavage (permissive condition)	Growing fear of terrorist attacks (Munich 1972)
Productive condition	Need for further assistance by member states
Mechanisms of reproduction	Resolutions on counterterrorism
Legacy (outcome)	Incorporation of counterterrorism activities
Constant cause (alternative explanations)	Strong non-interference of political, racial, religious, military cases

After the attack in Munich, the need for further international police cooperation amongst the international community and with that, Interpol’s member states grew stronger. Along with that the dissatisfaction of Interpol’s ability to handle these cases and their refusal to get involved, member states urged for something to be done, unwary of the costs to their sovereignty (Interpol, 1979; Interpol, 1983). During this time a set of guidelines revolving the handling of terrorism had been drawn up by Interpol’s General Secretariat. However, due to the sensitivity of the subject matter they were not addressed until 1983. After previous Secretary-General John Nepoté, a strong believer in the non-political nature of Interpol, retired in 1978 the complaints on Interpol’s inability to deal with certain cases, especially on terrorism, came to light (Mallika, 2007). During the General Assemblies of the next years, Interpol’s inabilities and outdated Constitution were a noted subject. Pressing matters on increasing international crime were frequently brought up at General Assemblies by member states. As a result, during the opening of the 52nd General Assembly in Cannes, the organization’s President, Bugarin addressed his plans to update the organization’s course of

action and need to fulfil present day requirements. He also acknowledged the need for a critical review of previous actions and the will to prove Interpol's ability to deal with the complexities of present times (Interpol, 1983). With the increasing concern of terrorism affecting the organization and its members, as well as aftermath of the inadequate response to the Munich attacks, Interpol was now faced alternative options to address this issue and alter the organization's stance on the matter, leading to the decision to reevaluate the Interpol's Constitution (Interpol, 1984). During the 53rd General Assembly the Executive Committee proposed the following resolution, Resolution No AGN/53/RES/7 - Application of Article 3 of the Constitution which was passed with 70 votes in favour, 17 against and 3 abstentions (Interpol, 1984a).

The Application of Article 3 of the Constitution was a highly controversial event, of which its impact set the course of Interpol's actions on a completely different path. The rising concern of terrorism after the Munich attacks led to a study conducted on the role of Interpol in counterterrorism bearing in mind the provisions of Article 3, plus a symposium to gather intel and expertise on how to deal with international crimes of this scale (INTERPOL, 1983a). As a result, the resolution of the Application of Article 3 of the Constitution came into being (INTERPOL, 1984a). This resolution clearly redefined Article 3 respecting its limits but acknowledging the ambiguity of the definition of political, racial, religious and military practices. Each case posed by a member state should therefore be taken into consideration separately whilst looking at the context, also placing full responsibility with the member state requesting Interpol's help. This is often referred to as the theory of predominance highlighting the criminal character of a terrorist attack over the political motives. By doing this, Article 3 could be avoided, and the crime was treated only for what it in core principle was (Gottlieb, 2011). This was mainly done by looking at the connection between the motives of the terrorist and the relationship to the victims. Three criteria were developed to evaluate terrorist cases.

The first “Doctrine of Conflict Area” proclaims that any terrorist act committed outside of the conflict area, would be seen as predominantly criminal even with clear political motives (Sheptycki, 2004, p.131). Secondly, the status of the victims was assessed and posed that no innocent civilian can ever be a legitimate target of a terrorist attack, no matter the motivation behind it. Such crimes are then again treated as predominantly criminal. Lastly, the scale of the crime was considered, arguing that crimes exceeding a certain level of violence could not be a legitimate expression of grievances. Such brutal attacks are then classified as predominantly criminal (Gottlieb, 2011). Acts that now fall under the scope of Article 3 include acts that by very nature are political such as treason, membership of prohibited organization and acts committed by politicians in connection to their political activities. However, when the act itself is not politically loaded it falls outside the scope of Article 3 such as, acts by persons with political motives but without connections to those motives, or offences committed outside of the conflict area for example hijackings, hostages and kidnapping (Interpol, 1984a). Overall, if the victims of the crime are not connected to the objectives of the perpetrators, the country of conflict or political position, the crime fall outside the scope of Article 3 and Interpol can get involved.

This resolution changed the limited scope under which the General Secretariat and the NCBs operate. As mentioned the effectiveness and autonomy that comes from Interpol’s structure is based on the two-sided notion of respect for state sovereignty that leads to voluntary collaboration between police forces across borders, and the governance structure that safeguards the organization’s own independence by operating through NCBs (Schneider, 2008). The event outlined above, illustrates that the increase and evolvement of international crime set in motion a discussion within Interpol as well as pressing urgency to act by its members. Their need for Interpol to address cases which are controversial in nature led them to loosen their apprehensions and allow for Interpol to expand its range of activities. With the

alteration of Article 3, the Secretary-General is now able to discuss the potential application of Article 3 to specific cases with the requesting NCB. This places full responsibility on the requesting country once they decide to carry out an investigation. This clear definition of the cases Interpol can and cannot get involved with, plus the insurance of passing over responsibility to the requesting country has altered the conditions under which Interpol now operates. After the crisis Interpol thus entered a period of critical juncture which gave them the option to remain on the unclear path they were confronted with in the previous years but with respect for state sovereignty or take advantage of the loosening constraints of member states and change their stance on counterterrorism. The next section will explain the path-dependent process leading of this alteration to the Constitution.

Legacy

It has become clear that the application of Article 3 and its previous interpretation, was not in line with the foundations on which Interpol was built on, especially concerning counterterrorism efforts. The next central question is to what degree did the event of altering this part of the Constitution set Interpol on a different, dependent path. In order to argue that it was a period of critical juncture that caused Interpol to change from a non-political IO into a leading organization in counterterrorism, the criticalness of this juncture which lies in its legacy, must be assessed.

The outcome of the alteration of Article 3 led Interpol to being able to expand their activities concerning counterterrorism which under other circumstances without member states recognition would not have been permitted as shown in previous cases. The path-dependent process Interpol found itself on can be defined by the many resolutions passed in the years to come after the alteration to the Constitution. The first addressed the classification of terrorist crimes: Resolution No AGN/53/RES/6 - Violent Crime Commonly Referred to as Terrorism. This resolution defined the term terrorism and surpassed the norm of national sovereignty by placing the emphasis on the scope of terrorism, affecting all member states,

thus making it of the essence to every party involved. This resolution was adopted with an overwhelming outcome in favour, with 95 votes for, and 1 abstention (GA 1984). The impact of the amended Article 3 is clearly visible by the following statement by Secretary-General Kendall about the new classification of terrorism: "We were only able to act in a rather discreet and hypocritical kind of manner. When there was, for instance, a serious bomb incident ... we would not call it *terrorism*. That word was banned from our dictionary ... we called it *violent crime by organised groups*" (Bresler, 1992, p.153). The new path Interpol was now set on was developed even further during the General Assembly in Washington where a manual was formed to advise the NCBs on how to cooperate and deal with terrorism, as well as placing the item International Terrorism on the agenda of all next General Assemblies, Executive Committee meetings and Regional Conferences (INTERPOL, 1985). The notion of terrorism being a global international problem directed against the entire international community remained a concern and the need to finding out the best way to carry out the complex and humane mission of Interpol within these limits was a key point on the agenda (INTERPOL, 1986). In 1993 fighting terrorism is stated to be one of the main tasks for international police cooperation (INTERPOL, 1993). Concluding from the General Assembly of 1993 is an evaluation of Interpol's strategy and determination to combat terrorism. The "New Guidelines for Combatting International Terrorism" are presented 5 years later (INTERPOL, 1998a). Where the adjustments of Article 3 were built on the theory of predominance by looking at the circumstances and nature of the crime before the motives, the new guidelines are directly aimed at improving cooperation and strongly condemn any terrorist acts. An important consequence being the 'Declaration Against Terrorism' posed by Interpol and passed by its member states. This declaration still offers no clear definition of terrorism but condemns all terrorist acts that threaten the international community and fall under the descriptions of past resolutions. Apart from that Interpol will now take on the task

of organizing an international conference on combatting terrorism under the UN, strive for an international action plan, and urge all fellow organizations to show international solidarity towards the fight against terrorism (INTERPOL, 1998b). This declaration turned Interpol's activities surrounding terrorism from, fitting cases into their cooperation and information practices, to active participation in combatting international terrorism. A year later in 1999 the role of Interpol as an essential instrument for international police cooperation aimed at achieving the objectives of the draft United Nations Convention against Transnational Organized Crime was noted in AGN-1999-RES-8 – The role of Interpol (INTERPOL, 1999).

Leading up to 2001 counterterrorism thus seemed to turn into a permanent part of the practices and aims of Interpol. However, as of 11 September 2001 their priorities shifted further towards counterterrorism with a high acceleration. The tragic events of 9/11 led to an implementation of a 24-hour service of Interpol's Headquarters, a boost in communication with the public, a Crisis Task Force and a special Resolution AGN-2001-RES-5 – 9/11 (INTERPOL, 2001). This resolution called for enhanced cooperation against organized crime, higher priority of red notices for the perpetrations of this act and “SOLEMNLY PLEDGES that the Organization and each of its Members endorsing the present resolution will collaborate without reservation, to the fullest extent permitted by law, in identifying every individual who assisted in committing these acts and bringing those who were responsible for them to justice.” (INTERPOL, 2001).

It has thus become clear that the amendment of Article 3 has set Interpol on a course, abandoning their non-political nature to the point where their efforts to separate crime from motive were surpassed by the need to protect humanity. The build up of more and more resolutions defining further the role of the organization in counterterrorism activities could only have taken place in the light of the newly interpreted Article 3. This path-dependent process characterized by a long period of stable understanding of Interpol's duty to its

members and foster international police cooperation in an environment of growing international crime has turned Interpol into a leading organization in counterterrorism, with actual operational capabilities.

Constant cause

This research argues that it was a period of critical juncture that set Interpol on a divergent path, changing from an IO concerned about its non-political nature to foster effective international police cooperation, to a leading organization in counterterrorism. To illustrate that it was the loosening constraints of member states that led to the alteration of the Constitution, this research argues with the help of alternative explanations, that this could not have occurred under different circumstances. In the hypothetical case where member states had acted during the 1972 Munich attacks as they did during the 1951 crisis of the Czech hijackings, Interpol's course would not have altered or become path-dependent.

The example of the Czech hijacking as illustrated as a possible crisis above, shows that members of Interpol criticized the decision to get involved in a 'political' crime, as well as the ambiguity of the interpretation of such cases. Their resistance to Interpol's involvement in this political issue shows that they did not place international safety above state issues. If after the Munich attacks member states did not feel the need for further cooperation, the possibility for Interpol to redefine the scope of their activities would have been highly contested. Under the constant causes of respect for state sovereignty, avoidance of political, religious, racial or military character as stated in Article 3 and only advisory power, the possibility to alter the Constitution and expand their activities would not have occurred. Against these baseline conditions Interpol's Executive Committee would not have been able to pose the change the course of action. Only as a result of a crisis in a period of critical juncture could the organization have resulted in a path dependent process. A second factor to

highlight the critical juncture argument is the legacy as illustrated above. This process is argued path dependent as the implication of the critical juncture is a narrowing of the range of options making it more difficult to return to the original pattern of action (Schreyogg & Sydow, 2011). If after the Munich attacks Article 3 would not have been reinterpreted, its nature would stay ambiguous and the application doubtful. This would thus not send the organization in a path-dependent phase which limits their options but remain open to interpretation and selective in application whenever the next controversial case presented itself. However, as illustrated above due to the implications of the amended Article 3 Interpol was set on a path the more specifically defined their role in the field of counterterrorism up to the point where they became a leading player in the field, able to act effectively after 9/11.

Conclusion

This research has laid out the trajectory that Interpol has gone through concerning the step by step integration of counterterrorism effort in their practices. This research has argued that it was a period of critical juncture leading off the growing threat of terrorism, that allowed Interpol to alter their mandate and set them on a path-dependent course with a focus on counterterrorism. Because of the necessity by member states for international police cooperation, the structural constraints of Interpol's non-political nature were loosened in this period and allowed them to alter their view and interpretation of terrorism. By laying out the foundations of the organization the understanding of the value of its unpolitical nature has become clear. It demonstrates the contingency of their actions to go against their original mandate and include counterterrorism practices in their activities. The analysis of the aftermath of the Munich Olympic attacks has shown that the inability of Interpol to act has led member states to call for more serious measures and allow a breach to their sovereignty. It was this opening up of options for Interpol to evolve in

the field of counterterrorism that set them on a path to expand their activities, which up to date have turned them into one of the leading agencies in this field.

The fact that Interpol has been able to balance its own autonomy and the sovereignty of its members is an interesting observation. Especially in the field of international police cooperation, which deals with highly confidential information, it is remarkable that this organization has gradually been able to push its power over its members. It seems that in cases such as terrorism, which threaten the entire international community, that states are more willing to give up their sovereignty to IOs, in order to fight international crime more effectively. This opens up new perspectives on the role of IOs in relation to states. This finding helps argue in favour of the importance of IOs in the international community. If states are willing to give up their sovereignty under certain circumstances and allow IOs to take on more tasks, it would be interesting to see how the importance of the cause stands in relation to the amount of power given to an IO. Interpol's defiance of state power is not the only interesting observation in this case. The puzzling issue of an organization altering one of its fundamental principles serves as a clear demonstration of how far organizational change can go. Further research should look into the legitimacy of such changes and how this implicates the perception of the future practices of an organization. Interpol does not seem to be questioned on its ability to act as a leading agency in counterterrorism, but the controversial nature of its activities could have implications on how reliable the organization is perceived.

This research as shown that a period of critical juncture has opened up the possibility for organizations to change their course of actions. However, the analysis of the agency of decision-making actors is limited and has not been fully taken into account. The analysis has shown that a switch in the organization's Secretary General, after the leave of John Nepoté, has also played a part in the transformation that Interpol has gone through. Further research on this topic should take into account the agency attributed to these actors but also perhaps their personality, opinions and leadership style.

Overall, this research has aimed to unravel the case of Interpol's transformation from a 'non-political' IO into a leading player in the field of counterterrorism. It has clearly become visible that Interpol was presented with path altering opportunities during a period of critical juncture which have led them to expand their effort. To conclude, Interpol has grown into becoming an influential organization that sees terrorism as a clear threat to public safety, national security and international stability, and recognized the prevention of such crimes as the highest priority (INTERPOL, 2017).

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