Law Enforcement Cooperation in the Baltic Sea States
Abstract
The aim of the present study is to investigate a multilateral law enforcement cooperation, the Baltic Sea Task Force, and explain some of the factors that may be the reasons for its successful implementation. Choosing to see the Baltic Sea Task Force framework similar to an attempt to create a cooperation forming one international epistemic community from several national ones, I investigate how and to what extent knowledge has been transferred between the communities, and how this was planned for in the original mission mandate. I investigate problems of knowledge transfer across the network of communities (national law enforcement agencies). Since knowledge is context based, the specific context encodes the knowledge, reflecting the nature of the subject area and the community’s norms and values. Explicit knowledge needs embedded tacit understanding to fully work. In turn, embeddedness needs trust, common processes, joint norms and values. Consequently, there must also be a transfer of these norms and values in order for the embeddedness to take place. I investigate how this context-dependent knowledge is received, and how such decoding is assisted by the framework. Where decoding seems to have been slow, I examine possible reasons for this, and study how the framework has dynamically altered its modi operandi to achieve its purpose. I conclude that the Baltic Sea Task Force framework’s enterprise policy contains a broad and holistic perspective, conforming to definitions of a holistic epistemic community.

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Abbreviations

AWF    Europol Analysis Work Files
BSTF   Baltic Sea Task Force
CoP    Community of Practice
EuroJust European Union’s Judicial Cooperation Unit
LEA    Law Enforcement Agency
JIT    Joint Investigation Team
JAT    Joint Analysis Team
NPC    Nordic Police and Customs cooperation
OC     Organised Criminal groups
OLAF   European Union’s Anti-Fraud office
OPC    BSTF Operative Committee
SIRENE Schengen information system
Introduction

The aim of the present study is to investigate a multilateral law enforcement cooperation and explain some of the factors that may be the reasons for its successful implementation.

I focus on a law enforcement cooperation project, the Baltic Sea Task Force (BSTF) set up by the states around the Baltic Sea to combat those criminal groups that want to make use of the instability and the lack of immediate response to the political events. I study how the BSTF framework has solved some of the problems of both cooperating against crime and trying to synchronize the different judicial systems and cultures. ¹ I do this by focussing on one state – Latvia – and investigate its part and situation within the state of problem together with the actions and reactions of the surrounding states and international agencies. As I see it, for such cooperation to work fully, the differences in judicial systems and culture (western vs. Soviet legacy) must be clearly acknowledged, and there must be built-in structures for transfers of judicial culture, values and norms. Herein lie the main problems found in many cooperative efforts with post-communist countries, i.e. that the differences in judicial culture still exist and entrenchment of western norms and values is not yet achieved.

The structure and aims of the framework show what problems the international community expected to meet and the ways in which they hoped to solve those problems. I focus on two instances – information exchange and joint investigations teams – as examples of joint efforts. Two further areas, judicial cooperation and training will also be discussed. By studying what was not included in the original mandate it is possible to see the expectancy of that the post-communist states would quickly transform into partners with a similar judicial culture as the Scandinavian countries. The unanticipated practical problems and their solutions also point to the dynamics within the framework and its willingness to adapt, as well as to the inherent national structures and agencies.

This brings us to one of the main problems with cooperation with post-communist societies, that of the differences in context and norms. This is one of the problems that the BSTF framework did not anticipate, and thus the transmission of judicial culture, norms and values are not explicitly treated in the original mandate. I discuss how such tacit understanding in

¹ By judicial culture, I here mean a culture that is unified in a systematic reliance on legal constructs. Western judicial culture includes the protection by the state of civil rights, contracts and private property and adherence to this system by its practitioners.
spite of this has been transmitted through the framework’s long-term work, inclusive nature and prioritization.

**Theoretical framework**

A cooperation effort can be analysed from several different theoretical perspectives. The present paper investigates approaches such as transfers of knowledge, norms and values and trust within a cooperation. A multi-state cooperation of experts joining for a particular purpose can also be called an epistemic community, creating and influencing norms. Together, these approaches can help explain the ways in which a cooperation works, as well as why it functions despite severe initial differences among the participants.

**Knowledge transfer**

Knowledge can be divided into two parts – explicit and tacit knowledge. Explicit knowledge i.e. that which can be learnt by hands-on experience and manuals can be seen as the building blocks that are held together by the glue of tacit knowledge, i.e. the abstract norms and values. While explicit knowledge is often quantifiable and more easily transferable, tacit knowledge forms the integrating mechanisms in learning. Tacit learning can be said to be accumulative, to be enhanced by social embeddedness and also to help explain the explicit knowledge transferred. Thus, it has also an indirect effect on the learning of explicit knowledge. 

Embeddedness of tacit learning is often dependent on the relationship between the actors. It can be described in terms of levels of trust and the extent to which the actors share common processes, norms and values. Such shared values are created through socialization, helping to embed the relationship with a strong social bond, creating relational (social) capital. Dhanaraj et al. point out the three critical roles played by this relational embeddedness in the

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transfer of knowledge: clarification, control and motivation. The higher the embeddedness, the more it allows for proper interpretation and feedback to ensure correct understanding and use of knowledge. In addition, the embeddedness causes norms and values to be inherent in the relationship, and thus forms a mechanism for even further socialization. Relational embeddedness is more important for tacit knowledge transfer than for explicit knowledge transfers, since the tacit knowledge is acquired through observation and interaction, interpretation and further integrating this knowledge for proper utilization. When explicit knowledge is transferred, this usually entails an adoption of the practices of existing routines. This means that it is important that the whole issue of competence increase also includes the transfer of tacit understanding and its embeddedness.

What follows from this reasoning is that explicit knowledge needs embedded tacit understanding to fully work. In turn, embeddedness needs trust, common processes, joint norms and values. Consequently, there must also be a transfer of these norms and values in order for the embeddedness to take place. In any project including knowledge transfer, we should thus look for the possibilities of transfer of such norms and values, if we want to ensure a proper use of that knowledge. This also means that the recipient of the knowledge must be prepared to accept such a transfer, and to take the trouble of understanding the context. Similarly, the transmitter of the knowledge must adapt the knowledge to the recipient’s local context.

All types of knowledge are context dependent. The context is formed by the social community where such knowledge is used and formed, i.e. an epistemic community. The basic historical tenets for knowledge and its discourse can be called an episteme. This term was picked up in the 1970s by Ruggie, who argued that individuals can have interrelated roles that develop around an episteme, forming epistemic communities. Such communities have a mutual engagement, where they develop and maintain the theories and practices that form the basic tools of their joint effort. Within a community, knowledge is transferred both explicitly (voluntarily) and tacitly (involuntarily), facilitated through the epistemic community’s joint

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5 Dhanaraj et al. (2004), p. 430.
6 Lars Håkanson, “Governance and Knowledge Exchange Within and Between Epistemic Communities”. Paper presented at the 30th Annual Conference of the European International Business Academy, Ljubljana, December 5-8, 2004, p. 3. Håkanson points out that the minimum community size is two, thus opening up for a wide definition of what constitutes an epistemic community.
theories, practices, norms and values. Between different epistemic communities, however, knowledge transfers are more difficult, and often demands special and sometimes costly “boundary-spanning mechanisms”. Since knowledge is context based, the specific context encodes the knowledge, sometimes to the extent that only those within the community can partake of the information, since it reflects the nature of the subject area and the community’s norms and values. This means that for the knowledge to be transferred, the recipient must be aware of the particular code. There must also be something to gain from decoding the knowledge, since such work can be costly, both in manpower and in time.

The following part explains the different interpretations of the concept of such epistemic communities and how these communities are related to the creation of knowledge and the transfer and decoding of knowledge.

**Epistemic communities**

The definition of epistemic communities first came into wider use by Peter Haas in the early 1990s, describing the emergence of a community of experts on environmental protection. He defines it as “a network of professionals with recognised expertise and competence in a particular domain and an authoritative claim to policy relevant knowledge within that domain or issue-area.” Thus, an epistemic community can be said to consist of a set of experts, joined by their attachment to a particular area or issue. In addition, Haas points out defining features such as (a) shared norms and principles, (b) shared causal beliefs, (c) shared notions of validity, and (d) a common policy enterprise. The main characterising feature is that the experts within the community have “shared causal beliefs and cause-and-effect understandings”. Developing the theory, Antoniades distinguishes between holistic communities, which aim at the establishment of certain norms as dominant social discourses, and ad hoc communities, created to solve a particular policy problem, and he sees a joint purpose/ambition (i.e. Haas’s common policy enterprise) as a more important characteristic of

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an epistemic community than Haas’s joint causal beliefs and joint cause-and-effect understanding.\footnote{Andreas Antoniades, “Epistemic Communities, Epistemes and the Construction of (World) Politics”, Global Society, 17:1 (2003), pp. 22ff.}

The concept of epistemic communities has mainly been used to define conditions where academic knowledge influences policy processes. Such instances can be a particular crisis (such as environmental problems). However, other interpretations have also been made. Adler widens the concept, saying that epistemic communities are a special kind of communities of practice, important not only because of their roles as “catalysts of change” in policy processes but also as creators of new practices that can be used to influence and change identities of large populations – i.e. cognitive knowledge, such as norms and values.\footnote{Emanuel Adler, Communitarian international relations: the epistemic foundations of international relations. Routledge (2005), p. 17.} Antoniades differentiates between methods and practices and sees an epistemic community as local, national or multinational and consisting of “socially recognised knowledge-based networks, the members of which share a common understanding of a particular problem/issue or a common worldview and seek to translate their beliefs into dominant social discourse and social practice”.\footnote{Antoniades (2003), p. 26.}

This community of experts, drawn from different geographical areas and disciplines form a network of knowledge and competence that can influence policy makers. The community, drawn together for a particular common aim, realises that the particular problem can have widespread influence. The examples given by Haas and others are environmental issues that affect not just one geographical area or state, but transcend national borders. Through their expert knowledge and their beliefs in what causes the particular problem, the epistemic community can propose actions that can change the effect of the problem, and thus, influence the policy and social discourse of several states. Often, Haas maintains, these experts are “promoted” to the policy-making groups.

The epistemic approach, Haas points out, “identifies a dynamic for persistent cooperation independent of the distribution of international power”.\footnote{Haas, “Introduction” (1992), p. 4.} This means that irrespective of the different power levels of the states, experts can continue to collaborate on an equal level. In addition, when the community engages in its practices, the knowledge is developed, thus also...
developing the community practices. Just as the practice develops the understanding, so can the understanding change both the practice and the national community’s members’ identity and self-awareness.

Adler points out that a state’s domestic policy is more easily influenced by national experts, and thus a transnational epistemic community’s influence is dependent on what questions are raised in the community by the national experts. This enhances the importance of the different national experts within the community, while also pointing out that the international exposure and discussions are often the arena for creating new knowledge and insights.

With some differences, the definitions of an academic or knowledge-based epistemic community also fit other multinational communities of experts. Previous research includes studies of insurance claims processors, flat panel technology engineers and the Silicon Valley communities. Here, the individual actors are bound together by their skills in a particular area and their engagement/joint ambition in a subject or common enterprise. The individuals can thus constitute a community where their similarity in disposition, vocational training and socialization can “override variations in tradition and control that might otherwise shape organizational behaviour”. In part, this tie in with what other researchers have introduced as the concept of Communities of Practice (CoP), in order to link knowledge transfer, identity and motivation within groups, but this CoP-concept seems more directed to existing work groups and how such feelings of communality can be encouraged by organisations. The Communities of Practice show epistemic characteristics, but also include organisational structures with which the individual members must identify.

19 Steinmueller 2000; Cowan et al. 2000; Edwards 2001; Håkanson 2004 all follow this wider definition of epistemic communities. See reference list for full details.
What then is the difference between a network and an epistemic community? According to the above definitions, the epistemic community **is** a network of experts, but with further convergent characteristics. While a network can be anything from a loose structure of professional contacts to a tightly knit group, the epistemic community is more closely tied together by similar priorities, aims and competence, where knowledge generating and transfer are important.

Regarding knowledge transmissions – i.e. explicit as well as tacit knowledge transfers, as discussed above – researchers dealing with epistemes find that epistemic communities work best when knowledge is transmitted to all, rather than to a select few of the group, although this takes longer. Thus, they claim, there seems to be a trade-off between speed and the reliability of the explicit knowledge. To my mind, it also indicates the importance of seeing the work within the community as a long-term venture.

The present study focuses on a collaboration of experts in law enforcement, where Haas’s factors of joint norms, joint causal beliefs and a joint policy enterprise fit strikingly well. We could see the collaboration as initially existing between different sets of epistemic communities, which through bridging and normative isomorphism gradually form one community. This bridging, the transfers of knowledge between different communities, forms one of the purposes of the BSTF framework collaboration. The main difference between Haas’s initial environmental examples and the present law enforcement cooperation is that whereas the environment experts united on their own, so to speak, through their expertise in a particular subject area and yet grew strong enough to influence policy makers, the law enforcement cooperation was instigated by the policy makers. Although the law enforcement cooperation has been allowed to manage on its own, and to implement necessary changes in their aims, the continuous contacts between cooperation framework and politicians/policy makers have ensured and encouraged dynamic contributions to the policies, while simultaneously ensured that the national law enforcement experts have been able to continue working within their international community. A further difference between Haas’s examples and a community of law enforcement agencies is naturally that their cooperation within the community (be it national or international) is dependent on political will. This political level is an important outside influence interacting with the community. A purely academic

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community of experts may not be quite so dependent on the political level, while it is in the
democratic state’s interest to maintain control of law enforcement and security forces. Thus,
we could say that this epistemic community may act independently within certain given
frames provided by the political level.

As we shall see, it seems possible that by functioning as a community of experts in the subject
area – of law enforcement officers, border guards, policemen and customs officers – the
cooperation at hand has had advantages that perhaps other multilateral cooperation efforts
have not. The costly boundary-spanning and decoding of context-dependent knowledge that
must take place between two international companies or organisations is in law enforcement
cooperation efforts facilitated by both similar training, priorities and aims, although the local
context may initially be very different. Here, we can see the importance of political
prioritization and ambitions to embed similar norms and values across a number of separate
communities. Few multilateral collaboration efforts have the advantages of both political
priorities and well-trained epistemic communities with similar aims.

The idea of seeing law enforcement agencies as epistemic communities is not new.
Woodward uses the concept in its original, narrower sense when proposing how such
international collaborations could influence policies against organised crime in Southeast
Europe. 24 While she correctly maintains that there can be no complete and embedded policies
without a strong political will, there may be a disregard for the possibilities that exist within
active collaborations. Seeing only carriers of academic knowledge as policy influencers
disregards the existing national and multilateral networks that together possess large
quantities of information as well as analytical and strategic competence. The wider definition
of epistemic communities would also include these existing law enforcement collaborations,
rather than merely seeing them as communities of practice (CoP) with some epistemic
characteristics. Development of academic research and continued knowledge transfers within
the communities can surely be done in parallel and would further entrench understanding and
policies. 25 The more understanding created within the communities, the more likely it is that

24 Susan L. Woodward, “Enhancing Cooperation Against Transborder Crime in Southeast Europe: Is there an
Emerging Epistemic Community?” in Ekavi Athanassopoulou, ed., Fighting Organized Crime in Southeast
25 It should be noted that Woodward focuses on Southeast Europe, where, as we will see below, the law
enforcement collaboration set-up is different from the BSTF.
such understanding, norms and similar priorities also spread to the general public. However, a political ambition for policy changes is of course vital.

Other researchers use the concept in the wider sense, e.g. when discussing how the epistemic communities of human rights activists and crime and migration control officials respectively interact and help produce a trafficking protocol protecting the human rights of trafficked people. Here, the law enforcement communities are seen as more than merely practitioners of static knowledge and agendas. Instead, Antoniades’s wider definition of an epistemic community as practitioners also aimed at changing the social discourse and practice can be applied.

Here in the theoretical framework, I have outlined two interactive variables that may explain why the cooperation works successfully. The two types of knowledge transfers explain how the cooperation works, while the epistemic community theory may prove to be the key to why, in the face of the many differences in national legislation, levels of democracy and financial capabilities such collaboration works.

Method
To conduct this analysis, I have examined the reports from the Baltic Sea Task Force, aiming to see the cooperation process and its structure from three perspectives that illuminate different aspects of how participants approach a collaborative effort:
• joint purpose/ ambition (Haas’s joint policy enterprise)
• joint priorities
• joint understanding (Haas’s joint causal beliefs and cause-and-effect understanding)

The interpretations of what these aspects entail may not always coincide. Although the ambition to jointly implement a task may be present, the priority to ensure its completion may not be similar in the agendas of all actors. Equally, the understanding and perceptions of why and how a task is done may not be alike. Consequently, we find that collaboration may not mean the same thing for all involved actors. This lack of accord may not be anticipated at the outset and might therefore create problems.

Choosing to see the BSTF framework similar to an attempt to create a cooperation forming one international epistemic community from several national ones, I investigate how and to what extent knowledge has been transferred between the communities, and how this was planned for in the original BSTF mission mandate. I investigate problems of knowledge transfer across the network of communities (national law enforcement agencies), taking into consideration the original mission mandate set up by the BSTF at its instigation. This mission mandate corresponds to Haas’s original joint policy enterprise, i.e. the aims of the cooperation between the different communities.

Having a joint policy enterprise (one of the initial characteristics of an epistemic community) also means that the tools for achieving this particular purpose must be similar in all parts of the community. Thus, both explicit knowledge and tacit understanding must be transferred within the network. I investigate how this context-dependent knowledge is received, and how such decoding is assisted by the framework. Where decoding seems to have been slow, I examine possible reasons for this, and study how the framework has dynamically altered its modi operandi to achieve its purpose.

Case study: Latvia

A case study usually makes an in-depth investigation of one individual or a small group, and results of such an analysis are only valid for that particular individual or group and that particular context. Results are rarely generalisable; instead, the emphasis and purpose of the study is exploration, description and comparison with other contexts. In quantitative studies, for instance, the combination of large-n and small-n studies can often be valuable since they can complement each other. Close studies of a process simplify the tracing of the causal mechanisms and time order that would have been difficult to understand in large-n samples, while extensive research can measure and isolate effects, enabling the making of generalisations.27 The present paper uses qualitative data, but an in-depth study of one of the eleven states participating in the framework will increase understanding of the process of developing a national epistemic community (the national law enforcement agencies) as well as how well the cooperation process functions on a micro scale. Referring back to Zollman above, we saw that a community works best when knowledge (both explicit and tacit) is transferred to the whole community. Glitches in this work process indicate problems in how

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the knowledge was transferred, or in lack of understanding the context. It can also point to
outside influence. As the community of national law enforcement agencies in a state is
dependent on political will to function, the political level must be seen as both influencing and
being influenced by the community. Just as the community can influence policy decisions by
presenting facts and knowledge to the political level, so can the political power influence the
workings of the community, e.g. through finance, depending on its priorities.

By checking the same factors on a macro scale (the whole framework) and on a micro scale
(one state), it is also possible to see a pattern in how the law enforcement agency community
in one state has developed in line with the BSTF mission mandate in certain areas, while less
so in others. This will help towards explaining why the national community of law
enforcement agencies in the case study may not be as integrated into the larger multinational
epistemic community as intended.

The choice of Latvia was dependent on several factors, one being their geographical position
as a transit country for illegal trade from Russia and Lithuania, and thus there would be a
strong need for a well-functioning national community of practitioners that would benefit
from the discourse in an international community. In addition, the extensive shadow economy
in Latvian society indicates a strong prevalence of informal networks remaining from the
Soviet period that could be utilised by criminal networks to attack the more open society
structures of the west. This presence indicate a strong need for changes in policy, in social
discourse and practice, and the joint policy enterprise present in the BSTF framework mission
mandate was instigated for precisely this purpose. Furthermore, it should also be possible to
see Latvia’s transition from a newly independent country to an EU Member state reflected in
its international collaborative efforts, enabling a perspective on the collaborative process.
However, similar variables apply to several of the other post-communist states, and thus any
one of them could have been selected.

Material

I have used reports from the BSTF and its Operative Committee (OPC) (all security cleared or
public versions) available from the BSTF website and/or provided by Swedish Customs.
Further, open source information from the United Nations, Europol, Council of Europe,
Swedish and Latvian law enforcement agencies as well as the Swedish and Latvian
governments has been used. Media articles as well as scholarly texts have been drawn on to complement and structure ideas and analysis.

Interviews with Swedish and Latvian officers participating in the BSTF OPC work and bilateral projects have been vital in providing local and contextual perspectives on international cooperation and joint efforts against crime in the region. Their value should be seen as providing additional confirmation and support in an issue rather than fact, both owing to the generally subjective nature of interviews and the small number of interviews conducted. Interviewees were chosen because of their connection with the BSTF as a whole and/or their connection with operations related to Sweden or Latvia. Interviews were conducted in person or by e-mail; although a questionnaire was provided as a basis, the oral interviews also had the added value of imparting further information relevant for the study.28 When mentioned, officers are referred to by nationality only and the date on which the interview took place.

**Structure of the thesis**

*This study will clarify why the BSTF framework can be seen as an attempt to join together several national epistemic communities into one international epistemic network.*

Seeing the BSTF framework cooperation as a case of forming an international epistemic community can help explain the mechanisms of the cooperation process. When we compare the values of the proposed policy enterprise with the achievements both in the framework as a whole and in the different national communities, we can estimate the success of the general policy enterprise.

A general description of the framework is presented in order to create a background of the aimed-at joint common policy enterprise. I do this in order to show that the political level in all participating states agreed on the need for such a community, and that they were willing to be open to the community’s expert advice on changes in policy and legislation.

Selecting two instances of cooperation, I show how different ways of collaboration form conduits for knowledge transfers, both of explicit knowledge and tacit understanding. This is important since in a well-functioning epistemic community, knowledge needs to be evenly distributed across the network. Other factors such as shared norms and principles (values) are

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28 The questionnaire is included in Appendix 2.
integrated into the transfers of tacit understanding, creating trust both between individuals and between different national communities, enabling further integration and exchange.

In the discussion in information exchange, I describe different ways of knowledge transfer, and the BSTF framework’s ambition to ensure a similar level of knowledge and tacit understanding of this over the whole community. As we saw above, one of the main characteristics of an epistemic community is its joint causal beliefs and cause-and-effect understanding. Ensuring this common understanding provides the basic tool for further cooperation between the different national communities.

In the discussion on Joint Investigation Teams and Joint Analysis Teams, I describe both a more interactive way of exchanging tacit understanding, as well as how another characteristic of an epistemic community, that of shared norms and principles, is generated and distributed, creating different levels of trust between the actors. Since this type of interaction forms the ultimate test of cooperation, leading both to increased transfers of knowledge as well as generating practical results in the form of crime fighting, the outcome of these ventures indicates both whether the planning was successful, i.e. whether the knowledge has been integrated into all participating communities, as well as the extent to which the community has a shared ambition (joint policy enterprise). Here, a successful outcome also includes thriving interaction between the members, both in the pre-investigation phase and the operation itself, as well as attaining the particular mission objectives.

I include a discussion of cooperation problems that were not anticipated in the original mission mandate, and describe how these often appeared owing to problems in decoding the context-specific knowledge, and that cultural contexts in recipient communities were ignored and/or disregarded. Other factors such as lack of financing must be related to the national political levels, since ultimately, finance is a matter of prioritization with the political power holders.

To see the factors on a micro level, I focus on one national community, Latvia, investigating whether it is possible to see the extent to which the Latvian community of law enforcement agencies have become integrated into the larger BSTF epistemic community. If the national community has achieved the proposed aims and enterprise policy as the mission mandate, we could say that integration has been functional. Since part of the BSTF framework mission
mandate includes development on the political level, i.e. indicators that the national community through its international involvement may have managed to influence policy making, examples will be discussed from this area.

The following parts of the paper discusses general points of cooperation in the field, and reasons for why the different characteristics of an epistemic community also have implications here. Primarily, I discuss how the factors of joint norms and principles and tacit understanding create an increased sense of trust between individuals, intra-agency and inter-agency. This is important since increasingly shared norms and values between individual members of an epistemic community will lead to an increased sense of community identity, and will simplify both knowledge transfer and achieving the joint ambition. I also briefly discuss the possibilities of the community influencing its surrounding society as well as the political level. This is significant, since it points to the societal level of trust in the particular community, and thus also indicates the strength of the political level.

I include a discussion of the policy enterprise of the BSTF by using two examples of other attempts to create a cooperation of law enforcement agencies. I discuss why the ambition of these two examples are different from the BSTF framework, and why, although they outwardly seem similar to the BSTF, cannot be seen as epistemic communities to the extent of the BSTF. This is a key issue, since the examples show clear differences in how the cooperation is viewed in terms of policy enterprise. While the BSTF framework has the ambition to both enhance the national communities and form a functional international epistemic community, the two examples have less epistemic characteristics. I conclude that the BSTF framework’s enterprise policy contains a broader, more holistic perspective, conforming to Antoniades’s holistic epistemic community.

Description of the cooperation

What is the cooperation?

The Baltic Sea Task Force (BSTF) was formed in 1996 against the background of massive increase and spread of crime following on the breakdown of the Soviet Union. Instigated by the heads of government of 11 states around the Baltic Sea, the cooperation included both
post-communist states with weak judicial traditions and strong Scandinavian democracies. The main mission of the BSTF was the fight against organised crime, as this was seen as a priority by all the participant states.

Thus, the political joint response was clear – there was a need for a multilateral organisation in the region and it had been created with very specific criteria:

- Concrete and operative measures should be elaborated
- Maintain a flexible and informal approach, keeping formal agreements to a minimum
- Existing structures and cooperation should be used to avoid duplicate efforts
- Increased involvement with the European Union would be desirable.

The mission for the BSTF for its final two years (2008-10) is stated as “establishing preconditions and monitoring the operational cooperation between the Russian Federation and other countries in Baltic Sea region until Russia becomes full operational member of the Europol network.” A continuation of the organisation is not seen as necessary after this period, its mission being taken over by Europol.

**Why cooperate?**

The general setting of the present study is a cooperation aimed at hindering and deterring organised crime. However, the BSTF framework policy enterprise can be said to have been twofold, to learn how to cooperate as well as to stop organised crime. In many cases, the framework project seems to be a long-term process of learning by doing and by absorbing that abstract understanding that forms the basis for clarification and embeddedness of knowledge, all in partnerships with very different starting points, different political cultures and contexts. However, the core mission aim, that of stopping organised crime, influences the essence of the relationship throughout the process.

Collaboration between the different law enforcement agencies (LEAs) in the region meant gaining a more cohesive overview of the situation, regarding both information gathering and small-scale operations against presumed or confirmed criminals, as well as more long-term and planned large-scale law enforcement operations encompassing several sites in different

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29 The following countries cooperate in the BSTF: Russia, Finland, Sweden, Norway, Iceland, Denmark, Germany, Poland, Lithuania, Latvia and Estonia.
countries simultaneously. International collaboration also ensures the possibilities of law enforcers being able to act on different sides of borders, or of making controlled deliveries in another state. Bilateral agreements between states have enabled this; the BSTF framework facilitates a multilateral cooperation in the region.

The regional cooperation also paved the way for extended law enforcement cooperation with other European countries via Europol. It is possible that this further integration was anticipated from the beginning, especially with the proposed entry of Sweden into the EU in 2000. From a border protection point of view, Swedish accession meant that Sweden’s borders also became the borders of the EU, creating a further incentive to enhance law enforcement activities and border protection also on the non-EU side of the border. With the accession of further regional participants to the EU in 2004, the former outer borders have now become inner borders, the only outer border in the region now being towards Russia, who is also a member of the regional BSTF framework.

While the borders are now easily crossed, they still delimit different national legislation, law enforcement practice as well as diversity in cultural context, norms and values. The different LEAs also have different traditions and habits regarding international collaboration, and thus the BSTF framework had to consider this. The plan for how the different agencies should interact was specific in some parts, less so in others.

Four main areas of cooperation were decided: information exchange, concrete joint operations, judicial cooperation and special surveys, and training/other cooperation.32 Different states took on the responsibility as forerunner country in specific fields, ensuring active participation.

Structure

The formal arrangements for the organisation were initially provided by the CBSS, Council of the Baltic Sea States, where information regarding the taskforce was also published. The BSTF now has its own website, provided by its current chair state, Estonia. The organisation’s structure has thus developed from a small loose cooperation to a more formalised network

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with a secretariat and a presidency. This function is held by a different country every few years, and to date, Sweden, Denmark, Finland and now Estonia have held the presidency.

The structure of the BSTF framework can be seen as functioning on different levels, providing different levels of cooperation.

The highest political level in the BSTF framework, the Task Force, consists of the representatives of the heads of states, who are responsible for ensuring that decisions are well grounded in the home state. The top operational level, the Operative Committee (OPC), created in 1998, reports directly to the representatives of the respective heads of government. The OPC recommends joint activities for the participating states. The group is also responsible for the implementation of both ongoing as well as planned activities and operations and also acts as an expert group for different operative activities. In the OPC, most of the decisions are taken, and representatives of the different LEAs from all states participate in its meetings. Previously, a number of expert groups formed mini forums for discussion and planning for new joint operations, both JATs and JITs, but these have now been dismantled.

In addition, each state has a national coordinator responsible for coordinating the national LEAs and framework meetings.

The political level was the original instigator of the framework, meaning that the initiative of cooperating was taken on a top level. Here, the political decision of forming the organisation and making fighting narcotics in the region a top priority was agreed on in 1996. Since then, the political level consisting of personal representatives of the different heads of state has met for this and other purposes twice a year and been informed of events in the Operative Committee. During this time, the national coordinator in each country has also continuously informed the political advisor responsible (in Sweden, this post is held by a state secretary, in other states the posts are held by people on similar levels). Interviews showed that the interaction between the national coordinator and political level (at least in Sweden) was felt to be functioning well. Through regular monthly meetings, it is ensured that all activities in the Task Force are well grounded on the political side. This means that communication between the two levels (political and operative) is secured.

33 http://www.balticseatasskforce.ee/members
The top-most operative level, the OPC, meets more often and discusses all ongoing activities. The range of points in a meeting includes reports from conferences, completed and ongoing operations etc. The responsibilities for the different activities seem well distributed, most states taking point for different activities. However, not all states participate in all activities; instead, some are focusing on what initially seems to be national or bilateral problems, such as illegal immigration from a certain area. This can then develop into a forerunner project for a wider operation.

Public reports from the OPC meetings are generally very sparse in comments, and interviews showed few problems. When I asked about the format of the meetings, these seemed to be formal and following an agenda planned to incorporate a heavy schedule. It was pointed out that the representatives for the Swedish agencies always discussed topics beforehand, so as to present a united front, ensuring cooperation among the national LEAs. Other people may also participate in the meetings, such as representatives for Europol, OLAF and EuroJust, as well as representatives of “strandägare” – coast owners – in states that are objects of future missions.34

Expert and analysis groups must be discussed separately. Expert groups are formed by experts on a particular area, such as weapons or narcotics. The analysis groups both gather data before the operation and analyse results afterwards. Common for the expert groups and analysis groups seems to be the ability to focus on the operation at hand. The groups consist of trained experts from the different national agencies. As such, their roles can be said to be analogous to many other international groups of (academic) researchers working towards a common goal. Here, national agency hierarchies, cultural background and prestige play are of less importance than the common goal.

On an agency level, interactions are both international and national, between different national LEAs. It seems likely that both would be fraught with some difficulties, such as strict intra-agency culture and hierarchy problems, as well as differences in knowledge, training and norms and values. However, reports show that joint operations have functioned well,

34 It seems unclear who these strandägare may be – the only region bordering the Baltic Sea not participating in the BSTF is Kaliningrad. A Swedish governmental investigation (SOU) suggested in 2003 that further attempts should be done to develop joint activities in Kaliningrad to emphasize that the Baltic Sea region is the responsibility of all the states in the region, regardless of other connections. This would be part of a planned programme area of knowledge development and coordination, and only peripherally connected with the work done by the BSTF. Cf. SOU 2003 Utveckling av området civil säkerhet inom Östersjöstaternas råd: betänkande. p. 91.
indicating fewer problems than might be expected. Interaction between international colleagues has instead seemed to widen the experience for all. Interviews and BSTF reports showed that the joint operations had a temporary centre set up in the state where the operation took place, and thus many people within the particular national agency would be affected by the event, all gaining experience. Only in one case between 1996-2008 do the reports mention acts of corruption during such an operation. This indicates that in spite of differences in historical and cultural background, experience and national legislation it is possible to cooperate well.

Aims

Original aims included in the mission
To study the cooperation it is important to see exactly what was intended. A full list is included in Appendix 1.

The practical measures were to be both concrete and efficient, and were expected to become a natural part of the different law enforcement agencies – in other words, a large amount of joint knowledge was to be transferred between the countries, in order to create a system with similar modi operandi. There was also an outspoken prerequisite that there be “an adequate and functioning judicial system with appropriate and well operating law enforcement institutions in the countries.” 35

A joint intelligence exchange system was also felt to be vital for the cooperation together with a system of liaison officers, such as the one practised by the NPC system. It was particularly pointed out that “a high level of ethics within law enforcement agencies and judicial authorities in the countries” was to be achieved together with mutual training of personnel.

The mandate as interpreted by the representatives included not only strict reports on what had been done, as well as suggestions for what could be done, but also immediate solutions and direct implementations. In the first report of the Task Force, this interpretation was clearly outlined together with an extensive description of the working methods used by the BSTF. However, the original mandate as interpreted by the BSTF emphasises that all cooperation should be done informally, as far as possible, without formal agreements. 36 While this would

certainly cut down on administration and time, it goes against voices heard in informal interviews that would prefer clear and formal guidelines and rules for international cooperation. The advantages of the informal ways, based on trust and personal knowledge, are also more sensitive to changes in the political system, which can cause sudden displacements of staff on all levels.37

Which aims were not included?
What was not included in the original policy enterprise was the background preparation needed for both technological transfers and knowledge transfers. In addition, although representatives working in the Task Force and the OPC were encouraged to point out problems in national legislation in order to more easily facilitate both national and multilateral operations, as part of an executive branch, they had no actual say in the creation of any new legislation. Neither was the question of motivation within the national agencies to work multilaterally seen as an issue. Since the decision was made at the highest political levels in each state to participate in the cooperation, it may not have been deemed necessary to base this resolution among the agencies taking part.

Considerations for different cultural and local customs, structures and hierarchies were not mentioned in the policy enterprise.

The cooperation process
The following part will investigate the process through which the participants within the BSTF framework cooperate. The problems encountered can illuminate the continuous attempts to transform the different national judicial systems, and to facilitate the strengthening of the national communities of law enforcement.

The buzzwords for the BSTF cooperation have been operationality, coordination, development and activation.38 Together, these terms project a high level of competence, while simultaneously welcoming a dynamic ambience where mutual learning and exchange are an integral part. The reports from the BSTF and OPC indicate that results followed expectations,

37 It should be pointed out that other BSTF participant states such as Poland is more likely to be affected by changes in government. The three Baltic states are less affected. See Jan-Hinrik Meyer-Sahling, “Sustainability Of Civil Service Reforms In Central And Eastern Europe Five Years After EU Accession”, SIGMA paper no. 44, (2009), p. 84 http://www.olis.oecd.org/olis/2009doc.nsf/LinkTo/NT00002C4A/$FILE/JT03264288.PDF
38 OPC Report to Task Force 2005-06 p. 4.
but also that some unplanned for measures needed to be taken in order to have a functional system.

As far as I can see, the framework has encountered difficulties both regarding knowledge transfers (regarding technology, administration and linguistics) and prioritizing. I will trace the areas of information sharing and joint operations, which illustrate both issues.

Two examples of cooperation

Information sharing

Between 1996 and Jan 1998, an initial system of 24/7 communication centres “Contact points” were set up. Following a 12-month period of intermittent testing, the system was deemed to be working but could still improve its performance in some cases. In May 1998, the response time for the contact points was still not fully functional, but this seems to have been rectified a year later. At this point, a new edition of the Task Force Contact Points-manual was issued. 39 The report from 2000 points out the problem with the lack of distribution to the officials who were in need of the manual; instead, the report points out, it “sits on the shelves of higher-ranked officers without being used or even known to the subordinates.” 40

The Operative Committee (OPC) themselves identified the problem points or rather the areas which should be developed in order to enhance the intelligence sharing. 41 Since this was one of the main aims of the original mandate, the OPC pointed out that the difference in national legislation as well as lack of coordination in national intelligence processing were two severe obstacles to efficient intelligence sharing. In addition, they pointed out, a joint definition of how to structure and label the information together with a heightened awareness of the intelligence problem could further increase the possibility of successful operations.

Based on the Interpol network system (X 400), the BALTCOM system for direct communication and encryption was implemented between late 1996 and September 1999. The costs for ensuring that the system was enabled in all participating countries were borne by Norway and Sweden. Thus, there were two functioning systems of communications set up.

39 Initially, it had been decided that no such formal guidelines had been needed. Still, a second edition of a manual was issued in September 1999. The reason for this change will be discussed below.
The guidelines for BALTCOM specified that all transmissions should adhere to the frameworks of the respective national laws. In addition, it was again suggested that where legal hinders existed for intelligence exchange, they should be identified and pointed out to legislators for possible rectification.

A third and important point of intelligence exchange concerned special contacts points during joint operations. These were established for most of the joint operations, consisting of an International Coordination Centre for the particular operation linked to the National Coordination Centre (NCC) to the states participating in the venture.

In all these cases, the framework was preparing for the most basic needs of the cooperation, that of creating functioning communications systems and tools for explicit knowledge transfers. We could say that communication forms the basis for all social and professional contacts, and indeed cooperation between the different national law enforcement communities would have been impossible if the systems had not functioned. The information systems thus illustrate problems both of technical considerations (equipment) and of administrative awareness of the importance of manning the systems 24/7. As the annual reports point out, there was also a need for a joint taxonomy of intelligence in all the Baltic Sea states. Understanding how to classify intelligence would definitely increase the possibilities of successful operations, both joint ventures and intelligence-led national ones. In addition, if all agencies had understood and adhered to the general guidelines issued by Interpol and Europol, many of the problems would not have appeared. The cases also illustrate differences in priorities, particularly in budget allocations and availability of funding, as well as initial problems with the variances in the different national legislation.

Joint operations

In the Joint Operations Teams, both matters of intelligence sharing and of analysing the situation come together in practical operations. The BSTF reports and interviews indicate that the planning of operations varies. On several occasions, after a joint operation has been analysed, a second one is implemented shortly afterwards. At times, problems are pointed out, both relevant to international collaboration and national, inter-agency cooperation. It seems a
common feature of the joint subprojects that the first venture is a try-out, creating and testing the limits and set-up for the operation, while still carrying out the primary operation. A second venture, invariably known as Version 2, is usually more tightly maintained. It also seems to have a greater impact, and thus the different operations function as learning opportunities as well as testing collaboration, national readiness and pinpointing the selection of control objects. These second ventures seem to have involved fewer actors (states), and also seem more focussed than Version 1, building on experience from the previous operations.45 When larger operations have been planned, they can last between 3 days and up to two weeks.46

Following an operation, the results are analysed, both regarding structure and operative measures, thus forming strategies for both change and initiatives for new forms of cooperative practises. Previously, expert groups led by different states both recommended strategies and initiated new joint operative measures.47 These analysis groups also provide opportunities for interactive knowledge transfer as well as further understanding of different national legislations and contexts.

During the interviews, I asked about possible conflicts in the planning sessions for joint operations. The officers said that they had seen no problems in the discussions in these planning sessions; instead, a target is simply decided and “you just go for it”.48 The problems of differing priorities mainly concern budget allocation, since all participation must be covered by the participants themselves. In some cases, however, the projects have been covered by different agencies, meaning that costs for planning and operations have not fallen on the participants. 49 Thus, the monetary budget restraints would not matter here, although costs for personnel allocation still would.

Some BSTF reports show that larger projects can be long in planning, involving careful intelligence gathering and spot checks. In particular, long-term projects such as Crossfire with their “Crossfire Joint Analysis Team” show both strategic and operative targeting, beginning with a decision on a pre-investigative study in December 2004. Its first joint operation was held in 2007, but all information pertaining to illegal weapons trade discovered before this

45 Several operations are recurrent; only some are mentioned as “II”.
46 Interview, Swedish officer 2009-05-07.
47 BSTF Report 2004, p. 43f.
48 Interviews, Swedish officers, 2009-05-07. This should not be taken as lack of pre-operational analysis.
49 E.g. the project Crossfire, which was covered by Swedish Customs. Crossfire Report 2008 p. 28.
had been carefully collated by the JAT (joint analysis team) in order to prepare for the coming operation and for selection of viable control objects.

The more permanent Joint Analysis Teams (JATs) was a long-term goal of the BSTF framework, but one that was never officially implemented. However, the Crossfire report indicates serious analysis work both before and after operations, indicating that although the analysis group was not termed JAT, it did indirectly work as a JAT. Perhaps we should see the JAT as directly attached to a JIT, i.e. less permanent than the expert group formed on the framework level, and as such set up for the particular operation or sub-project only. Most of the intelligence gathering would have been done beforehand by the different national agencies, and only collated and analysed by the specific analysis group/team. The closer the analyst works with the JIT, the better preparations the JIT will be able to do, making a successful outcome the more likely. Analysts working close with operations will be able to see what type of information is needed, although the operative units may not know it yet. Thus, the role of proper analyst competence cannot be enough enhanced. The role of the analyst is not to present one option only for planning the operation, but to give plausible options for operative measures, based on the available information and understanding of the particular context of the operation.

Here, we have both the explicit knowledge transfers of intelligence pertaining to the particular operation, as well as the long-term interaction within the special sub-projects. A better sense of understanding and trust is generated between individuals who interact over a longer period of time, particularly when they have a common purpose. These joint operations (whether they consist of international groups or national teams) would inevitably show effects not only in practical outputs (quantifiable seizures or vehicles controlled) but also a step forward to the BSTF framework communities attaining increasing epistemic characteristics. One of the explicit aims of the Crossfire operation was indeed to enhance cooperation between different law enforcement units in the region as well as to gain information about the extent of the presence of illegal arms.

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50 For the role of analysts in operations, see e.g., William E Odom, “Intelligence Analysis”, *Intelligence and National Security*, 23:3 (2008)
The two categories of intelligence exchange and joint operation teams were included in the original mission mandate along with training and judicial cooperation. Although not all problems encountered within the categories were anticipated, they were resolved, indicating a flexible organisation in the BSTF framework.

Unanticipated interaction

Problems that were not anticipated from the start but that are still satisfactorily solved indicate a dynamic set-up. However, if such problems prove to be extensive, it indicates an initial lack of understanding the situation when the mandate for the framework was formed. While the set-up of the framework on paper seemed to be cooperation between equals, the problems that were not anticipated reflect a different reality. The different communities that were supposed to work together were hardly identical, but faced a number of different types of national difficulties. Nevertheless, problems are not always negative, but can instead lead to the implementation of even better solutions. However, since no considerations were made for differences in local contexts, customs and structures, this meant that several of the initial efforts faced problems that were owing to national differences, and perhaps also to lack of motivating factors.

As we saw in the method chapter, it is possible to differentiate between joint ambition of purpose, joint priorities and joint understanding in a cooperation effort. In general, unanticipated problems that can be inferred from the official BSTF reports include those that are based in different administrative, structural and systemic backgrounds. The initial language barriers seem to have been fairly quickly overcome, but very late in the cooperation there are still problems with maintaining similar report formats for joint expert groups. Their explicit knowledge such as handling the technology, categorizing information and manning the stations can easily be learned. However, the motivation and lateral thinking needed to combine different types of information that individually might seem unimportant are more difficult to learn.

Although the BSTF framework emphasises the importance of mutual exchange of information and operational support, it is uncertain whether intelligence sharing has been felt to be one-sided or mutual within the bilateral projects. This might be owing to territorial protection or

inter-agency problems, including failures in explicit knowledge transfers. Regardless of the personal contacts and the mutual trust existing between them, some distrust is felt for the security measures of the cooperating partner. Perhaps better communication between the agencies could help alleviate this distrust, combined with clear and mutually binding rules for joint operations.\textsuperscript{53} Previous research points out that a common problem seems to have been the lack of strict guidelines to which all participants can adhere, as well as the issue of changing personnel, which disrupts the systems of trust – the person-to-person connections that often prove so valuable in everyday law enforcement cooperation.\textsuperscript{54} One instance in the BSTF framework was the guideline manual for contact points discussed above. Initially, this manual was not seen as necessary, but was later issued regardless. However, rules, formal guidelines and agreements do not guarantee a functioning collaboration. Control mechanisms are also needed to ensure e.g. that intelligence is not forwarded to unauthorized people. Intelligence access and intelligence management form one of the most difficult problems to solve when collaborating with authorities in other countries. This is often owing to disparate legislation, but also due to lack of trust between the agencies. Even though the technological problems have been solved, the underlying differences of contextual understanding, motivation and awareness, as well as a lack of trust between the agencies may still impede information sharing and cooperation.

Applying the three different aspects of cooperation – ambition of purpose, priority, understanding – on the BSTF framework, we can see that although the ambition of cooperating against crime has been jointly agreed upon, the levels of prioritisation and understanding may differ. The difficulty with maintaining similar report formats seems to be very a minor problem, and such as could surely be rectified through structured manuals and reporting templates. However, it indicates a structural difference in the various law enforcement agencies, both in background and in priorities of the participants. In part, this may be owing to the low pay and status given to both the national experts and the lower ranking officials of the different agencies, leading to initial lack of knowledge and competence in that particular area. However, today we could have expected that this type of explicit, concrete knowledge had already been imparted, and the competence increased on all levels of the agencies. Such knowledge (administrative measures, report format) can be


communicated via manuals, seminars or even longer periods of staff exchange, so called twinning. The abstract knowledge, however, such as why it is important to use these administrative measures continuously, takes much longer to transfer.

The need for transferring this abstract, tacit knowledge of norms and values that embed and entrench the judicial culture and policy enterprise was not anticipated in the original cooperation mandate. Knowledge transfer was instead seen as focussed learning sessions on professional issues, such as cyber crime, or joint taxonomies, i.e. explicit, practical knowledge transfers. We differentiated between the two types of knowledge in the theoretical framework, and the following part will illuminate the importance of formally integrating both types in cooperation efforts.

In the BSTF framework and mission mandate, as we have seen, no such transfers are explicitly mentioned. Instead, the cooperation seems tailored for a unification of existing systems and communities, as though they were all equally functioning, although we can see that this was (initially) not the case. The importance of the practical specificity of the framework (“deterring organised crime” and “countering narcotics”), i.e. the practical side of the policy enterprise, seems to overshadow many other factors in the initial mandate. If potential difficulties in attaining this equal level among the different national LEA communities had been anticipated and formally acknowledged from the beginning, it is possible that the original plans for the cooperation may have been more realistic. On the other hand, the initial proposal for the framework did not anticipate such a long-term involvement, which, in the end, has proven invaluable for knowledge transfers and increased embedding of norms and principles. The time frame has allowed for a decoding of and adaptation to the local contexts.

What we can learn from this is that the local context must be understood in knowledge transfer, together with the differing levels of priority that exist within the participating communities. It cannot be assumed that the tacit understanding is fully absorbed, if there is no acceptance for this in the local context. In the field of combating the production and

55 Twinning is the way of matching a member of an agency in a CC (EU Candidate Country) state with a similar counterpart representative in an EU Member State. By working together on an actual project relevant for the organisations (in the present case, public administration) during an extended period, the CC representative was exposed to a number of knowledge and competence issues that would be useful for his/her work in the home agency. Commission of the European Communities, Report on an Assessment of the Twinning Instrument under Phare. Luxembourg: OOPEC (2000).
trafficking of narcotics, interviews indicate that this is seen as a top priority of all the states in the cooperation, but with the qualification “the most similar priority”. This means that it is not the same throughout the framework.\textsuperscript{56} One Swedish interviewee pointed out that within his particular field, fighting narcotics, he felt that he and his Latvian colleagues had equal values as well as equal problems.\textsuperscript{57} Indeed, the fight against narcotics seems to be most highly prioritized among all officers I have spoken to, and this is supported by formal statements from all LEAs. Regarding other areas of collaboration, priorities are increasingly becoming similar. The joint BSTF framework operations, where priority conflicts could be expected, are managed through a “give and take” priority method, and staff are mainly located in different places.\textsuperscript{58} In planning the operations, the different priorities must be worked out in each case (e.g. should the focus be on seizing couriers and minions or going beyond these, deeper into the criminal networks).

The interviews with officials for the present study also indicate that the different cultures within agencies are important. In many law enforcement agencies, there is often a strict hierarchy, meaning that not all information and tools are distributed as intended. Knowledge is seen as power, and this entails not always sharing information as was originally projected. One example is a small annual notebook calendar containing contact names and details of the different agency participants initiated and distributed by the OPC. This was intended to facilitate easy informal contact points between agencies. However, interviews showed that in some instances, the calendars had been retained by higher ranking officials, as a means of controlling information access. This means that although trust and social capital has been created among the highest level officials and among those participating in the OPC meetings and in other cooperation efforts, it has not extended into all branches of the national agencies. Although tradeoffs between speed and knowledge transfers seem common in epistemic communities, according to Haas, and thus it would be important to maintain the long-term perspective, the costs can be too high. Here, the national agency cultures and inherent problems seem to block some of the development. The ambition of purpose and awareness seem to vary among the participant agencies, and the notebook mentioned above was meant to facilitate relationships between different agencies, as well as to distribute knowledge.

\textsuperscript{56} Interviews, Swedish officers, 2009-05-07.
\textsuperscript{57} Interview, Swedish officer, 2009-07-03.
\textsuperscript{58} Interviews, Swedish officers, 2009-05-07.
Previous empirical studies have shown that both inter-personal and inter-agency relationships are of vital importance in this type of cooperation. A long-term relationship means that trust is built up over years of steady collaboration. Interviews show that sudden political changes in the post-communist states often also mean a change in collaboration partner, destroying the built-up trust. This can be seen as a severe problem on many levels. If agencies as such collaborate bilaterally, rather than individual officials, trust can survive a change in staff, provided that enough people have been involved in the collaboration, and have participated in the knowledge transfer. We established above that trust is an important prerequisite in the social i.e. tacit aspects of learning, but less important in the transfer of explicit learning. Thus, the collaboration should both be wide and long-term to allow for trickle-down effects of the tacit understanding, both to facilitate easy change-over of trained staff and to entrench the joint norms and values.

When I asked about trust between agencies and between actors, one officer confirmed that in his opinion, the long-term relationship had increased trust between actors, and even though corruption within agencies existed, it was important to continue cooperating. He pointed to the fact that trust was vital for continued and expanded cooperation. In a spiral development, this long-term cooperation creates trust, which creates further cooperation, which in turn, both entrenches that trust and forms the basis for further collaboration. The group (here, the national communities cooperating within the BSTF framework) expand and embed their social capital. This corresponds well with Haas’s thoughts on the epistemic community as a “sociological group with a common style of thinking” or a group of practitioners with a common policy enterprise.

This balance between on the one hand, the formal structures and on the other, informal contacts with interpersonal relationships is difficult to maintain. While the formal structures (distribute knowledge to everyone, provide clear manuals on how to proceed to avoid discretionary power) are dependent on tacit understanding to be embedded (avoid unnecessary bureaucracy, learn how the manuals should be used appropriately in different situations, accept anti-corruption as a correct norm), work must continue, cooperation must function and criminals be apprehended.

60 Interview, Swedish officer, 2009-07-03.
The case of Latvia

I will now turn to one of the participant communities in the BSTF framework cooperation, Latvia, to see the extent to which its national LEA community has been integrated into the multinational epistemic community. This will show how the integration process works on a micro scale.

The objectives of the BSTF framework have largely been maintained in Latvia, despite their modest collaboration in the operations. It is also possible to see a greater focus from the Latvian side on integration into the Europol framework. Since these two (BSTF and Europol) frameworks both have similar objectives, with the BSTF focussing on a regional cooperation and Europol on the EU Member states, it is naturally difficult to judge the precise origin of the influences on the working methods and organisation of the Latvian LEAs. In addition, the BSTF objectives include striving for increased involvement with the EU, meaning that in this respect, the Latvian LEAs have successfully implemented the objectives.

Cooperation in information sharing and JITs

I will now trace the same issues of information sharing, and functionality of JITs and sub-projects in Latvian LEA communities to see whether they have achieved the goals set up in the BSTF framework mission mandate. A similarity between Latvian achievements and the joint policy enterprise would indicate a functional integration of the Latvian epistemic community into the international community.

Information sharing

Latvia was one of the countries that initially did not achieve the 24/7 availability required by the BSTF framework, and they also needed extra funding for its implementation of the systems. Now, Swedish interviewees point out, all the Baltic states have state-of-the-art technology, often superseding Swedish equipment, and the Europol Anniversary publication mentions the Latvian 24/7 National Contact Point (NCP) as fully operational. However, the Latvian National police annual report mentions problems with communications systems as late as 2003. Latvia’s contributions to Europol’s AWF-files (see below) also indicate

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62 Interviews, Swedish officers, 2009-05-07
understanding of the joint intelligence taxonomy, which previously had been cited as a problem within the framework.

**Participation in JITs and joint projects**

An overview of the different BSTF framework projects indicate that Latvia rarely takes point ("forerunner country"), nor co-point in any project that involves two or more countries. Despite the fact that Latvian agencies have participated in several sub-projects and joint operations, Latvia cannot be said to be a very prominent member of the BSTF framework, although through its position in the network, both geographically and politically, it would seem that participation would be to Latvia’s advantage. I will discuss possible reasons for this below.

Latvia has not taken on the role as president and housing the secretariat of the BSTF framework. Although the country regularly participates in the OPC meetings, it has been forerunner (i.e. responsible) in few sub-projects compared to other states. Contributions includes participation in the initial analysis team in the project Crossfire in order to prepare for the coming operation and for selection of viable control objects, but it is unclear whether they also participated in the subsequent JITs.\(^{65}\) In addition, Latvia collaborated with Russia as forerunners in a BSTF expert group on insurance fraud regarding vehicles, and together with Lithuania in an expert group on highly taxed goods.\(^{66}\) It is difficult to know whether such collaboration, especially with Russia, would have taken place outside the BSTF framework.

Nevertheless, their project with Moldova is an indicator of Latvia’s increasing ability to function both as a national player in law enforcement, and also as an international actor.\(^{67}\) Funding, however, seems scarce, and there is no mention of extra Latvian funding available for national coordination.

**Why is the framework and international collaboration important?**

The country is threatened mainly by criminal groups operating from Russia and Lithuania, and is often used as a transit land for transporting illegal goods and humans across the Baltic

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\(^{65}\) Operation details are not available in the security cleared final report. However, Latvia submits details to the corresponding Europol AWL which suggests an involvement at least on intelligence gathering level.


Sea into Sweden, possibly for further transport to Norway and/or the Continent. Latvia has also been seen as a point of entry for cocaine smuggling from Latin America to Russia and Scandinavia, for precursor chemicals from Russia mainly to the Netherlands and for phentanyline (a synthetic opioid). The main precursor chemicals for ecstasy, amphetamine and methamphetamine (PMK, BMK and ephedrine) are traditionally imported from China, but during later years, BMK has been produced in and smuggled from the Russian Federation, which in turn is reflected in the geographical distribution of production of narcotics. The BSTF framework has been instrumental in supporting a sub-project aiming at analysing the origins of the precursors, in order to identify new emerging sources, as well as collecting evidence of emerging and existent networks of narcotics production. Latvian criminal groups are also said to produce amphetamine and methamphetamine within Latvian borders. Currency counterfeit is also present, especially of the euro. In addition, Latvia’s proximity to two non-EU countries (Russia and Belarus) increases the likelihood of increased criminal cross-border activities, since this will be a way in to a borderless EU. Latvian criminal groups (OC) cooperate with Lithuanian and Russian counterparts, sometimes each group handling a particular part of a whole chain of supplies, manufacturing and then smuggling the product across the border. The presence in Latvia of a large informal network has also increased the shadow economy with high corruption on many levels in society. However, the instigation of an anti-corruption agency in the country shows increased awareness of corruption as a problem.

Although the BSTF framework aimed at strengthening the national agencies and fighting corruption in the participant states, Latvia’s problems regarding crime and corruption largely remain. However, the BSTF framework has provided both useful tools and contacts for the Latvian LEAs to continue working within a broader international perspective than before the framework’s instigation. The framework has also helped to create increased awareness and

72 Emin Poljarevic, Societal Security in the Baltic Sea Region: Regional Efforts to Combat Organized Crime and Narcotics Smuggling. Central Asia-Caucasus Institute & Silk Road Studies Program (2006), p. 29. I have not been able to verify this.
74 OCTA 2008, p. 36.
motivation, at least on the top levels, of the wider consequences of transnational crime and what it means more specifically for Latvia in terms of criminal take-over of state functions. In addition, the equal manner of participation encouraged within the framework has created possibilities for Latvia to strengthen their position in regards to other states, most specifically Russia.

Decoding and adapting context-specific knowledge

The analysis of a previous cooperation project between Latvia and Sweden, a Sida-supported training program in the administrative sector, showed that among the lessons learnt were that there was too much focus on supplies, and too little adaptation to local conditions. In addition, although planned, the transfer of experience and practical knowledge was not extensive. One reason for this, it was pointed out, was the low interest/priority and financial input from the Latvian counterpart. The conclusion we can draw from this early collaboration is that there must be a focussed incentive and prioritizing from the recipient country for the training programs to function well. In the BSTF framework, as a contrast, the prioritizing was made on a high political level, and all costs were covered by the country itself. Thus, for any actions to be taken, priorities must be set against the budget available for all the national LEAs, and the responsibility for all implementation was taken by the country itself.

Regarding knowledge transfer, the Sida project concluded that the amount of knowledge transfer had been low, mainly owing to the low interest of the Latvian authorities. In spite of this, the evaluation of the aid project stated that the method used, twinning, had proven to be a useful means of explicit knowledge transfer, although a greater measure of what the Latvian country really wanted with the twinning should have been taken into account.

That said, several twinning projects have been established in Latvia under the PHARE programme with different European countries, among them one led by the Swedish National Police. That programme involved preventing, combating and reducing organised crime in Latvia and also included measures against corruption and money laundering. Other programmes have concerned strategic planning for intelligence sharing. It may well be that

76 Román & Sandgren (1998), p. 13f
77 Bryane Michael, Anti-corruption training programmes in central and eastern Europe. Council of Europe. Octopus Programme, Network of Institutes and Schools of Public Administration in Central and Eastern Europe (2005), p. 41. Similar projects with Latvia include several ones with Denmark and with the UK. Information
since these focussed projects concerned specific explicit knowledge and were tailored to the Latvian LEAs (i.e. adapted to the local context), they proved more successful than the twinning critics feared.

Contrary to the findings in the Sida project analysis, there is certainly a willingness to cooperate on the top-most levels in the BSTF framework, and there is evidence from Latvian National Police that several international ventures have been successful. However, experience gained from other joint investigation efforts should be noted. Here, the mutual trust that had existed at the initiation of the JIT had eroded during the process. This was said to be owing to several reasons, such as one partner’s reluctance to disclose information and lack of pertinent national legislation. There is no obvious indication that lack of trust between members in the framework is the reason for Latvia’s diminished participation in the BSTF projects. Indeed, at least two BSTF projects are mentioned as ongoing international collaborations (although the BSTF framework is not mentioned in this connection) in the Latvian national police files. One possible reason for their presence could be that these particular projects have been taken up as Analysis Work Files (AWF) by Europol. The AWF-status means that the intelligence and outcome can be shared with all the participants in a JIT, provided all participants in the analysis group (joint analysis teams, JATs) agree. However, it is not possible to draw the conclusion from this that the Latvian LEAs rank AWF-projects higher than if they were “only” BSTF projects. What we can infer, however, is that since the Latvian LEAs share their intelligence with the AWF, a certain level of inter-agency trust must exist between the Latvian LEAs and the participants in the Europol JAT. A Latvian officer pointed out that trust is standard among international law enforcement cooperation, which I understand as meaning that trust is a basic and natural part of cooperation. A Swedish officer, in turn, pointed out that trust was vital in cooperation, and that increased and long-term cooperation would increase that trust while simultaneously deter corruption.

80 The projects are Crossfire and Smoke, concerning illegal arms trade and cigarette smuggling respectively.
82 Interview, Latvian officer, 2009-07-15.
83 Interview, Swedish officer, 2009-07-03.
Another example of positive spill over is Latvia’s project with Moldova, which i.a. plans to aid their law enforcement and border control system. 84 Latvia’s assistance also goes to Belarus, Georgia and the Ukraine, all post-communist countries, as well as the maintenance of forces in Afghanistan. 85 It is pointed out that owing to a restrained aid budget Latvia is keen on three-part aid systems, particularly with Sweden as a partner. This could be seen as a positive reflection of Latvia’s views on Sweden’s earlier aid programmes and bilateral cooperation projects, as well as a further example of how trust and work extends to reach outside the group’s formal network. Here, the long-term relationship has helped embed the trust and the tacit understanding.

On a political level, Latvia and the Latvian LEA community have obviously undergone a great change over the past decade, and perhaps the EU membership has meant the strongest transformation of identity. The changes in legislation and institutions in the preparation for *acquis* have at least formally created a new set of rules and responses that are appropriate to certain situations. The membership has also enabled Latvia to act from a more equal position in both the EU and in Europol related contexts. Sweden and the other Nordic countries have a long-term relationship with Latvia that has included different types of aid projects, not only concerning assistance in institution building and legislation changes, but also in humanitarian areas. However, a teacher-student relationship may unconsciously have been maintained, although as all aid projects are completed, the relationship should have evolved into a more equal one. Is it possible that the ambience of the aid projects is influencing the law enforcement agency collaboration? Further studies seem likely to show that collaboration in one area paves the way in other areas, and that it may take time for both parties to assume equal positions.

There are clearly differences between Latvia-focussed aid projects and Latvia’s participation in the BSTF framework. On the one hand, the aid projects have focussed on a specific area, with Latvia mainly as a recipient. However, these projects have aimed at transferring explicit knowledge, assisting with changes in legislation, administration, etc. As we saw above, the BSTF framework was initially built as a cooperation between equal participants, with only small amounts of explicit knowledge transfers planned, possibly because it was assumed that the judicial cultures were already (or at least soon would be) similar. Instead, the long-term

84 http://www.mfa.gov.lv/en/DevelopmentCo-operation/BasicDocuments/Moldova/#322. The proposal is clear about the Latvian undertaking: “A coherent, consistent and long-term reform plan is required.”
cooperation has brought transfers of tacit understanding. Both types of projects are obviously needed, but the view of Latvia as either a recipient or an equal participant is important, not least in how the projects are received in Latvia. The focussed training on specific issues of crime fighting is also more likely to be efficient than more general training of administration. Such focussed training can also be put to instant use in fighting crime, thus showing the general public the value of efficient law enforcement.

In addition, the BSTF framework reports feel that although the original formation has changed, the dynamic set-up has enabled a better focus on combined crime fighting, leading to intelligence-led law enforcement operations. We can see indications of improved national agency work in the planned activities of the Latvian LEAs, previously not formulated, which point to similar targets as the BSTF.

Cooperating within the framework can thus be said to have been beneficial to Latvia on several levels. While the national agencies have been strengthened, the international ties have also been reinforced, making Latvian LEAs and their intelligence gathering equal players on the international scene. Latvia’s participation in the framework could also have aided in the transition to EU Membership on different levels.

Interviews show few problems in infrastructure and competence level, although one officer points out that language can pose some problems in cooperative efforts “on the ground”. This might indicate that in the specific activities of LEA cooperation, staff have the prerequisite knowledge and understanding to function well. In specific areas, such as border control, Swedish agencies i.a. have been active in focussed knowledge transfer, similar to Latvia’s abovementioned project with Moldavia. It may be that the continued cooperative efforts in the specific areas now benefit collaboration in adjoining fields. Language problem posed a problem in the beginning, according to the general BSTF reports, but these were eventually eliminated. Such problems as mentioned by the Latvian interviewee could be quite easily remedied, but are nonetheless understandable, since the framework consist of cooperation between 11 states, most of which have completely separate languages. However, language courses for staff demands a financial undertaking by the Latvian LEA. This brings the disadvantage that although a state may well have the ambition to prioritize both international collaboration against organised crime as well as own national actions, when a

86 BSTF Annual report 2004, pp. 13ff
87 Interview, Latvian officer 2009-07-15.
state has a budget crisis, it may well have to reprioritize. This can possibly be a reason for Latvia’s decreasing participation in BSTF framework activities (although there is a continued participation in the OPC meetings, which should be seen as an indication of Latvia’s awareness of the importance of a regional collaboration). If international cooperation and JITs must be funded from the normal Latvian LEA budgets, cuts in the LEA budget means cuts in international collaboration as well. The current financial crisis in the Baltic may well be one reason for overall decreased participation, and the long-term implications may be dire.

The firm establishment of international engagement and aid in e.g. Sweden can withstand economic recessions much better than e.g. Latvia, and neither do Swedish LEAs have to work hard at creating trust with the general public. In times of recession, although the international cooperation would have been even more useful in deterring crime, thus generating more social capital in the country, such engagements will have to rest. The Latvian LEAs simply cannot afford to cooperate.

The conclusion we can draw from these examples of explicit and tacit knowledge transfers is the importance of the priorities of the participating actors on all levels. They must be willing to accept transfers of tacit knowledge and ensure its entrenchment through joint norms and values, as well as contribute with their own local context. The differences between Latvian and Swedish officers regarding beliefs in the importance and relative value of trust may simply mirror (individual) different interpretation of basic values, or they may have political or pragmatic dimensions. They are also indications of the existing correlation between embedded trust and long-term cooperation.

As one national community within the larger multinational epistemic community, the Latvian LEAs are dependent on the political level’s priority and financial allocations. On a community level, it seems that the BSTF framework policy enterprise has been adopted and also adapted to the Latvian context. Thus we could say that integration of the Latvian national LEA community has been functional, although not all the aims in the BSTF mission mandate have been achieved.

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88 In Latvia, trust in the police authorities was 44% in 2003. For further discussions of trust in law enforcement agencies, see J.T. Kääriäinen, “Trust in the Police in 16 European Countries: A Multilevel Analysis”, *European Journal of Criminology* 2007; 4; pp. 409ff
Results of the BSTF framework

Measuring results of the cooperation within the framework can be done using quantitative data of number of seizures of illegal goods, etc. However, important results that are difficult to measure include that of practical knowledge and transfers of norms and values. In addition, results such as better working cooperation in other areas e.g. aid, trade and knowledge exchange are hard to measure.

We can divide results from the framework into different categories, although several of these overlap and are interdependent.

- Reduced crime and improved crime fighting
- Reduced corruption in society
- Reduced corruption within LEAs
- Explicit knowledge transfers
- Abstract knowledge transfers (judicial traditions, norms and values)
- Better cooperation between national and international LEAs
- Better cooperation in other subject areas

*Reduced crime and improved crime fighting* is the most obvious category, owing to the framework’s character and original mission to deter organised crime. We can see the results both as numbers of seizures and arrests and in the activities of the different LEAs. However, quantitative details are rarely provided in the annual statements of the national LEAs or in the annual BSTF report; instead, the sub-projects present joint activities in greater detail. Several such sub-projects have been organised, including some with special focus on illegal substances and illegal trade. From the final reports of concluded projects we can see that it is felt that the cooperation has improved joint activities, as well as created both spill-over effects and points for further enhancement of the joint investigation/analysis teams. In particular, the long-term intelligence project “Crossfire”, aimed against weapons smuggling, illuminated the problems with different legislations, and showed the importance of continued fast intelligence exchange between the different agencies.89 Such subprojects illustrate several of the above categories.

Several international reports witness of the importance of the regional framework, regarding both joint missions and the clearer view of existing crime and criminal organisations that have

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89 BSTF, Final report, project Crossfire (security cleared version), (2008).
been gained through combined intelligence gathering.\footnote{cf. e.g. Europol’s anniversary publication 2009} In addition, the BSTF framework own annual reports maintain that although the original formation has changed, the dynamic set-up has enabled a better focus on combined crime fighting, leading to intelligence-led law enforcement operations.\footnote{BSTF Annual report 2004, p. 8f.} Thus, regarding intelligence exchange and joint operations, the two issues we investigated above, it is felt that the policy enterprise has been attained.

One of the original aims in the mission mandate was to work for \textit{decreased societal corruption} in the participant states. While awareness creation is difficult to measure, it is at least possible to point to national initiatives such as anti-corruption agencies in several of the post-communist states, although as we saw in the case of Latvia above, corruption is still rife and with a strong parallel shadow economy. Early on in the BSTF cooperation, the existence of corruption within the framework is mentioned in an annual report as having occurred during a joint mission. The constant cooperation within the framework, with NPC officers and with other international bodies such as Europol, OLAF and EuroJust, to mention but a few, should provide good models to counter intra-agency corruption.

The many joint seminars within the framework together with the above-mentioned twinning efforts have undoubtedly aided both cooperative efforts as well as the national agencies. We can also infer from the reports and interviews that the long-term commitment creates the possibilities for the tacit knowledge transfers. The liaison officers within the Nordic Police and Customs cooperation have also improved collaboration measures. Here, the additional use of officers in place enhances understanding and interaction.

A good example of increased cooperation between national and international LEAs can be seen in the way in which the BSTF framework has added to the levels of trust between Russia and the other participating countries. It was pointed out in the interviews that not only did Russia take part in the framework seminars as well as organised seminars for the framework; it was clearly felt that also in other types of LEA cooperation, levels of trust had increased, especially between Russia and Sweden.\footnote{Interview, Swedish officers 2009-05-07.} As we saw above, in the case of Latvia, the framework allowed Latvia and Russia to cooperate within the sub-projects on an equal level, which may not have been possible otherwise.
The framework’s inclusive and equalising approach to crime fighting seems pragmatic and dynamic. When methods do not work, they are analysed and changed, in order to achieve the framework’s main purpose – fighting crime. I noted above that no consideration was taken in the original mission mandate for cultural differences or history. Instead, the practical measures were both concrete and efficient, and were expected to become a natural part of the different law enforcement agencies – in other words, a large amount of joint tacit knowledge was to be transferred between the countries, in order to create a system with similar modi operandi. There was also an outspoken prerequisite that there be “an adequate and functioning judicial system with appropriate and well operating law enforcement institutions in the countries.” 93 If such systems did not exist, they would evolve, it was thought, regardless of the state’s current level of development in the area. The framework participation would help such development through interaction and transfers of knowledge and norms. However, as I noted above, this has not been implemented throughout, nor have the different judicial systems and societies developed as hoped. Nevertheless, as a model for regional cooperation, the BSTF framework methods seem to have generated both results within the framework and formed a baseline for similar forms of cooperation.

Analysis

Here I draw together the different issues in the paper and apply them in a more general way in order to see which factors are important for successful cooperation between states with differences in judicial culture. Forming a network out of several disparate national communities demands a joint development of norms and principles and the trust that comes with transfers of tacit knowledge. Such development requires a strong sense of priority and adherence to the joint purpose of the cooperation. Since the cooperation has proved to be long-term, the development of the process can be traced over time.

Initially, the cooperation was fraught with some difficulties. The differences in levels of competence and organisation were offset against disparities in inherent norms and values, legislation, history and culture. In addition, several of the states had problems with cooperation among their national LEAs and little funding available for international collaboration. The ambition of the joint political level did not correspond to the realities in the different national communities.

Some of these points were addressed in the reports from the first few years. As problems of equipment appeared, they were solved, as in the case of information exchange above. Competence raising activities were undertaken in the form of twinning projects and seminars. Practical tools for the cooperation were thus arranged. The abstract tools, those of awareness, legislation and norms and principles were more difficult both to pinpoint and to change. There was also the matter of previous history between some of the participants, i.e. between e.g. the Baltic States and Russia, which might have been expected to cause some friction.

Half the framework consists of old stable democracies, half post-communist states. How much would this initially have contributed to the wording of the original mission statement and any apprehensions regarding the cooperation’s success? It also seems as though the differences in national legislation did not diminish as quickly as might have been envisioned at the time of the framework’s instigation. In addition, the lack of coordination between and within different national agencies was underestimated. These factors are all instances of differences in culture and context, i.e. judicial culture, historical framework and law enforcement tradition, all of which are difficult to change quickly.

The main joint focus, however, was on a severe problem that was common to all participants, and this may have been instrumental for the framework’s success. The group has consisted of professionals, all familiar with the problem, its causes and effects, and all have seen the work as such as a top priority. We could say that the participants in the framework have a common professional identity, a community identity.

**Intelligence gathering and cooperating in the field**

In any law enforcement agency, the role of intelligence gathering for operations is of course vital. Intelligence is so important that criminal organisations produce their own manuals on how to gather and analyse it.\(^{94}\) In Europe, both the Council of Europe and the EU have been instrumental in encouraging national efforts in intelligence gathering to comply with international standards, especially in national legislation and prosecution services, in order to

\[^{94}\text{Terrorist groups produce manuals for how structured intelligence can be gained from open source material as well as clear instructions for every possible situation relevant for terrorist activities. Gaetano Joe Ilardi, “Al-Qaeda's Counterintelligence Doctrine: The Pursuit of Operational Certainty and Control”, }\textit{International Journal of Intelligence and CounterIntelligence,} 22:2, (2009), pp, 252ff. See also Martha Brill Olcott & Bakhtiyar Babajanov, “The Terrorist Notebooks”, }\textit{Foreign Policy} March/April 2003.
enhance the capacity for cooperation on international levels. 95 The channels for information are also expanding, including the Schengen information system (SIRENE), Europol and the number of liaison officers stationed in different national agencies. Experience from this collaboration is used for modelling further international collaboration.96

As we saw above, the ambition to create strong Joint Analysis Teams (JATs) has not been completely fulfilled in the BSTF framework. Reasons for this may depend on the varying magnitude of the different sub-projects, or simply lack of funding to sustain a longer commitment. In the larger sub-projects, groups acted as JATs, but were not labelled as such. Since all joint investigations are intelligence driven, the pre-operational analysis (intelligence gathering, analysis, developing hypotheses etc) must precede the JIT. The initial BSTF work on setting up the intelligence exchange systems vouches for availability of data and the expert groups would have provided analytical competence.

Joint Investigation Teams (JITs) have been the subject of several studies, mainly from legal points of view. It is pointed out that the legal basis is an absolute prerequisite before any closer cooperation can take place, but also that the existence of such a legal framework is no guarantee for its being used in the way it was planned upon its adoption.97 The difficulty of sustaining a changing state policy with international cooperation in regional security is discussed by several researchers, especially relating to terrorist issues. 98 The Treaty of Lisbon may change this, but it seems unlikely that foreign law enforcement agencies would be allowed total access to each other’s data. Interviews indicated that such a close intelligence exchange was improbable in the future.99 It was unclear whether this was owing to data security problems or different national integrity protection legislation.

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99 Interview, Swedish officers, 2009-05-07.
The BSTF (and indeed Europol) encourages the use of JITs in the different bilateral cooperation efforts, but interviews with officials showed that this is still mainly an unused feature. It has been pointed out that mutual trust between the actors in a JIT is essential for running the JIT successfully, and that LEAs must be prepared to engage in intensified cooperation on the strategic, the operational, as well as on the political level. In the BSTF framework, there is certainly a willingness to cooperate on the top-most levels, and there is also evidence from e.g. the Latvian National Police that several international ventures have been successful.

The role of outside influence

One of the queries in my questionnaire put to the different officers was whether they felt that events or organisations outside the framework and their own agencies had influenced the BSTF framework. Aside from political events in the different home countries such as elections and financial problems, it seemed that e.g. the terrorist events of 9/11 had not so much changed the framework as added another dimension to the framework’s importance. During the 4th Baltic Sea States Summit in 2002, it was decided that terrorism should be part of the BSTF mandate, and that the expert groups should continuously investigate the known links between organised crime and terrorism existing in the region. We could thus say that the terrorist attacks created a greater awareness of the links between terrorism and organised crime.

Collaboration with organisations in and centred on the European Union has been part of the BSTF framework mission mandate from the beginning. Contacts with Europol as the emerging centre for information exchange have been continuous and increasing. As problems have appeared in the BSTF region, further regional contacts have been established with other EU-centric agencies such as OLAF (the European Anti-Fraud office) and EuroJust, in order to

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103 BSTF Report 2004, p. 36. In spite of several appeals from the OPC, no such reports had been forthcoming. Interview with Swedish officers, 2009-05-07.
ensure that states and national law enforcement agencies get adequate expert assistance.\textsuperscript{104} By integrating the Europol and OLAF representatives into meetings of the Task Force and the Operative Committee, a mutual trust and relationship has been built up, making it easier to establish contact and requests for assistance. This, as I see it, is one of the most important side effects of the BSTF framework, and one that was merely mentioned as “desirable” in the original mission mandate. \textsuperscript{105} One interviewee said that the Baltic region’s problems were often different from those of the rest of Europe, and thus a regional cooperation was imperative in addition to the important collaboration with Europol.\textsuperscript{106}

Perhaps it seems peculiar to mention Russia as an outside influence on cooperation between the Baltic Sea States, since Russia is a participant of the BSTF framework. However, in this paper it seems necessary to touch on Russia’s influence, since we could expect a historically difficult relationship between Russia and other post-communist states. Instead, it seems that Russia’s presence in the BSTF has improved not only their cooperation within the framework, but also bilaterally with e.g. Latvia, as we saw above. While the common picture of cooperation with Russian officials is more severe and fraught with difficulties, the new Russian representative of the Head of Government in the BSTF framework is active in projects with Sweden. Interviews indicate that officials look forward to further improved relations.\textsuperscript{107}

Comparisons

To see whether this type of international cooperation and transfers of knowledge and norms are successful, and to find the necessary preconditions for this, we can use other types of LEA collaborations as comparisons. One is very similar, but with a few important differences, the other almost completely different, but still well-functioning.

The first comparison is with a proposal put forward in 2006 by a group of specialists as a “common action proposal” with the title “Baltic Joint Investigation Team – a new way of cooperation”. The plan builds extensively on experiences from the BSTF, but proposes to

\footnotesize{\textsuperscript{104} European Anti-Fraud Office (OLAF) is an independent organisation conducting investigation into the activities and financing of the EU bodies. (http://europa.eu.int/comm/dgs/olaf). EuroJust is a European Union body established in 2002 to improve the effectiveness of the competent authorities within Member States in preventing serious cross-border crime. (http://www.eurojust.eu.int)
\textsuperscript{105} See Appendix 2 and BSTF Report 1998, pp. 5f.
\textsuperscript{106} Interview, Latvian officer, 2009-07-15.
\textsuperscript{107} Interview, Swedish officer, 2009-05-07.}
build special joint investigation teams in only some of the countries around the Baltic Sea.\(^{108}\) The project is completely output-related, measuring results in “numbers of prosecuted criminals and the gravity of the crimes committed, rather than in the amount of information exchanged between the countries.”\(^{109}\) Although the proposal as such mentions and praises the BSTF framework for handling the “operational aspects of multiagency cooperation in the region”, it simultaneously points out the “significant variations of skills to perform surveillance as well as technical equipment available”.\(^{110}\) The Baltic Joint Investigation Team instead proposes expert groups with a high technological level, highly salaried to prevent possible corruption, together with close cooperation with Europol.

I have not been able to verify how the proposal was received, but it is interesting to compare both the aims and financial situation of the BSTF (regular maintenance and upkeep paid by each state) with the Baltic Joint Investigation Team’s output-related aims and a proposed annual budget of 65 million SEK. Additionally, the exclusive use of expert teams would not enhance the broader competence in the participating states, nor are such projects institution building.

A second comparison can be made with SECI Center, a purely operational cooperation of states in South-East Europe, based in Bucharest.\(^{111}\) Here, the different national states’ Customs and Police forces work together in an operational capacity, but without any political implications. This is different from the BSTF framework, both on a political level and a structural level. While the BSTF officers have a small secretariat but are placed in their own agencies, working together for specific operations, the SECI Center have their own budget (459 000 € for 2007) and are geographically located together in a building in Bucharest.\(^{112}\) Although the SECI Center aims at “national efforts in order to improve domestic cooperation between law enforcement agencies”, the collaboration is foremost aimed at the operational level of JITs, with reports claiming that the multilateral information exchange at the Center reduces time with up to 80 percent compared to bilateral cases.\(^{113}\)

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\(^{108}\) Sweden, Finland, Estonia, Latvia and Lithuania.


\(^{110}\) Ericsson et al. (2006), p. 17.


\(^{113}\) SECI Center, http://www.secicenter.org/p128/Mission_and_objectives
The two examples, similar in their operational aims and dissimilar in their geographical distribution, are again dissimilar from the BSTF framework in their complete aims. The bilateral mode that underlies the BSTF framework, and which forms the basis for any working multilateral collaboration, is absent in the two examples. The institution-building efforts and local angles on crime policy transfer that accompany the BSTF using liaison officers are similarly absent. A distinct change from the BSTF is that the Baltic Joint Investigation Team proposal excludes states such as Russia, Poland and Germany as well as Denmark and Norway from the cooperation, in effect halving the area. Since many of the criminal organisations originate in Russia, and all the Baltic states have borders to both Russia and Poland, this seems unnecessarily excluding. In addition, it seems to have been a goal in the BSTF framework to ensure the inclusion of Russia to the extent of asking Russia to take over the presidency of the organisation, in order to further ascertain institutional effects and embeddedness of norms and principles. The present Russian regime is also anxious to maintain and increase its participation. The other excluded states, e.g. Norway and Denmark, are heavy targets for the narcotics trade, and Poland a heavy transit country as well as producer of synthetic drugs, while the large Polish diaspora creates many opportunities for criminal elements to find international contacts. It seems to me that an inclusive approach, inviting in affected states to cooperate with a specific purpose, rather than excluding on uncertain grounds would be a more efficient way both of solving the problem of organised criminality and of furthering transmissions of both knowledge and judicial culture. The interviews also support this.

In the case of Latvia, it is possible that the ability to cooperate on equal grounds with Russia within the BSTF has enabled further contacts between the two states, which is additional support for the more inclusive approach of the BSTF framework. It should also be emphasised that Moldova, although a part of SECI Center, is the object of Latvian aid in e.g. law enforcement training (see above). We can infer from this that there is little or no training or knowledge transfer in the SECI Center framework, although from a purely output-related perspective, the cooperative law enforcement seems to work. Nevertheless, neither Baltic Joint Investigation Team nor SECI Center includes the added value-aspect that has been vital

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114 Interviews, Swedish officers, 2009-05-07.
for achieving a more equal status between participants in the BSTF framework.\textsuperscript{115} It is clear that it is not enough to focus on international cooperation; the national preconditions that there be “an adequate and functioning judicial system with appropriate and well operating law enforcement institutions in the countries”\textsuperscript{116} must also be fulfilled. Measures ensuring this, whether as transfers of funding, knowledge or judicial culture, must be included in the format for collaboration and resources provided, if the collaboration is to both function as international LEA cooperation and as an equalizer.

One important factor in creating trust and transferring tacit knowledge between the participant countries in the region is the BSTF framework’s use of the NPC officers. Their long-term commitment (3 years plus possible extensions) allow officials to create a network of contacts in the local LEAs and to facilitate quick contacts between the Nordic countries and the placement country. Interviews showed that the long-term placement (both of the individual officers themselves and of the liaison commitment) was seen as valuable, especially in reducing bureaucracy.\textsuperscript{117} Since the NPC officer is in continuous contact with the “home” agency, they are also up to date on priorities. Here, the inter-personal trust generated by the NPC officers is extended to the next holder of that office, in effect creating inter-agency trust.

When the BSTF framework and its participating states work towards a “general judicial culture”, both by joint meetings, seminars and the pointing out to the different governments specific points of legislation that makes international collaboration on stopping transnational crime difficult, they also assist in transfers of judicial culture. Similarly, as the NPC officers establish their long-term contacts with LEAs in Riga and Moscow, they assist in transfers of tacit knowledge and the creation of trust, both on an interpersonal level and on a higher, inter-agency level. The long-term undertaking of both the NPC and the BSTF framework has helped embed the norms and values, entrenching the social capital of the groups. The use of existing social networks in the countries, the NPC liaison officers, has formed a backbone of operational and strategic cooperation.\textsuperscript{118} These direct bilateral contacts function as human

\textsuperscript{115} As S. Woodward points out, the LEAs participating in SECI Center cannot be characterized as epistemic communities, and the set-up is currently not aimed at transmission of epistemic-forming knowledge. (2005) p 7ff.
\textsuperscript{117} Interview, Swedish officer, 2009-07-03.
interfaces who manage the information flow between the agencies, and form a conduit for knowledge transfers between the agencies on an operative level. \(^{119}\)

**Why does the cooperation work?**

I stated in the beginning that we can differentiate between joint ambition of purpose, joint priorities and joint understanding when a cooperation is studied, and that a collaboration between international bodies may not mean the same for all participants throughout the process of cooperation. Initially, this may seem a problem, but if the differences are anticipated, it may be possible to work around the problem, seeing the cooperation in a long-term perspective.

As we have seen, the collaboration in the BSTF framework has been a long-term process of development, where both trust and competence have been built up through interaction between the participants in the framework. In general, successful outcomes in international cooperation seem to depend on some preconditions, related to the different factors above.

1. Participants must have a similar set of priorities regarding the object of the cooperation.
2. Following on an initial period of adjustment (transfer of explicit knowledge and the creation of resources), the actors must be able to cooperate on equal terms
3. Trust between the actors must be embedded. From this follows that all actors must have similar norms and values.

Clearly, as we have seen above, the prerequisites are connected and also tied to the existence of a transfer of joint norms and values. This is an important point and merits more planning in a cooperation project than is often done. I will discuss the prerequisites, what they entail and what this means for the participating countries.

At the formation of the BSTF framework, all participating states claimed that the fight against organised crime was a priority for them, and that deterring the production, trade and use of narcotics was a top priority. Thus, the official political priority is set. However, on a national level, the situation may be different, and it could also be expected to change over time.

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As we saw above, the transfers of explicit knowledge, i.e. the hardware updates, upgrades and above all a joint form of communication and intelligence transmission system, together with some training seem to have been successfully implemented according to the BSTF reports. However, LEA reports can still show lack of both infrastructure and competence on a national level. Interviews show little of this, although one officer points out that language can pose some problems in cooperative efforts “on the ground”. This might indicate that in the specific activities of LEA cooperation, staff have the prerequisite knowledge and understanding to function well. In some areas, such as border control, Swedish agencies among others have been active in focussed knowledge transfers, similar to Latvia’s border control project with Moldavia. It may be that the continued cooperative efforts in the specific areas now benefit collaboration in adjoining fields. In the beginning, language problems existed in general within the framework, according to the BSTF reports, but these were eventually eliminated. Thus, the problems mentioned by the Latvian interviewee could quite easily be remedied, but are nonetheless understandable, since the framework consist of cooperation between 11 states, most of which have completely separate languages. However, language courses for all staff demands a financial undertaking by the Latvian LEA.

Naturally, lack of funding is a severe problem. Although the fact that each state is responsible for its participation ensures that priorities are maintained on the highest political level, it also creates a problem when budgets are constrained. Here, the differences between the Scandinavian and the post-communist countries are clearly reflected. The firm establishment of international engagement and aid in e.g. Sweden can withstand economic recessions much better than e.g. Latvia, and neither do Swedish LEAs have to work hard at creating trust with the general public. In times of recession, although the international cooperation would have been even more useful in deterring crime, thus generating more social capital in the country, such engagements will have to rest. On an agency level, there may be a wish to prioritise collaboration and the framework mission aims, but it is possible that the LEAs simply cannot afford to cooperate.

The general long-term exchange of information, knowledge, norms and values can expand to create enough social capital within the agency to also generate public trust and support. This

120 Interview, Latvian officer 2009-07-15.
121 In Estonia, trust in the police authorities were 80% in 2009 (http://www.politsei.ee/?id=1949). The same figure for Latvia in 2003 was 44%. For further discussions of trust in law enforcement agencies, see J.T. Kääriäinen, “Trust in the Police in 16 European Countries: A Multilevel Analysis”, European Journal of Criminology 2007; 4; pp. 409ff
spiral development can consequently assist both the deterrence of criminal activities and
democratic development. If the problems of differences in local context and norms are
acknowledged from the beginning in international cooperation, there is a much better
possibility of ensuring that transfers of tacit understanding actually work. Similarly, focussed
cooperation and knowledge transfers on specific issues tailored to the recipient’s need and
context stand a better chance of success.

Conclusion

Although the BSTF framework as such is coming to an end, cooperation between the
participant countries and the rest of the EU will naturally continue, as well as with the
bordering states such as Moldova, the Ukraine, Belarus and Georgia. Successful strategies and
the accumulated learning from over a decade of collaboration from within the BSTF
framework and the different bilateral collaboration processes can thus be applied in other and
continued law enforcement cooperation efforts.

If we summarize the factors affecting success, we find priorities, understanding, a financial
and long-term commitment and adaptation to a local context as useful variables. All these are
inherent in the BSTF framework cooperation, and are reinforced by the smaller projects in the
framework. The long-term involvement increases the transfer of tacit knowledge and its
embeddedness. For a working relationship, it seems that we must allow for differences in
short-term and long-term output. For immediate functionality, formal guidelines can help,
while the long-term collaboration ensures a wider possibility of staff (and thus a wider
possibility of inter-personal and inter-agency relationships) cooperation as well as
entrenchment of the tacit knowledge transferred.

It is of course possible that the BSTF framework participants have reached their targets
simply because they consist of a group of LEAs, a group of experts in their subject area,
forming an international epistemic community with the same aims, with joint causal beliefs
and a joint cause-and-effect understanding. This can overshadow the differences in cultural
background and structures and help overbridge differences in hierarchies and national judicial
culture. While cooperating within their international community, these experts also assist their
national agencies and policy makers, suggesting changes to improve matters within their area
of expertise. Nevertheless, LEAs work within their own national (and international) conditions, and must adjust to their national legislation. They have different problems, not only those that touch upon neighbouring states, but also their own local context and often porous environment.

It seems clear that the local context as well as different levels of priority must be understood in the knowledge transfer, and thus that the levels of absorption of tacit knowledge are dependent on an acceptance of such transfers within the national contexts. While the political level (heads of government) seems united in their prioritization of fighting narcotics and organised crime, interviews showed a slightly different picture (“a top priority”, “most similar priority”, but also “same priorities, equal values and equal problems”). To me, this indicates that the people who are involved in the collaboration have similar priorities, while more peripheral groups or agencies, or simply people not directly involved in the interaction have different priorities. While this is not unusual – we prioritize that which we know – it can create problems e.g. in times of national crises, when the work within the cooperating community is dependent on funding now needed elsewhere.

We could also conclude that the priorities should reach all levels within the interactive community. The more willing everyone is to accept the transfers of both explicit and tacit knowledge (and the implicit embeddedness of joint norms and values), the better and more fruitful the interaction will be. This again emphasises the importance of thinking long-term.

An important result of the interaction between the participating countries has been the increased contacts outside the framework. By amplifying the contacts with international bodies such as Europol and OLAF, the participants have also increased their awareness of the wider consequences of transnational crime.

In the initial theoretical framework, I outlined two variables that could explain why the cooperation within the BSTF framework tends to work successfully. The knowledge transfers, both the explicit transfers of raw knowledge and the more elusive tacit understanding involving a slow embeddedness of both the explicit knowledge and joint norms and values can explain how the cooperation works. The epistemic community theory of a group of international experts working towards a common goal point to why, in the face of the many differences such international collaboration works. The BSTF framework’s policy enterprise
and its practical applications show a broad, holistic perspective that encompasses the output-related activities such as JITs and everyday intelligence exchange as well as ambitions to improve national legislation and ensure similar norms and principles within all the national LEAs. Although this type of holistic epistemic community sees the ambition of purpose (policy enterprise) as of higher importance than a joint understanding, it still aims for the transfers of knowledge and norms, accepting that cooperation will function even better in a community where all epistemic characteristics exist.

To my mind, the important lessons from this cooperation are first, that, providing the preconditions of priority and norms are fulfilled, collaboration is successful if the parties take equal responsibilities for reaching a joint goal. If only one party takes responsibility – be this for training or supply transfer – we reach a state of inequality, of giver and taker, that does nothing for the creation of social capital in the collaboration. However, if my participation in the project is dependent on my own contribution, and my responsibility for acting, I will participate on an equal footing with the others in the project.

The second lesson we can take home from this collaboration is that the goal must be to achieve both quantifiable results (quantities of weapons seized or criminal groups arrested) and more abstract objectives (appropriate choices and values, increased social capital). Although such abstract points cannot be measured, they are vital in the transfers of tacit understanding, and thus in the transfers of norms and values. Any problems must be acknowledged beforehand, so that their solution can be planned for and integrated in the project.

The third lesson is that cooperation must be long-term, both to enable the transfers of tacit understanding and also to make entrenchment possible. In a long-term perspective, it should be seen as important to create a system of norms and principles that are valid also in our neighbouring countries.
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Appendix 1: BSTF Mission mandate

The stated objectives included the combat against

- Illegal production and trafficking of narcotics and psychotropic substances
- Illegal migration and trafficking of human beings
- Trafficking of stolen vehicles
- Illegal trade in arms and radioactive material
- Smuggling of highly taxed goods
- Forgery of money and securities
- Money laundering
- Violent crimes
- The combat against terrorism

Appendix 2: Questionnaire

1. Is there a formal updated mission statement referring to joint values and aims of the group?
2. Do you feel that these norms and aims are adhered to?
3. Is there a continual brief/debrief-function with home authorities?
4. Do you feel that all actors (within the Sweden-Latvia cooperation, within your group) have the same concerns/priorities?
5. Do you think that the bilateral cooperation has changed over time? Have any particular events caused this change?
6. Who takes the initiative to meetings/cooperation?
7. What is the most important thing you have learnt in the cooperation?
8. Do you feel that your methods of working have changed since the cooperation began?
9. Have you learnt (or taught) anything that may not be immediately of use for work, but that you feel will be useful in the future?
10. Do meetings contain elements of training (study visits, education, practical training)
11. Do you see the need for a more extensive cooperation?
12. How useful is the cooperation?
13. On a level between 1 and 10 (10 being the highest), how would you say that the cooperation works?
14. Do you see any problems with staff cooperating in operations?
15. Trust between partners is important. How is this reflected in the other cooperation efforts, e.g. with non-neighbouring or EU-border states?