Experts, Technocracy and European Drug Enforcement Policies

The Single European Act has been somewhat overshadowed by subsequent treaties that have set the course of European integration, but neither Maastricht nor Amsterdam (or even Nice and its commitment to significant enlargement of the EU) have had anything approaching its impact in psychological terms. That is because, in signing the SEA in 1986, heads of state and government were conceding that their borders – one of the most symbolic aspects of statehood – would in future be shared in ways that would require acceptance of a modified form of sovereign control. The so-called 1992 project created a febrile atmosphere of change and accompanying uncertainty. In the political declaration attached to the SEA, political leaders formally expressed their belief that the introduction of free movement of persons necessitated cooperative measures to cope with the threats associated with a defined set of activities: terrorism, crime, the traffic in drugs, and illicit trading in works of art and antiques, as well as controls on the entry, movement and residence of nationals of non-EEC countries. The declaration was careful to preserve the right of each state to take whatever measures it felt necessary for dealing with these matters, however. We have seen that the Trevi Group was the source of the underlying rationale for these commitments.

At this point, anti-drug trafficking policies became part of a broader normative policy framework based on the idea that ‘removing’ internal borders would increase crime and that the most effective way to address this was through ‘compensatory’ law enforcement measures. A year before the SEA was signed, the 1985 Schengen Agreement established the principle of formal, treaty-based cooperation between a subset of member states in relation to combating cross-border crime. The Schengen Agreement made provision for a wide-ranging set of cross-border law enforcement activities and for the sharing of information on crime and
on criminal suspects in computerized databases. At this time, law enforcement professionals were thus placed at the forefront of political change in Europe; it was imperative that the new system would operate without problems. This process significantly enhanced the professional competence and authoritative claim to policy-relevant knowledge of law enforcement experts. However, the precedent for bringing law enforcement experts together in specialist fora had been set some time before this. As early as 1972, the formation of a Customs Mutual Assistance Group (MAG) established the principle that direct dialogue between experts (specialist officials and practitioners) was the best way for strategic thinking and practical ideas regarding European law enforcement cooperation to be developed and agreed. The significant point here is that national actors were given authority to develop a basis for international cooperation and to propose specific activities around this before submitting them for political approval. This blueprint for policy-making has subsequently proved remarkably influential in relation to the course of law enforcement policy development in Europe, especially in relation to anti-drugs actions.

Around 1985, drug trafficking and related ‘serious crime’ became a central concern of the Trevi Group. Trevi was an intergovernmental mechanism for dialogue between senior law enforcement officials and practitioners from member states. Policy ideas were developed within small specialist groups, or ‘working parties’. We thus see that – within the confines of secretive transnational policy-making fora – a rationale was generated for increased law enforcement measures to combat rising levels of drug trafficking. A transnational law enforcement policy network thus began to emerge, facilitated by the Trevi framework, as well as a growing interaction between interior ministries in this burgeoning area of policy development. In short, the basis for a common policy enterprise had been founded, bringing together experts from the home affairs ministries of national administrations and senior law enforcement officers from national policing, customs and security agencies. Liaison officers posted to other member states in order to facilitate drug trafficking cooperation and information exchange were first appointed in the late 1980s as first the Schengen framework, then the Europol Drugs Unit and eventually Europol made this practice commonplace, heralding what has been a transformation in the working practices of national law enforcement bodies in Europe.

The Maastricht Treaty marked the political legitimation of the Trevi era and all of the decisions and agreements made at that time. It also formalized and institutionalized the Trevi decision-making framework