

Global crime justice and security politics essay



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Traditionally the state was not responsible for the provision of security and policing, but with the emergence of the modern state and modern policing, the state began to assume a more active role in this respect, and eventually became the sole provider of security. Indeed states possessed the legal monopoly of force over their own territory and their own citizens. With the emergence of globalisation, and the increase in interdependence among states, this approach was in need of reform. Increasingly states cooperated with each other in the field of policing and criminal justice. Interpol was established in 1923 to promote transnational police cooperation, and eventually Europol was created to promote cooperation within the euro zone in the 1990s. The reason being that criminals could more easily cross borders; therefore crime was also transcending national boundaries. In order To address this ' globalisation of crime', States envisaged a global response to global crimes, such as drugs trafficking, money laundering, terrorism and the like. This transnational police cooperation transcended national borders, but nevertheless the interests of states were still at the heart of the operation, with national public police forces being the main actors in transnational policing. In recent years the role of the state has diminished and a gap in the security market opened up, leading to other actors taking the place of the state in the field of security and policing. The increase in private policing activity has led some to be concerned that policing is increasingly being taken away from nations and put into the hands of other public and private actors. In this essay, I will attempt to assess the significance of the increase in public and private policing activity and the effect it has both on nations and transnational policing. In order to do so, I will first look at policing and its development into the contemporary concept

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of transnational policing, before looking at the role of the state and the provision of security. Then I will turn to the public and private actors now involved in policing, in an attempt to establish whether they are indeed replacing the state as the main provider of security and policing. Finally, I will include an exception to the rule that the state is losing power by analysing the case of the USA, which remains powerful in the promotion of its interests, proving that the state is still important despite the increase in globalisation. I will conclude with a summary of the facts and my own perspective on the issue.

Traditional policing (States services, armed forces...etc)

Radzinowicz (1956) and Ostreich (1982) trace the origins and functioning of police back to mid-sixteenth century Germany. Traditionally, policing was not seen as the direct responsibility of the State, rather it lay in local civil society. In the UK, policing was performed by privately funded watchmen until 1737, when King George II began paying some watchmen with tax money, thus commencing the movement to government controlled policing. In 1829, the Metropolitan Police Act was passed by Parliament, leading to the foundation of the London Metropolitan Police, currently the longest serving police force. This development granted the police a preventive role intended to deter urban crime and disorder. In this system, military organisations were to secure the nation state and its citizens from the external threats posed by invading armies and police organisations, were to protect the state from internal threats posed by acts of crime and disorder.

Since their origin, the fundamental concept behind police forces has been the preservation of order in a community bound by rule of law (Ramsbotham

and Woodhouse, 1999). The concepts of policing and governance have been heavily influenced by recent developments, namely globalisation, and by changing boundaries between public and private controls over police and security forces (Sheptycki, 2002).

Globalization, a term introduced into common usage in the 1950s and 60s, brought with it a variety of innovations, such as the integration of societies and cultures and the exchange of information, making states more interdependent and reliant on each other economically, socially and politically. However, it also brought several problems to the fore, such as the increase in global threats. By which we mean those threats which transcend national boundaries and impact many, if not all, states. Examples of such threats include terrorism, drugs trafficking, money laundering, human trafficking and nuclear proliferation, to name but a few. The markedly international context, in which crimes such as these are committed, has the effect of encouraging co-operation between those states which share the desire to reduce the threat to their security. These new threats have the potential to impact more than one country, therefore a unilateral approach is no longer sufficient, and states must cooperate to effectively tackle these transnational issues. This can either mean that national police forces establish links to facilitate the sharing of information, or that policing forces (including the military) unite to intervene in conflict situations in other countries. The ease of movement of people and criminality across national boundaries have necessitated the exchange of criminal intelligence and of operational assistance between states and between national police forces (see Walker, 1993, Harris, 1973; Reiner, 1992). Globalisation has increased

interdependence, therefore what happens in other countries can now have an effect on security at 'home' also, making transnational policing in the interest of all states.

What is transnational policing?(eg..?)

The term transnational policing entered into use in the mid-1990s as a description for forms of policing that transcended the boundaries of the sovereign nation state (Sheptycki, 1995)

It is a difficult concept to pin down, but generally speaking it applies to those forms for policing which transgress national borders, such as cross-border police cooperation and policing assistance to weak, failing or conflict-ridden states. As Walker and Loader put it, transnational policing has ... become an expanding, diverse and complex field of activity.

From the outset, modern policing has maintained transnational elements, both professionally and politically. Professionally, police officers and institutions have always cultivated international contacts, due to the practicalities of law enforcement. Politically, transnational links are to facilitate arrangements to exchange information, support or liaison between police organisations and criminal justice systems.

Police development-aid to failed or failing states is another form of transnational policing that has garnered attention. This form of transnational policing plays an increasingly important role in United Nations peacekeeping (Goldsmith and Sheptycki, 2007).

Organised crime is another argument used to justify further police cooperation in Europe. This term is used in relation to different forms of serious crime such as drug trafficking, corruption or even terrorism. It rose on the agenda in the 1980s but combatting it remains central to encouraging transnational police cooperation.

Up to now, transnational policing has been closely related to governmental law enforcement at the national level. Following Max Weber's state theory, the monopoly on the use of force is a main characteristic of a state, yet today institutions coordinating the use of force at international levels exist without the formal framework of a state.

Sheptycki (2002a) argues that, "...policing is no longer a set of practices embedded in the sovereign nation-state, but rather has become transnationalised and greatly differentiated."

Role of the State...

In the pre-globalisation world, the State was responsible for maintaining security, and indeed the people relied on the state to provide it. However, in a world where borders no longer retain the same significance they once did, is the role of the state diminishing? Some would say so (see Bauman, 1998; Hardt and Negri, 2000; Ohmae, 1990; Reich, 1991); these 'first-wave' theorists perceive the nation-state as 'withering away', unable to resist the challenge posed by globalisation and the emerging global economy. Others, however, argue that the role of the state may be changing, but it is still important in the international system. Evidence of this can be noted through continued State involvement in conflicts across the globe, in the

intensification of border controls and the expansion of state surveillance and bureaucracy[1]. Indeed, as Walker and Loader point out, ' The State, [...] remains the principal - if by no means any longer the sole - institutional locus of efforts to subject security practices to forms of democratic steering, public scrutiny and human rights protection'[2]

Nevertheless, it is easy to see that the face of policing is changing somewhat, reflecting the gradual development of a new world order in which the state is no longer the unrivalled unit of political authority, but is challenged by new transnational or supranational regulatory regimes such as the UN, NAFTA and the EU. These new entities assert authority similar to that traditionally associated with state sovereignty.

The declining powers of the nation state have been one of the most politically discussed aspects of globalisation. Privatisation of state functions and assets, and the increasing power of global corporations are seen as clear indications of the imminent decline of the state. (aas)

Thatcherism and Reganism are sometimes brought into the debate over the changing role of the state: the ' rolling back of the state' has led individuals to take more responsibility over their own safety and security, thus making security a commodity rather than a public good. In this view the state has maintained a regulatory role, but decreased its role in the provision of security services, leading to a rise in private endeavours taking over the reins.(ME)

State power is being relinquished outwards, to the commercial sector and the private security industry, upwards to international bodies, and

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downwards to citizens, private organisations and municipalities. (walker and loader, 2001: 10)

There is an increasing disconnect between policing and the nation state. This is due to the rise in private policing, but also to internationalisation and transnationalisation of policing. Police practices increasingly transcend national borders.(AAS)

Deflem (2002) argues that the development has been enabled by a process in which international police agencies gradually gained bureaucratic independence from the state. Transnational policing is, therefore, both an extension of state powers and a move towards greater autonomy from the state.

Public and private actors:

The roll back of the state left a gap in the security field, due to its inability to provide the service required. This allowed room for other public and private actors to assume the role of main provider of security and policing solutions. This development, paired with the increase in global interdependence and cooperation between states has meant that non state actors are becoming more involved in transnational policing too. Eg: EU, UN, Europol, eurojust, private companies.

Some private companies are mainly involved in military interventions in other states; others are so wide reaching that they are involved in a multitude of policing operations (such as prison security abroad, protection of foreign political figures, accompanying suspects from one state to another for the purpose of extradition, etc..). High profile individuals also have an

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impact in the policing agenda, as do police leaders. As David Last puts it, States are not the only international actors, nor is state sovereignty uncontested. Policing becomes more complex if we consider non-state and supra-state or international actors[3]. In this section of the essay I will examine the role of other public and private actors in transnational policing, to establish whether their interests are indeed superseding those of States.

Private:

Private Police forces are law enforcement bodies that are owned and/or controlled by non-governmental entities. Often they carry out functions similar to those of public police forces, but clearly their priorities are not based on the interests of the state, but on those of their private employer. Private security is part of the growing internationalisation of police.

Evidence of the growth of private policing can be found in the fact that there are now three times as many private as public police in the United States and twice as many 'private security agents' than public police officers in the UK. In addition the private security industry is growing faster than public policing.

The dramatic growth in private security in the past several decades has reshaped the structure and function of modern policing. Private security is commonly thought to be a largely American phenomenon; however, increasingly it is to be found in one form or another in almost every developed country of the Western world (see Grabosky, 1977; Hovav and Amir, 1979; Heijboer, 1979).

The concentration of private security in the hands of vast multinational corporations within a country raises questions as to the locus of sovereignty in that country, which has traditionally been associated with the maintenance of law and order. Furthermore, more often than not, these companies are under foreign ownership, raising further questions of state sovereignty. This also raised concerns as to the control the private company may have over the State and over policymaking within that state.

There is a fundamental distinction between private and public policing: accountability. The police force is one of the most basic forms of public service. They are entrusted with particular powers because they are accountable to government, and the public. The private security industry, by contrast, is not accountable to the public, but to the clients who contract for its services.

Private security companies are not only employed by private corporations, but they can also be contracted by governments. This was the case of Executive Outcomes, a private military company founded in South Africa in 1989. Executive Outcomes (EO) provided military support to governments such as that of Angola and Sierra Leone in the early 1990s, assisting the legitimate government in the conflict with rebel forces.

This growth in private policing raises concerns as to whose interests are pursued in transnational policing? The state, which aims to protect its citizens; or private companies, who aim to protect the interests of their employer or contractor?

There are also other actors who influence the decision-making for transnational policing including police leaders. High ranking police officers have played a central role for the political agenda setting and for the implementation of transnational policing. They set the groundwork which later led to international conventions, they played a dominant role in the setting up of Interpol, and they initiated a transnational police network by establishing contacts with foreign colleagues, even in those states which had been enemies not long before. Governments played the legislative role in the setting up of this structure, where as police officers were the initiators and the executors.

This crucial role high ranking police officers played in the definition of the requirements for effective cross-border police work eventually led to the establishment of those European cooperation projects of the 1980s and the 1990s. Without the initiative of police officials, transnational cooperation may have assumed a very different aspect today.

PUBLIC:

Transnational policing is of course a complex and diverse concept, with many different actors involved. As mentioned previously, traditionally the main actor in policing was the State, but developments in the global order have led to the introduction of other players, such as private policing agencies, and high ranking individuals which indubitably have acted in such a way which reflects their own interests. However, there are other fundamental players in the field of transnational policing which have yet to be addressed: public actors, by which we mean international or

supranational organisations which are incredibly influential in international affairs more generally and transnational policing, specifically, depending on their function. Sheptycki, 2000a: inter-national policing still maintains the state as the focal point; trans-national policing is when the practice transcends the state system. Interpol is the perfect example of inter-national policing, as it is a truly international police organisation (Walker 2003: 117); it is still heavily dependent on nations and national resources, and legal systems. Therefore, here the interests of state are still central.

Europol is more a trans-national policing body, which developed through the European Union, within the emerging structures of 'freedom, security and justice'. Since 1999, and the Tampere summit, issues of internal security have become increasingly important leading to the creation of the European Arrest Warrant, Eurojust, a common European border control agency (frontex) and the police chiefs operational task force. These recent European developments have given the EU security field the semblance of a state-like function (Mathiesen, 2003)

The field of transnational policing has been open to problems of accountability due to the lack of transparency and the plurality of networks and actors involved. (aas)

New international legal norms and regimes are produced and managed by international institutions such as the EU and the UN. The limits of state sovereignty are therefore challenged by international law and the emerging forms of global governance, where state sovereignty becomes multiple, overlapping and shared (held, 1995)

The International Criminal Police Commission, established in 1923, and its post-second world war successor, INTERPOL, were set up to facilitate communication between the participating national police organisations. Governmental intervention in these organisations remained minimal (Anderson, 1989: 37). Today, INTERPOL has expanded significantly, both in terms of membership and in terms of activities and methods, nonetheless it still exists to facilitate cross-border police co-operation, and support and assist all organizations, authorities and services whose mission is to prevent or combat international crime[4]. However, it is no longer the pre-eminent player. Its influence has been lessened by two developments in particular: the internationalisation of the US law enforcement, and the creation and expansion of the European Union.

The USA became more involved in matters of transnational law enforcement since the explosion of international drug trafficking in the 1960s. This led to an increase in federal law enforcement agencies and institutions abroad.

The EU on the other hand, has been centred on various forms of cooperation since the outset. The Trevi organisation provided the first major initiative in the policing field in 1975, providing a forum for members to develop common measures against terrorism, drugs, organised crime, police training and technology and other matters. Another important step towards a European law enforcement capacity is the Schengen agreement (1990), which established a number of law enforcement measures, including the Schengen Information System and police cooperation in matters such as ‘hot pursuit’, cross border observation and controlled delivery of illegal goods. The signing of the Schengen Treaty, in 1992, formalized aspects of <https://assignbuster.com/global-crime-justice-and-security-politics-essay/>

police information exchange across the territory of the European Union (Joubert and Bevers, 1996).

While Trevi and Schengen are noteworthy advances in the Development of a European law enforcement capacity, Europol is the most ambitious yet. Maastricht saw Europol as a system of information exchange for the purpose of preventing and combating terrorism, drug trafficking and other serious crimes within the EU, and as a means of providing co-operation in aid of criminal investigations and analyses more generally.

The European Home Affairs and Justice Council is a central actor for police cooperation in Europe.

The European Commission and the European Parliament only play a marginal role.

The EP repeatedly demands more democratic control of transnational policing. But European police cooperation has always been dominated by administrative bodies.

These transnational actors are based on collaboration and cooperation; they are not able to act in the interests on one particular state, therefore there are worries that the interests of states are not reflected.

Policing is still based for a major part on the concept of law enforcement, For this reason the national (and sub-national) level stays a central point of orientation for international cooperation regimes in this field.

??? The politics and economics of global relations are inherently self-interested, and international policing therefore inevitably reflects only the particular interests of the contributors.

International organisations and international law provide the frameworks for international policing and peacekeeping. International organisations are not autonomous actors, but are the handmaids to states' interests. Typically, their decision-making bodies require the consent of member states, and resources for implementation are provided by member states. The UN, the OSCE, and large post-colonial groups like the Commonwealth and la francophonie are the principle international organisations which have been involved in peacekeeping and international policing.

The USA??

The United States of America is possibly the exception to the rule regarding the loss of state power. After the Cold War, the USA became the sole global hegemon, leading the way in a variety of areas, from finance to fashion, from television to transnational policing. There are signs that the USA is losing its predominant position in the global order; nevertheless, it is still a powerful nation and capable of setting the agenda, imposing its views and acting in its own interests. Since the 1960s, when the USA began its 'war on drugs', the country has been taking the lead in transnational policing, so much so that the united states' use of force has been compared to the 'imperial policing' of the 19th century[5], and described as the 'global police'.

Furthermore, the USA has effectively spread its law enforcement system across the globe, and become involved in issues in other states, when in its interest to do so. This proves that the state is still important in the

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maintenance of security and the pursuit of its interests in transnational policing.

The internationalization of crime control is primarily the outcome of ambitious efforts by generations of Western powers to export their domestically derived definitions of crime. Not only political and economic interests but also moralizing impulses have determined these definitions and driven many of the most prominent international policing initiatives. Global prohibitions and international crime control priorities and practices would not be what they are today if different states with different values had dominated international society during the past two centuries.

Nadelmann, (1993) noted that the USA was uniquely aggressive in promoting its own criminal justice norms in the transnational arena, expanding the scope of criminal law, methods of enforcement, the scope of criminal procedure and leading the way in extra-territorial policing practices.

The world leader in this area, the US Federal Bureau of Investigation (FBI), has around 340 employees, agents and support staff, assigned to permanent overseas positions (Fowler, 2008, p. 111). The US Drug Enforcement Agency also has an extensive transnational policing capacity (with 78 offices in 58 countries), as does the US Treasury Department and the State Department Diplomatic Security Service. Today, U. S. federal law enforcement agents target a great array of crimes and criminals: the U. S. DEA is the principal nemesis of transnational drug traffickers; FBI agents abroad investigate terrorist attacks on U. S. citizens and interests as well as white-collar and organized crime. Customs agents focus on a wide variety of frauds against the customs laws. And attorneys in the Departments of State and Justice supervise the rendition of fugitives and the collection of evidence in criminal investigations. These are all State controlled agencies, and despite the highly globalised world in which they operate, these agencies, and agents, posted abroad, are tasked with representing the USA and her interests. This shows that while transnational policing is expanding, and more actors are becoming involved in the process and the setting of the agenda, there is still a place for the state to assert her interests without other public and private actors taking the helm.