Responding to Global Crime and Insecurity

Level 11; 20 credits

[This course replaces Global Crime, Justice and Insecurity in Context as the second semester core course on the MSc in Global Crime, Justice and Security]

Short description and aims

Responding to Global Crime and Insecurity is one of two core courses on the MSc programme in Global Crime, Justice and Insecurity and is available to students on LLM programmes, the MSc in Comparative Public Policy, the MSc in Criminology and Criminal Justice, the MSc in International and European Politics, the MSc in International Relations, the MSc Policy Studies and other MSc programmes subject to agreement between the course convenor and relevant programme director.

The focus of the course is on policy and legal responses to international and global forms of crime, insecurity and injustice. This is tackled in a structure which examines issues within a range of different policing, judicial and regulatory frameworks, with attention paid in each of these sessions to the underlying logic of the approach. Following this, various mechanisms through and contexts in which criminal justice policy might spread are examined. The course finishes with a case study of money laundering, but depending on the availability of staff, this could be replaced with any substantive crime issue which allows students the opportunity to draw together a number of the issues raised in earlier sessions.

Summary of intended learning outcomes

Responding to Global Crime and Insecurity draws on scholarship at the boundaries of law, political science and international relations to analyse and evaluate national, international and transnational responses to problems of global crime and insecurity. The course offers opportunities to develop knowledge and skills which are subject specific, generic within academic work and transferable.

Course/subject specific

- In-depth understanding of alternative conceptual and explanatory frameworks used in the study of legal and political responses to crime insecurity in a global context.
- Understanding of the origins of policy in the field of global crime, justice and security and of the factors shaping its development.
- Specialist knowledge of, and ability to analyse and evaluate, key institutions (e.g. domestic courts and government, international and supranational legal and political institutions, commercial actors, and NGOs), techniques and practices engaged in response to global crime and insecurity.
- Awareness of contemporary debates in a range of academic literature on responses to global crime and insecurity.

General academic

- Locating relevant information and literature through library and IT resources.
- Use of key databases of peer-reviewed material.
- Ability to collect and synthesize large amounts of empirical and theoretical material from a variety of sources.
• Analysis, use and assessment of empirical evidence in support of explanatory or evaluative claims.
• Articulation and defence of argument.
• Informed independent thinking and critical judgment.

Transferable skills
• Summarising and communicating information and ideas orally and in writing.
• Thinking clearly and producing work under pressure.
• Working independently while developing judgment about when and how it is appropriate to seek advice.
• Participating effectively in various collective forums (seminars, workshops, discussions, small group exercises).
• Presenting research and other scholarly work to others.

Teaching methods and delivery
The course is designed to be delivered in 10 weekly sessions of 2 hours each. The course involves interest and research-based teaching and so by necessity is team taught. Mode of delivery is up to individual academics and will be indicated, week to week, in the course handbook. As a minimum, each session will include some element of lecturer input in setting up the topic, but this can be kept to a minimum by use of pre-sessional briefing materials. Lecturing staff are valued for their specific expertise and their various approaches to teaching and they are best placed to judge whether small group assignments, larger group discussions, lecturing or a combination of these are appropriate to the individual topic. The mode of learning and teaching will be indicated for each session in the course handbook and it will be the responsibility of the course convenor to ensure that the overall mix addresses the intended learning outcomes. A high premium will be placed on maximising the spread and quality of student participation.

Content
Order of content may need to vary from year to year to accommodate individual lecturers’ other commitments; where this interferes with the logical running of the course, session subtitles will indicate which aspect of the course the session fits within.

1. Introduction (Aitchison)
Highlighting some key links from previous semester/highlighting linkages between various crimes discussed in previous semester. By identifying, from the outset, the nature of crimes and analogous problems, the introduction sets the context for what follows.

Sessions 2 to 6 examine different ways in which states, acting unilaterally or multilaterally, and other organisations seek to tackle global and international crime and insecurity.

2. Transnational policing (Walker)
This class will examine the long-term development of global police co-operation, the factors bearing upon its recent intensification, and likely future trends. The session examines the particular developments in police cooperation within the context of the European Union, explores the relationship between national and transnational forms of policing and examines concerns around the issue of the accountability of private and public forms of transnational police cooperation.
3. Exercising Jurisdiction (Crim Law or Int Crim Law)

How can, and should, states respond to this phenomenon? When, and to what extent is it legitimate for states to assert the authority to punish activity which took place outside their borders? In this session, we will examine the principles which govern the competency of individual states to take such action, and the possible justifications for doing so. We will go on to discuss the extent to which states should do so, the reasons why they might, the tensions which this can create, and the extent to which such jurisdiction can be exercised to practical effect.

4. Judicial Cooperation: Extradition and Mutual Legal Assistance (Gilmore)

Given the exclusively territorial nature of enforcement jurisdiction in international law the international community has developed a range of mechanisms of cooperation in criminal justice matters of which extradition and Mutual Legal Assistance are the most firmly entrenched. The seminar will explore the manner in which these forms of cooperation have developed within the international system and identify key elements and principles arising in the relevant law and practice. The movement towards increased ease of cooperation, especially within the EU, will be noted and the implications for the degree of protection afforded to individuals discussed.

5. Regulation (Henry)

This session identifies and examines regulation through different academic traditions (law, politics, economics, and sociology). Three sets of theories are critically appraised in discussion: public interest theories of regulation; private interest theories of regulation; and institutional theories of regulation. The class will then move on to consider how these perspectives might provide useful tools for understanding current or potential strategies to address global issues in crime, justice and security.

6. Attribution of Individual Liability in International Criminal Law (Birdsall)

This session will examine the assumptions underlying international criminal law as an approach to international crimes including war crimes, crimes against humanity and genocide.

Sessions 7-9 examine different ways in which law and policy choices in the field of criminal justice are shared across different states and other political units.

7. International Standards in Detention (Aitchison)

Since 1945, there has been an expansion of international instruments proclaiming and seeking to protect a range of rights, whether universal or targeting specific groups (e.g. children, women). The session focuses on prisoners’ rights in Europe where a complex network of agencies serves to remind states and criminal justice institutions of their international obligations. These may support particular normative goals in spreading and enforcing particular rights, but also have practical implications for states’ capacity to cooperate in legal matters. Our discussion will focus on key agencies, their working methods, and examples of joint working or complimentarity.

8. Policy transfer (Aitchison)

The session introduces the concepts of transfer, transplant and translation as tools to explain policy and legal convergence. The session will be based around small group discussions of a number of cases where transfer (or a conceptual equivalent) is observed or contested.
9. Criminal Justice in Weak or Transitional States (Aitchison)

The session considers states that are somehow weakened or failing, or which are undergoing a phase of transition. The focus is on the demands this makes in relation to various aspects of criminal justice. What challenges do weak or transitional states face in relation to criminal justice, and how do these relate to specific conditions of transition? How and why do external actors, primarily states, international governing organisations and non-governmental organisations, intervene and what are the consequences of this? Does this vary across criminal justice sectors (i.e. police, courts, prisons)?

The final session takes a case study which encapsulates a range of issues identified in the formulation and execution of policy and legal responses to an identified crime problem with international dimensions.

10. Case study: Measures to tackle money laundering (Gilmore)

This seminar will explore the nature and extent of the problems posed by the laundering of the proceeds of crime and the efforts of the international community to address these issues. It will, in particular, focus on the role of the Financial Action Task Force (FATF) in the setting, monitoring and enforcement of relevant international standards including these which envisage the active participation of financial sector entities in the prevention of money laundering.

Assessment

1: Case based exercise focusing on the law and facts relevant to decisions on jurisdiction or on individual liability (1,500-word written paper).
2: 4,000-word essay with questions based on a selection of sessions.