CRIME, RIGHTS AND ORDER: REFLECTIONS ON AN ANALYTICAL FRAMEWORK

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1. The terms of reference for this paper are that it should "address the issues [the project will consider] generally, and serve as an analytical framework of the report." The purpose of the project is "to examine the problems that arise in particular for human rights organizations when surges of criminality occur in countries that are emerging from authoritarian rule and periods of internal and external violence, and identify responses that human rights organizations working in different countries have found to be helpful."

2. It is too early in this project to settle on the analytic framework for the final report. This will require debate and discussion amongst the project participants at the October 2002 Review Seminar. My intention in this paper is to contribute to this debate and discussion by identifying some of the issues that an analytic framework might focus on and to suggest a way of thinking about these issues. My hope is that by the end of the Seminar, it will be possible to set out the principal contours of the framework that will structure the final report.

3. My assumption in writing this paper has been that if this project, and its report, is to achieve its purpose of opening up new possibilities for human rights organisations, it will have to question many of the taken-for-granted assumptions that underlie the conventional discussion of the relationship between crime and human rights. It will also, in response to this questioning, have to propose *alternative* ways of thinking about crime, policing and human rights.

4. In what follows, I will present a series of challenges to some of the established ways of thinking about the issues at the heart of this project, and suggest alternative ways of looking. My purpose in doing so is not to suggest that the positions I propose should be ones that guide the project's results. Rather my intention is to prompt a debate that will lead to the development of a guiding framework. I am acutely aware that I am not a human rights scholar (so that writing this paper was a particular challenge to me) and that my experience in countries emerging from authoritarian rule is limited.

SOCIETIES IN TRANSITION

5. The issues that confront human rights organisations in different societies in transition from authoritarian to more democratic forms of rule vary considerable with the history of the country and the nature of the transition (Call, 2001). In what follows I will rely on what I know about two examples, namely South Africa and Northern Ireland. I am relying on others in the project team with experience in particular countries (including these two) to assess, modify and add to the framework I outline.

6. As there is little, if any, disagreement in the literature about the premise on which this project is based — namely, that there tends to be surges in criminality in countries in transition to democratic governance — let me begin by accepting this premise. On the basis of this starting point, I will briefly review a set of related hypotheses on the reasons for surges in criminality. While these hypotheses are derived primarily from my limited understanding of developments in South Africa, and to a lesser extent Northern Ireland, they are consistent with what others have found (for a more complete review see Call, 2001; for examples of regional and country specific analyses see, for example, Dupont, 2001 and Dinnen, 2001).

7. Any relatively stable political situation (whether authoritarian or otherwise) will develop some set of arrangements for governing security. These arrangements will deliver some level of security. This will be unequally distributed across different collectivities. Typically, this distribution is correlated with wealth — the wealthy tend to receive greater security than the poor. While levels of order/disorder vary, both from place to place and from time to time within and across countries, in any particular time-space some level of disorder is likely be accepted as normal. This level of order/disorder will come to be accepted as a benchmark for assessing the effectiveness of the governance of security that is provided by any new regime of governance.

8. In any political situation, the governance of security is likely to be provided by a network of resources that cuts across the state/non-state divide (Bayley and Shearing, 2001; Johnston, 1992). That is, every regime for governing security will be based on a particular way of mobilising state and non-state resources for governing security. Just what the mix of resources is varies considerably. This variance will occur both within and across countries. For example, the mix of military and police resources will vary, as will the mix of commercial private security and informal control mechanisms, and so on. However, whatever the place-time there will typically be a mix of resources that cuts across the state/non-state divide unless the state has collapsed completely or has been excluded in some way — for example, as has happened in the southern part of Zimbabwe where large corporations own and control huge industrial/agricultural estates (see Johnston, 2000, for an account of corporate policing in such settings).

9. It is this network of resources that provides the delivery mechanism for the governance of security. This set of resources will operate within some sort of regulatory guidelines, both formal and informal, that will in part determine how they operate and how they relate to each other. This regulatory framework will contribute to shaping the impact of these governance mechanisms for human rights.

10. While it is customary to understand breaches of human rights in terms of regulatory breakdown, it is empirically more accurate to see them not as a consequence of regulatory failure (although this is one reason) but rather simply as a consequence of the workings of the particular regulatory mechanisms in place (Shearing, 1993).

11. When governance regimes change radically, this has consequences for the institutional arrangements that have been in place — that is, it has consequences for the way in which resource networks are mobilised. One common consequence is that existing institutional

arrangements either break down or are dismantled more quickly than it is possible to institutionalise new arrangements (Call, 2001).

12. This may occur when there has been a shift from authoritarian to more liberal-democratic forms of governance. In these situations, often, one of the first acts of anew government is to dismantle the old security nexus (Call, 2001). Often too, this creates a security vacuum. This gap leads to widespread demands for more effective order maintenance. It can and often does also lead to considerable anger expressed by people who have been victimised and who attribute their victimisation to this vacuum. This attribution may or may not be accurate, but this is beside the point. The point is that when it becomes obvious that a security vacuum exists, this attribution is likely to occur. Such collective anger shapes the nature of the demand for more effective order maintenance. One common way in which it does this is through a demand for retribution (see for example, Freiberg, 2001).

13. This response (the demand for the vacuum to be filled and that retribution be meted out) comes typically from within both the state and non-state sectors — from state actors such as police, and from businesses and from residential communities. In both cases, it tends to be met by the mobilising of coercive resources, because coercive resources are easiest to mobilise quickly and because they resonate well with the anger that the security vacuum has generated. While these responses may well be less effective than ones that mobilise a variety of non-coercive responses, this takes longer to do and they do not resonate as well with popular sentiments (Marinos, 2000).

RISKS

14. Human rights organisations and the human rights discourses they promote may risk contributing, albeit unwittingly, to these developments. First, they may do so directly by evaluating the effectiveness of the response by the severity of the punishment meted out (consider, for example, some of the responses to the 'leniency' of the South African Truth and Reconciliation Commission). The other side of this coin is the way in which human rights organisations may promote coercive responses to the security vacuum through their support of retributive conceptions of justice for human rights violators. This is particularly so in the 'big' cases. This support of 'just deserts' thinking is extended to the human rights violations of ordinary criminality (Marino, 2002).

15. Second, human rights organisations may also risk contributing to these developments more indirectly by promoting human rights as an ethically necessary restraint on the use of force as a mechanism for governing security. While the point is typically not explicitly made, what human rights organisations sometimes imply is that the coercive mechanism that they argue should be restrained are effective and required as a way of promoting order. This implication can be read as saying that if there was no, or less, restraint imposed order would be more satisfactorily imposed. That is, what is implied is that ethical constraints are antithetical to effective ordering. The presence of this implication in human rights discourses means that human rights organisation, whether they intend it or not, may contribute to the creation of a discursive environment that promote the use of mechanisms that undermine human rights protections.

THE SOUTH AFRICAN CASE

16. Let me now give this abstract argument some colour and texture by using developments in South Africa to illustrate at least some of the issues I have raised. I draw here on comments I made at an earlier project meeting.

17. The apartheid state was relatively efficient at guaranteeing the security of white people. While it maintained a presence in many black areas, its objectives and concerns were primarily white security. Its principal strategies for promoting security were not the established strategies of criminal justice — that is, victim reports, police investigations, prosecution, sentencing and imprisonment. Rather the apartheid state relied primarily on racially based profiling, exclusion and incapacitation strategies, in particular the pass laws, to keep poor black people at bay from rich white people. The reasoning was simple. Blacks, for both political and economic reasons, were viewed as likely to harm whites. If they could be kept at a distance from whites, this harm would be reduced.

18. The South African policing institutions were designed, organised and equipped over many decades to enact the profiling and segregation strategies this reasoning produced. The police became skilled at implementing these strategies, and by using them, were able to keep crime in white areas within reasonable bounds.

19. With the democratisation of South Africa, the new South African Government rejected this reasoning and its technologies. With a change of government the police were given a new task, namely to protect all South Africans. In addition their profiling, exclusion and incapacitation strategies were deemed illegitimate and were dismantled. The impact on the police was dramatic. They were thrown into confusion. They did not know how to cope with their new mandate. The potential for rising crime rates in those areas that had benefited from profiling-segregation strategies was obvious.

20. What, the new government asked itself, was to be done about this confusion? The answer seemed simple (see the report by P.A.J. (Tank) Waddington to the Goldstone Commission, circa 1992; for a more recent statement see Kumar, 2001). The police (and the other agencies of criminal justice) were to be transformed. They were to become like police organisations (and criminal justice agencies) elsewhere. Conventional crime fighting tactics were to be adopted. To accomplish this policy, teams were established who reviewed developments in policing and criminal justice around the world. These teams produced policy documents setting out objectives and approaches for crime control. To implement these policies criminal justice agents from other countries were assigned to South Africa to develop new training materials, to provide on the job coaching and so on.

21. This was, and still is, a mammoth undertaking even if we think only about the police. The South African police employ over 150,000 officers scattered across a huge country. Many of these officers are poorly educated. The ways of thinking and acting with in the police are well entrenched. There are few incentives for adopting new ways. Police stations are not equipped to support the sort of policing that is now expected. Similar problems exist within other agencies within criminal justice.

22. Not surprisingly, morale is poor across the criminal justice system, a new vision has not been fully understood or embraced, and those who have embraced change have been terribly frustrated by the resistance of their colleagues. Despite many excellent policy documents, and much good will, transformation has been very slow. The agents of criminal justice, while once well suited to their task and relatively effective at it, are no longer equipped to perform well. The old technologies for protecting whites have been dismantled and new ones for protecting both whites and blacks have not been established.

A NORMATIVE FRAMEWORK

23. How should human rights organisations respond to situations of transition consistent with the general picture outlined above? (I am using the notion of human rights organisations broadly to refer to any group that is dedicated to promote and protect these rights rather than the narrower usage of human rights organisations as government bodies (see, for example, Linda Reif, 2000) or a view that sees human rights organisations as "public interest groups" who base their "criticism of state conduct [see below] on international human rights law" (Steiner, 1991).

24. A feature of many human rights organisations is that they adopt a critical stance with respect to governments and governance more generally. This is so both with respect to the classic 'negative' human rights, as well as the more 'positive' rights (or what are sometime called second and third generation rights), which require government action to provide services. This view of the role of human rights organisations has its origins in the history of human rights as a defence against the abuse of state power. The primary purpose of human rights is to contain the predatory impulses of the state. The theory of human rights sharply encumbers traditional conceptions of state sovereignty which abusive states have historically used as a defence against the enforcement of international human rights norms (wa Mutua 1998).

25. One possible consequence and danger is that people faced with high levels of criminality may come to see human rights organisations as sitting on the sidelines taking "pot-shots" at those who are seeking to create effective mechanism for governing security. From the perspective of those who want to see effective mechanisms put in place for governing security, this defines human rights organisations in negative terms. For these people and groups human rights organisations come, to use a clichéd phrase, to be seen as "part of the problem rather than as part of the solution". So long as human rights organisations are seen in this light their voice is not likely to be listened to in situations where the governance of security is regarded as inadequate or where the security vacuum has been filled with very coercive responses that violate human rights. The obvious danger here is that human rights organisations will be marginalised. (This does not apply to more stable situations in which the governance of security is seen as being relatively effective. Here it seems sensible and worthwhile for human rights organisations to take a critical stance. They are seen here as providing a necessary corrective. Their 'negative' stance takes on a more positive hue.)

26. Assuming the there is some truth to these observations the question arises as to how should human rights organisations respond? One answer might be that human rights organisations should be encouraged to take into account the situational context involved. That is they should be encouraged to recognise that the position they take as critics in more stable situations (either authoritarian or more democratic) is not transferable to transitional situations in which the governance of security is in crisis. This will not be easy as human rights have been, and continue to be, conceived in universal terms. As Matthew Ritter (1999) notes, "human rights are, by definition, the rights, in the strict and strong sense of entitlements, that one has simply because one is a human being."

27. The implication of answer just noted is that in transitional situations, if human rights organisations wish to be listened to and have their voice influence the way in which criminality is responded to, they should develop solutions that will be seen to contribute to policy in a positive way. That is, they should recognise explicitly that people in these situations will be particularly concerned with their own human rights as victims of crime and will be less likely to be willing to take include a concern for the rights of perpetrators in their view of the world.

28. At this point, it might be useful to consider a comparison that Daniel Bodansky (2000) makes between human rights and environmental law. "International environmental law," he writes,

"consists primarily of duties to 'protect', while human rights law has tended to focus on duties to 'respect'." He goes on to write that

> human rights treaty regimes tend to be more legalistic in nature than international environmental regimes. Once an issue is conceived in terms of rights, it is removed from the political arena of competing interests and policies. Perhaps for this reason, the paradigmatic institution established by human rights treaties is the expert committee, composed largely of lawyers. In contrast, the central institution established by international environmental agreements is the conference of parties, whose primary task is political, namely to direct the implementation and evolution of the regime.

29. The implication of the argument developed above is that if human rights organisations are to have a voice that is listened to by those who are threatened by criminality they will need to be seen not simply as concerned with ensuring that governments respect human rights but that they are concerned with the effective governance of security — i.e., seen as offering assistance in both the development and the implementation of policy and mechanisms intended to promote safety and security. For those human rights organisations that do not, there is a danger that they will at best be marginalised and at worst, through the reactions they foster, exacerbate rather than reduce human rights violations. To return to the clichéd phrase used earlier, if human rights organisations are to have an effective voice they are going to have to learn how to be part of, and to be seen to be part of, the solution and not simply act as critics of it.

30. One way to go about accomplishing this would be to look to existing human rights organisations that have taken this stance to establish norms of "best practice". For many, but by no means all, human rights organisations this is going to be a difficult bridge to cross. They are likely to find moving from a critical position to one that requires a commitment to particular solutions uncomfortable. There are obvious downsides to such a move and it will not be difficult to recite these to avoid making this shift.

31. The question, however, is not whether making this move is risk free or whether it will involve costs. It will not be risk free and it will involve costs — there is no doubt about this. The question is whether these risks and costs are greater or less than the risks and costs of maintaining a purely critical stance in transitional situations. The question is which option, to quote Alan Borovoy of the Canadian Civil Liberties Association, is the "least worst". In my view, the balance in transitional situations clearly falls in favour of involvement in policy development and its implementation.

32. Given this argument, the question now arises as to how human rights organisations might go about developing a stance that will shape rather than simply comment critically on policies and practices for governing security? What is important here is not so much the particulars of the policy and practices that are promoted but the framework out of which these proposals are made. What should this framework be? I would like to make two general points here.

33. The first acknowledges Call's findings that a moment of intervention that has much promise is in peace negotiations where these occur. An important role that human rights organisations can play in these negotiations is "to help the parties to the conflicts envision new ways of policing that are rooted in unrestricted human rights, ethnic tolerance and citizen service, and to help the parties incorporate such a vision into peace accords" (2001).

34. This 'agenda setting' role can, as Call notes, be particularly difficult in the case of policing as the issues involved are often highly contentious. However, he notes, "far reaching public security reforms are unlikely to be implemented if not written directly into peace agreements." The Northern Ireland experience makes very clear just how difficult it is to include policing issues within peace agreements and just how easily these issues can threaten agreements that have been

reached. It also, however, makes clear how important it is to take these issues if a lasting peace is to be achieved.

35. As I have just suggested a good example of a process, influenced by human rights organisations, that sought to build human rights concerns into peace negotiations and the resulting agreements is the Northern Ireland Good Friday Agreement which seeks the "protection and vindication of human rights for all" (Patten 1999). Not only are human rights values an essential part of this agreement but the agreement mandated the establishment of an Independent Commission on Policing for Northern Ireland that was required to build a policing strategy that fore fronted human rights. This Commission, in turn, recommended that an Oversight Commissioner be established to oversee the extent to which its recommendations, including its very central recommendations concerning human rights, were implemented.

36. My second point is that one of the features of the conceptual framework used by human rights organisations is that it typically directs attention almost exclusively to state policy and state agencies. This framework assumes that governance is monopolised by states (see Steiner, 1991). In today's world this is not the case. This points is developed by Karl Klare (1991) in a review of what he calls "rights scepticism". He notes that

> rights scepticism concerns the efficacy and limitations of the rights tradition in relationship to social change. The sceptics call attention to certain self-imposed limitations to international rights discourse stemming from its embrace of the public/private distinction. Rights thinking has predominately concerned the relationship between the individual and the state. As traditionally understood, the human rights projects is to erect barriers between the individual and the state, so as to protect human autonomy and self-determination from being violated or crushed by governmental power. Unquestionably, a just society requires such protections, but human freedom can also be invaded or denied by non-governmental forms of power, by domination in the so-called 'private sphere'.

37. Bodanksy (2000) makes this point in his comparison of human rights and environmental law:

> international environmental law is typically directed at the control of private rather than governmental conduct. To be sure, environmental duties fall in the fist instance on governments, and some are aimed at governmental behaviour (for example, environmental impact assessments are usually required only for governmental actions). But most environmental harm results from the behaviour of private actors and will be solved only through changes in private behaviour. In contrast, human rights have traditionally been conceived as rights *vis-à-vis* governments, which can be violated only, or at least primarily, by governmental conduct.

38. In today's nodal world, it is no longer sensible to think of good governance as governance simply provided and directed by state auspices (Johnston and Shearing 2002). This is illustrated nicely in the following definition of "good governance" (a concept that is intended to include respect for human rights) provided in a recent United Nations report (see also Reif, 2000).

39. Good governance makes accountability, transparency, participation and rule of law mandatory administrative functions…It…implies ensuring moral behaviour and ethical conduct in the task of governing…There are three main regimes involved in good governance. They are the State, the Civil Society and the Private Sector. All three are critical for sustaining human development. Since each has got its weaknesses and strengths, a major objective of good governance is to promote highest possible constructive interaction among them in order to minimise individual weaknesses and utilise the strengths optimally (Fonseka, 1999: 2-3).

40. Given the fact that governance is today directed and provided by a range of providers and auspices that include both the corporate sector and other organisations within what can be broadly thought of as civil society, it is necessary when both seeking to shape governance and commenting on it to work within a framework that recognises this broader reality. The

normative question should be not simply how governments can direct and provide governance services better but rather how all the resources available within a collectivity should be mobilised so as to provide for efficient and acceptable governance. This position was recently articulated in a report on developments and trends in policing to the Canadian Law Commission (Hermer et al., 2002), as follows. The critical question facing policing, the report argued, is: "how [can] the multiplicity of state and non-state resources for policing … be harnessed to provide the most effective and acceptable policing for communities (whether at the local, regional, national or international level)?"

41. In elaborating on this question, the report argues that effective and acceptable policing should be understood as policing that both meets collective needs for order and security, and recognises and promotes liberal-democratic values.

42. An example of such a framework that rigorously promotes human rights is the argument developed by the Independent Commission on Policing in Northern Ireland. The first chapter on the Commission's report that develops its normative framework is entitled "Human Rights" and has as its opening quotation Article 29 of the Universal Declaration of Human Rights (1948). In the first paragraph of this Chapter, the Commission sets the tone for all of its recommendations when it writes that "there should be no conflict between human rights and policing. Policing means protecting human rights" (Patten, 1999:18).

43. The Commission recommended both a policing rather than a police budget and a Policing rather than a Police Board that would have extensive power of scrutiny to manage this budget. The aim of these twin proposals, which have been accepted by the British Government, was that to ensure that policing in Northern Ireland evolved in ways that would encourage the active involvement of the three sectors (state, private and civil) that Fonseka identifies as essential to good governance. In addition, the Commission recommended a comprehensive regime of scrutiny that would ensure that violations of human rights would be detected and acted upon. In drawing attention to this the Commission recommended that "the performance of the police service as a whole in respect of human rights, as in other respects, should be monitored closely by the Policing Board" (Patten, 1999; para 4.12).

44. Again, adopting a broadly conceived framework such as this in their advocacy work would be a major shift for many, and perhaps most, human rights organisations. Similarly, working within such a framework is likely to feel uncomfortable to human rights advocates and may, for this reason, be resisted. Yet, if this shift is not made, human rights organisations are likely to find themselves at the margins rather than at the centre of policy debates about the governance of security.

45. Even if human rights organisations do not move beyond their traditional critical stance they are going to have to recognise the broader framework within which the governance of security is being provided. It is not sufficient in monitoring and commenting on human rights abuses to focus on state institutions alone when they constitute only one part (and an increasingly small part at that) of the mechanisms being put in place for governing security. Any critical commentary on the governance of security that is intended to be comprehensive will have to take a broader view on governance.

46. Lest I be misunderstood, let me emphasise that taking a broader view does not mean losing sight of state auspices and state agents. What it does mean is that it will be necessary to recognise that within our contemporary nodal world states are more and more involved in the direction and regulation of governmental provision at the same time as there has been a proliferation of provision. A common metaphor for pointing to this change is that governments are becoming

more involved in the steering of governance and less involved (in proportion to other providers) in the rowing.

47. At the outset of this paper, I commented on the support that human rights agencies provide for a past-oriented, retributive, 'just deserts' conception and practice of justice and that this might be having detrimental effects for human rights. An obvious example of how this might happen is through the demand for imprisonment that a backward-looking conception of justice supports. While it is possible to imagine that wealthier countries might be able to ensure that imprisonment meets acceptable human rights standards, this is quite impossible in most of the world where prisons are dreadfully overcrowded and are places where the human rights of prisoners are violated routinely. Human rights organisations' support for a blame and punishment focused conception of justice only exacerbates this problem.

48. Much is being done at present at various levels to imagine and then institutionalise conceptions and practices of justice that are more forward-looking and that do not require blame and punishment. This can be seen at the state level through truth commissions and at the community level through initiatives that promote approaches such as restorative justice. While there is much to criticise about such developments, they do hold a good deal of promise. If this promise is to be realised (and realising it is likely to have important payoffs for human rights) human rights organisations will need to take a stance that seeks to contribute to the search for alternative and less punitive ways of realising justice.

49. Again, this will require human rights organisations to move outside of their established stances and practices. Again, this will be uncomfortable and is likely to be resisted. Again, there are many dangers that can be cited to justify why such a move should not be made, that will provide good reasons for remaining with the status quo. But again, while it is important to recognise these dangers, it is just as important to address them and seek to guard against them so that human rights organisations can move beyond their existing comfort zones.

SUMMARY

50. The argument developed here has been straightforward. It is that human rights organisations risk being marginalised if they operate from within a conceptual framework that is out of touch with the realities of governance. If they do, the paper argues, they will increasingly become part of the problem (as they will, albeit inadvertently, contribute to human rights violations) rather than part of a human rights solution. If these dangers are to be avoided, and human rights organisations are to retain a position as credible and listened-to voices, a significant shift that broaden the scope of their critical stance in ways that recognised that we now live in a nodally governed world is desirable. At the same time as this shift takes place human rights organisations should increasingly adopt a more active role in developing policy positions and mechanisms that promote human rights. This might well be uncomfortable as it will bridge the distance many human rights organisations have always sought to maintain between themselves and those who govern. This loss of independence as critical agents will have difficult and important consequences. These consequences are, however, ones that should be accepted and tackled head on rather than avoided.

WHAT NOW?

51. This paper and its argument is, as I emphasised at the outset of the paper, at best only a beginning. Assuming that project members regard at least some of what has been expressed here as useful what is necessary now is work from within the project that will extend, embellish and

illustrate with empirical examples the central tenants of the framework that will guide the project report. The reports of the country teams will provide a wonderful illustrative resource.

52. A particularly important feature of a revised paper that is fully informed by the work that the country teams are doing would be a typology of human rights organisations. The paper at present hints at, but does not develop, the many differences that exist between human rights organisations both in the focus and scope of their work and in the strategies they deploy. Some organisations are clearly local, others like Amnesty International are global. Some human rights organisations see their role as primarily one of critical observation (such as the many monitoring organisations that exist across the globe) others, such as legal advocacy institutions, are far more concerned with developing and implementing policy. A further issue to be considered is the debate and conflict that often takes place over the legitimacy of groups claiming to be human rights organisations (see Neier, 1989; Odinkalu, 2000). The paper at present alludes to but does not adequately explore such differences. The work of the country teams that is being presented at the October project meeting will provide a rich basis for developing a typology of human rights organisations that captures these and other dimensions. The discussion I imagine taking place will provide a basis for rectifying my own lack of capacity with respect to human rights acknowledged at the outset.

53. My hope is that an outcome of the October meeting will be an enriched conceptual framework that addresses the sorts of issues, challenges and normative arguments and that I have outlined above. This framework need not have the same content as this paper but it may be useful to adopt a similar structure.

<center>**REFERENCES**</center>

Baxi, Upendra. "Voices of Suffering and the Future of Human Rights," *Transnational Law and Contemporary Problems*, fall 1998, pp. 126-128.

Bayley, David and Clifford Shearing. *The New Structure of Policing. National Institute of Justice*. Washington, 2001.

Bodansky, Daniel. "Reporting Obligations in Environmental Regimes: Lessons for Human Rights Supervision" in Philip Alston and J. Crawford (eds.), *The Future of UN Human Rights Treaty Monitoring*. 2000.

Call, Charles T. and William Stanley. "Protecting the People: Public Security Choices After Civil Wars," *Global Governance*, 7, 2, 2001, pp. 151-172.

Dinnen, Sinclair. *Law and Order in a Weak State*. Adelaide: Crawford House, 2001.

Dupont, A. East Asia *Imperilled: Transnational Challenges to Security*. Cambridge: Cambridge University Press, 2001.

Fonseka, Leo. "Good Urban Governance", draft Document, mimeo, 1999.

Freiberg, Arie. "Affective versus Effective Justice," *Punishment and Society*, 3, 2, 2001, pp.265-278.

Hermer, Joe, Michael Kempa, Clifford Shearing and Philip Stenning, *Policing in the Twenty-First Century: Directions for Law Reform*, report submitted to the Law Commission of Canada, 2001.

Johnston, Les. *The Rebirth of Private Policing*. London: Routledge, 1992.

Johnston, Les. "Transnational Private Policing: The Impact of Global Commercial Security", in J. Sheptycki (ed.), *Issues in Transnational Policing*. London: Routledge, 2000.

Johnston. Les and Clifford Shearing. *Governing Security*. London: Routledge, 1992.

Klare, Karl. "Legal Theory and Democratic Reconstruction," *University of British Columbia Law Review*, 69, 1991.

Kumar, Akshey. "India: Beware! Cops on Duty," *Businessline*, 2001.

Marinos, Voula. "The Multiple Dimensions of Punishment: 'Intermediate' Sanctions and Interchangeability with Imprisonment," unpublished doctoral dissertation, Centre of Criminology, University of Toronto, 2000.

Neier, Aryeh. "Not all Human Rights Groups are Equal," Letter to the Editor, *The New York Times*, May 27, 1989, p. 22.

Odinkalu, Chidi Anselm. "Why More Africans Don't Use Human Rights Language," *Human Rights Dialogue*, Winter 2000.

Patten Commission. *A New Beginning for Policing in Northern Ireland: The Report of the Independent Commission on Policing for Northern Ireland*. Belfast, 1999, available at www.belfast.org.uk.

Reif, Linda C. "Building Democratic Institutions: The Role of National Human Rights Institutions in Good Governance and Human Rights Protection," *Harvard Human Rights Journal*, Spring 2000, pp. 2-68.

Ritter, Mathew A. "Human Rights: The Universalist Controversy," *California Western International Law Journal*, 1999, pp. 75-80.

Shearing, Clifford. "A Constitutive Conception of Regulation," in J. Braithwaite and P. Grabosky (eds.), *Business Regulation and Australian's Future*. Canberra: Australian Institute of Criminology, 1993: 67-79.

Steiner, Henry. "The Youth of Rights" *Harvard Law Review*, 917, 1991.

Steiner, Henry. "Diverse Partners: Non-governmental Organizations in the Human Rights Movement" 1991 at 5.

wa Mutua, Makau, "Looking Past the Human Rights Committee: An Argument for Demarginalizing Law Enforcement", *Buffalo Human Rights Law Review*, 1998, pp. 212-252.

Waddington, P.A.J. *Report to the Goldstone Commission*, circa 1992.