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Securing the City: Challenges to Human Rights

Walking through Downtown Kingston, you might see a tank roll past on its way to an inner-city neighbourhood. In Jerusalem, entering the bus station involves passing through a metal detector and having your bags scanned by private security. As these examples indicate, militarization and privatization of security are especially visible at the urban level. What are the implications of these processes for human rights in cities?

Introduction

In cities across the world 'security' has become an increasingly central concern, legitimizing various measures, such as increased surveillance, pre-emptive regulation and even military intervention. Two main trends can be identified as both citizens and governments prioritize urban security: the militarization of urban space and the privatization of security provision. These trends are particularly evident at the urban level, as security risks involving crime and terrorism are increasingly projected on the city rather than on the nation state. The measures associated with these trends often involve a trade-off between security and human rights, including the rights to privacy, freedom of movement and equal treatment before the law. The militarization of urban security involves a move towards more aggressive and intrusive forms of policing and punishment, which tend to intensify socio-economic and ethnic divisions. Meanwhile, urban residents increasingly rely on private as well as public security providers. This shift towards the private provision of urban security often diminishes transparency and accountability. Below, we sketch these two trends, followed by two brief urban case studies – of Jerusalem and Kingston – that illustrate how the militarization and privatization of urban policing affect human rights.

Militarizing the city

The militarization of urban space can be defined as the visible integration of security elements into the built environment, with the aim of defending certain groups of residents against the perceived threat posed by other groups. This trend of militarization relates to shifts in urban governance as well as a changing military logic. In recent decades, war has become increasingly urbanized, as 'enemy combatants' or 'terrorists' mix with civilian populations and cities become military battlefields. Well-known recent examples include cities in the Balkan, Iraq, Palestine and Syria. Importantly, this has meant that the boundaries between combatants and civilians, and between battleground and home front, have become increasingly ambiguous. In addition, the military tactics and technologies designed for these urban conflicts have travelled from cities such as Baghdad and Gaza City to London and New York (Cowen 2007). The urbanization of military conflict is accompanied by the blurring of 'external' threats such as terrorism and 'internal' threats related to crime. This blurring of terrorism and crime in policies aimed at urban security can be seen in, for example, the mobilization of military forces to prevent football violence or the extension of possibilities for police officers in urban areas to frisk people without specific suspicions. This blurring has also entailed both new entanglements and increased competition between military intelligence agencies and the police (Fussey 2013; Altheide 2006; Eijkman, Lettinga & Verbossen 2012).

Stephen Graham (author of the previous chapter of this volume) sees such developments as part of what he terms the 'new military urbanism', which includes the use of "militarized techniques of tracking and targeting [to]

everyday life” (2011: xiv). As the city has become the central locus of security concerns, this militarization of everyday life includes highly visible or spectacular elements, such as the increased presence of uniformed personnel and military vehicles on city streets. However, the new military urbanism also involves the normalization of ‘things military’: the process by which citizens come to accept and even rely on the presence of military and security-related themes and logic in our daily lives. Civilians are increasingly accustomed to encountering military technologies and ideas in civilian space: not just strict security measures at airports or camera surveillance of public urban space, but also the use of drones to police cities.

This type of militarized urbanism has implications for the rights of city dwellers. The multiplication and diversification of urban ‘threats’ means that political protests are often policed through similar security measures and laws as those applied to terrorists, restricting freedom of opinion and of peaceful assembly. Militarized policing is generally applied differentially across the urban landscape, resulting in benefits to some and harm to others. Often, security techniques are focused on specific urban areas or populations that are branded as ‘problematic’ and isolated from the rest of the city, on the basis of class, ethno-racial or religious markers. Mike Davis (1992) refers to this as the destruction of democratic urban space. Urban planning and architecture – from public parks to shopping malls – are increasingly oriented towards the security needs of more privileged groups, undermining the ideal of freely accessible public space.

A newly militarized police force relies on stop-and-frisk techniques and punitive zoning laws to harass urban ‘undesirables’, often young people, racialized minorities, homeless people and other low-income groups. This type of discriminatory, pre-emptive policing – which in some cases culminates in extra-judicial killings by security forces¹ – involves several human rights risks: it limits the freedom

of movement of criminalized groups, subjects them to arbitrary arrest, and prevents their access to a fair trial by undermining the presumption of innocence. In addition, the proliferation of surveillance through CCTV and drones impacts on all urban residents’ right to privacy.

Privatizing security

The militarization of urban life has coincided to a large extent with the privatization of policing. Urban residents’ lives and property are no longer protected primarily by the public police. Increasingly they are also protected – as well as endangered – by formal and informal private security providers. While the state’s monopoly on the provision of security has always been more imagined than real, neoliberal policies have meant that citizens and businesses are now actively being ‘responsibilized’ for safeguarding their own physical integrity and material belongings (Garland 1996). This transfer of responsibility for security from state to non-state actors has resulted in a diversification of the agencies and agents that deliver security and policing services. This diversification is often characterized as a shift from *police* to *policing*: the activity of policing is performed by actors other than the police. State actors such as the police and the military still play a role in security provision, but are often outflanked by non-state providers such as private security companies, neighbourhood watches and vigilante groups.

The private commercial security industry in particular has come to play a prominent role within this shift from police to policing, and their prominence is especially visible in urban contexts.² In many cities, private security guards and armed response officers far outnumber the public police, and they have taken on many functions traditionally associated with the police, from crime prevention to apprehending suspects. In certain cases, the police and private companies enter into collaborative relationships,

1 ‘Police shot Brazilian eight times’, *The Guardian*, 25 July 2005. Available at: www.theguardian.com/uk/2005/jul/25/july7.uksecurity5.

2 However, mining enclaves form an important non-urban site where private security companies also tend to have a larger presence than the public police. The discussion here does not focus on private military companies, which also have a significant non-urban presence.

with private security bolstering state authority. In other cases, they function as rivals, as private companies compete for contracts and entice police and soldiers to become private guards with offers of better salary and equipment (Jones and Newburn 2006).

Especially in contexts where police corruption is widespread, citizens may place more trust in non-state security agents than in the police. In transitional democracies and other contexts where police legitimacy is low, non-state security providers can play a positive role (Baker 2010). In some cases, the private security industry may be at least as effective and accountable as the public police. However, in contexts where the industry is not regulated strictly, it is often plagued by serious problems in terms of effectiveness, professionalism and democratic accountability (Loader 2000; Stenning 2000). The plural and fragmented nature of private security provision tend to complicate regulation, in part because many regulatory bodies tend to operate at the national rather than the urban level.

While many private security officers themselves are often underpaid and risk their lives on a daily basis, they are also involved in human rights abuses. In cities where citizens have limited confidence in the state justice system, private security providers may act as vigilantes, using violence to punish suspected criminals. More generally, private security often poses a threat to social equity (Loader 2000). When security is no longer seen as primarily a state responsibility or a democratic right, it becomes a commodity that only the well-to-do can afford. In addition to benefiting wealthier citizens more than the urban poor, private security can also exacerbate ethno-racial inequalities. Although private security guards are often members of underprivileged populations, their everyday practices often involve ethnic and racial profiling as guards target criminalized groups as security threats. In particular, young men from such groups are harassed or denied entrance to urban spaces of leisure and consumption by private security forces, exacerbating the ethnic and racial profiling common amongst many public police officers (O'Dougherty 2006; Kempa and Singh 2008; Open Society Institute 2009). While it is already difficult to hold the police accountable for human rights abuses, this

is perhaps even more so in the case of private companies, given that (international) human rights law is still predominantly focused on state authorities.

In what follows, we present two brief urban case studies of militarization and privatization. As we note above, these processes are especially evident in cities, which have increasingly become the focus of security policies. The cities discussed here, Jerusalem and Kingston, are somewhat extreme examples of these processes. Although they differ markedly in terms of social, political and economic context, both are cities characterized by high levels of insecurity, the blurring of anti-crime and anti-terrorism policies, and an extensive private security industry. As such, they present useful cases that provide a more in-depth illustration of how militarization and privatization shape and impede human rights.

Case 1: Jerusalem

East Jerusalem is part of the Occupied Palestinian Territories (OPT), which have been under the control of Israel since 1967. Palestinians living in this part of the city – where the Old City and some of the world's most important religious sites are located – have a permanent residency status. They do not enjoy full citizenship rights within the Israeli state. Jewish settlers have increasingly claimed territory within East Jerusalem as their own. Importantly, under international law these and all other settlements in the OPT are illegal. As the result of these settlements, numerous Palestinians have been evicted from their homes and suffer decreasing access to services such as education and water.³

In addition to these problems, increasing numbers of private security personnel patrol the streets of East Jerusalem. It is estimated that some 350 Israeli private security officers protect approximately 2000 Israeli settlers

3 UN Office for the Coordination of Humanitarian Affairs, 'Settlements in Palestinian residential areas in east Jerusalem', April 2012. Available at: www.ochaopt.org/documents/ocha_opt_ej_settlements_factSheet_april_2012_english.pdf.

living in the heart of Palestinian neighbourhoods.⁴ These private guards take on what is generally seen as one of the core functions of the state: the protection of citizens. However, these private guards by no means protect the population of East Jerusalem equally: their main role is to protect one group of urban residents (Jewish settlers) from another group (Palestinians) whom they view as consisting of terrorists or enemy combatants.

As private actors operating in the OPT, the security activities of these guards are not governed by clear rules or regulations. The Association for Civil Rights in Israel (ACRI) has petitioned the Israeli High Court of Justice, arguing that the private guards' presence has a very negative impact on the daily lives of Palestinians. In the words of ACRI's attorney: "The operation of a private security force constitutes an unlawful privatization of core policing responsibilities (...) and violates the basic rights of Palestinians".⁵ The report goes on to state: "The armed guards endanger Palestinian life and limb, and they harm the normal exercise of residential daily life due to the improper and illegal discretion they wield".⁶

The privatized military checkpoints in Jerusalem are another example of both the militarization of urban space and the privatization of security. While military checkpoints have long been a standard element within Jerusalem's urban landscape, since 2006 increasing numbers of these checkpoints have been privatized. Rather than being staffed by military personnel, the checkpoints are now run

by private security guards. These guards are expected to stop unwanted, suspect people from entering Israel from the Occupied Palestinian Territories. The military checkpoints that have been present in the OPT for decades are known for their facilitation of human rights abuses, including the arbitrary restriction of movement, the harassment of Palestinian citizens by soldiers, and the use of violence by soldiers (Grassiani 2013; *Breaking the Silence* 2012; Amnesty International 2014).

However, the recent privatization of security adds another layer to the problem. As private security guards replace soldiers, the privatized checkpoints can be understood as an effort to naturalize the occupation. They normalize the warlike situation, as sanitized language from the world of management (such as 'efficiency' and 'professionalism') is introduced. Human rights abuses are not necessarily worse at privatized checkpoints than at those operated by soldiers. However, these abuses become less visible as the occupation is presented, and increasingly perceived, as a 'normal' daily situation. In addition, accountability continues to suffer; it is more difficult to monitor private guards and to prosecute the human rights abuses that they commit as there is less supervision and their rules of engagement are often unclear.

Case 2: Kingston

While Kingston is in many ways quite different from Jerusalem, certain parallels appear in relation to the militarization of urban space and the privatization of security. In Kingston, insecurity is related to criminal rather than to political violence. The city has extremely high rates of violent crime, and is known as one of the world's 'murder capitals'. Crime is concentrated in inner-city neighbourhoods in Downtown Kingston, where the majority of residents are low-income, darker-skinned 'black' Jamaicans. Much of the violence is perpetrated by members of politically aligned criminal organizations. While national homicide rates have been around 60 per 100,000 population for over a decade, in certain inner-city communities local homicide rates are over 150 per 100,000 residents – rates as high as those in contexts of low-level war. Indeed, inner-city residents commonly refer to the urban violence as 'war'.

4 Association for Civil Rights in Israel petition to the High Court (2012), 'High Court to State: Explain use of private guards in East Jerusalem', 13 December. Available at: www.acri.org.il/en/wp-content/uploads/2011/10/E-Jlem-Petition-Security-guards-ENG.pdf.

5 Association for Civil Rights in Israel petition to the High Court (2012), 'High Court to State: Explain use of private guards in E- Jerusalem', Available at: www.acri.org.il/en/2012/12/13/hcj-security-guards-jerusalem/

6 Association for Civil Rights in Israel petition to the High Court (2012), 'High Court to State: Explain use of private guards in East Jerusalem', 13 December. Available at: www.acri.org.il/en/wp-content/uploads/2011/10/E-Jlem-Petition-Security-guards-ENG.pdf

The warlike level of violence is also reflected in the militarization of urban public security provision. Public security interventions in Downtown Kingston are often joint military-police operations, and Jamaica Defence Force (JDF) personnel, weapons and armoured vehicles are increasingly utilized in the name of 'internal security'. In addition, the Jamaica Constabulary Force (JCF) frequently engages in warlike gun battles with suspected criminals. The numbers of inner-city residents killed by JCF members every year are very high. While local and international human rights organizations decry these police killings, citizens' desperation in the face of brutal crime has meant that many Jamaicans tolerate or support extrajudicial executions. Despite the recent establishment of an Independent Commission of Investigations (Indecom) to investigate these fatalities and other human rights abuses involving public security forces, the extremely low rate of convictions means the police can use excessive force with impunity.

Fear of crime has resulted in the retreat of wealthier, often lighter-skinned 'brown' Kingstonians into fortified enclaves in Uptown Kingston. These groups rarely trust the police to protect them effectively, and their gated residential communities, office complexes, restaurants and shopping plazas are all guarded by private security companies. There are nearly twice as many private security guards than JCF members. While security guards are themselves often from low-income urban environments, they are tasked with policing the border between Uptown and Downtown spaces, excluding poor black Kingstonians from the city's more privileged spaces on the basis of their appearance.

In Downtown Kingston, inner-city residents cannot turn to private commercial security for protection, while police legitimacy is very low due to their reputation of brutality and corruption. Many of these neighbourhoods are governed by 'dons', local leaders who are often linked to criminal organizations. Residents increasingly rely on these dons for the informal, extra-legal provision of security and dispute resolution. Even as dons are the source of much violence, they are also the only form of protection that many of the urban poor have against this same violence. Dons whose neighbourhoods have low levels of insecurity often enjoy

high levels of local legitimacy, but this is achieved through a violently punitive style of maintaining local order (Jaffe 2012).

The growth of both formal commercial security and informal, don-led security are directly related to a lack of confidence in the police. However, the range of competing irregular armed actors also generates additional insecurity. While the state security forces have a record of human rights abuses, these formal and informal non-state security providers also run counter to the rule of law and equal protection of all citizens, and tend to operate partially or completely outside of systems of democratic accountability.

Conclusion

As our case studies illustrate, the maintenance of urban order is no longer predominantly the domain of the police. Contemporary urban policing is characterized by both militarization and privatization, two trends that result in the blurring of distinctions between military and police responsibilities, and between public and private roles. In many cases, public police forces operate in a militarized style, using military weapons and techniques, or engaging in joint operations with soldiers. The urbanization of military logic has meant that suspected criminals are treated as enemy combatants, encouraging shoot-to-kill attitudes amongst the police. In addition to this entanglement of military and police operations, contemporary urban security provision often also involves a blurring of public and private roles. Even as they contribute to the privatization of formerly public urban spaces, commercial and extra-legal non-state security providers also assume a semi-public role as they take on the responsibility of protecting shopping plazas or entire neighbourhoods. In some cases, private security providers take on a broader governance role, competing with the state for the trust and support of local residents. Like the militarization of urban space, the privatization of urban security provision is often related to citizens' fear of crime and terrorism, and their frustration with the inability of state security forces to protect them.

While both trends are associated with human rights violations, in the absence of widespread local support

for more peaceful, democratic and accountable forms of policing, tackling such violations will be an uphill battle. Human rights law and practitioners have tended to concentrate on abuses perpetrated by agents of the state, and focused their efforts on the level of the nation state. As our analysis in this chapter and other contributions in this book demonstrate, human rights violations, as well as possible solution strategies, often play out at the urban scale. In addition, in many cases the blurring of public and private roles means that violations may be not enacted by state agents, but by private actors. Academics,

lawyers, NGOs and governments concerned with human rights should take into account the urbanization and privatization of violence. Rather than directing their efforts exclusively or primarily at the national government and at the state security forces, they should also engage with municipal authorities. City-level local governments also have a responsibility to protect the human rights of urban residents, and to prevent and prosecute abuses by private security companies and violations related to the militarization of public space.

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