

Research Project

Transnational Public Security Law

Third-party funded project

Project title Transnational Public Security Law

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Organisation / Research unit

Departement Rechtswissenschaften / Fachbereich Öffentliches Recht

Department

Project Website <https://ius.unibas.ch/lehre/assistierende/profil/person/altwicker/>

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Status Completed

The starting hypothesis of the project is that there is an ongoing process of transnationalization in relation to public security law, i.e. that there is a body of legal norms evolving, shared by a number of states, originating from institutionalized or non-institutionalized cooperation in security matters, which influences and controls the design and the functioning of public security domestically. This trend is evidenced by the intense regulatory activity of both international and regional organizations as well as bilateral law-making and networking in the security sector for more than a decade now. The law of public security (i.e. the protection of individual legal interests such as life, liberty, but also public legal interests such as the functioning of state institutions) is subject to a process of transnationalization. This means that the domestic law of public security is increasingly influenced by norms that have cross-border application or effect, e.g. originating in European Union law or in public international law. National and international tribunals, but also civil society actors, have raised concerns about the human rights' compatibility of the transnationalization process in public security law. It is important to ask how processes of transnationalization of public security can be reconciled with human rights' concerns. This study, furthermore, asks in a more general sense how and for what purposes norms are 'transnationalized'. The aim of the research project is, first, to take stock of and systemize transnational norms in the area of public security law. Second, the limits to transnationalization of public security norms set by human rights norms and other constitutional concerns shall be discussed. Third, the transnationalization of public security norms shall be analyzed from a perspective of legal sociology. The research project approaches the topic from a positivist angle by compiling the set norms dealing with transnational public security. The project, thus, seeks to systemize a rather diffuse and unarranged body of law. Additionally, the project wants to critically assess the process of transnationalization of public security norms. This critique may be useful for actors involved in designing the further integration of Switzerland in existing and developing bilateral, regional and international security networks.

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