

# 9. Responsabilising private actors for the governance of safety and security

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## Introduction

The governance of safety and security were traditionally seen as state tasks. In recent decades however, private actors are increasingly being responsabilised to actively contribute to the governance of safety and security. Self-regulation by companies and institutions, monitoring and reporting obligations, but also oversight and guardianship by citizens, interest groups, NGOs and the media are examples of the privatisation and responsabilisation of the governance of safety and security. These developments raise various ethical, legal and empirical questions, for example about the scope and legality of private actors' actions, about the protection of individuals and institutions that face monitoring, control, supervision and enforcement by private parties, and questions about the effectiveness of governance by private actors compared to public monitoring and control. Moreover, these developments also have consequences for the monitoring and control of safety and security by public bodies that increasingly are only involved when private modes of governance are not feasible or have failed. This raises the question how different modes of governance – public and private - interact in governing safety and security. Does the responsabilisation of private actors imply that public modes of governance also improve? Or does the monitoring and control of safety and security by public actors crumble in light of the increasingly large role of private actors? To what extent do we have to deal with different modes of governance that operate relatively independently of each other, reinforce each other or weaken each other? And if private and public actors interact, who takes up a leading role and who holds whom to account?

## Research questions

- How can the role of private actors in the governance of crime and insecurity be understood and explained?
- How do different types of private governance of safety and security work in practice and what impact do they have on the governance of safety and security?
- How does this relate to the public monitoring and control of safety and security?
- How can the relationship between private actors and the public authorities be understood and explained?

## Approach and methodology

This research project allows for various subprojects to focus on the role played by different types of private actors such as citizens, businesses, interest groups and NGOs in the governance of various issues surrounding safety and security. Specific areas of attention are financial and economic crime and environmental crime because these have seen the increased responsabilisation of both private and public actors in prevention and control. Central to this project is the question how governance of safety and security by private actors takes shape in practice and what effects and side-effects this has. This research project therefore primarily aims to provide empirical findings about governance by private actors.

However, this topic also raises ethical and legal questions and, therefore, this research project also offers ample opportunities for cooperation between criminologists and other social scientists, (legal) philosophers and various legal disciplines.

## PhD project: the role of professional service providers as gatekeepers in governing financial-economic crime

One of the key features of the global fight against serious financial and economic crime, such as money laundering, corruption and tax evasion, is the responsabilisation of commercial, non-state actors, such as notaries, lawyers, tax advisers, banks and other financial institutions. These actors are expected to prevent serious financial and economic crimes by monitoring (potential) clients and by signaling and reporting risks to the authorities. These service providers are therefore assumed to act as gatekeepers who protect the integrity of the financial system. Yet, serious and organized crime groups cannot operate without these gatekeepers. They need them as intermediaries between 'upperworld' and 'underworld' for instance by setting up companies or for the movement of wealth and assets.

Recent scandals such as the prosecution of various European banks for money laundering and the prosecution of notaries and legal professionals following the Panama and Paradise Papers have demonstrated an emerging narrative of criminalizing gatekeepers' roles.

This project aims to provide insights into the role of these professional service providers as gatekeepers of various forms of financial and economic crime and into their interaction with public supervisory and enforcement authorities. For example, it is not inconceivable that the increasing criminal prosecution of these gatekeepers undermines their willingness to cooperate with supervisory and enforcement authorities in the control and prevention of financial and economic crime.

### Research questions

- How can the role of professional service providers as gatekeepers in governing financial and economic crime be understood and explained?
- How do professional service providers deal with the increasing social expectation of fulfilling a role as gatekeepers in the fight against financial and economic crime?
- How do these developments affect the cooperation between the private sector and the supervisory and enforcement authorities?

### Approach and methodology

The research can focus on one more types of gatekeepers, such as lawyers, notaries, financial service providers, tax advisers and accountants. An international comparison would also be an interesting empirical avenue. This research project primarily aims to provide empirical findings into the role of gatekeepers. In order to contextualize and sufficiently grasp these empirical findings about gatekeepers and their interactions, knowledge of corporate law, tax law and/or criminal law is also required, depending on which type of gatekeepers the research focuses on. The intended candidate therefore preferably has social-scientific knowledge and skills as well as legal knowledge and skills.