Chapter 5

International Co–Operation and Intercultural Relations:
Reconciling the Security and Privacy Agendas

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ABSTRACT

This article compares the notions of security and privacy as they are treated in international cooperation relations. While security seems to benefit from a global consensus, it does not hold true for the concept of privacy. This article argues for not addressing the privacy in the context of the issue of human rights, marked by recurrent controversies about cultural relativism.

INTRODUCTION

There is a general consensus on the idea that in global times, global solutions are required. Globalisation is primarily the result of the unprecedented flows of people, goods, services, ideas, and data across borders. In turn, as the logic goes, national governance structures no longer suffice and global and international governance structures are required. The challenge becomes one of resolving national values and laws with international standards.

Congresses and Parliaments are now caught in the throes of this globalisation of governance. Solutions to global challenges are now sought at international congresses, parliaments and conferences, and those solutions are then brought home for reconciliation with national laws. These forums have become part of the common language of policy-making. 'Kyoto' is synonymous with

environmental policy, 'Doha' with trade policy, 'Vienna' with diplomacy. International treaties are popping up everywhere to regulate international activities. 'International obligations' were used to pressure the U.S. on trade and environmental policy just as 'international standards' have been used to place pressure on China on intellectual property. Globalisation is serving as a leveller of national laws.

Security is one of the global challenges for which global solutions are sought. We have written before on how globalisation pressures have been used to implement anti-terrorism, crime, and security policies (Hosein, 2004). Inter-governmental bodies like ASEAN, the Council of the European Union, and the Group of 8 meet regularly to discuss new policies and techniques to respond to new and emerging challenges. These international bodies also facilitate capacity building, so that standards can be established to enable governments to understand the framework of risks and policy options. International identity documents standards are established by the International Civil Aviation Organisation (ICAO); methods of dealing with online crime are considered at the G8 and the Council of Europe (COE); standards for communications surveillance are established by the European Telecommunications Standards Institute.[1]

In the domain of human rights, there is also a globalising force, though often weaker than the momentum granted to the security agenda. There are dozens of international and regional human rights statements and instruments, and even enforcement bodies. For instance, both the Bush Administration and the Obama Administration mention the Geneva Convention whenever they consider the treatment of detainees and enemy combatants. Similarly, the United Kingdom Home Office must now reconsider its DNA database after the European Court of Human Rights ruled against the UK in December 2008 on the retention of profiles of innocent individuals, despite the UK

Parliament and the national courts approving of the Government's practices.

None of this is new. This chapter discusses two issues that have not received sufficient attention.

1. While we have adopted a stance that global problems require global solutions, we have regressed in some domains to discussing how we must limit global governance in cases where there are 'cultural' aspects to consider.
2. Unlike on the security agenda, there is little capacity building on human rights. Despite globalisation transforming the human rights agenda just as much as the security agenda, one is receiving more attention than the other.

We will focus primarily on information privacy and security issues as they best illustrate this international dynamic.

We therefore focus on the following dynamic: there is an interesting lack of promulgation of safeguards and protections for individual citizens and consumers in the face of similar threats around the world. That is, if modern crime and anti-terrorism policies are required to deal with the threats of international criminals and terrorists without regard to borders, why is it that the safeguards against abuse are not also made universal?

GLOBAL SOLUTIONS FOR SECURITY

The global security agenda is certainly not new, but there are some recent changes worth noting. It is no longer the case that security agreements between states come at the expense of another state (Jervis, 1982). In fact, the increase of security is now seen as a good in itself, and it is being promulgated internationally. This agenda is stronger in its conviction and is spread further than ever before as countries around the world are seeking security solutions to shared problems.

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