

Transnational Justice

A Vague Term?

- **United Nations Convention Against Transnational Organized Crime**

Article 1: Statement of Purpose

The purpose of this convention is to promote cooperation to prevent and combat transnational organized crime more effectively

Article 3: Scope of Application

For the purpose of paragraph 1 of this article, an offence is transnational in nature if:

- *(a) It is committed in more than one State;*
- *(b) It is committed in one State but a substantial part of its preparation, planning, direction or control takes place in another State;*
- *(c) It is committed in one State but involves an organized criminal group that engages in criminal activities in more than one State; or*
- *(d) It is committed in one State but has substantial effects in another State.*

- Transnational criminal law
 - International aspects of national criminal law
 - Transnational aspect of crime
 - State imposes its own criminal law
 - Methods of cooperation between states
 - International law as source for the rules – source of prohibitions is the national law

- Philip Jessup (1956)

„I shall use, instead of ‘international law’, the term ‘transnational law’ to include all law which regulates actions or events that transcend national frontiers. Both public and private international law are included, as are other rules which do not wholly fit into such standard categories.“

- Three Conceptions (Craig Scott)
 1. Transnationalized legal traditionalism
 2. Transnationalized legal decisionism
 3. Transnational socio-legal pluralism

- *„Perhaps the real strength of transnationalization [of law] is the elusive nature of its definition“*

Some thoughts

- Adversarial and inquisitorial systems – the only alternatives?
- Justice?
- Nils Christie (Norwegian Critical Criminologist)
- Restorative justice

Recommended Reading:

Christie, Nils (2001): Answers to Atrocities:

Restorative Justice as an Answer to Extreme Situations.

In: Fattah, E. & Parmentier, S. (ed.): Victim Policies and Criminal Justice on the Road to Restorative Justice: Essays in Honor of Tony Peters. Pp. 379-392.

<http://home.online.no/~ivajoha/nato/answers.html>

Thank you for your attention!