

## Global-law-zation?



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Sometime within the last quarter century, in the dead of night, the world silently transformed from a sphere into a flat plane. As ludicrous as that may sound, it may be the only way we can explain the magnitude of such events as the current financial crisis to the next generation.

Suddenly, mortgagors on one side of the world are able to affect financial markets in another, a single investor is able to rob thousands of people in countries around the world of billions of dollars, and a British-Ghanaian man is able to write for *Chicago Lawyer*. Clearly, globalization affects us all.

Yet, although the world is more integrated than it's ever been, we live in a world with disconnected legal systems that are a reflection of our individual cultures: while littering or jaywalking would not arouse the ire of a Chicago police officer, in Singapore those same offenses may land you in jail.

Whereas globalization has enabled rebels in Nigeria to internationally impact the price of gas, and pirates in Somalia to internationally affect the cost of imports and exports, our laws do not permit us to prosecute such individuals within an international forum.

The International Criminal Court (ICC), in The Hague in the Netherlands, is bestowed with the power to prosecute individuals responsible for committing crimes of genocide, crimes against humanity and war crimes. Established in 2002, the ICC has "complimentary" jurisdiction, established to exercise its jurisdiction to complement national courts and only exercise its own jurisdiction where national courts have failed or are unwilling to exercise their jurisdiction. The ICC cannot act if a case is being considered by a country with jurisdiction over it.

As the ICC has such specific jurisdiction,

there are few cases that the ICC is able to prosecute, leaving it up to the courts of individual nations to prosecute many crimes that have international ramifications.

Over the course of the past year the world has witnessed several of these crimes: terrorist attacks in Mumbai, India claimed the lives of over 170 people, and injured over 300; Bernard Madoff's giant Ponzi scheme defrauded investors across the world out of over \$50 billion; Somali pirates repeatedly attacked and held hundreds of ships and their crews hostage in the Gulf of Aden; and Robert Mugabe drove inflation rates in commodity rich Zimbabwe to over two million percent.

Each of these crimes affected people far outside of the countries in which they were perpetrated; yet none of them can or will be prosecuted by an international tribunal.

For fear of sounding like a demagogue, I will not now stand on my milk crate, or a stack of *Chicago Lawyer* magazines, and incite you to flood both the United Nations' inbox and the inbox of United Nations Secretary General Ban Ki-Moon with outraged e-mails demanding the ICC to expand its jurisdiction — at least not yet — as the ramifications of allowing an international tribunal to prosecute crimes committed around the world must be carefully considered.

Such a decision would require the creation of stringent laws, primarily governing the cases in which international jurisdiction can be exercised. Without such laws, legal systems could suffer a seizure, as lawmakers, judges and lawyers would have no basis to determine the appropriate venue for cases.

Equally important, however, would be the drafting of a uniform set of human rights laws, governing how criminals of various nations would be treated subsequent to their prose-

cution. As currently exemplified by the projected closing of Guantanamo Bay, differences in human rights laws can strain relations between nations involved in an extradition.

The argument could be made, however, that the establishment of such an international tribunal would unite the world's nations, allowing countries to dispense with extradition treaties and instead agree to prosecute individuals in an international court of law. It would conform to the spirit of globalization — bringing nations together while respecting the sovereignty of nations — and would enable people across the world harmed by the actions of people like Bernard Madoff to witness them being prosecuted in a shared forum.

However, the establishment of such an international tribunal would be unnecessary if the jurisdiction of the ICC were simply expanded.

To many, such a suggestion is a form of blasphemy, as many nations (including the United States) are against the mere existence of the ICC. However, as globalization causes more of us to suffer from the consequences of individual crimes, maybe it's time for the ICC to be allowed to expand its jurisdiction.

Over the past year we have each watched the world we live in erupt in chaos. Fighting ravaged the Gaza strip and many African nations, a European government collapsed under the pressure of the financial crisis, financial markets across the world reached new lows and unemployment rates soared. Yet behind some of this were individuals and decision makers, culpable for causing the destruction, unemployment and, sadly, death of so many.

Just as globalization causes us all to bear the destructive decisions of other nations, maybe justice demands that we should all have a say in prosecuting these individuals? ■

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