

Law and Justice in a Globalising World

Professor James Nedumpara

Head, Centre for Trade and Investment Law

What is the role of Law in a Globalised World?

- Right Order
- Is there global justice?
- Territorial boundaries are irrelevant to moral obligations.
- Obligations of justice based on shared will of a political community, located transnationally.
- G-20 New Declaration of Leaders: Promoting peaceful, friendly, and good neighbourly relations among nations in the spirit of 'One Earth, One Family, One Future'

Has globalization been fair?

- Hard question.
- Has globalization promoted human dignity?
- Adam Smith: “Folly and injustice seem to have been the principles which presided over and directed the first European migration”
- Trade seeks to exploit scarce resources; trade in itself may lack empathy and concern for those that lack such resources.
- Addressing similar concerns; need for global cooperation

Intergenerational Equity

- "Each generation should have roughly equal resources" or "Each generation should leave to the next at least as many resources as they possessed at the start."
- Foundational principle of sustainability.
- Need to care for the future generations and the Planet itself.
- Ensuring that resources are properly utilized and conserved.

Globalization works for everyone: the role of Institutions

- Social goods, such as wealth, advantage, and opportunity as issues of distributive justice are available to all.
- Social and economic order to ensure: liberty, ease of doing business; avoiding unnecessary barriers to trade; while leaving enough space for governments to address legitimate public policy concerns.
- Tackling corruption and supporting fair economy
- Governmental re-distributive programmes are not impacted;
- As a precondition, developing law and robust legal institutions to enforce and deepen Rule of Law.

Ensuring Fair and functioning Globalization

- Dispute resolution and rule of law: the wheels of a global justice system
- International tribunals seek to provide corrective justice.
- In trade law: dysfunctional system
- In investment law: highly contested system
- Access to justice: for countries and communities
- The need for reforms



Just Globalization:
The power of
trade and
commerce

- Leaving no one behind.
- Ensuring that people have decent jobs, livelihoods and better future for their children.
- Ensuring food, income and social security; mainstreaming those disadvantaged.
- Need for unlocking trade for growth; and building resilient supply chains
- Countries can bridge their development gaps and pursue heterodox policies
- No “kicking away” of the ladder.
- Market opening are not offset by disguised barriers.