Justice in the 21st Century: The challenge of globalisation

The first plenary session was facilitated by the Right Honourable Lord Woolf of Barnes (President, Qatar Financial Centre Civil and Commercial Court) and Professor William Alford (Harvard Law School), with participation by seven Chief Justices from around the world. The audience comprised of global leaders in law, including four former-Lord Chief Justices of England & Wales, and the presidents of the International Court of Justice and the European Court of Human Rights. The session was preceded by a keynote address by the President-Elect of the new Supreme Court of the United Kingdom.

Session overview and conclusions

The session was preceded by a keynote speech on “The Rule of Law in a Global Context” by Lord Phillips of Worth Matravers, President-Elect of the new Supreme Court of the United Kingdom. By common consent speech was regarded by the panel and the audience as one of major importance on this subject.

The panel discussion for this first plenary session dealt with the challenges of globalisation and the law, and each panellist covered a wide range of issues, under the heading “Justice in the 21st Century: The challenge of globalisation”.

The Chief Justice of Bahrain, Sheikh Khalifa Bin Rashed Al Khalifa, opened the session by stating that globalisation can bring positive change, and different jurisdictions can adopt different concepts from other jurisdictions, but ultimately it is important that these new concepts do not oppose the values in those jurisdictions.

This was followed by the Chief Justice of South Africa, Pius Langa, who discussed the impact of foreign jurisprudence in South Africa. He noted that foreign jurisprudence was helpful because it enriched the new constitutional framework in South Africa and any jurisprudence would be impoverished if it did not look at other jurisdictions.

KG Balakrishnan, Chief Justice of India, stated that globalisation had improved many lives in India, but there was a feeling that its effects had not trickled down to the common man. Chief Justice Andrew Li of Hong Kong stated that the practice of using non-permanent judges in Hong Kong has brought immense benefits to the judicial system in Hong Kong.

Chief Justice Dame Sian Elias stated that New Zealand was comfortable with looking at jurisprudence in other countries, and indeed one third of all statues in New Zealand were sourced from international legislation. Dame Elias went on to discuss some of the other issues relating to law and justice, and stated that “the law has to respond to the fundamental human thirst for justice”.

Chief Justice Benjamin Odoki provided an interesting insight into how Uganda has dealt with the challenges that it faces. He noted that the government, working together with the judiciary, had enacted legislative reforms to improve the investment climate in Uganda. He also noted that the government was building many additional courts across the country, and also creating a number of new institutions to bring about development in the country. He added his voice to the call by the other chief justices for enhanced international dialogue on judicial matters.

The Chief Justice of Singapore, Sek Keong Chan, described how Singapore had evolved and developed into an exemplary jurisdiction, and elaborated on the benefits of having a widely spoken language, namely English, and also of the benefits of having the common law framework in Singapore.

**Rapporteur:** Oscar Njuguna (Kenya)