

# **International Law in the New Era of Globalization**

## **: A Japanese Perspective**

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### **I. Introduction**

no article/entry of "globalization" in recent dictionaries of international law except the current electronic version of Max Planck Encyclopedia of Public International Law:

"a multi-faceted process of expansion of human activities to the entire globe and assorted cognitive frames of reference"

This conference aims to clarify implications of globalization on international law in terms of actors, community regulations, human rights and humanitarian law, and environmental protection. However, a history of international law has witnessed a variety of changes in nature, application and contents of the law which may be seen as a form of globalization or another.

→ a brief look into the history of the law useful!

### **II. Development of Modern International Law and Globalization**

Reformation /Age of Great Navigations and Discoveries /Sovereign states equal to each other: Peace of Westphalia /Napoleonic Wars and expansion of international law outside of Europe (Americas, Middle East, Middle and Eastern Europe including Russia, Asia) /International Administrative Unions /modern Italy and Germany unified /1899 & 1907 Hague Peace Conferences /World War I and Russian Revolution /League of Nations (refugees, minorities, mandates, ILO) /Great depression v. collapse of gold standard system /emergence of Axis Powers /World War II /United Nations and Bretton Woods system /Universal Declaration of Human Rights /Cold War and Korean War /Expansion of UN member states /Decolonization and newly independent states /Non-Aligned countries and New Economic Order /Fall of Berlin Wall and collapse of Communist bloc /Expansion of UN PKO activities /International Criminal Court

### **III. Specific Elements of Current Globalization**

- 1) Daily development of Information Technology  
simultaneous sharing of the same news and ideas the world over
- 2) Less significance of geographical boundaries  
freer movement of individuals and commodities: immigration and trade
- 3) Closer linkage of world economies and necessity of environmental protection  
scarcity of natural resources and sustainable economic development

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These elements may require new international legal norms to emerge, but their implementation does require "power" politically monopolized by sovereign states

### **IV. Some Concluding Remarks**

What international law could and should do in this new era of globalization?

e.g.

- i) Lehman shock  
greedy few /financial crisis /global depression
- ii) Natural disasters and international relief  
faster and more effective international assistance
- iii) Failed states and terrorist actions (Afghanistan, Burma, North Korea)  
international security and nuclear threats

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Responsibility to protect!

goal: realization of maximum "human security" to as many individuals as possible

Japan with scarce natural resources and the principle of non-forcible sanctions!?