

Globalizing Public Interest Law

Ninad Shah*

Abstract

In our globalizing world, Public Interest law has been accepted and incorporated by a large number of nations into their legal systems for advancing towards a world or a nation that provides social justice for all. This research article examines the emergence of public interest law as a global tool for global justice. The article studies the factors shaping the global path for Public Interest law and also study the impacts of globalization which have redefined the public law systems such as the dynamic change in the magnitude of migration, the evolution of open economy market policies and institutes, and the rise and fight for international human rights. In addition, the article will discuss the evolution of Public Interest law which is Public Interest law as a global institution for providing global justice and Public Interest law as a global governance technique which will be efficient in resolving transnational conflicts or infringements. The article will also discuss the arena of public interest law in a globalizing world, its strategies, and constructs.

Keywords: Globalization, Public Interest Law, Human Rights, Internationalization, Evolution of Law & Development

Introduction

Globalization has the power to create something great as well as the power to obliterate. As the world is globalizing, open markets, human rights and the rule of law also evens which in result creates a need to establish and create new systems of governance as well as institutes to govern. Globalization sometimes cede the old traditions for acceptance of new ones, where some say globalization is the antidote of corruption and abuse and some state globalization as an imposition of authoritative justice.¹ Public interest law and lawyers play a pivotal role in this globalizing scenario, where the creation of global institutes is formed on the bases of international treaties, multilateral agreements, and commercial contracts on the bases of global order. In this global order and institutes lawyers act as an architect facilitating legitimacy. Public interest laws are at the centre of advancing globalization. Globalization is created on the legal architecture of liberal capitalism, where public interest law is expected to take a similar position in the globalizing world for providing equal justice and enforcing fundamental human rights. Public interest law provides legitimacy to institutional orders and holds them accountable at a global or transnational level. in the current times as public interest laws and lawyers are emerging or rather being constructed, this emergence faces many obstacles such as competing values and vision of different

* Advocate

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legal systems, funding and motivating lawyers and law firms for divulging into public interest matters, where some question public interest law as a tool to interfere or hinder national autonomy and identity while some see it as a tool to fight abuse or social control. Nevertheless, it will be analysed and observed as to how public interest law faces and tackles these problems and obstacles to provide and act as a tool of global justice.

Emergence of Public Interest Law

The emergence of public interest law can be seen in the early twentieth century in the United States, which was a result of a unique array of a written constitution, bill of rights and amendment supported and encouraged by a century old judicial review system. In the United States organizations like American Civil Liberties Union and the National Association for the Advancement of Coloured People fought for decades while winning small battles and accepting their limited victories, however public interest law expanded in the 1960's when the government started a federal funding for these legal service providers and even provided them with salaries, with the funding and non-profit law firms who filled and fought for public interest in the fields of rights for racial minorities, children's, underprivileged, consumers, elderly, environment, uniquely-able and gays and lesbians and came through these fights as champions of human rights.²

Public Interest Law: Indian Perspective

Meaning and Concept of Public Interest law: Public interest law or litigation simply means a litigation field in the court of law for the protection and enforcement of public interest at large. Article 32 of the Indian Constitution acts as a facilitator or as a tool by which any one or public can reach the Supreme Court directly for their safeguarding of rights against violation. Public interest law and litigation has not been defined in any statute or acts but have been accepted, interpreted and promulgated by the judiciary. The judiciary has widened the scope of public interest litigation where not only matters of public interest can be raised but also a private party or person can raise their problems if their rights are infringed.

Origin and Evolution of Public Interest Law & Litigation in India: Public interest matters, and law emanated when the judiciary started realizing their constitutional obligations for providing justice to all, especially in the context of the marginalized and poor strata of our country. Prior to the 1980's the concept of Locus Standi was prevalent where a person who has been directly affected by the law, or any action can reach the court but a person as a proxy or who was not personally affected could not reach the courts for justice. During the period of the 1970's we had seen a rise in public interest litigation as a result of pro activeness of judges, lawyers and social activists. The first public interest litigation in India was the case of *Hussainara Khatoon v. State of Bihar*³, where a lawyer on the basis of a newspaper article stating a total number of 40,000 people are under-trial prisoners and their plight which led to a judicial decision which recognized right to speedy trial as a fundamental right, which was the first major victory for public interest law and litigation in India.⁴

² Richard L Abel, 'The Globalization of Public Interest Law' (2008) 13 UCLA J Int'l L & Foreign Aff 295

³ (1978) 1 SCC 248.

⁴ MPBOU, Public Interest Litigation and Advocacy, Course 2, Unit 1;

<http://www.bhojvirtualuniversity.com/slm/bswc2.pdf>

Development of Public Interest Law & Litigation: Through the case of *S.P Gupta v. Union of India*⁵, a new wave of public interest litigation emerged as Justice P.N Bhagwati observed and held that “any member of the public or social action group acting bonafide” can invoke the writ jurisdiction provided under article 226 and 32 of the Indian Constitution. This judgment widened the scope of public interest litigation and loosened the strict locus standi requirement.

Public Interest Law as Global Institute

In the current world scenario transnational agreements, trade relations, information and technology exchanges, open markets where countries have opened their markets for all in which companies, industries and commercial ventures are being set up, have all resulted in an international movement of resources and humans. These movements of resources and humans have both affected positively to the economy as well as the international market as a whole. These transnational movements, transactions and interactions have also increased disturbance, violence, and human rights violations, which have resulted in global or transnational litigation at international and national level. In this evolving scenario of an age where everything is internationalized or globalizing, public interest law has also occupied a new space.⁶ The new trends show that public interest law is moulding into a global institute with common sets of understanding and practices to protect human rights as well as for providing justice in these transnational matters. These public interest laws developing into institutes for providing justice are taking roots in different and distinct political and geographical arenas. In this chapter the researcher will highlight the factors shaping public interest law as global institutes, an example of one of the global institutes is PIL net, The Global Network for Public Interest Law and Lawyers as well as many other non-profits also work towards this goal.

These global institutes of public interest law are converging national boundaries and taking shape abroad in other nations with local variations. This convergence is a result of transfer and exchange of resources and circulation of ideas. With this convergence to understand these global institutes we will understand its design and its power in the context of providing justice in this global age.

Design: Global Institutes

These institutes are a product of outside influences and internal traditions. These institutes that can be seen in the transnational arena are the incorporation of systems and practices adopted from judicial systems of developed countries and their indigenous institutes. The design of these institutes incorporates process of functioning as well as methods; however, these designs are a wide range of mixture of national or international structures, processes and methods with various other features which the researcher will discuss in this part second chapter.

⁵ (1981) Supp (1) SCC 87.

⁶ Michael J. Wishnie, *Immigrant Workers and the Domestic Enforcement of International Labor Rights*, 4 U. PA. J. LAB. & EMP. L. 529 (2001-2002).

Global Funding: Like any other institute, the main drivers of these global institutes of Public Interest law are funding. The funding from local public interest systems is a contributor to these institutes but now the activist organization and lawyers are leveraging international funding from diversified institutes and organizations situated around the globe. The current world is witnessing the formation of these institutes now however United States saw and started these institutes in 1990's where one of the prominent examples would be a conference organized by the Ford foundation for public interest law around the world where lawyers from a total 19 countries participated.⁷ Recently we can witness that government agencies and international bodies have started playing a key role in funding globalizing of public interest law where they promote a twin objective first being open market and second being human rights, some examples are the USAID and World Bank Funded Central and Eastern European Law Initiative of the ABA⁸ which have worked towards sponsoring refugees and women rights clinic in former soviet republic and south Asia.⁹

Regional Human Rights System: The developments of these institutes have been influenced by the interaction between the local, regional and international human rights system. Where these international institutes motivated or influenced these local or regional bodies into ratifying international treaties or by creations of organization in those regions such as Justica Global, where these institutes' sole purpose was to aggressively fight while using human rights for providing justice to regions suffering from abuse of military regimes.¹⁰

Domestic Public Interest Litigation: these domestic organizations or in some states, the state itself have accepted and promulgated public interest for their domestic legal rights enforcements in their national courts for enforcement and establishment of human rights. These actions taken by domestic agencies either non-profits or the state itself have been seen as a progressive reform where many countries have acted and ratified international treaties and convention and participated in the wave of world constitutionalism.¹¹ These domestic agencies have been a factor in creating global institutes as some of the democratic countries have even established a public interest law system in the government itself, an example can be the government of Brazil who have created a Ministerio Publico and agencies with a full-time staff who has the power and discretion of bring cases of human rights and environment to prosecute the claims.¹² So, with this approach the domestic agencies are also bringing in their ambit claims which are related to their states as well as claims which affect everyone as a whole.

⁷ Aubrey McCutcheon, Eastern Europe: Funding Strategies for Public Interest Law in Transitional Societies, in *Many Roads to Justice: The Law-Related Work of Ford Foundation Grantees Around the World*, supra note 27, at 233.

⁸ Karen A. Lash, Establishing Legal Clinics in Moldova: Lessons in Volunteerism and Legal Education, 2000 USC LAW 40 (Spring 2000) (discussing experience helping to set up Moldova's first domestic violence clinic by ABA's Central and Eastern European Law Initiative), available at <http://law.usc.edu/news/assets/docs/Spring2000Magazine.pdf>

⁹ ABA Rule of Law Initiative, Legal Education Reform, http://www.abanet.org/rol/programs/resource_legal_education.html (last visited Oct. 26, 2019).

¹⁰ Oscar Vilhena Vieira, Public Interest Law: A Brazilian Perspective, *UCLA J. INT'L L. & FOREIGN AFF.* 219, 231-34 (2008).

¹¹ Heinz Klug, Model and Anti-Model: The United States Constitution and the "Rise of World Constitutionalism," 2000 WIS. L. REV. 597, 597-98

¹² Oscar Vilhena Vieira, supra note 10, at 241.

Civil Societies and Professionals: As these public interest institutes evolved and made an impact on the global arena as well as made its presence noted, these institutes started interacting with the local, national, and international civil societies and professionals. These civil societies could be Civil Society Advocacy, Social Welfare organizations or NGOs where a large number of professionals served such as lawyers or even the bar associations provided legal aid, doctors providing medical facilities, public servants and even public service providers and representatives. This interaction between the global institutes and these civil societies as well as professionals saw an alliance between all three where each body provided and supported the other in context of finance, support, manpower or even aid be it legal, medical or government related. An example of this collaboration can be seen in Ghana where with the help of public interest litigation within civil societies where they started fighting against the military abuse of human rights with the creation of public private partnerships between the state and international institutes and professionals creating a system of Right Based Approach in this domain.¹³

Global Governance through Public Interest Law

Public interest laws for global governance have used their transnational social justice movements operated by these global institutes by leveraging their power and utilizing them for social or economic marginalized groups of people. These institutes are diverging from their conventional pattern and are entering a global range where they are creating a new form of legality while working with cross border activists, societies, or professionals for solving global issues. These issues are utilizing various aspects for global governance; these aspects involve advocacy and legal pluralism, tactical flexibility and mobilizing rights as well as creation and utilization of transnational networks.

Advocacy and Legal Pluralism as a Tool for Global Governance

These global public law institutes encompass and operate on a level which incorporates multiple tiers. Here the advocates work on two levels one being sub-national and other supranational, where the advocates litigate and support the movement or the initiative from below as well as enter the global sphere for bringing change from above. These global institutes operate on transnational level to bring and provide justice, these sub-national and supranational activities are governed by a system of legal pluralism which simply means a system incorporating multiple sources of law which operates on and across transnational level.¹⁴ This multi-level advocacy with the help of legal pluralism creates an opportunity for advocates to use the tools such as media coverage, international treaties, international organizations report, international representatives to create an influence and to build pressure on the local government or national government or global sphere as whole. With the acceptance of legal pluralism where domestic laws along with international norms and laws are accepted and can be made applicable these advocates from below and above try to create, promulgate, and provide social justice through this global institutes of public interest law. This type of advocacy at sub-national and supranational level creates a system and is part of global governance through the means of public interest law. An example of advocacy influencing global governance can be seen in China, where matter affecting public interest at large are being ignored by the government and the Chinese media as they are believed to be not so

¹³ Raymond A. Atuguba, Human Rights and the Limits of Public Interest Law: Ghana's Reaction to a Messy World Phenomenon, 13 *ULCA J. INT'L L. & FOREIGN AFF.* 97, 103 (2008). at 106-08.

¹⁴ Boaventura de Sousa Santos, Beyond Neoliberal Governance: The World Social Forum as Subaltern Cosmopolitan Politics and Legality, in *Law and Globalization from Below* (Boaventura de Sousa Santos & César A. Rodríguez-Garavito eds., 2005), at 82-84.

political which are then taken up by lawyers to divert or bring attention towards this matter by filling case which result in media coverage, which then brings attention towards the issue and highlights them as well.¹⁵

Tactics used for Global Governance of Rights

As the public interest law and litigation have reached a global arena, the advocates are also accepting and incorporating various different tactics to fully utilize the broad spectrum of rules and power of enforcement which are provided by the legal pluralist system. The reason for utilizing these tactics is basically the national courts relatively lack the power or will to act on the matter due to various factors. These lawyers have started incorporating traditional forms of adversarial legalism with non-litigation techniques with a goal to achieve the interest of marginalized groups. These institutes and lawyers utilize legal hooks in collaboration with global strategies which sometimes means utilizing the soft domestic laws for enforcement of weak global norms for providing and enforcing basic human rights and social justice. Now what does this global strategy exactly means, the institutes and its lawyers use legal provision to start a legal battle, but along with it they utilize strategies like naming and shaming, broadcasting the human rights violation throughout the realm, pressuring the domestic government to accept the international norms and to ratify them by building pressure either through the general public or through political agents or even diplomatic relations for achieving their goal.¹⁶ This new and modern public interest law and litigation “utilize a multidisciplinary, multi actor, methodologies, process, practice tactics, experience and learning¹⁷” to support and promulgate their social initiatives for social, economic and human rights justice. Another aspect to these tactics being successful is the change in the dynamic of the word judiciary, where most of the judges have believed in the supremacy of the rule of the law and started moving towards becoming a welfare state.¹⁸ These dynamic changes along with these global tactics have been used to govern rights across the world.

Traditional Network

Another important aspect of global governance with the help of modern public interest law and litigation is the creation and the reliance on the transnational networks which cuts across multiple sectors and disciplines. Where this global network collaborates with organizations, civil societies as well as professionals for working towards a goal of global justice and human rights. These networks transmit information, share knowledge as well as foster political solidarity, also these networks bring different social, political and economic right activist groups together for claiming their rights and resisting the ongoing abuses. These networks work together and create a global resistance for achieving a system of global governance of right to achieve a world of justice.

Global Public Interest Law and Litigation

The evolution of public interest law from its emergence to current state is very disparate. The modern public interest law and its institutes encompasses transnational relations in context of political, social and economic, involves itself in sub-national as well as supranational advocacy and strives for transnational justice. The dynamics of the public interest law system has changed

¹⁵ Titi M. Liu, *Transmission of Public Interest Law: A Chinese Case Study*, 13 *UCLA J. INT’L L. & FOREIGN AFF.* 263, 284-93 (2008), at 289.

¹⁶ Beth Lyon, *Changing Tactics: Globalization and the U.S. Immigrant Worker Rights Movement*, 13 *UCLA J. INT’L L. & FOREIGN AFF.* 161, 186-95 (2008), at 177-172.

¹⁷ Raymond A. Atuguba, *Supra* note 13, at 103.

¹⁸ Helena Alviar, *The Classroom and the Clinic: The Relationship between Clinical Legal Education, Economic Development and Social Transformation*, 13 *J. INT’L L. & FOREIGN AFF.* 197 (2008), at 211-213.

due to the integration markets, people (migration) and human rights. When we closely we can bifurcate the integration into different aspects of the modern process and its components. Such as we can observe that the integration of economic markets has created a new transnational arena for the law, the migration or immigration has affected the increase of foreign clients and transnational legal claims and with the human rights movement transnational or sub-national norms of legal accountability and responsibilities has also evolved. The new modern process focuses on a single goal of providing global justice, in this process lawyers play an important role. These lawyers strive to work towards justice by exposing the social injustice across the ream, tries to bring a transnational social change and reform through this means and go beyond the domestic legal systems limits, this lawyers by the uses of this modern institutes mobilizes rights and creates a resistance against injustice and fight for global social change and enforcement of human rights. Furthermore, in this chapter we will look into different aspects and components of the modern or global public interest law and litigation.

Clients

The nature of engagement has changed since the modernization of the public interest and law, where a quantitative increase is seen in the migrations as well as immigrant people all over the world. This quantitative change is coupled with a more globally dispersed population and the emergence of undocumented, illegal and refugee entrants.¹⁹ This change in demographics have exposed these entrants to civil, political, and economic legal vulnerability which has resulted in the increase of public interest litigation for protections against this legal vulnerability and for providing civil, political, and economic rights of these entrants. Thus, in the global arena the major cliental for the global public interest litigation are these immigrants, illegal/ alien entrants, refugees, and undocumented workers. These entrants and workers have been provided with specific rights and protection, in many countries there are specific acts for the same however on ground level these entrants are the most vulnerable and exploited by the locals, regional or domestic government and even private sector agencies. Thus, since the quantity of these entrants is increasing all across the globe, the modern global laws and litigation are working towards protecting and providing these entrants and workers their basic civil, political and economic rights by utilizing the public interest law institutes at domestic as well as transnational or at an international platform.

Areas & Arena of Functioning

The public interest law in the present scenario has a multidisciplinary and multifaceted area and arena for its working. The outside-in and inside-out movement of economy and people at transnational level has even enlarged the scope and functioning of this public interest litigation.²⁰ For better understanding we need to understand what this movement means, outside in movement means the transnational flow of economic and migrated workers into a country. The outside in movement results in a situation where due to the necessity of these workers and the number of large influxes create a status of legal degradation which abuses the civil and economic rights of concerned people. Where on the other side in the inside-out movement private agencies or bodies and developed countries outsource their work and production unit to other countries for cheaper rates and low standard functioning framework for maximizing their profits. Here these outsourcing creates an outwards flow of economy on the primary stage but creates or mis-utilizes the lacunas or norms of other countries and violates human rights. This outward and inward movement and flow creates a scenario of inequality in the legal playing fields, where the rights of immigrants,

¹⁹ Jeffrey S. Passel & Roberto Suro, *Rise, Peak and Decline: Trends in U.S. Immigration 1992-2004*, at 13 (2005), also see Jeffrey S. Passel, *Pew Hispanic CTR., Unauthorized Migrants: Numbers and Characteristics* (2005), available at <http://pewhispanic.org/files/reports/46.pdf>, at 6 and 12.

²⁰ Scott L Cummings, 'The Internationalization of Public Interest Law' (2008) 57 *Duke LJ* 891, at 934.

labour and humans are violated. This creates an opportunity which has been fully utilized by the litigators where they strive to level the legal field by transnational and national cases, where they work towards upgrading the present system and to provide a level legal system for all. Furthermore, these lawyers fight and create a resistance against these abuses from below as well as above by promoting global and domestic governance on the basis of rule of law and international norms. This outward and inward movement along with unequal standard and legal norms has expanded the area in which the public interest litigation works and the arena in which public interest law functions. These areas and arenas of the global public interest law will be further discussed in this section briefly.

Area: The expanded area for functioning or working of the global public interest law can be further divided into two facets, first being regional and second The Globalizing World. Both these facets and its components will be discussed briefly for understanding the areas of public interest law in the current world order.

Regional Area of Functioning: The regional markets have also been integrated by the transnational movement. The integration has resulted in a creation of a unique relation between a market, domestic government, and other nations. Where the inflow and outflow of economics and migrants have evolved to a situation where human rights are being abused due to the lacunas of the current acts not being able to efficiently enforce or provide them due to involvement of multiple nations and countries. As a basic understanding has been created on the problem faced at a regional level, now let's look into the areas in the regional markets where these modern public interest laws function to provide justice. The regional areas incorporate labour, environmental degradation, and community development.²¹ Touching each regional area briefly, in the context of labour where few countries have cheap labour, others have a foreign permitted assembly plants where the unfinished goods are exported without any duty, some markets have low standards of health and labour norms which also create an environment of abuse of labour. Now for objecting against the abuse the laborers or organization have to file a complaint against their own government in another country's national administrative office due to unilateral trade or private agencies headquartered in another nation.²² In the context of the environment, due to transnational and Trans-border industries and production units, the pollution crates released by these units have become uncontainable. The fight against within the border pollution and transnational pollution has created a new sphere for public interest litigation.²³ In the context of community development, the new era litigants are trying to promote and support cross border community development by fighting and resisting abuse against basic human rights. These litigants through global tactics try to provide and enforce local communities in other nations with basic human rights and equality.

The Globalizing World: The dynamic change in the markets has created a regional practice which is played at a global stage. These developing markets integrated with many nationals have created

²¹ Id, at 935-949.

²² North American Agreement on Labor Cooperation, U.S.-Can.-Mex., arts. 3-4, Sept. 14, 1993, 32 I.L.M. 1499 [hereinafter NAALC]; see also Jonathan Graubart, "Politicizing" a New Breed of "Legalized" Transnational Political Opportunity Structures: Labor Activists Uses of NAFTA's Citizen-Petition Mechanism, 26 BERKELEY J. EMP. & LAB. L. 97, 98-99 (2005).

²³ Gaines, supra note 215, at 165 (reporting "a sharp increase in foreign direct investment flows to Mexico after NAFTA, nearly doubling the number of maquiladora plants from 2114 in 1993 to 3729 in 2001").

a production pattern which is being abused by the corporate for maximizing their profits. There are two main components of the globalizing world in context to modern public interest law and litigation. First being trade, the widespread use of free trade and open markets have created legal complexity for holding a corporate or an agency accountable across the regulatory norms. The second component is Aid, with the amalgamation of economic markets the beginnings of economic aid were seen for promoting and facilitating basic human rights for the marginalized societies. However, the same agencies which were made responsible for providing and supervising the aid were seen promoting projects which curtailed fundamental rights of those societies or communities. Thus, the globalizing world has created two important areas where the public law litigants are working for providing justice through enforcing basic human rights.

Arena: As the dynamic of functional areas of public interest law has changed, so as the arena of public interest law. In this current globalizing scenario public interest law is not confined to domestic courts and domestic laws used for proving justice within the territory. The current arena of public interest law covers the aspects of governance, extraterritorial legality, collaborations, law and development and the rule of law. In this section we will discuss briefly the arenas of globalizing public interest law and its working.

Governance: As national markets have been integrated into transnational or into a single market, lawyers through public interest law are trying to inject social standards into these trade regimes. These social standards or human rights are being injected into systems through multi-tier advocacy resulting in global governance through the means of public interest law.

Extraterritorial Legality: International institutes are trying to change the shape of international legal contours to expand the stakeholders input in the international trade regimes. With the creation of an integrated system through contracts, agreements and treaties between corporations, domestic government, and international institutes the lawyers have created a system of extraterritorial system where the stakeholders can raise their claims at international platforms against the social or economic abuse. This extraterritorial legality is creating a system where international bodies or other nations can be held accountable and can be sued for the abuse done by them.

Collaborations: As in this economically motivated global world, some political or governance institutes are themselves insulating the corporations or bodies inflicting abuse, for which the public interest lawyers are collaborating with various social or nonprofit bodies to fight against the abuse. This collaboration is not limited; it even includes private individuals and professional, civil bodies, enterprises, newspaper agencies etc. with the help of this network of collaborations, the public interest lawyers are documenting and reporting the abuse, calling attention towards the violators and monitoring compliance through global governance. An example of fighting abuse through collaboration was the El Monte Thai workers case, which held the foreign corporate accountable for their abuse in garment industry for running sweatshops.²⁴

²⁴ Katie Quan, Strategies for Garment Worker Empowerment in the Global Economy, 10 U.C. DAVIS J. INT'L L. & POL'Y 27, 29-30 (2003) at 32.

Goal: Global Justice

Public interest lawyers have always tried to redefine the legal foundation of a domestic court for promoting a liberal conception of individuals and societies rights and equalities.²⁵ This initiative of redefining the legal frameworks has seen the reason for initiation of many debates for deliberating on what are the true objectives of advocacy in a democratic legal system. This initiative has emphasized the role of lawyers as actors of social change. Lawyers working towards this cause have exposed the social injustice taking place across the geographical scope and have widened the scope of providing transnational social justice. Public interest lawyers have accepted the limits of the domestic legal system but also have utilized the global or transnational legal arena for providing or mobilizing legal rights and by fighting against the abuse. This section we will try to understand the end goal of these public interest lawyers as an agent for providing and promoting global justice.

Public interest law and lawyers' goal has always been to influence governmental power and to reconfigure governmental authority for promoting and enforcing basic human and social rights across the global arena. As we have seen that financial institutes and corporate bodies are influencing and dictating rules and norms from above, which has resulted in decline of domestic governments authority. This PIL and litigation have used alternative sources of powers to reinforce the system resulting in the promotion and enforcement of human and social rights. Even though new sources have been founded, it does not simply siphon power from domestic bodies. For these reasons the major goal of these PIL and lawyers are for establishment of proper regulations, their participation and resisting the abuse across the globe.

Regulations: Public interest law has seen a change, where the current system is shifting towards regulating the international framework by setting the economic rules for capital and labour. The current trend focuses on regulating the markets and areas which have escaped domestic or national control. Thus, lawyers have been involved in the design and forming a regulatory system that can work in both domestic and global arena on the basics of transnational cooperation for creating a flexible labour law, enforcing basic employment and labour rights, and to ensure basic human rights. This cooperation will affect both the international regulations as well as domestic regulations at grass root level as it is competent to redefine the domestic public interest as well as bring international pressure for re-regulating the norms and laws.

Participation: The public interest law and lawyers tries to remedy the deficiency of domestic political institutes by forcing or compelling them to participate in the global agreement and covenants to correct the deficit within their system.²⁶ The best tactics to penetrate the global or domestic governing institutes are through formulation of agreement and covenant at international level. Through this agreement the lawyers can try and facilitate governance of basic human and social rights while influencing domestic law makers into design regulations and systems. This participation of nations and international bodies helps build pressure and authority at the global arena, to operate with greater authority in the interest of all.

²⁵ Orly Lobel, *The Paradox of Extra-Legal Activism: Critical Legal Consciousness and Transformative Politics*, 120 HARV. L. REV. 937, 949-50 (2007).

²⁶ Alfred C. Aman, JR., *The Democracy Deficit: Taming Globalization Through Law Reform* 75 (2004)

Resistance: public interest lawyers are utilizing international norms and regulations instead of federal or domestic norms for fighting and resisting against abuse. These lawyers are resisting the abuse and fighting against the same by the use of international norms, and they have been more successful in using these moral authorities of human rights to mobilize international opposition and cooperation against the abuse of human and social rights taking place in a national or region. The changes from utilizing federal laws and regulations to international norms have helped the lawyers get a better result in all aspects. Successful litigation efforts against the abuse of human rights by this resistance can be seen in the Guantanamo case.

Conclusion

“The true success of the public interest law enterprises is demonstrated by its ability to motivate lawyers to adapt a device the practice to meet today’s challenges with today’s tools”.²⁷ And the public law institutes and its lawyers have truly emerged successful, by adapting and overcoming the limitations of domestic or national legal systems and utilizing the global tools, norms and tactics present to protect, enforce and preserve the rule of law and human rights. The public law institutes have also emerged successful by curbing and fighting against human rights and economical abuse against the marginalized to the curb, though the same still prevails but with the global institutes of public interest law and governance, in coming time it will be annihilated. However, we need to understand that public interest law and its movements legal victories are not etched in stone and must be monitored and protected from counterattack to be sustained.

²⁷ Louise G Trubek, 'Public Interest Law: Facing the Problems of Maturity' (2011) 33 UALR L Rev 417.