Justice Deferred: Transnational Lawyering and the Bhopal Gas Tragedy, 30 Years On

BY PROFESSOR UPENDRA BAXI

DATE Monday, 6 July 2015
TIME 5.00 PM - 7.00 PM
LOCATION Nash Lecture Theatre, 2nd floor, King’s Building, Strand Campus

ABOUT THE LECTURE
In his lecture, Professor Baxi revisits the legal aftermath of the disastrous accident at the Union Carbide pesticide plant in Bhopal, India on 2-3 December 1984, which killed thousands and exposed some 500,000 persons to Methyl Isocyanate (MIC) gas. Repudiating Ulrich Beck’s thesis of a ‘life in a world of side-effects’, Professor Baxi reminds us of the catastrophe’s presence, which today, three decades later, expresses itself through genetic mutations, a continuing health crisis and a largely still unresolved legal conflict. Despite the introduction of the principle of ‘absolute multinational liability’, not only were the compensation payments – by any account –insufficient, but questions regarding ‘forum non conveniens’, parent liability and adequate levels of human rights protection against multinationals’ foreign operations remain as urgent as ever.

The lecture explores the ethical provocations arising from Bhopal in light of the objectives of the Transnational Law Summer Institute and raises the question why we pay so little attention to the actual operation, the neo-liberal politics and the colonial origins of the so-called private international law (PIL). With its spawning forum and lex loci delicti doctrines and its choice of law and enforcement of foreign judgments rules, PIL is a sobering example of ‘disciplinary globalization’.

AFTER THE LECTURE
Professor Upendra Baxi is Professor emeritus at Warwick University, School of Law. Professor Baxi graduated from Rajkot (Gujarat University), read law at the University of Bombay, and holds L.L.M. degrees from that University and the University of California at Berkeley, which also awarded him a Doctorate in Juristic Sciences. He has been awarded Honorary Doctorates in Law by the National Law School of India University of Delhi, Bangalore, and the University of La Trobe, Melbourne. He began his law teaching career in the Department of Jurisprudence and International Law at Sydney Law School (1969-1973), and served as Professor of Law, University of Delhi (1973-1996.) He also served as the Vice-Chancellor of Delhi University (1990-1994), as well as the Vice-Chancellor, University of South Gujarat, Surat (1982-1985), the Honorary Director (Research) of the Indian Law Institute (1885-1988), and the President of the Indian Society of International Law (1992-1995.) He also was Professor of Law at the University of Warwick from 1994 (and an Emeritus since 2009) and is an honorary professor of the National Law School of India University (Bangalore); the National Academy of Legal Studies and Research (NALSAR, Hyderabad); the National Law University (Delhi), and the Gujarat National Law University (Gandhinagar).

Professor Baxi has taught various courses in law and science, comparative constitutionalism, legal theory, and comparative social theory of human rights at the University of Sydney, Duke University, Washington College of Law, The American University; the Global Law Program at New York University Law School, and the University of Toronto. He has been Director’s Guest Fellow at the Nantes University Institute of Advanced Studies, and a senior fellow of the Institute of Law as Culture at the University of Bonn. His research contributions lie in the areas of Third World and International Law theory and movement, sociological studies of human rights and psychology, transformative and adjudicatory policymaking, and critical studies of globalization of law. He has also contributed significantly to the renovation of law teaching and research in South Asia. Recent publications include Aspects of Justice: A Tale of Three Cities (forthcoming, 2015), The Future of Human Rights (2008, 3rd edition; reprinted Perennial Book Series, 2013) and Human Rights in a Posthuman World: Critical Essays (Oxford University Press, 2007)

OTHER LECTURES IN THE TLSI DISTINGUISHED LECTURE SERIES
Law and Interdisciplinarity: Law & Society and the Future of “Law in Context”
LECTURER Professor Eve Darian-Smith
DATE Wednesday, 8 July 2015
TIME 1.30 PM - 2.15 PM
LOCATION Nash Lecture Theatre, 2nd floor, King’s Building, Strand Campus

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