Innovation
Knowledge
Development

Global Justice: From Theory to Development Action

IKD Working Paper No. 44

February 2009

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Abstract: One of the new forces likely to influence the future of global change and re-shape development agendas is the growing theory and practice of global justice. The latter is founded upon the moral and political claim that, in today's globalising world, our duties and obligations to other persons extend beyond state borders. Two frontiers of the current theory and practice of global justice are poverty reduction and environmental sustainability. The aim of this paper is to synthesise the discussion of emerging theory and practice of global justice that took place in the 2008 DSA annual conference. The focus is on particular cases of poverty reduction and environmental sustainability such as the Jubilee 2000 Debt Cancellation, Make Poverty History, and the campaign for farmer's rights. The argument of the paper is that global justice is both a normative claim and an instrument of social and political action. This is clearly reflected in campaigns for and debates on extending the idea of fairness beyond state borders.

1. INTRODUCTION

One of the new forces likely to influence future of global change and re-shape development agendas is the growing theory and practice of global justice. The latter is founded upon the moral and political claim that, in today's globalising world, our duties and obligations to other persons extend beyond state borders. Global justice marks the shift from a Hobbesian perspective on international development to a Kantian one. The latter is more cosmopolitan and less statist than the former. Indeed, recent commentators on global justice such as Amartya Sen (1999), Martha C. Nussbaum (2000) and Thomas Pogge (2002) argue that although we have special connections with those in relation to us, we also have relations to the humanity as a whole. These relations raise the issue of our obligations to the global citizen. The question is not only what our obligations are in abstract but also what we can practically do to help. Two frontiers of the current theory and practice of global justice are poverty reduction and environmental sustainability. Poverty reduction is not just a necessity of development but a fundamental presupposition of freedom. Environmental sustainability, on the other hand, is a source of human life and well-being in general. Poverty and environmental problems are interrelated. For instance, with environmental catastrophes several poor communities in the globe come under threat from famines and diseases such as malaria and cholera. Large inequalities in the distribution of global wealth and environmental resources raise a number of questions: what does global justice require in terms of poverty reduction and environmental sustainability? How can the global justice requirements for poverty reduction and environmental sustainability be practically met in the absence of a global political state? How global economic and environmental justice can re-shape international development agendas?

The aim of this paper is to provide some initial answers by synthesising part of the discussion of emerging theory and practice of global justice that took place in the 2008 DSA annual conference.[1] The focus is not just on frontiers of global justice in general but on particular cases of poverty reduction and environmental sustainability: Jubilee 2000 Debt Cancellation (J2K); Make Poverty History (MPH); and the debate on farmer's rights. It will be argued that global justice is both a normative claim and an instrument of social and political action. This is clearly reflected in campaigns for and debates on extending the idea of fairness beyond state borders. The campaigns for J2K and MPH and the debate on the recognition of farmers' rights to compensation of crop genetic resources are clear cases of global justice. These cases provide insights on how a combination of normative and instrumental thinking about fairness in global scale can influence the direction of contemporary development and facilitate change.

The argument is developed as follows. Section 2 critically summarises the key positions of the contemporary theory of global justice. Section 3 applies this theoretical framework to understand the paradox of global justice as both a normative theory and an instrument of development action. Section 4 looks at environmental sustainability and particularly the case of debate on farmer's rights. Section 5 concludes that the normative and instrumental power of the concept of global justice might constitute one of development's visible hands.

2. THE THEORY OF GLOBAL JUSTICE

The debate of global justice is very recent. Until a few years ago, political theory and practice were mainly preoccupied with domestic justice within the state. This is not to say that there was a total lack of interest in matters of international justice. For instance, as early as 1651, Thomas Hobbes (1991), in his *Leviathan*, discussed the issue of legitimate state authority and rejected the idea of justice in international affairs on the grounds that lack of global state makes the moral evaluation of nation-state actions impossible. Later, in 1795, Kant (2008), in his *Perpetual Peace*, argued that international justice is possible even in the absence of a global state. However, what most political theorists after Hobbes and Kant had to say about justice and what activists had to do in order to justify their campaigns for development did not extend to considerations of global justice. Only very recently this has changed with consequence the growing literature on questions of distributive justice in a global civil society and the emerging development action based on principles of global justice.

In terms of theory, proponents of global justice such as Thomas Pogge (2002), Charles Beitz (1999), Brian Barry (1995) and Onora O'Neill (2002) reconstruct the Kantian cosmopolitan tradition. For instance, O'Neill suggests us to look beyond the boundaries of state, endorsing the Kantian principle of autonomy that demands actions be based on maxims that can be universalised. In her view, this does not imply that we should adopt a wholly abstract or moral cosmopolitanism but rather more practical and more philosophically rigorous cosmopolitanism based on basic obligations instead of goods or rights.

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[1] This paper does not include the discussion on health and global justice that took place in the 2008 DSA conference.

Generally speaking, cosmopolitans try to address three fundamental questions: who should be governed by a global theory of distributive justice? What should be fairly distributed? How should goods be distributed? Addressing the first question, cosmopolitans are clear that '…the duties are owed to individuals (and not to states)' (Caney, 2005: 105). This is not surprising since the majority of cosmopolitans are liberal thinkers who defend a package of civil and political human rights accompanied with an egalitarian distributive programme. Addressing the second question, some cosmopolitans (Pogge, 2002; Beitz, 1999) argue that what should be fairly distributed are resources while some others (Singer, 2008) insist that global principles of distributive justice should be concerned with welfare. Also, a third school of cosmopolitan thought (Sen, 1999; Nussbaum, 2000) maintains that global justice should be concerned with people's capabilities to function. Addressing the third question, cosmopolitans find themselves in disagreement as to whether goods should be distributed equally to all or according to merit or according to particular needs. For instance, Pogge defends a 'global resource dividend' that requires that people should be taxed for using natural resources and the proceeds spent on global poor. Beitz, on the other hand, maintains that John Rawls's 'difference principle' according to which 'social and economic inequalities are to be arranged so that they are both (a) reasonably expected to be to everyone's advantage, and (b) attached to positions and offices open to all' (Rawls, 1972: 60)[2] should be extended to the global level.

Although, in his *The Law of Peoples*, Rawls (2008) explicitly rejects the cosmopolitan relationship between 'global and domestic' political theory, Pogge and Beitz insist that a global theory of justice can only be Rawlsian in its institutional principles. This is of course a problematical position since what matters for Rawls is justice within peoples' societies and not the well-being of individuals. Specifically, his theory he distinguishes between two kinds of peoples: 'liberal peoples' and 'decent peoples'. The first kind of peoples is liberal and has developed constitutional regimes while the second kind of peoples is illiberal but has respect for the rule of law. Liberal peoples and decent peoples constitute what Rawls calls the 'Society of Peoples' that is bound by the 'Law of Peoples'. As he (2008: 217) explains, 'By the "Law of Peoples" I mean a particular political conception of right and justice that applies to the principles and norms of international law and practice. I shall use the term "Society of Peoples" to mean all those peoples who follow the ideals and principles of the Law of Peoples' in their mutual relations'. In Rawls's account, the ideals and principles of the Law of Peoples are chosen by representatives of liberal peoples in a second-level original position that '…the only alternatives for the parties to pick from … are formulations of the Law of Peoples' (ibid: 229).

However, being a consistent Kantian, Rawls accepts that a world government is not necessary for the application of the chosen formulation of the Law of Peoples. As he says, 'Here I follow Kant's *Perpetual Peace* (1795) in thinking that a world government – by which I mean a unified political regime with legal powers normally exercised by central governments – would either be a global despotism or else would

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rule over a fragile empire torn …' (Rawls, 2008: 228). Other theorists take a different position. For instance, Thomas Nagel (2005: 121) argues that '…the requirements of justice themselves do not … apply to the world as a whole, unless and until, as a result of historical developments…the world comes to be governed by a unified sovereign power'. From this it follows that enforcement of obligations of global justice could only be politically legitimised in terms of a unified sovereign power. As Nagel (ibid, p.138) again observes 'Current international rules and institutions may be the thin end of a wedge that will eventually expand to seriously dislodge the dominant sovereignty of separate nation-states, both morally and politically, but for the moment they lack something that according to the political conception is crucial for the application and implementation of standards of justice: they are not collectively enacted and coercively imposed in the name of all individuals that carries with it a responsibility to treat all those individuals in some sense equally'.

Rawls's and Nagel's critiques of cosmopolitanism are powerful but not without problems. For instance, cosmopolitans such as Caney insist that Rawls's position is difficult to maintain. 'First – Caney says - we might ask why 'peoples' occupy this special position in his theory in contrast with every other social organisation (such as family or a religious community or a federal unit in federation)? …Second, we might question whether it is coherent to care about intra-societal justice independently of, and rather than "the well-being of individuals" (Caney, 2005: 272). Both questions attack Rawls's preoccupation with the basic structure of social co-operation that cannot be extended to the global level.

Cosmopolitans, of course, also reply to critiques of their global politics. Thus, Held (1995: 279) and Caney (2005: 161) stress that there are alternatives to a 'purely statist world order' and call '…for democratically elected global and regional supra-state political authorities standing over and above states'. They also agree with Daniele Archibugi (1995) that the United Nations should be reformed so that a directly elected second assembly could be developed.

3. POVERTY REDUCTION: THE CASES OF J2K AND MPH

In terms of development action, the contemporary debate on global justice and cosmopolitanism has been influential. The endorsement of cosmopolitan ideals such as civil and political rights and global economic justice have mobilised action. Specifically, during the last decade, there has been an increased level of transnational organisational networking for the purpose of political mobilisation around development issues. 'Justice' has been a uniting force in campaigning over the last decade, and according to many, a Global Justice Movement (GJM), or a 'movements of movements' (a term used to describe a loose configuration of organisations, campaigns, and connections between organisations and individuals) has arisen (Hintjens, 2006). The term 'justice' is being used by issue based networks/campaigns, by anti-capitalist groups, as well as other issue focused groups.

Take the case of J2K; it comprised of a network of over 60 different national networks advocating for debt relief and cancellation. J2K had a presence on all continents and staged a very public campaign with a broad and vast level of public support, as well as highly professional analytical and lobbying strategies. The campaign originated in the UK in the mid 1990s and by the year 2000, the UK

network of J2K alone had a membership of over 70 organisational members comprised of NGOs, trade unions and church groups. The timing of the J2K campaigns was pivotal to its success - the millennium was an opportunity to remind people of the Judeo-Christian Jubilee principle, that of freeing all slaves and forgiving all debts every fifty years. The 'injustice' of repayment of developing country debt was the catalyst for bringing disparate groups under the debt cancellation transnational network-of-networks umbrella (Yanacopulos, 2009).

Another case is MPH; it was started by Comic Relief, Oxfam and the Trade Union Congress (TUC) and was launched in January 2005 by Nelson Mandela, and the campaign aimed to secure changes to G8 policies in 2005. In the UK, there were more than 500 organisational members in the MPH network (made up of charities, religious groups, trade unions, NGOs), and a great deal of individual support. In April 2005, 25,000 people attended an all night vigil in Westminster, and 250,000 people marched in Edinburgh on 2 July before the G8 meeting. Half a million people signed up to the MPH website and over 8 million white wristbands were given away or sold during 2005 in the UK alone.

Both J2K and MPH were extremely successful, not necessarily in achieving their stated aims, but in the mass mobilisation of publics around global economic justice issues such as poverty reduction. Therefore, it might be argued that the 'global justice' frame was very important. Framing is a system of interpreting, understanding and responding to events (Goffman, 1974 and 1986). Elements of framing within campaigns include: the definition of an issue as being problem; the articulation of a blame story; the suggestion of a solution; and motivating a moral appeal around this problem. Frames are not stagnant, but are continuously negotiated. Thus, frames must be broad and inclusive to allow for mass mobilization. In the case of the J2K and MPH coalitions, the importance of framing cannot be overstated as a strategy; the 'justice' frame was essential in building the network-of-networks coalition structure which was fundamental in their success (Yanacopulos, 2004; 2009). The utilisation of this 'network of networks' organisational involved a number of different key features: co-ordination which invariably requires a type of secretariat or co-ordination body; utilisation of media personalities; the employment of emblems or symbols of the campaigns; the utilisation of the Internet to enable rapid dissemination of campaign information about key issues as well as campaign 'actions'; and finally, the use of the frame of justice to mobilise vast support.

Why was it necessary to reframe poverty reduction using a global justice frame in these campaigns? One factor has to do with the explanation of the root cause of poverty – mainly that the poor are poor because they are unlucky, victims of their government and corruption. Victimhood inspires a sense of empathy and pity, something that has been used as a fundraising mechanism for decades. Lu (2000:262) suggests that charity results from the mistaken conception of distant injustice as "misfortune". An alternative explanation of poverty would be that international structures have caused and perpetuate poverty, and that it is difficult for developing countries and the people who live in them to break out of this poverty.

The justice frames developed by J2K and MPH were predominately Rawlsian, based on principle of fairness. For instance, Pogge argues that statistics have shown that levels of global inequality have dramatically risen (more than doubled) during the last

'development decades', and that rich countries have benefited greatly from these relationships. Pogge's argument follows that wealthy countries have an outcome responsibility to poorer ones. His conception of justice and poverty is that it is imperative that international and global structures must change to rectify the unjust relations which currently exist. Proximity or distance should not influence ones responsibilities. In thinking this way, we have the same connections to distant others, that we do to our neighbours.

J2K and MPH have shown us that the influence of these campaigns has come from a vast and diverse membership base. They have illustrated how the scaled up network-of-networks structure can have advantages over other forms of organization in mobilizing publics around international justice based issues. The powerful frame of justice has been pivotal in mobilization, but whilst this scaling up can be effective, it is not problem-free.

The primary problem in using a justice frame has been that there have been vast differences in how 'justice' has been defined and consequently how that frame is being interpreted and translated to actions by development actors. Whilst the J2K campaigns were based on the idea of justice, ideological differences between various groups within the campaign developed fairly early on, playing themselves out broadly in a North / South split. One activist claimed that "the distinctions between debt 'relief' and debt 'cancellation' seem to play a key element in how the discourse affected the chasms between the groups"(J2K-1). Keet (2000: 466) attributes this ideological difference to northern activists still being motivated by 'charity', but which would "not end the suffering of the poor as long as it does not tackle the multiplicity of causes of that suffering, which include the roles of their own governments, banks, and other lenders, as part of the sources".

During the course of the debt campaigns, these schisms became more evident. One illustration of the divisions was after the G8 announced the $100 billion promise of debt cancellation at the G8 summit in Cologne. One part of J2K issued a press release stating that this was a good thing, whereas another part of the network proclaimed this as a defeat, as not all the debt was being cancelled (J2K-1). The primary divisions revolved around two key points – one was that a debt campaign should not have an end date of 2000 (the argument being that the 'north' will move on to something else, will have 'done debt', where as debt remains a long term problem in the south). The second divisive issue is highlighted by the relief / cancellation issue and conceptions of justice. Jubilee South members have argued that some J2K members are happy with debt relief, which has been seen as a form of charity – not structural change. Additionally, there were also tensions around who 'owned' the campaign – where there was criticism within the network of it being a northern campaign imposed on the south (J2K-1). One member of the Tanzanian debt cancellation networks also put the tensions and divisions between the international J2K network and Jubilee South down to a matter of diverse coalition membership, arguing that this was inevitable given that the network was made up of different types of organisations – lobbyists, activists, practitioners, and some opportunist NGOs – who have different world views, aims, and ways of operationalising 'justice' (J2K-4).

The ambiguity around global justice actions was also evident in MPH during the Live8 concerts in July 2005. The original simultaneous LiveAid concerts had the

explicit function of raising funds for the Ethiopian famine in 1985. However, Live8 in 2005 was linked to MPH and was not about fundraising, but about taking actions against injustices.[3] During the concert, viewers were shown images of Africa, portraying it as a helpless continent, instead of explaining the reasons why Africa is getting poorer (Glennie, 2006: 260). Whilst charity might be an appropriate response in particular situations, the aim of the MPH was justice, and here we find the ambiguity. There were limited (if any) explanations during the concerts about the causes of the injustices, and concert organisers told performing artists specifically not to criticise the UK government during their acts. If the aim of the concert was to make sure that everyone (albeit at a superficial level) had heard of the G8, then Live8 and MPH were successful (Darnton, 2006:10). However, a report analysing different elements of the MPH campaign has concluded that MPH's mass learning was shallow; the qualitative research suggests that the public's understanding of the three core campaigning areas of debt, trade and aid did not advanced during 2005 (Darnton, 2006:7).

From the experience of the two campaigns, the use of the frame of global justice was a powerful and effective mobilization tool as well as a positive move in how to define and frame the issues of vast global inequalities. However, the different ways that justice has been interpreted has caused problems in translating the campaigns into justice based actions.

4. ENVIRONMENTAL SUSTAINABILITY: THE CASE OF DEBATE ON FARMERS' RIGHTS

The idea of environmental justice is based on the comprehension that humans do not affect the environment in similar ways, and the environmental consequences they have to endure considerably differ (Boyce et al, 2007). Jamieson (2007: 98) highlights the multidimensionality of the idea of environmental justice, as "It concerns the distribution of the benefits and burdens of our interactions with the environment, the need for participation in decisions that concern the environment, and the importance of expanding of our conception of who is within the domain of justice."

The conservation of crop genetic resources is one of those areas where broad questions about justice become crucial. Conservation of crop genetic resources as part of agricultural biodiversity is crucial for long term global food security. Particularly small farmers, in centres of origin and diversity of genetic resources, mainly located in the global South, maintain a wide range of traditional varieties, which are the major components of this diversity. As Perrings and Gadgil (2003: 532) emphasize, conservation of biodiversity is a public good that provides significant benefits across time and space, and "loss of biodiversity causes long term damage to people's health and food security". The cultivated diversity is different from wild biodiversity in that *in situ* (or on-farm) conservation of cultivated diversity requires the continuation of the agricultural activities of farmers. Brush (2003) emphasizes that in centres of diversity, the primary "stewards" of crop genetic resources are poor farmers, yet, while these farmers provide a very significant global public good, the conditions of

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[3] Whist officially, MPH messaging was focussed on justice, there were some MPH members who still relied on portraying Africa as a helpless continent (Glennie, 2006, 260).

their existence are increasingly challenged by globalized markets and the pressure for competition with which their production processes cannot compete.

The increasing perception by the international community of the threats to biodiversity caused by human activities led to the adoption of the Convention on Biological Diversity (CBD) opened to signature at the 1992 United Nations Conference on Environment and Development. While the CBD provides a general framework for the conservation of genetic resources and the fair and equitable sharing of benefits that arise out of the utilization of these resources, the Food and Agriculture Organization (FAO) has been a major arena where intense discussions have taken place on cultivated genetic resources in particular. In this context, the long debate on the recognition of the contribution of small farmers via the notion of 'farmers' rights' has culminated in Food and Agriculture Organization's (FAO) International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA), which entered into force in 2004. In relation to farmers' rights, the Treaty recognizes the "enormous contribution that the local and indigenous communities and farmers of all regions of the world, particularly those in centres of origin and crop diversity, have made and will continue to make for the conservation and development of plant genetic resources which constitute the basis of food and agriculture production throughout the world".[4] The Treaty gives the responsibility for implementing farmers' rights to governments, which include the protection of traditional knowledge, the right to equitably participate in sharing benefits arising from the utilization of plant genetic resources, and the right to participate in national decision making about plant genetic resources.[5] However, the debate about the mechanisms by which such implementation will be realized, and how and to what extent the current framework of farmers' rights will fairly reward farmers for their contribution to this crucial global public good continues. In the existing framework, farmers' rights will be determined at the national level (Brush, 2007), where it remains largely unclear how the states will negotiate with the farmers on how these rights will be implemented. Also, in its current form, the implementation of farmers' rights requires the identification of those farmers or communities who maintain a particular crop genetic resource. Yet, this is full of complications, given the collective nature of cultivation practices.[6]

A broad notion of farmers' rights which ensures the provision of conditions that will enable farmers to continue their cultivation practices and maintain a sustainable livelihood at the same time is of crucial significance from a global environmental sustainability and justice perspective. This requires an understanding which does not merely rely on the material compensation of the farmers for their contributions. Indeed, NGOs which advocated and campaigned farmers' rights viewed them as a "bundle of rights" (GRAIN, 1995, quoted in Fowler, 2004: 616), encompassing (but not limited to) rights to socio-economic equality and development (Zerbe, 2007). Viewed as such a broad set of rights, the actualization of farmers' rights requires a global justice framework that comprises the equal distribution of benefits and burdens, as well as ensuring the participation in decision making processes of those

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[4] FAO, (2001), International Treaty on Plant Genetic Resources for Food and Agriculture, Article 9.1.
[5] Ibid, Article 9.2.
[6] For a discussion of the collective nature of crop genetic resources, see Brush (2007). For example, he notes that exchange and seed flow between farming communities may create disputes as one of the communities claim for rights to a particular crop resource can be challenged by another community (Brush, 2007).

who are directly affected by them. This is fundamental given that the farmers who conserve crop genetic resources by their cultivation of traditional varieties are under increasing pressure due to agricultural liberalization policies over which they have no control, which endanger the continuation of these practices, and which further push these farmers to the margins. Brush (2007) argues that the ITPGRFA does not adequately address the obligations of industrial and developing countries to support conservation of crop genetic resources. His suggestion is a benefit sharing mechanism that is based on the "traditional transfer of international capital: development assistance focused on programs to improve rural incomes in genetically diverse farming systems", which can be "justified as part of the reciprocal obligations of industrial countries to developing countries." (Brush, 2007: 1511).

In this context, the debate on farmers' rights has opened a critical space in the struggle for the recognition of the contributions of small farmers in centres of diversity. The limits of an approach that simply foresees the compensation of these farmers notwithstanding, the debate laid out a framework of farmers' rights as an extensive set of rights which should ensure a sustainable livelihood to those farmers in centres of diversity who maintain crop genetic resources. As such, an approach which incorporates a long term commitment to provision of global justice by directly addressing the problems of global inequality will be extremely crucial for the realization of farmers' rights.

5. CONCLUSION

Global justice is not just an abstract ideal. Rather it is a concrete concept with both normative and instrumental power that can mobilise development action. Although cosmopolitan theorists provide different answers to questions of what and how goods should be fairly distributed, they all agree that it is humans and their societies who should be governed by principles of global justice. That is to say, for them, state borders are not of moral importance. Cosmopolitans call into question the historically developed dichotomy between moral principles appropriate to the domestic realm and those to the global realm (Caney, 2005). It is the negation of this dichotomy that mobilised movements such as J2K and MPH and influenced the debate on farmers' rights to fair reward for their contribution to environmental sustainability.

Global justice, whether rights-based or contract-based or consequentialist, requires universality. In this sense, moral demands such as dept relief or cancelation, and recognition of farmers' rights to fair reward are framed as demands of global justice which can engage the publics of different countries in social and political action. This can potentially change the course of development not as an invisible hand but as a visible and intended process of social and political struggle. For instance, both J2K and MPH campaigns contributed in changing the publics' perception of development from a pure economic issue to a moral and political issue. They also raised awareness and pushed towards identifying and applying universal principles of global justice. Similarly, the framing of farmers' rights as rights that foresee the equal distribution of benefits and burdens of our environmental interactions could potentially push for change in the direction of global justice.

Certainly, the theoretical divisions between global justice writers and the praxeological schisms between global justice activists minimise the chances for

development of a strong and unified GJM. This, however, does not minimise the importance of global civil society campaigns and debates which respond to calls for taking up the challenge of global politics of development. Rather such campaigns and debates constitute new forces which already influence global change.

Probably the Achilles' heel of global justice requirements is how they can be practically met in the absence of a global political state. Although cosmopolitans such as Held (1995) and Caney (2005) criticise the statist world order and suggest democratically elected political authorities centred in the United Nations, further work is needed to construct and defend a plausible theory of global politics.

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<u>Interviews</u>

J2K-1 Personal interview conducted in Johannesburgh, South Africa, 25 March 2003.

J2K-4 Personal interview conducted in Dar es Salam, Tanzania, 22 March 2003.