

information and get a referral to a lawyer if it all gets too tricky. These DIY sites are pretty user friendly and have an increasingly large set of precedents. They are also very cheap when compared to accessing traditional legal services. There are also a number of subject specific DIY sites, such as websites designed to provide assistance with wills or family law advice.

Also emerging are more complex types of DIY services which are designed to deliver legal expertise in a new manner. For example, many law firms are developing software solutions to deal with the legal side of business such as compliance programs and document management. Some of these services are web-based and general; although many are developed especially for the client. Whether these DIY sites and on-line referral services actually attract clients away from the present "mainstream" legal profession is the burning question (for which there is no present answer).

There are also sites where a virtual legal marketplace has been created. One example is the site firstlaw.co.uk which is a legal work bid site. The basic

idea is that a client can register a job on the site and law firms bid for the work. This form of virtual tendering theoretically allows the client to choose the best firm in the world for the job and opens up opportunities for client and lawyer.

The internet is also being used as a means of dispute resolution: cybersettle.com delivers automated claim settlement. This type of dispute resolution must be easy to use and efficient in order to work in the long-term, but it has at least the potential to bring a new meaning to international dispute resolution.

Other, more novel types of legal services include 'internet exchanges'. These are virtual marketplaces for buying and selling what are known as "knowledge objects", including legal knowledge or commercial rights. For example: at pl-x.com a virtual marketplace for intellectual property has been created; digital knowledge is traded at knexa.com. Buyers and sellers are brought together in a virtual forum to conduct business. This "cutting out of the middle man" is likely to be adapted further in the future as there are obvious cost and

time savings. These types of sites could be seen as a threat to traditional law firm business, especially if legal advice is traded, which happens already at knexa.com.

Conclusion

Globalisation is affecting the way lawyers practice and is an impetus for the development of new services. The needs of clients are driving the changes. The use of the internet means that legal services are beginning to be delivered by non-lawyers. Whilst this may be a threat for law firms, it could be a boon for clients. Globalisation could be seen as a means of introducing competition to what has been a relatively closed market by promoting client choice. Whether the global strategy is physical (by mergers or other similar means) or virtual, the degree to which clients take up these services and their level of satisfaction will decide whether or not the strategy is successful and whether these trends are here to stay.

globalisation

can the law keep up?

by Anna Skarbek

You can sit in your living room watching a documentary about camels in India, you can fly to Prague, you can find imported goods from all over the world in shops in Australia. Trade and travel are global, but living standards and human rights are not crossing borders as readily. Globalisation is being heralded as a creator of growth and opportunity, and for many, this is so. However the 'many' who benefit most are the 20,000 multinational corporations ("MNCs") who account for between one quarter and one third of all global output, and 70% of international trade.

The law is not keeping up with globalisation. To MNCs, globalisation means opening up access to countries where costs of operation are lower. Why are they lower? Usually because the country of 'opportunity' has weaker laws (or none at all) concerning issues like labour conditions and environmental protection. MNCs have realised that by pushing for open access to other nations, they can move into countries without established laws to protect individual rights and environmental standards, thereby taking advantage of cheap manufacturing costs.

Globalisation is creating a playing field in which the absence of legal protection for significant sectors of society is a competitive advantage. It is cheaper to pollute than to become a clean, green manufacturer; it is cheaper to manufacture in jurisdictions that do not require superannuation payments or overtime or sick leave. Developing nations who now find themselves on the same 'level playing field' as the vastly better resourced developed nations have no option but to compete on price. It becomes a "race to the bottom" to attract investment from MNCs. The economic

woes of developing countries can mean the governments seek investment as the overriding priority, but don't have the power to control the way in which domestic investment is regulated. It is a difficult situation, summarised by an Indian proverb: "The only thing worse than being exploited is not being exploited at all".

The result of this is that shoe manufacturers can set up factories in Asia where workers work a compulsory 7 day week without rest, with strictly enforced targets. Mining companies operate mines in developing countries that have no effective law to prevent the pollution which poisons rivers and destroys ecosystems. Oil companies are able to construct oil pipelines in Africa which displace thousands of local people without satisfactory compensation or equitable shares in the profits.

The law is not keeping up with MNCs because they are only subject to the domestic laws of the country in which

their operations are located. Corporations cannot be brought before the ICJ (International Court of Justice).

But it need not be all gloom and doom. It is possible for globalisation to bring about a rise of standards rather than a fall. For example, financial markets around the world are rapidly tightening their prudential regulations because big investors will refuse to trade through these markets unless the safety and security of transacting via those markets can be assured. Consumer pressure has led to 'dolphin friendly' tuna labelling, creating a competitive advantage for companies boasting this. Informed consumers have effected a change in behaviour where the law failed after the WTO refused to allow countries to ban imports of harmfully-fished tuna.

As citizens of a relatively wealthy country, we have a responsibility to ensure that globalisation is not simply an opportunity for MNCs from developed nations to gain cheap

access to poorer nations without any care for the people or natural resources that facilitated their profits. This responsibility falls on us as consumers, as members of corporations, and as individuals - particularly as we are beneficiaries of global trade. As consumers, we must become more aware of the origin of the products we buy, and of the impact the manufacturing process had on the environment and the workers. As members of corporations, we must be energetic in monitoring our companies' performance and question them by letters and attendance at meetings. We must also ensure that our own government shows leadership on this issue both in the domestic and international arenas. The law is struggling to keep up with the pace of MNCs on their globalisation push - we must play our own part in exerting influence on them.

international impact

by Jacqui Boymal, Manager, Young Lawyers' Section

It is very easy to become engrossed in the day to day pressures of life as a young lawyer and forget about the bigger picture. However, by joining an international legal organisation, you can utilise your legal prowess to contribute to the profession on a world wide scale.

The following international legal organisations welcome the involvement of young lawyers:

The Australian Red Cross - International Humanitarian Law Department.

The International Humanitarian Law Unit (IHL) focuses on protecting victims of war and limiting the

methods of warfare, by promoting adherence to the Geneva Conventions during times of conflict. This subsection of the Australian Red Cross ensures that the Victorian public understands the concept of IHL by disseminating information to the media, the Australian Defence Force, Red Cross members, students and non-government organisations.

Young lawyers may become involved in this organisation by joining the IHL Committee. Law students are also encouraged to participate in the IHL's annual Essay Competition. Alternatively, students may apply for positions as winter or summer interns. For further information please contact Jim Blackwell on 9685 9840 or by e-mail at jblackwell@vic.redcross.org.au

International Association of Young Lawyers

The International Association of Young Lawyers (AIJA) is an apolitical organisation promoting mutual cooperation and understanding amongst young lawyers worldwide. The AIJA provides a vehicle for young lawyers looking to develop international networks of associates and conducts legal seminars in a variety of aspects of international legal practice. The focal event on the AIJA calendar is the Annual Congress, which was held this year in Helsinki.

Young lawyers may become members of the AIJA by completing a membership form. Membership forms may be obtained from the