GLOBALISATION AND PRIVATE INTERNATIONAL LAW: REVIEWING CONTEMPORARY LOCAL LAW

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ABSTRACT

The author looks at the broadening of the scope of private international law to meet the realities of a rapidly globalised world involving trans-national laws as well as cross-border interaction across national legal systems; and suggests that the scope of local laws increasingly intersects with a public domain not distinctively associated with standard private international law. Article by Olusoji Elias (Member of the International Bar Association). Published in Amicus Curiae - Journal of the Institute of Advanced Legal Studies and its Society for Advanced Legal Studies. The Journal is produced by the Society for Advanced Legal Studies at the Institute of Advanced Legal Studies, University of London.

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However, in contemporary society private international law cannot in all instances uphold its position as an impartial intermediary and solely consider geographically oriented connections. See also on the public-private dimension, A. Mills, The Confluence of Public and Private International Law – Justice, Pluralism and Subsidiarity in the International Constitutional Ordering of Private Law, Cambridge University Press (2009), and A. Mills, ‘Rediscovering the public dimension of private international law’, 3 Nederlands Internationaal Privaatrecht, at 371-75 (2012). An increasing trend in private international law cases decided by courts in the United Kingdom has been to refer to the European Convention on Human Rights and, in particular, to Article 6. This article will examine the impact of this provision on private international law. The article will go on to examine why the impact has been so limited and will put forward a new approach that takes human rights more seriously, using human rights law to identify problems and the flexibility inherent in private international law concepts to solve them. View. Show abstract. The author looks at the broadening of the scope of private international law to meet the realities of a rapidly globalised world involving trans-national laws as well as cross-border interaction across national legal systems; and suggests that the scope of local laws increasingly intersects with a public domain not distinctively associated with standard private international law. Article by Olusoji Elias (Member of the International Bar Association). Published in Amicus Curiae - Journal of the Institute of Advanced Legal Studies and its Society for Advanced Legal Studies. The Journal is produced