

1. Record Nr.	UNINA9910812180003321
Autore	Bogdan Michael <1946->
Titolo	Private international law as component of the law of the forum [[electronic resource]] : general course // Michael Bogdan
Pubbl/distr/stampa	[The Hague], : Hague Academy of International Law, 2012
ISBN	90-04-22635-4
Descrizione fisica	1 online resource (360 p.)
Collana	A collection of law lectures in pocketbook form
Disciplina	340.9
Soggetti	Conflict of laws
Lingua di pubblicazione	Inglese
Formato	Materiale a stampa
Livello bibliografico	Monografia
Note generali	Full text of the lecture published in October 2011 in the Recueil des cours, vol. 348 (2010).
Nota di bibliografia	Includes bibliographical references (p. 330-339).
Nota di contenuto	COPY RIGHT; HAGUE ACADEMY OF THE INTERNATIONAL LAW; Private International Law as Component of the Law of the Forum; TABLE OF CONTENTS; CHAPTER I. THE PURPOSE OF THIS GENERAL COURSE; CHAPTER II. HOW INTERNATIONAL IS PRIVATE INTERNATIONAL LAW ?; 1. Private International Law Is Part of the Lex Fori; 2. Is There an International Obligation to Apply Foreign Law ?; CHAPTER III. WHY AND IN WHOSE INTEREST DO COURTS APPLY FOREIGN LAW ?; 1. The Problem; 2. Legitimacy of the Application of Foreign Law; 3. Do Conflict Rules Serve the Interests of Foreign Countries ? 4. The Interest of the Forum Country in Functioning Cross-Border Family Relations and Commerce CHAPTER IV. SOME CHARACTERISTIC FEATURES OF CONFLICT RULES; 1. Bilateral and Unilateral Conflict Rules; 2. Are Conflict Rules Value-Neutral ?; 3. The Relationship between Conflict Rules, Jurisdictional Rules and Rules on Recognition and Enforcement of Foreign Judgments; CHAPTER V. DO ARBITRAL TRIBUNALS HAVE A LEX FORI ?; CHAPTER VI. SHOULD CONFLICT RULES AND FOREIGN LAW BE APPLIED EX OFFICIO ?; 1. The Problem; 2. The Approaches Used in Some Selected Jurisdictions 3. Suggestions for Disputes Where Settlement Is Not Permitted 4. Suggestions for Disputes Where Settlement is Allowed; 5. Concluding Remarks; CHAPTER VII. THE PRINCIPLE OF LOYAL APPLICATION OF FOREIGN LAW; 1. The Problem; 2. Procurement of Information about the Content of Foreign Law; 3. What Should Be Done When the Content of

Foreign Law Remains Unknown ?; CHAPTER VIII. CLASSIFICATION; 1. The Problem; 2. Classification Based on a Comparative Approach; 3. Classification Pursuant to the Lex Causae; 4. Classification Pursuant to the Lex Fori; 5. Concluding Remarks; CHAPTER IX. RENVOI 1. The Problem 2. Advantages and Disadvantages of Renvoi; CHAPTER X. PUBLIC POLICY AND OVERRIDING MANDATORY RULES; 1. The Problem; 2. Public Policy Reservation and International Treaties; 3. The Content of the Public Policy Reservation; 4. Replacement of the Excluded Foreign Rules; 5. Overriding Mandatory Rules of the Lex Fori; 6. Public Policy and Overriding Mandatory Rules of Third Countries; 7. The Role of Public Policy in Arbitral Proceedings; 8. Concluding Remarks; CHAPTER XI. ABUSE OF PRIVATE INTERNATIONAL LAW; 1. The Problem; 2. Possible Countermeasures
CHAPTER XII. FOREIGN RULES MADE BY NON-STATE OR UNRECOGNIZED ENTITIES 1. Non-State Rules; 2. Rules Issued by Unrecognized States or Governments; CHAPTER XIII. LEGAL PHENOMENA UNKNOWN TO THE LEX FORI; CHAPTER XIV. PRELIMINARY QUESTIONS; 1. The Problem; 2. The Two Possible Approaches; 3. The Choice of the Best Approach; 4. Concluding Remarks; CHAPTER XV. THE PROBLEM OF EQUIVALENCE; CHAPTER XVI. ADJUSTMENT; CHAPTER XVII. FOREIGN PUBLIC LAW; 1. The Problem; 2. Non-Enforcement of Claims Based on Foreign Public Law; 3. Foreign Public Law in Private Disputes; 4. Concluding Remarks;
BIBLIOGRAPHY
ABOUT THE AUTHOR

Sommario/riassunto

Also available as an e-book In spite of the undoubtedly great and rising importance of the international legislative co-operation regarding private international law, it must be remembered that no successful unification or harmonization of conflict rules has ever taken place on the universal level, and that the conflict rules stemming from international legislative co-operation between a limited number of countries give rise to the same problems as non-harmonized rules, whenever they have to be used in relation to countries not participating in the legislative co-operation in question. This book will therefore focus on the last-mentioned problems and refrain from dealing with the particular issues arising from international legislative co-operation in the field of private international law. One of the principal aims of Michael Bogdan is to demonstrate the relationship between the national rules of private international law and the rest of the legal system of the forum country, in the first place its substantive private law and its law of civil procedure, as well as to illustrate the impact of the forum country's general ethical and other values on its private international law.
