ISRG Journal of Arts, Humanities and Social Sciences (ISRGJAHSS)

ISRG PUBLISHERS
Abbreviated Key Title: ISRG J Arts Humanit Soc Sci
ISSN: 2583-7672 (Online)
Journal homepage: https://isrgpublishers.com/isrgjahss
Volume – II Issue-V (September-October) 2024
Frequency: Bimonthly

The Law Applicable to Obligations Arising out of Torts in Cameroonian Private International Law

Ngatchou Toto Carles

Senior Lecturer, Department of English Law, Faculty of Law and Political Sciences, University of Maroua, Cameroon

| **Received:** 28.08.2024 | **Accepted:** 02.09.2024 | **Published:** 10.09.2024

***Corresponding author:** Ngatchou Toto Carles
Senior Lecturer, Department of English Law, Faculty of Law and Political Sciences, University of Maroua, Cameroon

Abstract

This article examines the law applicable to obligations arising out of torts in Cameroonian Private International Law. It analyzes the sources of Cameroonian private international law and examines the fundamental principles that guide its application in Cameroon. Additionally, the article discusses the approaches for determining the applicable laws in tort cases, including the lex loci delicti, lexfori, and lex loci solutionis, and evaluates the current framework's effectiveness in addressing special issues like product liability, environmental torts, and cross border torts. This article concludes with recommendations for clarifying and codifying the applicable law principles, developing jurisprudence, and harmonizing Cameroonian private international law with global standards.

Keywords: *Obligations - private international law – Torts - lex fori- lex loci delicti - lex causae - choice of law - application*

1. INTRODUCTION

Private international law plays a crucial role in resolving disputes involving parties from different countries. In Cameroon, it plays an essential role in determining the applicable law in tort cases, particularly in a globalized world where cross-border transactions and interactions are increasingly common.

The importance of private international law in Cameroon cannot be overstated. With the country's strategic location in central Africa, its economy is increasingly integrated into the global market, leading to a rise in cross-border transactions and disputes.

Moreover, Cameroon's legal system is based on a mix of civil law and common law traditions, making the application of private international law challenging.

The expression "Tort" eludes a precise definition and numerous attempts by writers have so far only succeeded in serving as useful guides as to what the term means. This is even truer in the African context where the scope and content of tort law are still expanding. One of the reasons for this difficulty is that the scope of the subject is still developing and it is accordingly impossible for any one

Copyright © ISRG Publishers. All rights Reserved.
DOI: 10.5281/zenodo.13739002

definition at any particular time to capture its exact breath[1]. However within the legal context the expression has a technical meaning altogether. Very simply put, a tort is a civil (as opposed to criminal) wrong, for which the law provides a remedy.

Pr Winfield's definition[2]may be a useful starting point: "Tortious liability arises from the breach of a duty primarily fixed by law, this duty is towards persons generally and its breach is redressible by an action for unliquidated damages". According to Salmond, a tort is"a civil wrong for which the remedy is a common law action for unliquidated damages and is not exclusively the breach of a trust or other merely equitable obligations"[3].

Obligations arising out of torts refer to the legal duties or responsibilities that arise from a tortuous act. These obligations can include: Compensation, restitution, injunction, Apologies or Acknowledgments, Medical expenses and rehabilitation, property repair or replacement, loss of income or earning capacity, pain and suffering and punitive damages. These obligations aim to hold the tortfeasor accountable for their actions and provide remedies to the injured party. The specific obligations arising out of torts will depend on the nature of the tort, the harm caused and the applicable laws.

This article aims to explore the law applicable to obligations arising out of torts in Cameroonian private law. It seeks to provide a comprehensive analysis of the general principles and approaches used to determine the applicable law in tort cases, including the *lex loci delicti, lexfori, lex loci solutionis and lexcausae.* This article will also examine the strengths and weaknesses of each approach and discuss the implications for different types of tort cases.

By examining the applicable law framework in Cameroonian private international law, this article hopes to contribute to the ongoing debate on the importance of private international law in a globalised world. It aims to provide insights for legal practitioners, scholars, and policymakers seeking to navigate the complexities of cross border disputes in Cameroon.

2. SOURCES OF CAMEROONIAN PRIVATE INTERNATIONAL LAW

Under this section, attention is given to all the materials from which knowledge of Cameroon's Private International Law (PIL) rules may be obtained, these sources of law include both historical/material and formal/legal sources.

2.1. The received English Law

The received common law rules from the bulk of former west Cameroon PIL rules. This was made possible with two laws, namely:

- The foreign Jurisdiction Act 1890
- The Southern Cameroon's High Court Law 1955 which provides in section 11 that:

Subject to the provisions of any written law and in particular of this section and of section 12, 15 and 27 of this law

a. The Common law
b. The doctrine of Equity; and,
c. The statute of general application which were in force in England on the 1st day of January 1900

Shall, in so far as they relate to any matter with respect to which the legislature of southern Cameroon is, for the time being competent to make laws, be in force within the jurisdiction of the High court.

2.2. Received Nigerian Law

Cameroon was administered as a fiscal, custom and administrative union with the neighbouring British territory, i.e., Nigeria. Thus the application of the Evidence Act CAP 48, 1948, the marriage ordinance and company ordinance, some of which have been repealed by subsequent national and regional legislations etc

2.3. Public International Law

Public international law has made its impact on conflict of laws through international agreements and treaties, such as the Rome convention of 1980 which deals with conflict of laws rules relating to contractual obligations, and the Brussels convention of 1968, which provided for free circulation of judgements throughout the signatory states, thereby encouraging international business and intercourse in and among those states.

Cameroon is a party to the OHADA Treaty of 1993 and the revised Bangui agreement of 1999 which harmonise and unify laws and rules relating to Business law and intellectual property law in a bid to promote uniformity of decisions and discourage forum shopping

- Article 45 of the 1996 constitution
- Accord of Cooperation in Matters of Justice between the Government of the Republic of France and the Government of the United Republic of Cameroon of 21 February 1974
- ICSID Convention and Regulations

2.4. Case law and Juristic Writings[4]

The hierarchy of authorities called in a conflict case was stated by Sir William Scott in Dalrymple v. Dalrymple (1811):

"The authorities to which I shall have the occasion to refer are of three classes; first the opinions of learned professors given in the present or similar cases; secondly, the opinions of eminent writers as delivered in books of great legal credit and weight and, thirdly, the certified adjudication of the tribunals of Scotland upon these subjects. I need to say that the last class stands highest in point of authority".

Late J.H.C. Morris did point out that:

"it is a unique feature of the conflict of laws, as compared with other branches of English Law, that jurist have exerted a considerable influence on the decisions of the courts. The most influential foreign jurist has been Ulrich Huber (1636-1694), who was successively a Professor of Law at the Havard law school, and the nineteenth century German Jurist Friedrich Carl Von Savigny.

---

[1]Samgena D. Galega, A conspectus of modern tort law: Somereflections on its nature and relevance, availableat the university of Soalibrary.

[2]Winsfield&Jolowiczon Tort, (15th ed. By W.V.H.) at P. 4

[3]For otherdefinitionsseee.g Williams and Hepple, Foundations of the law of Tort (2nd ed.), p.27; seealso Prosser, Torts (5th ed.) Chapter one, a collection and analysis of English and American definitions of tortuousliability

[4]Pierrette EssamaMekonghoPhD., Private international Law course notes, University of Yaoundé II SOA, 2017. Page 16

Copyright © ISRG Publishers. All rights Reserved.
DOI: 10.5281/zenodo.13739002

…Each of these well known books has passed through many editions and each is frequently cited by the court".

However, in Cameroon, these sources are not used as creatively as in other jurisdictions. Books of authority are rarely cited and the old English decisions are mechanically applied under the reception clause, even when such decisions have been overtaken by statutes or later decisions in England and in former west Cameroon.

2.5. Local Legislation

- Article 26 of the 1996 constitution
- Law no /001 of 19 April 2007 establishing the judge in charge of Disputes arising from the enforcement of judgements and determining the conditions for enforcement of foreign judgements, official documents and foreign arbitral awards
- OHADA Treaty and Uniform Acts

2.6. Customs

When foreign law is integrated into a local system, two main outcomes usually occur: legal pluralism and legal acculturation. Legal pluralism refers to the practice of recognising and allowing the continued operation of the indigenous customary law, alongside the received English law.

Therefore, legal pluralism is the simultaneous operation of two or more legal systems in the same territory. This leads to the problem of internal conflict of laws in Cameroon, whether former west Cameroon or former east Cameroon as, in the case of former west Cameroon, article 27 of the southern Cameroons high court law 1955 clearly provides for the application of customs that are not repugnant to natural justice, equity and any written law. This is the same with former east Cameroon. A domestic court may thus be called upon to decide which of the several systems of law applicable will be used to decide a particular case, viz, received English law, received Nigerian law, customary law or local legislation[5].

After an overview of the sources of private international law in Cameroon, we shall move on to analyse the relevant provisions related to torts and obligations.

Relevant provisions related to torts and obligations

In Torts, the general rule is expressed as being the *lex loci delicti.* Hence, where the central issue in an action involves a tort, the court should apply the *lex loci delicti* rule in choosing which substantive law to apply. This means that the court must apply the substantive law of the jurisdiction in which the injury is said to have occurred, barring rare exceptions, which would be left to the discretion of the courts to apply. The primary difficulty with this approach is determining where the injury took place. In particular, the court must determine whether the place of injury is the place where the activity occurred, or where the damages were sustained, etc[6].

The Ontario Court of Appeal, in a 2004 decision, affirmed the principle of *lex loci delicti* in *Roy v. North American Leisure Group Inc (2004) O.J. No. 4767 (Ont. C.A).* The case concerned the choice of law that governed the plaintiffs' action against one of the defendants. This issue was critical because if the Ontario law applied, then the plaintiffs' action against this particular defendant would be barred by the expiration of a limitation period. In overturning the motion judge's decision, the court of Appeal expressly affirmed that the expiration of a limitation period does not constitute an exception to the general rule of *lex loci delicti.*

3. GENERAL PRINCIPLES OF PRIVATE INTERNATIONAL LAW IN CAMEROON

This section explores the fundamental principles guiding the application of private international law in Cameroon and to analyse how these principles are applied in practice, using case law and examples to illustrate their operation. In other words, an analysis of how these principles apply to torts and obligations. These principles include:

3.1. Territoriality: The law of the place where the tort occurred *(lex loci delicti)*

The principle of lex loci delicti is a latin phrase that translates to "the law of the place of the wrong". It is a conflict of laws principle used to determine which jurisdiction laws should apply to a tort (a civil wrong, such as negligence or defamation) that occurs across multiple jurisdictions.

In essence, lex loci delicti states that the laws of the jurisdiction where the tort occurred should govern the case. This means that[7]:

a. The laws of the place where the harm or injury occurred will be applied to determine liability, damages and other issues;
b. The court will consider the laws of that jurisdiction, including statutes, case law, and regulations, to resolve the dispute.

This principle aims to provide predictability and consistency in resolving cross-border disputes, ensuring that the laws of the jurisdiction most closely connected to the tort are applied.

However, it's important to note that modern approaches to conflict of laws have led to the development of more flexible rules, such as the "most significant relationship" test, which considers factors like the parties connections to the jurisdictions involved and the policies underlying the laws.

3.1.1. Key principles:

- Territoriality: The law of the place where the tort occurred is applied, regardless of the parties' nationality or domicile;
- Lexfori: The law of the forum (court) may also be applied in certain circumstances.

3.1.2. Factors considered

- Place of harm: Where the harm or injury occurred
- Place of wrongdoing: Where the tortuous act or omission occurred
- Place of impact: Where the consequences of the tortuous act were felt

3.1.3. Advantages:

- Certainty: The law of the place of the tort provides a clear and predictable rule

---

[5]Ibid

[6]Ibid

[7]North P. & Fawcett J., Cheshire and North'sPrivate International Law (13TH Edition) London: Butterworths,1999.

Copyright © ISRG Publishers. All rights Reserved.
DOI: 10.5281/zenodo.13739002

- Territoriality: Reflects the territorial jurisdiction of the court

3.1.4. Disadvantages

- Injustice: May lead to unjust results if the law of the place of the tort is overly harsh or lenient
- Complexity: May lead to conflicts of law and complexity in applying foreign law
- Mandatory rules: The forum court may apply its own mandatory rules instead of the lex loci delicti

3.2. Nationality principle (*lex Patriae*)

The nationality principle, also known as *lex patriae,* is a conflict of laws principle that suggests that the laws of a person's nationality (or domicile) should govern their personal status, capacity and relationships. This principle is based on the idea that a person's nationality is a fundamental aspect of their identity and should be respected across different jurisdictions.

Lex patriae applies to issues such as:

- Personal status: Mariage, divorce, legitimacy, adoption;
- Capacity: Contractual capacity, testamentary capacity
- Family relationship: parental rights, inheritance.

The principle of *lex patriae* is often used in conjunction with other conflict of laws principles, like *lex loci delicti,* to determine which laws should apply to a particular situation.

For example, if a person with French Nationality gets married in Japan, the validity of the marriage might be determined by French law (*lex patriae*), while the formalities of the marriage ceremony might be governed by Japanese law (*lex loci actus*).

However, it is worth noting that nationality principle has some limitations and criticisms, such as:

a. Difficulty in determining a person's nationality in cases of dual or multiple nationalities
b. Potential for conflicts between the laws of different nationalities
c. Inapplicability to situations where the person's nationality is not relevant.

Overall, *lex patriae* remains an important principle in conflict of laws, but its application can be nuanced or context-dependent.

The nationality principle can be applied in two ways:

- *Lex patriaevictus* (law of the victim's nationality): applies the law of the injured party's nationality;
- *Lex patriaedelictoris* (law of the tortfeasor's nationality): applies the law of the party who committed the tort.

3.3. Most Favorable Law *(lex favorabilis)*

Lex favorabilis also known as the "most favourable law" principle suggests that when multiple laws apply to a situation, the law most favourable to the party should be applied. This principle is often used in areas like:

- Contract law: to determine the most favourable contractual terms;
- Tort law: To determine the most favourable liability rules;
- Family law: to determine the most favourable custody or support arrangements.

The *lex favorabilis* principle aims to:

- Protect the weaker party
- Promote fairness and Justice
- Avoid harsh and unjust outcomes.

However, applying *lexfavorabilis* can be challenging, as it requires:

- Identifying the most favourable law among multiple options;
- Balancing competing interests and policies
- Ensuring consistency and predictability in application.

Some criticisms of *lex favorabilis* include:

– Subjectivity: Determining the "most favourable" law can be subjective;
– Forum shopping: Parties may seek out the most favourable jurisdiction
– Inconsistency: application may vary depending on the judge or jurisdiction.

Despite these challenges, *lex favorabilis* remains an important principle in conflict of laws, particularly in situations where fairness and justice are paramount. These principles can interact with each otherin complex ways, and the choices of applicable law can significantly impact the outcome of a tort claim.

We shall now proceed to analyse how these principles apply to tort and obligations. We will explore how these principles are applied in practice, using case law and examples.

3.4. Application of these principles to Torts and obligations

Let's dive into some case law examples to illustrate how these principles are applied in practice:

3.4.1. Lex loci delicti

3.4.1.1. *Harding v Wealands (2006) UKHL 32*: A tort case involving a car accident in Australia between two UK residents. The UK House of Lords applied Australian law (*lex loci delicti*) to determine liability and damages;

3.4.1.2. *Boys' v Chaplin (1968) 2 QB 1*: A tort case involving a car accident in France between two UK residents. The English court applied French law (*lex loci delicti*) to determine liability and damages.

3.4.2. Lexpatriae

3.4.2.1. *Shahnaz v Rizwan (1965)* 1 QB 390:A family law case involving a divorce between two Pakistani nationals living in the UK. The English court applied Indian Law (*lexpatriae*) to determine the validity of divorce.

3.4.2.2. *Re Estate of Maharaj (2011*) EWHC 604 (Ch): A probate case involving a dispute over the estate of a deceased Indian national. The English court applied Indian Law (*lexpatriae*) to determine the distribution of assets

3.4.3. *Lexfavorabilis*

3.4.3.1. *Kuwait Airways Corp v Iraqi Airways Co* (2002) UKHL 19: A contract case involving a dispute over aircraft leases between two airlines. The UK House of Lords applied the law most favourable to the weaker party (Kuwait Airways).

3.4.3.2. *Comet v Multi-Link Leasing (2011) EWHC 55 (QB):* A contract case involving a dispute over a

Copyright © ISRG Publishers. All rights Reserved.
DOI: 10.5281/zenodo.13739002

lease agreement. The English court applied the law most favourable to the lessee (Comet).

These cases illustrate how the principles are applied in practice:

- *Lex loci delicti:* The law of the place Where the tort occurred is applied to determine liability and damages;
- *LexPatriae:* The law of the parties' nationality is applied to determine personal status, capacity and family relationship;
- *Lexfavorabilis:* The law most favourable to the weaker party with the most compelling interest is applied.

We should keep in mind that these principles are not mutually exclusive, and courts may apply a combination of principles to achieve justice and fairness in a particular case.

4. APPLICABLE LAW IN TORTS CASES

Analyzing applicable laws in Tort cases involves several steps: Identify the jurisdiction where the tort occurred or where the parties are located, determine the type of tort, research relevant laws, analyse choice of law rules, consider conflicts of law, evaluate substantive law, assess procedural law, consult legal resources, including treaties and finally update the research. These will be analysed in the following paragraphs below. By following these steps, we can thoroughly analyze the applicable laws in tort cases and develop a strong understanding of the legal framework.

4.1. Jurisdiction

Jurisdiction is one of the three fundamental questions that a court has to answer when faced with a PIL case. Determining jurisdiction means questioning whether the court is competent, whether it has power to hear a case or determine a claim. Jurisdiction means the competence of the court to hear/decide a case. There are two types of jurisdiction: Jurisdiction in rem and jurisdiction in *personam*. Actions in*personam*, on the one hand, are actions brought against a person, for example, to compel him/her to do a particular thing, such as paying a debt or damages for breach of contract, or to compel him/her not to do something. Such actions are designed to settle the rights of the parties between themselves. Jurisdiction in*personam*maybe exercised over individuals and corporations. Actions in rem, on the other hand, are actions centred on a particular thing, such as a piece of land or a house[8].

In England, there are four sets of rules governing jurisdiction:

- The Brussels Convention On Jurisdiction And Enforcement Of Judgements In Civil And Commercial Matters;
- The Modified Brussels Convention As Contained In The Civil Jurisdiction And Judgement Act 1982
- The Lugano Convention Of 1 September 1988
- The Traditional Rules Which Apply In All Cases Where The Previous Sets Of Rules Do Not Apply. The Traditional Rules Of PIL Are The Rules Applied In Former West Cameroon As Per Section 11 Of The SCHCL 1955.

4.2. Bases of jurisdiction

Under the traditional rules there are three bases of jurisdiction:

- When the defendant is present within the jurisdiction;
- When the defendant submits to the jurisdiction; and
- When there is service of writ outside the jurisdiction.

4.2.1. Presence of the defendant within the jurisdiction

The basic common law rule is that a court may only exercise its jurisdiction in *personam* if the defendant has been served personally with a writ within the jurisdiction. It is irrelevant whether the matter has a connection with the jurisdiction nor is there a minimum time that the defendant must have spent within the jurisdiction before the writ can be served. In fact, mere transient visit is enough: *Maharanee of Baroda v Wildenstein (1972) 2 QB 283*. It should be noted that where the court retains jurisdiction because of presence, it continues to have jurisdiction even if the person leaves afterwards[9].

An issue raised with the traditional rule was that the court would not have had jurisdiction where the defendant is not present in England or where he has not submitted to jurisdiction. This situation was remedied by the Common law Procedure Act 1952 which introduced the principle of "extended" or "assumed jurisdiction". Under this principle, the court has a discretionary power to summon defendants who are not present within the jurisdiction by allowing service to them out of the jurisdiction[10].

4.2.2. Submission to jurisdiction

The court may not have jurisdiction over a defendant but, when that defendant voluntarily submits to the court, then the court will be deemed to have jurisdiction over him/her. Submission occurs where:

- An action is commenced by the plaintiff. In that case the plaintiff is deemed to have submitted to the court and shall be bound to answer any counterclaim: *United Bank of the Middle East V. Clapham.*
- The defendant acknowledges service and contests the case on its merits: Boyle v Sacker;
- The defendant has instructed an attorney to accept service on his behalf or he has acknowledged service but does not apply to the court to decide that it has no jurisdiction;
- The defendant submits to the jurisdiction by agreement.

4.2.3. Service out of the jurisdiction

In this last case, the court will exercise jurisdiction even when the defendant is absent from the jurisdiction provided service has been made upon that defendant under Order 11 Rule 1(1) of the Rules of the Supreme Court. Order 11 rule 1 (1) is an exception to the traditional rule on jurisdiction. It provides that service may be effected upon a defendant out of the jurisdiction with or without leave of the court. First and foremost, service out of the jurisdiction under this rule is a matter of judicial discretion and not a right. This is what prompted some writers to hold that an order under Order 11 Rule 1(1) is an order which may and not which must be given.

4.2.4. Stay of proceedings

Once jurisdiction has been assumed and the court has recognised that it is a proper forum, it must then question whether it should decline or accept jurisdiction over the suit. In other words, where the court can assume jurisdiction, the question is, should it? If the

[8]Pierrette EssamaMekonghoPhD., Private international Law course notes, University of Yaoundé II SOA, 2017.

[9] Ibid.

[10]Ibid

Copyright © ISRG Publishers. All rights Reserved.
DOI: 10.5281/zenodo.13739002

answer is affirmative, then it proceeds with the hearing. However, when the answer is negative, it will stay proceedings. Stay proceedings may occur in four circumstances: When the jurisdiction is *forum non conveniens*, in the case of *lis alibi pendens* and where there is a forum jurisdiction clause and an arbitration agreement.

4.3. Characterisation

After having asserted jurisdiction over a PIL case and where the court does not stay proceedings, it shall proceed to determine the legal category under which the matter falls as well as the choice of law rule that has to be applied. This process of determination is known as "characterisation" or "classification" or "categorisation".

4.3.1. Characterisation of the cause of action

Characterisation of the cause of action means the allocation of the question raised by the factual situation before the court to its correct legal category. Eventually, this will enable the court to determine the relevant rule of law to be applied. Characterisation is a crucial step because it determines the law that will be applied to the case at hand. Characterisation of the case therefore consists in determining what type of case it is the court is called upon to entertain. This is necessary, as for example, rules relating to contractual matters are not the same as those relating to torts. Therefore, there must be some way to determine whether the problem before the court is one of contract or tort[11].

The first step in the characterisation process is to decide whether the dispute in question concerns an issue of substantive or procedural law. If the dispute before the court concerns procedural law, the court is going to apply its own law i.e., the law of the forum.

There are several tests that maybe applied to decide that question:

- The first is whether the dispute concerns a right or remedy? Then it is either a question of substantive law or, in case of remedy, a question of procedural law.
- The second is the outcome determination test. This question is to know whether the issue before the court is going to determine the outcome of the case; if the answer is in the affirmative, then it is a question of substantive law.

In *Boys v Chaplain (1969)* 2 All E.R. 1085 (HL): the House of Lords recognised remoteness of damage in a tortuous claim as substantive and therefore governed by the lexcausae. On the other hand, an issue of quantification of damages is procedural and governed by the lexfori.

When the court decides that the issue in question concerns substantive law, it has further to decide what kind of case it is, for instance, is it a tort case or a contract case. This part of the characterisation process can be broken down into two steps:

a. Primary characterisation which puts the case in a broad area of law (contract, tort, property etc);
b. Secondary characterisation which asks what kind of contract, tort case or property case it is: Re Annesley (1926)

[11] Pierrette EssamaMekonghoPhD., Private international Law course notes, University of Yaoundé II SOA, 2017.

4.3.1.1. Characterisation conflicts

Characterisation of the cause of action may lead to conflict in that, that of the forum may differ from that of the relevant foreign country. Three types of conflict situations may be raised by classification, namely, latent conflict, apparent conflict and patent conflict.

4.3.1.1.1. Patent conflict

Here, the conflict rules of the forum and of the foreign country differ on their face. An example is when the lexfori says succession to movables is governed by the law of the domicile and the foreign conflict rule is to the effect that it is to be governed by the law of nationality. This conflict gives rise to the problem of renvoi

4.3.1.1.2. Apparent conflict

This is the situation where the conflict rules of the forum and the foreign country are apparently the same in that they may hold that succession to movables is governed by the law of the domicile. However, they differ in that they do not ascribe the same meaning to the concept of domicile which is the connecting factor.

4.3.1.1.3. Latent Conflict

This is the situation where the conflict rules of the forum and of the foreign country are the same and they ascribe the same meaning to the connecting factor. However, they arrive at different results because they characterise the issue differently such as when the case may be considered in one jurisdiction as one of succession and in the other as a matter of matrimonial property.

4.3.1.2. Bases of characterisation

There are several bases of classification of the cause of action, namely, characterisation according to the *lexfori,*characterisation according the *lexcausae*, characterisation according to the principles of analytical jurisprudence and comparative law, primary and secondary characterisation or the falconbridges' via media. However, the most commonly used are the first two with preference being given to classification according to the *lexfori.*

4.3.1.2.1. Characterisation according to the lexcausae

According to Kahn and Bartin, characterisation should be done according to the law of the forum. However, even in doing so, courts must be prepared to apply foreign concepts and categories. Judges adopt an internationalist approach as Cardozo J. held *in Loucks v standard oil of New York* "…we are not so provincial as to say that every solution to a problem is wrong because we deal with it otherwise at home". This position was applied in De Nichols v Curlier.

4.3.1.2.2. Characterisation according to the lexcausae

The propounders of this theory contend that saying that the case is governed by foreign law and not applying it to characterisation is tantamount to not applying it at all. However, the main criticism is that you may not apply foreign law before you have determined that it is the applicable law and this may only be done after characterisation.

4.3.2. Characterisation of the rule of law

After having determined the legal category under which the factual situation falls, courts have to determine the appropriate choice of law rules. As a general rule, in matters relating to the determination of the rights of the parties, courts count factors that connect or link the legal issues to the laws of potentially relevant countries (the connecting factor) and apply the laws that have the greatest connection, e.g. the law of nationality (*lexpatriae*) or the law of domicile (*lexdomicilii*) will define legal status and capacity, the

Copyright © ISRG Publishers. All rights Reserved.
DOI: 10.5281/zenodo.13739002

law of the state in which the land is situated (*lexsitus*) will be applied to determine all questions of title, the law of the place where the transaction physically takes place or of the occurrence that gave rise to the litigation (*lex loci actus*) will often be the controlling law selected when the matter is substantive, but the proper law has become a more common choice.

The court determines the rule applicable to the dispute regarding the relevant area of law. There are some prima facie principles that guide courts in determining the applicable law. In Tort cases, the rule is to apply the law of the place where the injury occurred. To determine this place, courts apply what is called the "substantive" test which was suggested *by Lord Pearson in Distillers Co. (Biochemicals) Ltd v. Thompson (1971) L.R. A.C.,* 458 at 468 thus: "The right approach is, when the tort is complete, to look back over the series of events constituting it and ask the question, where in substance did this cause of action arise?" It was applied in Casey v E. R Squibb & Sons Ltd. (1980) 1 W.L.R. 1248 at 1252 and in Metal &Rohstof v. Donaldson Inc. (1990) 1 L.R.Q.B., 391 at 446.

4.4. Renvoi

Whereas the process of characterisation is deemed necessary when there is not a uniform approach to the determination of a legal category, another approach, known as renvoi, may need to be employed when there is not a uniform approach to the applicable connecting factor.

The doctrine of renvoi is the process by which the court adopts the rules of a foreign jurisdiction with respect to any conflict of laws that arises. The idea behind this doctrine is to prevent forum shopping and the same law is applied to achieve the same outcome regardless of where the case is actually dealt with. "renvoi" originates from the French "send back" or "return unopened". The "convention of Renvoi" is the procedure by which the court embraces the principles of a foreign law as for any contention of law that emerges[12].

Choice of law rules may refer either to a country's internal law or to its whole law, the law that country would apply to the multistate case actually presented, by reference to its own choice of law rules. If the forum country refuses to consider the choice of law rules of the country to which it refers, it is said to "reject the renvoi"; if it follows the foreign choice of law rule, it is said to "accept the renvoi". If the renvoi is accepted and the country whose choice of law rules are examined refers the case back to the law of the forum country, there is said to be remission; if it refers to a third country, a transmission. Finally, renvoi is said to be partial of the foreign choice of law rule when it is found to refer to the internal law of a country and total when the foreign reference is reference to the whole law.

The basic analysis of choice of law rules may thus be summed up: (1) a "category" is governed by (2) a connecting factor. The category determines what type of case is to be resolved and the connecting factor indicates the appropriate legal system that is applicable. The connecting factor can only be indicative and not determinative of the applicable law since, for example, reasons of public policy may exist for excluding the application of foreign law. When the connecting factor links the category with the law of the place where the court sits, the applicable law is referred to as the lexfori. The substantive law is applied, which may be hat of the forum or foreign law – is usually described as the lexcausae.

4.5. Connecting Factors

As discussed above, characterisation leads to the choice of law rule that will be applied to the PIL case that the court has to determine. When it comes to determining the lexcausae, the court must take into account the foreign element or connecting factor that connects the case to a foreign system of law. Under this section attention will be paid to the rules that govern the choice of law in relation to connecting factors. A connecting factor leads to the legal system that governs the issue. This legal system is then referred to as the substantive law or lexcausae. It is separate and distinct from procedural law which is at all times, the lexfori. Therefore, while the court may apply the substantive law of another jurisdiction, it will always apply its own procedural law.

A connecting factor or foreign element in a PIL case is a factor which connects, or links, the case with what is deemed to be the applicable law. There are relatively few connecting factors linking legal categories to the applicable law.

The influence of English law on the determination and meaning of connecting factors is clearly expressed by Collier who holds that:

"Since the conflict of laws forms part of English law, English law alone can determine when a foreign law is to be applied. It follows from this that English law must not only select the connecting factor, it must also say what it means. This is clear, though it is only in respect to connecting factors, domicile and, jurisdictional purposes, the place of contracting, that authority exists".

Connecting factors include domicile and nationality that determine the applicable personal law but also circumstances surrounding torts, contracts and property as relevant.

5. SPECIAL ISSUES IN TORTS CASES

Special issues in torts cases would cover unique and complex topics that arise in tort law. These special issues often require careful consideration of legal principles, policy implications and factual complexities. By exploring these topics, we can gain a deeper understanding of the nuances and challenges in tort law. Courts must navigate these issues to ensure justice and fairness for all parties involved.

Here is a detailed analysis of each special issue in tort cases:

5.1. Product liability

Product liability is a doctrine that gives plaintiffs a cause of action if they encounter a defective consumer item. The doctrine can fall under negligence, but it is generally associated with strict liability, meaning defendants can be held liable regardless of their intent or knowledge.[13]It can fall under certain categories:

- Manufacturing defects, Where the manufacturing of a product was done incorrectly;
- Design defect, Where the design of a product itself was unsafe or there existed safer alternatives;
- Marketing defect, where there is inadequate warning of the products risks;

[12] M. Anulekha, The doctrine of Renvoi in Private International Law, 2020. DamodaramSanjivayya National Law University.

[13]Product liability/WEX/US Law/LII/ Legal Information Institute, availableat: https://www.law.cornell.edu>wex accessed on the 15 of August 2024 at 8:45

Copyright © ISRG Publishers. All rights Reserved.
DOI: 10.5281/zenodo.13739002

- Breach of warranty, where a product breaches an express or implied warranty.

In order to succeed on a claim for strict product liability, a plaintiff must show that: 1.) the product was defective, (2) when it left the defendant's hand, and that (3) the defect caused the plaintiff's injury. In assessing whether a product was defective, courts have adopted two standards: The consumer expectation standard and the risk-utility standard. Under the consumer expectation standard, a product is defective if its danger is unknowable and unacceptable to an ordinary consumer. In assessing a consumer's expectation, courts consider factors such as the nature of the product and its intended use. Under the risk utility standard, a product is defective if its risk of harm outweighs the benefits of its design. In applying this standard, courts consider, among other factors, the magnitude and probability of foreseeable harm, the instructions and warnings accompanying the product, the nature of consumer expectations from the product's portrayal and marketing, as well as the available substitutes of the product. While some jurisdictions apply both standards, others choose based on the nature of the case.[14]

5.2. Environmental and Toxic Torts

Environmental torts are injuries to property and property values. Toxic injuries on the other hand are injuries to persons. While often related by causation, they require different analysis of causation and damages.

5.2.1. Environmental torts

Environmental torts can cause direct and indirect damage to property values. Pollutants can be visible discharged on a specific property, such as an oil or chemical spill. Although a property may have been cleaned, and declared non-hazardous, there may be lasting stigma damages to property value. Buyer fear can reduce a property's market value even if those buyer fears are unfounded.

Current operations, past discharges and past contamination of industrial sites can harm the value of nearby properties even if there is no direct discharge. The harm can come from current noise or odours, or from perceived risk of future accidents.

5.2.2. Toxic torts

A toxic tort is a personal injury case that involves harm caused by exposure to hazardous materials such as chemicals, pesticides, pharmaceuticals or toxins. The injured party can sue for lost wages and medical expenses. A toxic tort occurs when a negligent actor or corporation intentionally or negligently causes an individual tobe exposed to dangerous toxins, such as asbestos, chemicals, oil or mould. This area of personal injury law commonly involves exposure to toxic chemicals from pharmaceutical products and consumer products from the environment both at home and in the workplace. Consequently, much of the toxic tort litigation today arises either from exposure to pharmaceutical drugs or exposure to toxic substances while at work.

Toxic torts commonly occur in the employment context. Employers have a duty to provide safe working conditions for their employees. A toxic tort can occur if an employer intentionally or negligently exposes its employees to a dangerous toxin. For example, an employer may fail to provide adequate safety equipment to its employees that work with dangerous chemicals. So called "occupational toxic tort" cases differ from worker's compensation claims are made against the worker's employer, while an occupational toxic tort case usually must be brought against third parties.

A person or group of people can also be injured if a dangerous toxin is released into the environment. Under several federal and state environmental regulations, corporations have a duty to cautiously handle, store and dispose of dangerous toxins and the failure to do so can cause serious health consequences. Often, dangerous toxins can be negligently or intentionally released in water, air or the ground.

5.3. Cross border tort

A tort related claim involves multiple factors such as the place of the tort, the nationality and domicile of the parties, etc. Determining jurisdiction of where the tort was committed is one of the major hurdles faced in cross border torts. Laws of limitations and damages also may vary cross countries. This paper examined which law should be used to govern all these issues, and in which type of torts, the conflict between lexfori, lex loci delicti and the treat of double actionability.

In private international law disputes, the court chooses which law is applicable in each legal issue involved in the case. In choosing, the intensity and nature of the link between the law and the case plays a huge role. In cross border torts, if (a) when the act is committed in one country but the proceedings are brought forth in another, the law of the forum where the claim is brought, or the law of the forum where the tort is committed, may apply and in case (b) when the act is committed in one country but its effect is felt in another country, the law of the forum where the tortuous act was committed or the law of the place where its effects were feltmay apply. The court chooses on the basis of rules of private international law. Theories vary as to whether the lexfori or the lex loci delicti must be chosen, or if the court must only apply the law most connected with the facts and circumstances in a particular claim/case. The aim must always be to apply the theory in such a way that it provides certainty and is still flexible enough to accommodate complex cases[15].

The problem of discerning the appropriate applicable law in the case of cross-border torts is extremely complicated. The reason behind this is that at a very basic level of the facts of a tort related claim there are multiple connecting factors such as the place of the tort, the nationality and domicile of the parties etc. To add to this basic concern, in the case of cross border torts an added problem of determining the actual jurisdiction where the tort was committed arises. In addition there are also a wide variety of tortuous issues that may arise, limitation, damages etc. The question that then arises is whether the same law should govern all of these issues[16]. It is important to note that there are also different types of tort: negligence, nuisance, defamation etc. This then begs the question, should the same rule in determining the applicable laws apply regardless of the type of tort? An additional issue to consider is that application of a foreign law may lead to liability being imposed for torts that are unknown in domestic jurisdiction[17].

---

[14]Ibid

[15]Yashaswini Prasad, Cross border tort disputes, Jindal Global Law School, 2015. Availableat: www.lawctopus.com. Assessed on 17 August 2024.

[16]Ibid

[17] G.C. Cheshire, P.M. North& J.J. Fawcett, Cheshire and North'sPrivate International law, 605 (13 Ed. 1999)

Copyright © ISRG Publishers. All rights Reserved.
DOI: 10.5281/zenodo.13739002

En expansive set of solutions has been used by various nations in order to deal with this issue and even among these solutions there has been considerable evolution over a period of time. This paper discussed the various "choice of law rules" followed across jurisdictions: lexfori, lex loci delicti etc.

5.4. Economic Torts

Just as tort law recognises that one can negatively affect a person or their property through either negligence or intent, tort law also provides a framework for dealing with negligent or intentional acts done against a person's business or livelihood. Indeed, if these were not in place, a malicious actor could satisfy themselves with destroying an individual financially, whilst leaving their person or property untouched.

The economic torts can be split into two primary categories: procuring a breach of contract (sometimes found under the heading of "wrongful interference with a pre-existing right") and causing loss by unlawful means. Conspiracy is also discussed below, and whilst this is a separate tort, it can generally be regarded as ancillary to the two primary torts of inducing breach and unlawful interference. In essence, conspiracy just involves an agreement of a group to commit one of the primary torts[18].

Before continuing, it is worth noting an important point, unless a breach of contract is induced, or an unlawful act occurs, no economic tort will have occurred; harsh business practices do not form the basis for a tort. This can be seen in Mogul Steamship Co Ltd v. Mcgregor, Gow& Co[19] (1889). The claimants were driven out of their market, Chinese tea shipping, by the defendants, a group of merchants who offered much more favourable terms to their Chinese contacts. The courts rejected a claim for economic tort – the negative effect on the claimant was a side effect, rather than an end of the defendants' actions. The exception to this rule is conspiracy to injure, but even this exception is rarely applied.

5.5. Torts involving Multiple Defendants

When two or more parties are jointly and severally liable for a tortuous act, each is independently liable for the full extent of the injuries stemming from the tortuous act. Thus, if a plaintiff wins a money judgement against the parties collectively, the plaintiff may collect the full value of the judgement from any one of them. That party may then seek contribution from other wrongdoers. This concept of choosing the defendant(s) from whom to collect damages is called the law of indivisible injury.

The issue of joint and several liability is often involved in "toxic torts" claims, such as cases involving asbestos-related mesothelioma. This is because mesothelioma can be caused by exposure to asbestos, but oftentimes workers exposed to asbestos faced exposure in multiple jobs on multiple job sites, and so it is difficult to pick a single tortfeasor responsible for the resulting mesothelioma[20].

Risk reduction and Liability Reduction, joint and several liability reduces plaintiff's risk that one or more defendants are judgement-proof by shifting that risk onto the other defendants. Only if all defendants are judgment-proof will a plaintiff be unable to recover anything. However, this system can cause inequities, particularly where a relatively blameless defendant is forced to bear the financial burden of an incredibly guilty co-defendant's insolvency. Situations such as these raise questions of equity about joint and several liability and courts have explored alternative methods of recovery to attempt to resolve this[21].

The court in Ford motor v. boomer 2003 investigated the issue of liability reduction, and found that when two tortfeasors are liable for one incident (i.e. two negligent drivers were involved in a car accident), but the court cannot determine which tortfeasor is more responsible and to what degree, then the court may lessen the liability of both or either torfeasor.

Other varieties, There is another type of joint and several liability called market share liability. This doctrine is invoked when a good in the market causes injury, and there are multiple manufacturers of the good. When a court cannot determine which manufacturer created the precise good which caused the harm, the manufacturers will be held proportionately liable in accordance with their market share in the market of the good. Sindell v. Abbott laboratories 1980 help to develop this doctrine[22].

Another type of joint and several liability is called the doctrine of alternative liability. Summer v. Tice (1948) contributed to the doctrine when the court found that under the doctrine of alternative liability, two independent tortfeasors may each be held liable for the full extent of the plaintiff's injuries if it is impossible to tell which torfeasor caused the plaintiff's injuries. The burden of proof will shift to the defendants to either absolve themselves of liability or apportion the damages between themselves. If the defendants, however, are acting in concert with each other, then the doctrine would apply, because then both Ds would be responsible regardless of who pulled the trigger.[23]

A third variety is typically referred to as either "pre-empted causes" or "doomed plaintiffs". Dillon v. twin state gas & electric co (1932) helped to develop this doctrine. In this case, a boy was playing on a bridge when he lost his balance and fell from the bridge; but he was fatally electrocuted when he tried to steady himself by grabbing a nearby high voltage wire. The court found that because the boy would have probably died anyway in falling from the bridge, the defendant (electrical company which maintained the electrical wires) should not be held liable for any damages except those that would compensate for the increase in boy's suffering due to electrocution, which were negligible[24].

5.6. Torts Involving Government Entities

Tort claims against government entities can be a complex and challenging area of law. Individuals who have suffered harm or injury due to the negligence of a government entity may have the right to seek compensation. However, the process of filing a tort claim against a government entity involves unique rules and procedures that must be followed.

A tort claim against a government entity is a legal claim made by an individual who has suffered harm or injury as a result of the

---

[18]Teacher, Law, Economic Torts Lecture, November 2018. Availableat: https://www.lawteacher.net/lectures/tort-law/economic-torts/?vref=1

[19]LR 23 QBD 598

[20] Joint and severalliabilities/ Wex-Law.Cornell.edu, availableat https://www.law.cornell.edu//, accessed on 21 August 2024.

[21]Ibid

[22]Ibid

[23]Ibid

[24]Ibid

Copyright © ISRG Publishers. All rights Reserved.
DOI: 10.5281/zenodo.13739002

negligence of a government entity or its employees. Examples of government entities that may be subject to tort claims include state agencies, municipal governments, public schools and law enforcement agencies[25].

Tort claims against government entities may arise from a variety of situations, including car accidents involving government vehicles, slip and fall accidents on government property, or incidents of police misconduct. In order to pursue a tort claim against a government entity Specific rules and procedures must be followed. Failure to follow these rules and procedures can result in a claim being denied or dismissed[26].

The first step in pursuing a tort claim against a government entity is to file a notice. This tort claim notice must be filed within the time limit specified by the applicable law and must contain specific information about the incident, the injuries sustained and the damages being sought. Most importantly, it must be served on the correct governmental entity which is not as easy as it might appear[27].

Filing a tort claim notice can be a complex and challenging process, as it requires a detailed understanding of the specific requirements and procedures for the government entity in question.

5.7. Tort involving intellectual property

Tangible property like land is protected from interference by trespass and conversion, and from carelessly inflicted harm by the tort of negligence. But what of a person's interest in the results of his intellectual efforts? To what are works of art and literature or scientific inventions afforded protection by the law of torts? Copyright, Designs and Patent Act 1988 protects authors, writers and musicians from those who would "pirate" their efforts. The Patent Act 1977 safeguards new scientific and technological inventions while Trade Mark Act 1994 supplements the tort of passing off by enabling traders to register their trademark, rendering any infringement of that mark actionable. Designs are also protected by statute. The majority of intellectual property rights provide creators of original works a form of temporary monopoly with the aim of creating an economic incentive to develop and share ideas[28].

5.8. Tort involving Novel technologies

Many commentators argue that tort law is inappropriate for responding to the risks posed by emerging technologies. Courts are often seen as technically incompetent, and the case method is criticized for sending haphazard signals to procedures. Administrative agencies, it is argues, have greater expertise than courts, and their capacity for uniform rulemaking allows them to create a stable legal environment that contributes to technical progress and economic growth. These criticisms seem to justify current trends in pre-emption of tort law, Courts are increasingly finding tort law pre-empted, even in the absence of explicit legislation to that effect.

Professor Lyndon argues that tort law plays a valuable role in the management of new technologies. By giving producers incentives to concern themselves with all harms that a new technology may cause, rather than just those that a regulatory agency identifies, tort law encourages broader and more effective consideration of safety issues. In addition, Knowledge of the specific context in which alleged harms were suffered may be critical in deciding how to react to those harms. The case method allows a more detailed consideration of this context. The focus of legal reform, Pr Lyndon argues, should not be on pre-empting on tort law, but on determining how tort law, regulation and intellectual property law can best complement one another to allocate the burdens and benefits presented by technological change.[29]

6. Obligations arising out of Torts

Obligations arising out of torts refer to the legal duties or responsibilities that arise from a tortuous act. These obligations can include:

- Compensation: The obligation to pay damages or compensation to the injured party for harm or loss suffered;
- Restitution: The obligation to restore the injured party to their pre-tort position, such as returning property or undoing harm;
- Injunctions: The obligation to refrain from certain actions or behaviours that contribute to the tort;
- Apologies or Acknowledgements: In some cases, obligations may include offering apologies or acknowledgments of wrongdoing;
- Medical expenses and Rehabilitation: In personal injury cases, obligations may include covering medical expenses and rehabilitation costs;
- Property repair and replacement: In cases involving property damage, obligations may include repairing or replacing damaged property;
- Loss of income or earning capacity: Obligations may include compensating for lost income or diminished earning capacity;
- Pain and suffering: Obligations may include compensation for physical or emotional pain and suffering;
- Punitive damages: In some cases, obligations may include paying punitive damages to punish the tortfeasor and deter future wrongdoing.

These obligations aim to hold the tortfeasor accountable for their actions and provide remedies to the injured party. The Specific obligations arising out of torts will depend on the nature of the tort, the harm caused, and applicable laws.

7. Conclusion

In conclusion, this research highlights the complexities and challenges of applying Cameroonian private international law in tort cases. The findings suggest a need for reform to address inconsistencies, clarify applicable laws, and ensure fairness and justice for all parties involved. By adopting a more nuanced approach to lex loci delicti, developing jurisprudence on special issues, and harmonizing with global standards, Cameroon can strengthen its private international framework. Ultimately, this

---

[25] Rossetti and Devoto, Tort claims againstgovernmententities: Whatyouneed to Know, Availableat:https//rossettidevoto.com, accessed on 24 August 2024.

[26]Ibid

[27]Ibid

[28]Garg, Richa, Tort in Intellectualproperty, September 2010. Availableat SSRN: https://ssrn.com/abstract=1672183, Assesses on 24 August 2024

[29] Mary L., Lyndon, Tort law and Technology, Yale Law SchoolLegalScorlarshipRepository, Vol 12 :137, 1995

Copyright © ISRG Publishers. All rights Reserved.
DOI: 10.5281/zenodo.13739002

research aims to contribute to the development of a more effective and equitable legal system for tort cases in Cameroon.

These findings and recommendations aim to identify areas for improvement and provide suggestions for enhancing the clarity, consistency, and effectiveness of Cameroonian private international law regarding torts and obligations.

7.1. Summary of the main research findings:

- Cameroonian private international law applies a combination of territoriality and nationality principles, with a primary focus on lex loci delicti to determine the applicable law in tort cases;
- The lex loci delicti approach is primarily used, but with exemptions for cases involving Cameroonian nationals or interests;
- Special issues like product liability, environmental torts, and cross border torts posesignificant challenges for the current framework;
- There is a need for greater clarity and consistency in the application of private international law principles to torts cases.
- Inconsistencies and uncertainties in the application of private international law principles can lead to unfair outcomes and hinder access to justice.

7.2. Recommendations

To address these challenges, this research recommends:

- Adopting a more nuanced approach to lex loci delicti, considering factors like the parties' nationality, domicile, and the location of the tort's effects;
- Develop jurisprudence and case law to address special issues like product liability, environmental torts and cross border torts;
- Consider adopting international conventions or model laws (e.g. the Hague conventions, the EU's Rome II Regulation) to harmonize Cameroonian private international law with global standards;
- Provide training and resources for judges, lawyers, and legal professionals to ensure consistent application of private international law principles in torts cases.

BIBLIOGRAPHY

BOOKS

1. American Law Institute, Restatement of the Law, Second : Conflict of laws, St. Paul: American Law Institute
2. Dicey, A., Morse, C.G.J., McClean, Briggs, A., Hill, J. & Collins, L. (eds.), Dicey and Morris on the conflict of laws (13th edition), London: Sweet & Maxwell 2000.
3. North, P. & Fawcett J., Cheshire and North's Private International Law (13th edition) London: Butterworths, 1999.
4. Reed, A., Anglo-American Perspectives on Private International Law, Lewiston, N.Y. E. Mellen Press, 2003.
5. Mclean, D. and Ruiz Abou-Nigm, V. (eds), Morris, The Conflict of Laws, 8th ed., London: Sweet and Maxwell, 2012.
6. Morris J., The conflict of Laws, London: Sweet & Maxwell, 2005.
7. Samgena D. Galega, A conspectus of modern tort law: Some reflections on its nature and relevance, available at the university of Soa library.
8. Winsfield&Jolowicz on Tort, (15th ed. By W.V.H.) at P. 4
9. Williams and Hepple, Foundations of the law of Tort (2nd ed.), p.27
10. PierretteEssamaMekongho PhD., Private international Law course notes, University of Yaoundé II SOA, 2017. Page 16
11. M. Anulekha, The doctrine of Renvoi in Private International Law, 2020. DamodaramSanjivayya National Law University.
12. Mary L., Lyndon, Tort law and Technology, Yale Law School Legal Scorlarship Repository, Vol 12 :137, 1995

WEBSITES:

1. Tetley, W., Glossary of Conflict of Laws at: www.mcgill.ca/maritimelaw/glossaries/conflictlaws/
2. ASIL Guide to Electronic Resources for International Law: http://www.asil.org/resources/pill.htm
3. Hague Conference on Private International Law official website
4. International Chamber Of Commerce: http://www.iccwbo.org/
5. International Court of Arbitration: http://iccwbo.org/index court.asp
6. International Institute for the Unification of Private Law (UNIDROIT): http://www.unidroit.org/
7. News and views in private international law – Conflict of Laws.net
8. U.S. State Department Private International Law Database, http:www.state.gov/www/global/legalaffairs/privateintllaw.html
9. M. Anulekha, The doctrine of Renvoi in Private International Law, 2020. DamodaramSanjivayya National Law University.
10. Yashaswini Prasad, Cross border tort disputes, Jindal Global Law School, 2015. Available at: www.lawctopus.com. Assessed on 17 August 2024.

Copyright © ISRG Publishers. All rights Reserved.
DOI: 10.5281/zenodo.13739002