Call for Papers: Public International Law and Private International Law: Charting a blurry boundary – towards convergence or still divergence?

This Call for Paper is for an edited volume, the working title of which is: ***Public International Law and Private International Law: Charting a blurry boundary – towards convergence or still divergence?***

The editors, Dr Poomintr Sooksripaisarnkit (of the University of Tasmania) and Dharmita Prasad (of Jindal Global Law School), are in negotiation with Springer Nature Pte Ltd for this edited volume.

Both editors would like to invite you to contribute a chapter in this edited volume focusing on addressing intersectionality between public international law and private international law. Further details are provided in the concept note below.

Tentative Timeline:

- **5 August 2020** – A proposed title of your paper along with a 300-word abstract are to be sent to editors – sooksripaisarnkit@utas.edu.au; dprasad@jgu.edu.in
- **10 August 2020** – Editors will be in touch with selected authors advising each of them of the decision that their proposed paper is accepted for this edited volume.
- **31 August 2020** – Editors will finalise their proposal to Springer Pte Ltd
- **17 July 2021** – First draft of the chapter to be sent to editors
- **August 2021** – Editors review all drafts and provide comments / request respective authors to review their chapter
- **September 2021** – Editors are to submit manuscript to Springer
- **December 2021 / January 2022** – Tentative release of the book

Editors:

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Concept Note

International law has a long history which can be traced back to over thousands of years ago with developments of modern international law took their starting point from the consequence of the Peace of Westphalia in 1648 whereby the concept of nation state emerged. Along with the rise of legal positivism, international law became perceived as the body of law dealing with external aspects of States or, in other words, with relationships between States. Private disputes with foreign elements were gradually taken out of the scope of international law and students of private international law subject have since been taught of it as a domestic private law dealing with cases or disputes involving foreign elements. Public international law and private international law seemingly diverge.

Still, relationships and interactions between public international law and private international law have led to endless debates. Courts in considering what seemingly private international law cases from time to time have to touch on public international law issues. For example, the Court of Final Appeal of the Hong Kong Special Administrative Region in *Democratic Republic of Congo and Others v FG Hemisphere Associates LLC* [2011] HKCFA 41; (2011) HKCFAR 95 had to deal with the concept of sovereign immunity in a case which was essentially an enforcement of foreign arbitral awards. Likewise, the issue of sovereign immunity is likely to come up again in a class action lawsuit brought against the People's Republic of China by thousands of American citizens claiming damages following the COVID-19 outbreak. Relevant to the COVID-19 outbreak, different countries have adopted different measures in an attempt to contain the virus, including closing borders, travel bans, compulsory quarantine, etc. Applying some or all of these measures will bring further complication in terms of

potential issues or arguments involving possible frustration of international contracts. Within the scope of the United Nations Convention on Contracts for the International Sale of Goods (CISG), this involves the consideration of the scope of the force majeure and hardship provision in Article 79. Indeed, international instruments like the CISG present examples of attempts at avoiding private international law issues via public international law instruments. European experiences in negotiating instruments such as the Brussels Regime or wider international experiences in negotiating instruments under the auspices of international organisations such as the Hague Conference on Private International Law only point to the turning of conflict of law matters into international relations. These are some of the issues which highlight the blurry line between public international law and private international law.

This book seeks to contribute to existing debates by focusing its study on the boundary / intersectionality between pubic international law and private international law. In doing so, it seeks contribution for any work which falls within one of the following themes:

- *Historical and Theoretical consideration of the boundary between public international law and private international law*
- *Harmonisation of private international law by public international law instruments – evaluation of process, problems, and effectiveness*
- *Practical consideration / Case Study of public international law consideration in private international law cases*
- *Future trends on relationships and interactions between public international law and private international law: towards convergence or still divergence?*