

Two Interesting Recent Articles related to Private International Law

Williams C Iheme, "The Overdependence of African Courts and Businesses on English Law and Forum:

The Negative Repercussions on the Development of African Legal and Economic Systems" (2024) 15 *Pravni Zapisi*, pp. 151-190

The uncritical transplantation of English law by Anglophone-African legislators and judges, and their failure to sufficiently adapt English legal concepts to suit the idiosyncratic socioeconomic conditions in Africa, arguably contribute to the perpetuation of English law's hegemony therein. It is argued that the overdependence on English law and courts by African businesses in resolving contractual disputes

is not necessarily due to any alleged stellar qualities of the former, but largely due to the over-marketing of the English legal system's competence by its apologists. The analysis uses piquant examples to elicit some adverse effects of using/overreliance on the English law and forum by African businesses in resolving contractual disputes.

To reposition from the lengthened shadow of English law, Anglophone African legislators, judges and legal scholars, must craft autochthonous legal processes that suit Africa's tastes and socioeconomic milieu.

Georgia Antonopoulou, "Forum Marketing in International Commercial Courts?" (2024) *Oxford Journal of Legal Studies*

Forum selling is a legal term used to describe the practices of courts and judges, geared towards attracting cases, such as increasing the predictability of judgments or speeding up trials. However, do courts also go beyond forum selling to attract cases? Taking international commercial courts as its focus, this article explores how these courts market themselves to attract cases and coins the term 'forum marketing'. It demonstrates that the courts' recent establishment, coupled

with their voluntary jurisdiction, creates a compelling context, which encourages them to engage in forum marketing. The article argues that forum marketing is not merely a byproduct of the competition in commercial dispute resolution, but a powerful mechanism with deeply persuasive, normative and, effectively, structuring properties. Forum marketing is central to disseminating and reinforcing a pro-business approach in civil justice, consequently setting the stage for procedural inequality and a one per cent procedure.