

Transnational enforcement and recognition of Sri Lankan judicial determinations: A comparative analysis

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This study examines the legal and doctrinal challenges Sri Lanka faces in securing recognition and enforcement of its judicial determinations abroad. It considers the enforceability and practical application of Sri Lanka's legislation on the Reciprocal Recognition of Foreign Judgments, assessing both its scope and its limitations in practice. Core private international law principles such as jurisdictional competence, judicial comity, reciprocity, finality of judgments, and forum public policy are analyzed to understand the conditions under which foreign courts may recognize Sri Lankan determinations. A comparative analysis highlights divergent approaches: jurisdictions such as the United Kingdom and Singapore provide statutory mechanisms for direct enforcement of Sri Lankan determinations owing to reciprocal arrangements, whereas countries like India and the United States rely on domestic common-law principles. Absent a treaty or reciprocity, Sri Lankan determinations often require re-litigation or fresh suits to be enforced. The study further underscores the absence of any multilateral or bilateral treaty guaranteeing cross-border effectiveness, noting that Sri Lanka is not party to any operational judgment-enforcement convention. These shortcomings exacerbate uncertainty and enforcement barriers, as foreign courts default to local law scrutiny such as ensuring procedural fairness and avoiding conflicts with public policy before recognition. To address these gaps, the paper proposes reforms, including Sri Lanka's accession to international frameworks (such as the Hague Judgments Convention) and the negotiation of bilateral agreements with key jurisdictions, particularly within the Commonwealth. Such reforms would foster greater harmonization, predictability, and effectiveness in the transnational enforcement of Sri Lankan judicial determinations.

Keywords: *Private international law, Reciprocal recognition, Judicial determinations, Sri Lanka, Transnational enforcement*