

ADDRESSING CROSS-BORDER SUCCESSION AND INHERITANCE DISPUTES: A CALL FOR LEGAL REFORM IN SRI LANKA

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Due to the large scale of migration, handling cross-border succession and inheritance disputes in an evolving interconnected world has become more prevalent and complex. This complexity can be triggered by a multitude of unexpected legal hurdles where an individual's estate includes multiple countries if the deceased held a different nationality or domicile from their last country of residence or if the heirs reside in various countries, their estates may become subject to the laws and regulations of multiple jurisdictions. Significant challenges arise from the diversity of inheritance procedures and rules of Private International Law observed across the jurisdictions. Criteria followed under Private International Law such as domicile (lex domicilii), nationality, residence and the location of assets (lex situs) are considered for determining both the court's jurisdiction and the applicable law in such situations leading to more complexities for a country like Sri Lanka that does not incorporate or recognize a separate set of private international law rules, and consist of a conglomerate of transplanted laws (Roman-Dutch law and English law) and personal laws. International frameworks such as The Hague Convention on the Law Applicable to Succession (1989) set out rules for determining which country's law applies to cross-border succession matters and allow individuals to choose the law of their nationality to govern their succession. Sri Lanka could explore the potential of joining or adopting similar international conventions to simplify cross-border inheritance issues. This research aims to propose legal reforms to the Sri Lankan law on cross-border succession and inheritance disputes incorporating private international law rules and conventional international law to streamline its legal process promoting flexibility in the choice of law and improving the efficiency of the probate process for cross-border estates. The research findings and conclusions were reached using the black letter law method and the comparative research method.

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