

New publication: Conflict of Laws in the People's Republic of China

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The area of conflict of laws in China has undergone fundamental development in the past three decades and the most recent changes in the 2010s, regarding both jurisdiction and choice of law rules, mark the establishment of a modern Chinese conflicts system. Jointly written by three professors from both China and the UK, this book provides the most up-to-date and comprehensive analysis of Chinese conflict of laws in civil and commercial matters, covering jurisdiction, choice of law, procedure, judgment and awards recognition and enforcement, and interregional conflicts in China.

Providing comprehensive and sophisticated analysis of current Chinese conflict of laws, the authors assess the actual judicial practice and case decisions. The book takes into account the historic, political and economic background of the subject matter, as well as relevant empirical evidence and data, especially recognizing the contribution of Chinese scholars in the field. It examined over 300 cases and over 130 legislative and judicial interpretive materials. It concludes that the Chinese conflicts system has entered into the stage of modernization and proposes policy to improve efficiency, prevent local protectionism, balance internationalization and nationalization, democratize legislative process and improve judicial training and judicial practice.

This timely book is an invaluable resource for academics and practitioners in private international law, conflict of laws, international law, international litigation, Chinese law and international civil and commercial matters involving China.

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Critical Acclaim

'This is an excellent and up-to-date book that enables the English-speaking world to get an accurate and comprehensive understanding of private international law in mainland China. The Chinese system can be said to be a mixed system, in that it is only partially governed by statute and much of the law still emerges from case law and interpretations of the law given by the Supreme People's Court. The authors point out that only in very few cases do the Chinese courts actually apply foreign law. This tendency of the judges to avoid the application of foreign law is one of several features of the Chinese system of private international law that shows the importance of judicial decisions to understanding how the system actually works. The writers rightly point out areas where Chinese private international law could be improved, with recommendations that China should liberalise its approach to recognition and enforcement of foreign judgments by adopting a de jure approach to reciprocity and by entering into multilateral treaties like the Hague Choice of Court Agreements Convention 2005.'

- Paul Beaumont, University of Aberdeen, UK

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