

New Titles on Conflict of Laws in the Latest Issue of the Osaka University Law Review



The OSAKA UNIVERSITY LAW REVIEW (OULR) is a prestigious international academic journal on law and politics with a rich history. Published annually by the Graduate School of Law and Politics at Osaka University since 1952, the OULR offers a valuable platform for discussing and sharing information on Japanese law and politics, all presented in English and other foreign languages including French and German from a comparative law perspective.

The OULR's ultimate goal is to foster debate and facilitate the exchange of ideas between Japanese and international scholars, while promoting and disseminating original research in the fields of Japanese law and politics and other related areas.

That said, the latest volume (No. 72) features some papers that might be of interest to the readers of this blog, as well as researchers and practitioners of private international law. These papers highlight important legal developments in China, particularly in the areas of international civil procedure and sovereign immunity.

Hongman QIN, Yongping XIAO, and Xiaoke LUO

New Developments in Chinese International Civil Procedure Law: A Perspective from the Fourth Restatement of the Foreign Relations Law of the United States

Abstract:

This paper explores and compares the 2023 amendments to the Civil Procedure Law of the People's Republic of China with the corresponding rules in the Fourth Restatement of the Foreign Relations Law of the United States. It finds that China's new rules on international civil jurisdiction, the doctrine of forum non conveniens, service and evidence-taking abroad, and the structured mechanisms for recognizing and enforcing foreign judgments are clearer and more detailed for respecting other countries' sovereignty and facilitating the participation of Chinese and foreign parties in litigation before Chinese courts. These updates reflect China's efforts to modernize its legal framework, enhance judicial efficiency, align with international norms, promote cross-border legal cooperation, and ensure the protection of national interests while facilitating cross-border legal interactions.

Zhengxin HUO

A Landmark Change from Absolute to Restrictive Immunity: A Commentary on Foreign Sovereign Immunity Law of the People's Republic of China

Abstract:

On 1 September 2023, the Chinese national legislature adopted the 'Law of the People's Republic of China on Foreign State Immunity'. Comprising 23 articles, the Law represents a landmark change in China's foreign state immunity doctrine from absolute to restrictive immunity. The Law deals with a foreign state's immunity and property from civil lawsuits in Chinese courts and judicial enforcement in the People's Republic of China, representing a new chapter for foreign states in Chinese courts. The adoption of the restrictive immunity doctrine significantly increases the scope of proceedings to be pursued against foreign states with respect to their commercial transactions and enforcement actions to be implemented against foreign states' commercial assets within China. Parties

entering commercial transactions with foreign states will benefit from this law in the event that a dispute arises, and thus, enforcing their rights against a state in Chinese courts becomes necessary.

These papers are available online for free—just click and save them to your preferred device!

You can find all past issues of the OULR in the Osaka University Journal Repository. [\[here\]](#).

I personally had the opportunity to publish an article on the recognition and enforcement of foreign judgments in Japan in the OULR in the past.

The OULR also welcomes submissions in foreign languages, including French or German. Those who are interested in having their research published in the OULR, please refer to our Guide for Authors [\[available here\]](#). As a tradition, the submission deadline for manuscripts is the **first Tuesday of the first week of November**. All details about submissions can be found in the Guide for Authors.