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The Library Catalogs of the Hoover Institution on War, Revolution, and Peace, Stanford University Hoover Institution on War, Revolution, and Peace,1969 Arbitration Agreement in the Arbitration Law of the Peoples Republic of China Yuanmin Lin,1996 Foreign-Related Arbitration in China Fan Yang,2016-03-10 This overview and analysis of current arbitration law and practice in mainland China offers critical analysis of significant Chinese arbitration law materials and key cases decided by the Supreme People s Court of the People s Republic of China PRC It also provides the full texts of around two hundred decisions of the Supreme People s Court of the PRC dating from 1990 to 2013 with enclosures of lower People s Courts decisions presented in a systematic fashion The analysis not only highlights the importance of the materials judicial interpretations and key cases but also enables readers to read mainland Chinese statutes judiciary interpretations and cases independently and confidently Ad Hoc Arbitration in China Tietie Zhang,2018-10-12 Arbitration is the dominant method in the world for resolving international commercial disputes As compared with institutional arbitration ad hoc arbitration has many advantages that make it a preferred way to resolve commercial disputes on many occasions The Arbitration Law of the People s Republic of China however requires that parties appoint an arbitration institution in their arbitration agreement otherwise an ad hoc arbitration agreement is invalid This rule seems to preclude ad hoc arbitration under Chinese law and threatens the validity of many arbitration agreements that are imperfectly drafted Fortunately however this does not mean Chinese courts will never enforce an ad hoc arbitration agreement or an ad hoc arbitration award This book informs parties and practitioners of potential pitfalls related to ad hoc arbitration in China and offers practical guidance It also conducts a comparative study of the history of arbitration in the Western world and in China to identify the reasons for this hostility to ad hoc arbitration and calls for changes to this requirement under Chinese law Zhonghua Renmin Gongheguo zhong cai fa China,2001 **Arbitration in China** Kun Fan,2013-02-11 In the context of harmonisation of arbitration law and practice worldwide to what extent do local legal traditions still influence local arbitration practices especially at a time when non Western countries are playing an increasingly important role in international commercial and financial markets How are the new economic powers reacting to the trend towards harmonisation China provides a good case study with its historic tradition of non confrontational means of dispute resolution now confronting current trends in transnational arbitration Is China showing signs of adapting to the current trend of transnational arbitration On the other hand will Chinese legal culture influence the practice of arbitration in the rest of the world To address these challenging questions it is necessary to examine the development of arbitration in the context of China s changing cultural and legal structures Written for international business people lawyers academics and students this book gives the reader a unique insight into arbitration practice in China based on a combination of theoretical analysis and practical insights It explains contemporary arbitration in China from an interdisciplinary perspective and with a comparative approach setting Chinese arbitration in its wider social context to aid

understanding of its history contemporary practice the legal obstacles to modern arbitration and possible future trends In 2011 the thesis on which this book was based was named Best Thesis in International Studies by the Swiss Network for International Studies What distinguishes this work from other books on international arbitration is its interdisciplinary perspective and comparative approach this book makes a remarkable contribution to the understanding of arbitration in China and transnational arbitration in general Academics scholars and students of international arbitration comparative studies and globalisation may all find this book stimulating It also provides useful guidance for practitioners involved or interested in arbitration in China From the Foreword by Gabrielle Kaufmann Kohler This title is included in Bloomsbury Professional s International Arbitration online service [Arbitration in China](#) Sun Wei,Melanie Willems,2015-09-24

Arbitration in China has been aligned with international norms since the enactment of the Arbitration Law in 1994 The purpose of this book is to assist practitioners by describing the law governing arbitration in China as it is currently applied to practice both domestically and internationally taking into account the regime s numerous features Among the details affecting arbitration practice and procedure in China covered are the following arbitration agreement as a precondition for any arbitration proceedings finality of arbitral awards without any right of appeal procedure governing arbitral proceedings the extent of permissible judicial review arbitrations with a connection to Hong Kong Macau or Taiwan persistent involvement of local governments in arbitration acceptance and proceedings rules on the handling of cases with foreign elements guidelines provided in the Supreme People s Court s judicial interpretations fees grounds for objecting to jurisdiction mechanisms for multi party arbitration interim injunctions formation of arbitral tribunals use of expert witnesses enforcement of arbitral awards and use of mediation Although focusing predominantly on the practical effects of Arbitration Law provisions the authors stress practice involving China s two commissions specifically addressing international matters the China International Economic and Trade Arbitration Commission CIETAC and the Beijing Arbitration Commission BAC Among the numerous local commissions functioning under the Arbitration Law special attention is paid to those in Beijing Shanghai and Guangzhou which along with CIETAC accept the greatest number of cases with a foreign element The book will be invaluable to corporate counsel and other practitioners dealing with Chinese companies Scholars of comparative arbitration law will also find much here to interest them

International Arbitration in the People's Republic of China
Dispute Resolution in the People's Republic of China
Dejun Cheng,Michael J. Moser,Shengchang Wang,2000

Zhiqiong June Wang,Jianfu Chen,2019-12-02 Dispute resolution reforms in China in the last decade or so have all centred around the strategy of establishing an integrated dispute resolution system as part of China s modern governance system This new integrated system referred to as the Mechanism for Pluralist Dispute Resolution PDR in China serves as a dispute resolution system as well as a comprehensive social control mechanism This book is the first academic attempt to explain the methods of civil and commercial dispute resolution in China from the perspective of PDR It systematically and critically

examines the development of China's dispute resolution system with each chapter analysing in detail the development and transformation of the different institutions mechanisms and processes in their historical politico economic and comparative context

Arbitration Law and Practice in China Jingzhou Tao, 2012-07-01 The new rules of the China International Economic and Trade Arbitration Commission CIETAC that came into effect on 1 May 2012 are widely recognized as the full commitment of the Chinese government to the international arbitration system Clarifications of the scope of the Arbitration Law to include contractual disputes disputes over rights and interests in property and disputes between legal persons and other organizations as well as the firm establishment of the arbitration agreement as the sole and exclusive basis for founding the jurisdiction of an arbitral tribunal greatly allay any residual apprehension on the part of foreign investors This third edition of a book that has been widely relied upon since 2003 by business people and their counsel with interests in China is the first publication to offer comprehensive and authoritative coverage of the CIETAC Rules 2012 In addition to the matchless features for which earlier editions are so greatly valued such as in depth coverage of enforcement of foreign judgements in China and of Chinese judgements elsewhere measures to overcome local protectionism effects of China's most important bilateral investment treaties BITs and arbitration related interpretations of the Supreme People's Court the new edition highlights such aspects of the CIETAC Rules 2012 as the following the new mechanism of consolidation of arbitrations power to grant interim measures via the forms of procedural orders or interim awards procedure of suspension of arbitration conservator measures interlocutory award and partial award combining conciliation with arbitration and expedited process under a new summary procedure With first hand expert guidance on the actual handling of arbitration cases recommended arbitration agreement clauses for numerous contingencies case studies and comparative cases to elucidate the handling of specific issues abundant legal instruments for quick direct reference to the relevant law and an annex with English texts of the most important laws and regulations this book offers all the details and insights a practitioner needs While Arbitration Law and Practice in China is primarily a detailed practical examination of Chinese arbitration practice and related laws the Third Edition's special significance lies in its thorough and timely coverage of the CIETAC Rules 2012 For this reason especially it will be of great practical value to business people everywhere operating or seeking opportunities to partner with Chinese enterprises It will also be useful to corporate counsel arbitration institutions and students of dispute resolution

Zhonghua Renmin Gongheguo zhong cai fa China, 2001 **Judicial Review of Arbitration** Lin Yifei, 2018-08-14

International commercial arbitration relies on the possibility of enforcing arbitral decisions against recalcitrant parties In China a crucial world market where the annual arbitration caseload has reached 200 000 and where arbitration is evolving authorities attach great importance to judicial review of arbitration This is the first book to address issues concerning the recognition and enforcement of arbitral awards under applicable law in Greater China the People's Republic PRC Taiwan Hong Kong and Macao describing and analyzing the effect of judicial review on a wealth of recent issues and cases After

providing an overview of the legal framework for Chinese arbitration and judicial review of arbitration the book introduces and discusses the law governing the arbitration agreement due process the arbitrator's power arbitrability formation of arbitral tribunal mediation and public policy In its focus on the various challenges and defenses arising at all stages of the enforcement application process such issues and topics as the following are covered in detail significant judicial interpretations of the Supreme People's Court as recent as 2018 examination of the validity of arbitration agreements setting aside and enforcement of arbitral awards by PRC arbitration institutions role of the New York Convention and other treaties succession of contract examination of evidence and role of competition law and intellectual property law In the discussion of each case and each type of issue the book shows clearly what kind of arbitral awards can be recognized and enforced in China and what kind cannot Comparative studies of foreign laws and practices are included where relevant and an abundance of primary source material is provided in appendices Practitioners global law firms companies doing transnational business jurists and academics from all countries concerned with matters regarding international and foreign related arbitration in China will welcome this invaluable source of detailed information

□□□□□□□□□□ China,2000-12-31 English Chinese Arbitration in China Giovanni Pisacane,Lea Murphy,Calvin Zhang,2016-04-05 The book provides a comprehensive and practical overview of arbitration in the People's Republic of China The process of arbitrating a dispute is described from the perspective of a non Chinese individual or business Readers are guided through the typical course of events in an arbitration process By avoiding both excessive technicality and undue simplification the book appeals to both law professionals and business managers and is useful for practitioners and non experts alike Recent developments in Chinese law on the matter up to the first quarter of 2015 has been taken into account in order to provide readers with a pragmatic up to date presentation of the topic For the same reasons illustrative reference is made to the Shanghai FTZ Arbitration Rules The relevant provisions are noted throughout the text the three appendices at the end of the book allow for easy referencing of the main legislation and regulations The appendices include English versions of the most important PRC Statutes and Interpretations of Statutes on arbitration the Arbitration Rules of the main Chinese arbitration institutions and the official Model Arbitration Clauses suggested by those institutions

Law in the People's Republic of China John H. Minan,Ralph H. Folsom,2024-11-25 **International Commercial Arbitration in the People's Republic of China** Hongjiang Ma,1986 **Dispute Resolution in the PRC** ,1995 **Western and Chinese Arbitration** Arthur J. Gemmell,2008 Seasoned businesspeople especially those engaged in international business are keenly aware of the fact that no matter how pleasant their pre arrangement business courtship has been post arrangement disputes may occur While some disputes may be settled amicably other resolutions leave the parties unsatisfied due to prolonged and costly litigation Dr Arthur J Gemmell asserts that an understanding of the international arbitral system will enrich and sustain business while serving as a viable avenue for commercial dispute resolution To explore the arbitral system Dr Gemmell uses the Chinese and

Western arbitral systems past and present in order to understand what can be accomplished from their examples and errors The term arbitral chain refers to the linkage of one arbitral era to another It is as essential term in the understanding of how successive eras built or modified the standards of arbitration on what had worked in the past *Dispute Resolution in China* Michael J. Moser, 2012-07-01 *Dispute Resolution in China* provides an up to date summary commentary and analysis of how disputes are settled in today's China Like in many other jurisdictions litigation and arbitration are the main dispute resolution methods to settle large commercial disputes in China While litigation is more commonly used in domestic commercial disputes arbitration is the most popular dispute resolution method among foreign parties who conduct business in China or with Chinese parties Each of the chapters contained in this book deals with a selected topic in dispute resolution and is authored by a leading expert in the field This book is a necessary resource for arbitration and litigation attorneys as well as other professionals conducting business in China's increasingly regulated and complex business environment

Chinese Arbitration Association for International Arbitration, 2009 A prosperous economy goes hand in hand with a competent impartial and efficient legal system International investment is only possible when the business parties are confident that adequate dispute resolution possibilities exist A conference on Arbitration in China was held by the Association for International Arbitration AIA in March 2009 This book a product of the conference highlights the newest opportunities and updates for lawyers arbitrators mediators and investors about arbitration and mediation in the event a dispute were to arise with Chinese partners The book includes the conference's opening remarks presented by the president of the AIA Johan Billiet who highlights the differences between Chinese and Western arbitration Other contributions include the issue of mediation and arbitration in China International Chamber of Commerce arbitration in China arbitration differences between China International Economic and Trade Arbitration Commission and other Asian institutions such as Hong Kong International Arbitration Center Singapore International Arbitration Center Korean Commercial Arbitration Board and Japan Commercial Arbitration Association recent developments in Chinese arbitration the issue of recognition and enforcement of arbitral awards in China

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