PREFACE

Conflict of laws in China has gone through a fundamental development in the past three decades. Since China adopted a new policy of reform and of opening up to the world after 1978, it has been the world's fastest-growing major economy. Economic development and international trade and globalization have led to transformations in almost every area of Chinese law, including private international law. The development of international cooperation in trade and commerce increases the number and complexity of foreign-related disputes brought to the Chinese courts. The early conflicts system was fully established in the 1990s. For a long time afterwards, there was limited improvement in the legislation although the system was enriched and improved in a piecemeal manner by judicial interpretations and judicial directions of the Supreme People's Court. Only after China's accession to the WTO in 2001 did the greater proliferation of international trade relations and commercial disputes bring about the need to modernize the Chinese conflicts system. The handover of Hong Kong and Macau has also generated new interregional conflicts problems. Against this background, the Chinese conflicts system experienced a second important leap, marked by the enactment of the Conflicts Act in 2010, the reform of Civil Procedure Law in 2012, and the Supreme People's Court's new jurisdiction interpretation on the Conflicts Act in 2012 and the Civil Procedure Law in 2015. It is fair to argue that China has established a comprehensive and up-to-date conflicts system since the 2010s, and the Chinese conflicts system now enters into the modernization stage.

Compared to the remarkable development of the Chinese conflicts system, it is disappointing that there is no proliferation of comprehensive and quality literature on Chinese conflict of laws. Although numerous journal articles are published in this field in international journals, a wide-ranging, updated, analytical and critical monograph on this subject is lacking in the current market. This monograph aims to fill this gap. However, it is not only a book providing rule-by-rule analysis of current Chinese conflict of laws. It combines historic, theoretic, political and economic backgrounds, and recognizes the scholarly contribution made by Chinese scholars to this field. It compares rules of Chinese characteristics and international practices to assess the current Chinese conflicts system and proposes a modernization strategy for the future. Given the ambitious goal, multiple research methods are adopted. The monograph primarily implements doctrinal research, focusing on analyzing the current conflicts rules. Judicial decisions provide recommendatory and directive value to interpret Chinese law and provide invaluable evidence to demonstrate how the conflicts rules are implemented in practice. This monograph therefore also provides sophisticated analysis of representative case laws. It also includes empirical data to show how the law is enforced in reality. The historic, theoretical and comparative analysis is adopted in

various sections. It concludes with a proposal for the future modernization of the Chinese conflicts system.

Since the conflict of laws covers almost every civil and commercial perspective, it is impossible to provide in-depth analysis of all conflicts matters in this book, thus it excludes family-related matters and only focuses on other civil and commercial matters. It does not mean family matters are not important in China. On the contrary, more and more foreign-related marriages, divorces, adoptions and matrimonial property matters are brought to Chinese courts. Chinese conflicts rules in family matters have also been reformed and modernized, and in certain issues are quicker in pace than other civil and commercial matters. For example, although recognition and enforcement of foreign civil judgments is still subject to a rigid principle of reciprocity, a more liberal approach is adopted to recognizing and enforcing foreign divorce decrees. Since family conflict of laws can be a stand-alone subject, it is not included in this book given its volume and will be included in a follow-up book project.

It is necessary to note that a large amount of Chinese material is used in this book, including legislation, judicial interpretation, cases, government papers, books, journal articles, speeches and newspaper articles. The citation and translation of Chinese materials was a daunting task in this project. In order to avoid extremely long and redundant references, the book only provides Pingyin and English translation of Chinese materials in the text and references. Since many resources have no uniform translation, the provision of 'Pingyin' aims to help readers, who do not read original Chinese to know the pronunciation of the Chinese materials, which helps to identify relevant resources. The Table of Legislation, Table of Cases and Bibliography provide a full list of all Chinese materials used, including the English translation, original Chinese characteristics and Pingyin. As to the secondary resources included in the Bibliography, the author's name will be cited as it is in the original resources. If the secondary resource is in Chinese, the English translation will follow the original order of the author's name in the Chinese resource with the surname capitalized.

This is a collaborative project between three professors based in the UK and in China. Professor Zheng Sophia Tang is responsible for writing Chapters 3, 4, 5, 8, 10, 12, and 14, and contributes to Chapters 6 (IV.1), 7 (IV.5), 9 (III.2.iv, v, vi; IV and V), 11 (I.2, and III.5), and 13 (II and III), Professor Zhengxin Huo is responsible for Chapters 1, 2, 9, and 11, and Professor Yongping Xiao Chapters 6, 7 and 13.

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