



Arbitration in China: A Legal and Cultural Analysis (China and International Economic Law Series)

Kun Fan

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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

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