

Propositions to the dissertation of Bo Yuan

1. The quality of China's foreign-related commercial litigation and arbitration has been largely improved, though several deficiencies remain in these two systems.
2. Many doubts are still raised about China's foreign-related commercial litigation and arbitration systems, because reliable, systematic and accessible information which can be used to evaluate these two systems are still lacking.
3. The further development of foreign-related commercial litigation and arbitration is still plagued by the relatively old-style management structure and the bureaucratic environment in China's judicial and arbitral systems.
4. The dual legal system can to some extent enhance the quality of foreign-related commercial litigation and arbitration at the current stage.
5. The special legal settings for foreign-related commercial disputes should be gradually reduced in future reforms, because the separation may exert negative effects on the unity of the litigation and arbitration systems and create gaps between domestic and foreign-related commercial disputants in the long run.
6. China should adopt a more open and liberal attitude towards foreign courts and arbitration institutions and creates a pro-arbitration legal environment.
7. China should enhance the consistency of its legal rules and reduce repetitions and contradictions in law-making, in order to reduce the cost of disputants for finding and using these legal rules.
8. The administrative workload of judges should be reduced, in order to ensure they have sufficient time and energy to focus on case adjudication.
9. The advantages of Chinese-style and western-style mediation can be combined together, in order to create a more effective Med-Arb procedure.
10. Courts and arbitration institutions should focus more on how they can complement each other and serve disputants' diverse needs, rather than emphasizing too much on their competition.
11. An interdisciplinary thought patterns will be the key to the solution of both academic and practical problems in the future.