



The General Office of the Central Committee of the Communist Party of China and the General Office of the State Council issued the "Opinions on Establishing the "Belt and Road" International Commercial Dispute Settlement Mechanism and Institution"

2018-06-27 21:07 Source: Xinhua News Agency

[Font: large, medium and small]

[Print](#)

Xinhua News Agency, Beijing, June 27. On January 23, 2018, Xi Jinping, General Secretary of the CPC Central Committee, President of the State, and Chairman of the Central Military Commission, presided over a meeting of the Central Leading Group for Comprehensively Deepening Reforms, and reviewed and approved the "About the Establishment of "One Belt, One Road" International Commercial Disputes. Opinions on Resolution Mechanisms and Institutions" (hereinafter referred to as "Opinions"). Recently, the General Office of the Central Committee of the Communist Party of China and the General Office of the State Council have issued the "Opinions" and issued a notice, requiring all regions and departments to conscientiously implement them in light of their actual conditions.

The "Opinions" require that we should thoroughly implement the spirit of the 19th National Congress of the Communist Party of China and the Second and Third Plenary Sessions of the 19th Central Committee, take Xi Jinping Thought on Socialism with Chinese Characteristics for a New Era as the guide, actively promote the "Belt and Road" international cooperation, and properly resolve the "Belt and Road" in accordance with the law. For commercial disputes arising from the construction of the "One Belt and One Road", the legitimate rights and interests of Chinese and foreign parties shall be equally protected, and efforts shall be made to create a fair and just business environment. The world economy provides stronger judicial services and guarantees.

The "Opinions" pointed out that the establishment of the "Belt and Road" international commercial dispute settlement mechanism and institutions should follow the following principles:

—Adhere to the principle of extensive consultation, joint contribution and shared benefits. Maintain an open and inclusive mind, advocate the active participation of experts from participating countries who are proficient in international law and familiar with domestic law, respect the right of the parties to choose domestic and foreign legal experts to resolve disputes, and make the "Belt and Road" international commercial dispute settlement mechanism more internationalized Features and reflects the spirit of extensive consultation, joint contribution and shared benefits.

- Adhere to the principle of fairness, efficiency and convenience. Study and learn from the useful practices of the current international dispute settlement mechanism, establish a new mechanism and institution for international commercial dispute settlement that is in line with the national conditions of the countries participating in the construction of the "Belt and Road" and is widely accepted, so as to resolve the cross-border disputes arising from the construction of the "Belt and Road" in a fair, efficient and convenient manner. commercial disputes.

- Adhere to the principle of respecting the autonomy of the parties. Respect the rights of the parties involved in the "Belt and Road" construction to choose the method of dispute resolution by agreement, and to choose the law of their own country or the law of a third country that they are familiar with, actively apply international treaties and international practices, and equally protect the legitimate rights and interests of all parties.

- Adhere to the principle of diversification of dispute resolution methods. Fully consider the diversity of participants in the Belt and Road Initiative, the complexity of dispute types, and the differences in legislation, judiciary, and rule-of-law cultures in various countries, and actively cultivate and improve a dispute resolution service guarantee mechanism that organically connects litigation, arbitration, and mediation to effectively meet the needs of Diversified dispute resolution needs of Chinese and foreign parties. Through the establishment of the "Belt and Road" international commercial dispute settlement mechanism and institutions, a stable, fair, transparent and predictable legal business environment will be created.

The "Opinions" proposed that the Supreme People's Court should establish an international commercial court, lead the establishment of an international commercial expert committee, support the "Belt and Road" international commercial disputes to be resolved through mediation, arbitration and other means, and promote the establishment of a diversified dispute resolution that effectively connects litigation, mediation and arbitration. mechanism to form a convenient, fast and low-cost "one-stop" dispute resolution center to provide high-quality and efficient legal services for parties involved in the "Belt and Road" construction.

The "Opinions" pointed out that the Supreme People's Court established the "First International Commercial Court" in Shenzhen, Guangdong Province, and the "Second International Commercial Court" in Xi'an, Shaanxi Province, to handle cross-border commercial disputes between parties. The Fourth Civil Trial Division of the Supreme People's Court is responsible for coordinating and directing the work of the two international commercial courts.

Establish an international commercial expert committee composed of experts proficient in international law and domestic law, and formulate corresponding working rules. For cross-border commercial disputes between the parties, the committee conducts mediation in accordance with the voluntary principle of the parties and prepares a mediation document. When the Chinese courts need to apply foreign law in the process of adjudicating a case, the Committee can provide expert opinions on how to apply the foreign law.

Support qualified domestic arbitration institutions with good reputation in the world to carry out international commercial arbitration involving the "Belt and Road". Encourage domestic arbitration institutions to cooperate with arbitration institutions in countries participating in the Belt and Road Initiative to establish a joint arbitration mechanism. Attract more outstanding arbitrators at home and abroad, and provide high-quality arbitration legal services for parties in countries participating in the "Belt and Road" construction. The "Belt and Road" international commercial arbitration institutions resolve cross-border commercial disputes involving the "Belt and Road" construction. Chinese courts provide judicial support in terms of property preservation and evidence preservation in accordance with the law, and actively enforce arbitral awards on the basis of convenient and fast judicial review.

Support qualified domestic mediation institutions with good reputation in the world to carry out international commercial mediation involving the "Belt and Road". Support qualified law firms to participate in

international commercial mediation, give full play to the role of lawyers in international commercial mediation, and unblock mediation service channels. The mediation letter issued by the “Belt and Road” international commercial mediation agency to resolve cross-border commercial disputes between parties in the “Belt and Road” construction participating countries can be enforced by a people’s court with jurisdiction after judicial confirmation.

The “Opinions” require that the establishment of the “Belt and Road” international commercial dispute settlement mechanism and related work of institutions shall be under the unified responsibility and coordination of the leading group for promoting the “Belt and Road” construction, and the specific work plan shall be formulated and organized by the Supreme People’s Court. The Supervision and Judiciary Committee, the Legal Affairs Committee of the Standing Committee of the National People’s Congress, the Ministry of Foreign Affairs, the Ministry of Justice, the Ministry of Commerce, and the China Council for the Promotion of International Trade participated in the relevant work. Make full use of the achievements of smart court construction, establish a legal database of countries participating in the “Belt and Road” construction and a foreign law identification center as soon as possible, strengthen the information management and big data analysis of cases involving the construction of the “Belt and Road”, and provide intelligent services for judges to ensure that The law is applied correctly and the judgment scale is uniform. Support relevant units to jointly establish a non-governmental organization-based mechanism for preventing and resolving international commercial disputes in conjunction with national business associations and legal service agencies participating in the “Belt and Road” initiative. Focus on cultivating and reserving international legal talents, establish a legal talent pool for countries participating in the “Belt and Road” construction, and encourage domestic and foreign legal experts who are proficient in international law, international business and trade rules, and proficient in foreign languages to participate in dispute resolution. Guide domestic legal experts to strengthen research on issues related to international commercial dispute settlement, strive to form a number of valuable research results, and effectively do a good job in the transformation of results. Explore and promote the revision of relevant laws and regulations such as the Civil Procedure Law, Arbitration Law, judicial interpretations and other normative documents, so as to provide sufficient legal basis and guarantee for the establishment and improvement of the “Belt and Road” international commercial dispute settlement mechanism and institutions.

[I want to correct my mistakes] Responsible editor: Lei Lina

Scan to open the current
page on your phone



Related Manuscripts

[The person in charge of the Supreme People’s Court answered a reporter’s question on the “Opinions on the Establishment of the “Belt and Road” International Commercial Dispute Settlement Mechanism and Institution”](#)

[Towards a new era of win-win cooperation – written on the first anniversary of the “Belt and Road” International Cooperation Summit Forum](#)

[“The Important Speech of Xi Jinping’s Belt and Road Forum for International Cooperation” published](#)

[The United Nations speaks highly of the outcomes of the Belt and Road Forum for International Cooperation](#)

Blueprints Turned into Action Dreams, Lighting Up the Front -- World Echoes of the "Belt and Road" Forum for International Cooperation

Commentator of the People's Daily: A Road to Encounter, Acquaintance and Common Development——Second Discussion on President Xi Jinping's Speech at the Opening Ceremony of the Belt and Road Forum for International Cooperation



State Department

executive meeting
plenary
organization
government working report

Prime Minister

up to date
speech
article
media coverage
video
audio
image gallery

news

Highlights
Topic
Government Hookup
Press Releases
scroll

policy

up to date
State Council Policy Document Repository
government information disclosure
Gazette
policy analyzing
State Council Policy Questions and Answers Platform
Policy Topics

interactive

service

data

national conditions

Link: [National People's Congress](#) | [National Committee of the Chinese People's Political Consultative Conference](#) | [National Supervisory Commission](#) | [Supreme People's Court](#) | [Supreme People's Procuratorate](#)

[State Council Department Website](#)

[Local government website](#)

[Websites of Institutions in Hong Kong and Macau](#)

[Overseas institutions](#)

[media](#)



State Department Client



State Council client applet



Chinese government website Weibo,