

THE JUDICIAL DETERMINATION OF THE VALIDITY OF ARBITRATION AGREEMENTS IN THE PEOPLE'S REPUBLIC OF CHINA

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ABSTRACT

A valid arbitration agreement is of foundational importance to the legitimacy of the arbitration procedure. As arbitration is an alternative method of dispute resolution, its legitimacy rests upon party autonomy expressed by the parties in their arbitration agreement. This paper examines the judicial determination of the validity of arbitration agreements in the People's Republic of China (P.R.C.). It aims to demonstrate the paradox that exists between party autonomy and state authority, and by such, may help the public appreciate the promises and limits of arbitration as an institution.

KEYWORDS: *The judicial system of the P.R.C., arbitration agreement, contract amendment, dispute resolution, arbitration, Arbitration Law of the P.R.C., arbitration clause*

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