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Master Thesis of International Law

Indirect Jurisdiction of Contract Cases in the Context of Hague
Recognition and Enforcement Convention

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Abstract

Contract jurisdiction has been a central and complicated legal issue in the Hague Conference for a long time. After two rounds of negotiation, the Hague Conference switched on a third one on a broad jurisdiction which including indirect jurisdiction rules. This article will focus on contract jurisdiction issues in the indirect jurisdiction part. Firstly, the author will give a brief introduction of the background of Hague Conference and the ongoing new convention, and then contract jurisdiction situation in Civil Law and Common Law system will be analyzed. Within Civil Law system, Germany and France are recognized as traditional Civil Law pioneer for a long time; China will also be analyzed since it is a typical Civil Law country in East Asia; the contract jurisdiction situation in the US and the UK will be introduced in Common Law system. Meanwhile, regulations in the Brussels Regime also will be concluded because it is a successful model in global level. Finally, the author will try to give an assessment of jurisdiction in contract cases in the two legal systems and put forward an ideal model that suitable for the new convention. Three aspects will be discussed in contract jurisdiction, which respectively are general jurisdiction rules that suitable for all cases including contract cases, specific contractual jurisdiction rules and jurisdiction rules suitable for certain specific category of contract cases, besides, related content of agreement clauses, exclusive jurisdiction and public policy will also be discussed.

Key Words: Contract jurisdiction; Hague Conference; indirect jurisdiction;
Civil Law system; Common Law system; Brussels Regime;
Jurisdiction convention

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