STUDIES IN THE CONTRACT LAWS OF ASIA VOL IV: INVALIDITY

Convenors: Professor Mindy Chen-Wishart (Oxford/National University of Singapore), Professor Stefan Vogenauer (Max Planck) & Professor Hiroo Sono (Hokkaido University)

15 & 16 March 2018 (Thursday & Friday)
NUS Law (Bukit Timah Campus), Eu Tong Sen Building Level 1, Lee Sheridan Conference Room

EW Barker Centre for Law & Business (EWBCLB) was pleased to organise the conference on the “Studies in the Contract Laws of Asia IV: Invalidity” on 15 & 16 March 2018 at NUS Law.

This is a series of six edited collections of high quality scholarly essays on contract law in Asian jurisdictions, to be submitted sequentially at 12-18 months intervals beginning with the first volume in January 2014.

Studies in the Contract Laws of Asia I: REMEDIES FOR BREACH OF CONTRACT
Studies in the Contract Laws of Asia II: FORMATION AND PARTIES
Studies in the Contract Laws of Asia III: CONTENTS OF CONTRACTS (including consumer protection)
Studies in the Contract Laws of Asia IV: INVALIDITY
Studies in the Contract Laws of Asia V: ENDING AND CHANGING THE CONTRACT
[Studies in the Contract Laws of Asia VI: PUBLIC POLICY AND ILLEGALITY]

Participating countries:

- CHINA
The volume will be a most important addition to the international scholarship on contract law and comparative law. The three reasons for this project corresponds to the three dimensions of this project:

First, there is a gulf of ignorance in the 'West' about the contract laws of Asia. As more attention is paid to the rising power and emerging markets of Asia, the time is ripe for filling this gap. So, the project convenors aim to provide in the English language:

- an authoritative and up-to-date introduction to the contract laws of major Asian jurisdictions;
- some discussion of the values and policies that have shaped the development of the law;
- identification of the current controversies and debates in each jurisdiction; and
- a bibliography of core literature in each jurisdiction.

Second, while there is a long history of comparative contract law studies in Europe, and a healthy body of such literature in the English language, there is almost no such literature on Asian Contract law. The comparative contract law scholarship has tended to gravitate vertically towards the source jurisdiction since most Asian jurisdictions are based on one or other European models, particularly English, German and French law. Some comparisons are done with European or transnational instruments or restatements (e.g. PECL, DCFR, CISG or PICC). These are obviously important, but it is also important to show whether and if so how European-sourced laws acquired different characteristics in the Asian recipient jurisdictions. This will yield insights into the issue of 'legal transplant', which is a central topic in comparative law. In the papers, the contributors have already seen some very interesting ‘mutations’ of (or as Professor Chen says ‘improvements on’) the original transplant, and we observed the phenomenon of double transplant: eg German to Japan to Thai; English to Indian to Malaysian. This overlaps with the third dimension of our project.

Third, there is also a need to know how the contract laws of Asian jurisdictions compare with each other. There is horizontal comparison. Diversity is an obstacle to mutual understanding and to trade. This is the assumption behind the European or transnational instruments or restatements. In Asia realism has progressed at a much slower pace. Europe has a customs union, a single market, and a common currency, all supported by an extensive institutional structure and a large regional bureaucracy, these are largely absent in Asia – due to its unique historical experiences and political developments, especially after World War II. The project convenors met some of the contributors through the Principles of Asian Contract Law project. That project must be firmly based on horizontal comparisons of the contract laws of Asia. So, there is a need to:

- Identify the points of convergence-divergence in the different laws?
- Examine whether there is a distinctively Asian perspective on contract law issues? If so, see how this may compares with the emerging shape of European contract law?

These volumes will:
- be a valuable resource for scholars, students, legal practitioners, business people, policy-makers, governments and law-makers all over the world.
- facilitate the development and teaching of courses on comparative Asian contract law worldwide, educating future generations of lawyers in this area of expertise, and
- provide the necessary groundwork for the current initiative towards the harmonization of contract law in Asia.

Front Row from left:
Associate Professor Gary F. Bell (NUS), Dr Munin Pongsapan (Thammasat), Dr Lee Yin Harn (Sheffield), Professor Cheong May Fong (Australian Catholic University), Professor Stefan Vogenauer (Max Planck), Professor Mindy Chen-Wishart (Oxford/NUS), Professor Hiroo Sono (Hokkaido University), Associate Professor Dr Tay Pek San (Malaya) & Associate Professor Dora Neo (NUS), Professor Hugh Beale (Warwick).

Second Row from left:
Mr Muhammad Rifky Wicaksono (Gajah Mada), Associate Professor Kelry Loi (NUS), Professor Chen Tsung-Fu (National Taiwan), Dr Michael Dizon (Waikato), Professor Shen Wei (Shandong), Mr KV Krisnaprasad (Oxford), Associate Professor Shivprasad Swaminathan (Jindal Global), Assistant Professor Rachel Leow (NUS) & Associate Professor Tham Chee Ho (SMU).

Third Row from left:
Professor Adrian Briggs (Oxford), Dr Tran Kien (Vietnam National), Associate Professor Burton Ong (NUS), Professor Kong Phollack (Ponnasastra Cambodia), Mr Do Giang Nam (Vietnam), Professor Michael Bridge (NUS), The Honorable Justice and Professor Jan Sheng-Lin (The constitutional Court Taiwan and National Taiwan), Assistant Professor Timothy Liau (NUS) & Ms Irina Sakharova (NUS).