

China Market Publishing Corporation (Ed.)

Collection of Laws and Regulations of China Concerning Foreign Economic and Trade Relations

Hong Kong: China Consultants Intl., Hong Kong, 1983, loose-leaf collection, Australian Dollars 275.00

The importance to foreign business enterprises of the economic legislation enacted in China since the demise of Maoism has led to the publication in China of some bilingual editions of relevant laws.¹ Outside China, translations have also been produced, more or less regularly, of new laws likely to be of interest to those doing business with Peking.² The collection reviewed here has been produced in association with David Syme & Co., Melbourne. It is a loose-leaf collection convenient to update, in a sturdy binder thumb-indexed for easy reference, with the Chinese texts and the English translations juxtaposed on opposite pages. The headings so far included are: the constitution, foreign investment, foreign trade administration, special economic zones, foreign exchange control, taxation, customs, inspection and quarantine, resident offices of foreign enterprises, trademarks, natural resources, contracts, arbitration, and maritime affairs. The quality of the translations in the collection is on the whole quite good. Still, the reader should take care to note the reminder in the introduction to the binder, that the Chinese texts alone are authentic. Thus, e.g., s. 2 of the »Interim Regulations of the PRC Concerning the Control of Resident Offices of Foreign Enterprises« stipulates that »A foreign enterprise actually needing to establish a resident office in China . . .«, and not » . . . desiring to establish«.³

Chinese legal terminology is occasionally redundant, several terms being variously used to denote the same meaning. A particularly vexing case is to decide whether the Chinese ›yinggai‹ and ›yingdang‹ ought to be rendered as either ›shall‹ or ›should‹. Sometimes the context helps to resolve the ambiguity, as in s. 5 of the above-mentioned Regulations (the registration certificate » . . . shall be returned in case of failure to register . . .«).⁴ In these Regulations, ›yingdang‹ in particular has often been translated as ›should‹ although the mandatory ›shall‹ would have been called for.

The editors have, moreover, not taken care to distinguish, by different kinds of brackets, those passages added in the English translations as mere syntactic complements from those which already appeared in parentheses in the Chinese original.⁵

1 E.g., Foreign Investment Commission of the PRC, *Collection of Laws and Regulations of the PRC Concerning Foreign Economic Affairs*, vol. 1, n.p., n.d.; *China's Foreign Economic Legislation*, vol. 1, Peking: 1982.

2 Nee/Chu/Moser (Eds), *Commercial, Business and Trade Laws – People's Republic of China*, Dobbs Ferry: Oceana, 1983 ff.; F. Münzel (Ed), *Chinas Recht*, Hamburg, 1983 ff.; V.F.S.Sit (Ed.), *Commercial Laws and Business Regulations of the PRC*, Hong Kong: Tai Tao, 1983; DeBauw/Dewit, *China Trade Laws*, Brussels: Bruylant, 1982; D.T.C. Wang, *Les sources du droit de la République populaire de Chine*, Geneva: Droz, 1982 (the last two were reviewed in VRÜ 16 (1983), pp. 472, 476).

3 P. IX-3 of the collection reviewed.

4 Cf. also *China's Foreign Economic Legislation* (n. 1, supra), p. 168.

5 Cf., e.g., I-17: Art. 19; X-11: s. 30; XII-27: s. 41 1) (c); XIV-3: Art. 3).

With a few exceptions the legislation contained in the collection is limited to laws specifically related to foreign economic affairs. Those doing business inside the PRC will need to know in addition a large number of purely domestic laws dealing with their field of activity.⁶ Still, the present collection, in its handy format, will be a welcome reference book for practitioners and academics alike.

Wolfgang Kessler

Eva K. Dargyay

Tibetan village communities – structure and change

Aris & Phillips LTD, Warminster England, 1982, 110 S., £ 12.50

The traditional Tibetan societal structure and its forced collapse is the topic of this monograph. In its central part it sets out on a meticulous and arduous task of reconstructing the societal structure of three »villages« of a valley in the Gyantse district, and therefrom of the whole of Tibet.

Since, nowadays, it is quite impossible to conduct a detailed and penetrating field research in Tibet, the author was forced to collect her information by an analysis of the accounts of a few other writers and by interviewing refugees from Tibet, now living in India and Switzerland. The research methods are based on intensive interview techniques and upon an anthropological approach. In order to conceive the whole system, Dargyay selected one specific area, a »Hundred-County«, which, traditionally, was the smallest administrative unit in Tibet. Interviewing especially refugees from this area, she collected first hand, though memory based, information of pre-invasion times. Showing the relevance of this local information within, and for, a broader cultural context, she attempts to draw a picture of the entire state and society of Tibet.

After a short account of the »Environment« of the »Hundred-County«, which includes housing and living conditions in general, the more general principles of societal stratification are described. Three basic groups of subjects, a. of the central government, b. of the state monasteries and c. of the nobility form the main groups of the rural area, each having specific rights and obligations, various degrees of tributary dependence and personal freedom. Later on, she shows that this basically feudal society has to be seen as a quite complex and differentiated system of socio-economic strata.

The family structure is closely associated with the overall socio-economic system, extended families and nuclear families living side by side. Residence rules, roles and ranks, functions, norms and values of families and of other face to face groups are described. This is followed by an account of the rural economic system, which varies according to the social position of the subjects. Lastly, the internal political structure of the »Hundred-County« is presented.

6 Cf. Nee/Chu/Moser (n.2, supra) and Münzel (ibid).