

## **The Impact of International Conflicts Conventions on Domestic Private International Law in Taiwan**

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**National Report – Taiwan**

by

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### I. INTRODUCTION

Due to the specific international and diplomatic status of the Republic of China (Taiwan) (hereinafter Taiwan), the conflict of laws rules in Taiwan do not have too much of a direct implication in relation to the international conflicts conventions. Taiwan rarely has the chance to enter into international conflicts conventions and this accordingly reduces the influence of those conventions in the forming of the conflict of laws rules in Taiwan.

However, in the development of Taiwan's conflict of law rules, there is still some indirect implications which may be observed in regard to the international conflicts conventions either from the current legislation or the drafting of amendments. Although Taiwan is not directly bound by these conventions which it has not entered into, the legislators sometimes do take into account the rules established under these conventions and incorporate them into the law when drafting it, which therefore gives rise to some similarities between Taiwan's conflict of laws rules and international conflicts conventions.

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This report is intended to observe the impact of the international conflicts conventions, particularly the Hague Conventions and CIDIP Conventions, on the conflict of laws rules and practices in Taiwan. The second part of the report will briefly introduce the direct and indirect impact of the Hague Conventions and CIDIP Conventions on Taiwan's domestic law. The third part of this report will compare Taiwan's domestic law with several Hague Conventions to see the similarities and differences between them. The fourth part of this report will further introduce several Taiwan judicial decisions which cited the Hague Conventions to see the impact of these conventions on Taiwan's jurisprudence. The fifth part will be the conclusion of the report. It is anticipated that by means of this report the relationship between Taiwan's domestic conflict of laws rules and international conflicts conventions will be generally introduced and clarified, and this will therefore provide a clear picture as to the influence of international conflicts conventions upon Taiwan's domestic law and practices.

## II. THE HAGUE CONVENTIONS, CIDIP CONVENTIONS AND THE DOMESTIC CONFLICT OF LAWS IN TAIWAN

As a civil law state, Taiwan embodied its conflict of laws rules mainly in a single statute, i.e., the Act Governing the Application of Laws in Civil Matters Involving Foreign Elements (hereinafter Taiwan Conflicts Act). This act was promulgated on 6 June 1953 and has not yet been amended since then; accordingly, some provisions have been out of date and are even inappropriate. This has caused the Judicial Yuan to launch a project to amend the act and to this end convened a Committee of experts to work on it in 1998. The Committee completed its work in December 2007 and the official Draft of the Amendment of the Act Governing the Application of Laws in Civil Matters Involving Foreign Elements is ready for the review of the legislative branch (Legislative Yuan) (hereinafter the 2007 Draft of Taiwan Conflicts Act). To observe the impact of international conflicts conventions on Taiwan's conflict of law rules, this report will focus on the provisions and judicial practice of the current Taiwan Conflicts Act and the 2007 Draft of Taiwan Conflicts Act.

*A. The Level of Participation in the Hague Conventions and CIDIP Conventions – Responses to Questions 1)-4); 8)~9)*

As above mentioned, due to the specific international status of Taiwan, the opportunities for Taiwan to enter into international conflicts conventions are comparatively few. Therefore, the level of participation in international conflicts conventions such as the Hague Conventions and CIDIP Conventions is extremely low, or, in other words, zero.

As regards the Hague Conventions, Taiwan, limited by her status, is precluded from the Hague Conferences on Private International Law; therefore Taiwan has neither signed or ratified any of the Hague Conventions, nor sent delegations to the diplomatic conferences where any of the Hague conventions were adopted. The situation is exactly the same as to the participation in the CIDIP Conventions. It should be emphasized that the CIDIP is organized under the Organization of American States. Since Taiwan is not an American state, it is not the member of the Organization of American States.

In addition, since Taiwan has not entered into any of the Hague Conventions or CIDIP Conventions, the issues as to whether there is precedence between conflicts conventions and domestic law is not a significant one in Taiwan. For reference purposes, there is no specific provision within Taiwan's Constitution which stipulates the precedence between treaties and domestic laws. However, in the reasoning of the Judicial Yuan Interpretation No. 329, the Grand Justice has mentioned that once the treaties have been passed by the domestic legislation procedures, they hold the same status as laws. Following this opinion, the status of a treaty shall be the same as that of domestic law, and therefore the conflict between a treaty and domestic law shall be theoretically resolved by applying the rules resolving the conflict between laws, such as the *lex specialis derogat generali*, or *lex posterior derogat priori*.

Although Taiwan is not a member of any Hague Conventions and CIDIP Conventions, this does not mean that these Conventions have no influence upon Taiwan's domestic conflict of laws rules. Since both the Hague Conventions and CIDIP conventions are developed to establish a global standard private international law and represent the global trend and consensus of the development of private international law to a certain degree, the legislators

in Taiwan sometimes refer to the principles embodied by them. Therefore, some indirect impact may be observed in Taiwan's domestic law, which will be demonstrated below.

*B. The Indirect Impact of Hague Conventions and CIDIP Conventions on Taiwan's Domestic Law*

Before introducing the indirect impact of the Hague Conventions and CIDIP Conventions on Taiwan's Domestic law, it shall be emphasized again that Taiwan is not a member of any of these Conventions. Therefore, the provisions regulated in Taiwan Conflicts Act or proposed to be added to the Law have nothing to do with the implementation of Taiwan's treaty obligations, but are merely a source of reference.

Under the current Taiwan Conflicts Act, it seems that the legislators do not fully take into account the international conflicts conventions when enacting the Law. The only provision possessing a connection with the international convention, which may be observed from its legislative reason, is Article 26 of the Taiwan Conflicts Act. Article 26 provides: "Where the law of the nation of the party concerned shall be applied under this Law and the party concerned has several nationalities acquired at different times, the law of the nation of the party concerned shall be decided according to the nationality he last acquired; if the nationalities were acquired simultaneously, the law of the nation which is closest in the relationship with the party concerned shall apply; provided, that if the party concerned is to be considered as a national of the Republic of China in accordance with law of nationality of the Republic of China, the law of the Republic of China shall apply." In its legislative reason, the legislator clearly stated that this provision was to take reference to the spirit of Article 5<sup>1</sup> and Article 3<sup>2</sup> of the 1930 The League of Nations Convention on Certain

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<sup>1</sup> Article 5 of the 1930 Hague Convention on Nationality stipulates, "Within a third State, a person having more than one nationality shall be treated as if he had only one. Without prejudice to the application of its law in matters of personal status and of any conventions in force, a third State shall, of the nationalities which any such person possesses, recognise exclusively in its territory either the nationality of the state in which he is habitually and principally resident, or the nationality of the state with which in the circumstances he appears to be in fact most closely connected."

<sup>2</sup> Article 3 of the 1930 Hague Convention on Nationality stipulates, "Subject to the provisions of the present Convention, a person having two or more nationalities may be regarded as its national by each of the States whose nationality he possesses."

Questions Relating to the Conflict of Nationality Laws (hereinafter the 1930 Hague Convention on Nationality).<sup>3</sup> This is the only statement that may be observed under the current Taiwan Conflicts Act which has connection with the international convention.<sup>4</sup>

However, in recognizing that the current Taiwan Conflicts Act was enacted in 1953 and is in need of updating, there is a huge range of amendments in the 2007 Draft of Taiwan Conflicts Act, and some amendments incorporate the ideas developed in Hague Conventions and CIDIP Conventions, which are demonstrated as follows:

*a. The Nationality of a Legal Person*

The legislative explanation of Article 13 of the Draft mentions that this article is taken in reference to Article 2 of the 1979 CIDIP Inter-American Convention on Conflict of Laws Concerning Commercial Companies, and therefore provides that the national law of the legal person is the law of the place where they are incorporated.

*b. The Applicable Law to Agency*

The legislative explanation of Articles 17-19 of the Draft mentions that the amended applicable law to agency is taken reference to Articles 5, 6 11, 12, 13, 14 and 15 of the 1978 Hague Convention on the Law Applicable to Agency. Article 17 stipulates that the applicable law of the agency relationship shall be the law which the principal and the agent expressly agree upon, or the law of the place where the agency relationship is most closely connected if without such express agreement. Article 18 further provides that, between the principal and the third party, the existence and extent of the agent's authority and the effects of the agent's exercise or purported exercise of his authority shall be governed by the law expressly agreed upon or the law of the place where the agency relationship is most closely connected if without such express agreement. Article 19 also follows the same rule

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<sup>3</sup> As a matter of fact, China has ratified and acceded to this Convention in 1934. However, after the civil war in 1949, whether the government in Taiwan is still qualified in representing China becomes an unsettled public international law issue, and therefore leaves the question of whether Taiwan is still bound by that 1930 Convention unresolved.

<sup>4</sup> Nevertheless, it shall be emphasized that the 1930 Hague Convention on Nationality is a convention in the era of the League of Nations and is not one of the conventions passed under the Hague Conference on Private International Law. See [http://www.hcch.net/index\\_en.php?act=conventions.listing](http://www.hcch.net/index_en.php?act=conventions.listing) (last visited Apr. 6, 2008).

established by Article 18 when dealing with the relationship between the agent and the third party.

*c. The Applicable Law to Bills of Exchange, Promissory Notes and Checks*

The legislative explanation of Article 21 of the Draft mentions that this article is taken reference to Articles 3-5 of the 1975 CIDIP Inter-American convention on conflict of laws concerning bills of exchange, promissory notes and invoices and Article 3-5 of the 1979 CIDIP Inter-American Convention on Conflicts of Laws Concerning Checks, which provides that the law governing the rights arising from a bill, note or check shall be the law of the place of the conduct, or the law of the place of payment if the place of conduct cannot be identified.

*d. The Applicable Law to Product Liability*

The legislative explanation of Article 26 of the Draft mentions that this article is taken reference to Articles 4-7 of the 1973 Hague Convention on the Law Applicable to Products Liability, which regulates that the applicable law of product liability shall be the internal law of the state where the products manufacturer incorporated, but the law of the place of injury, the law of the place where the injured purchases the products or the place of the national state of the injured may become applicable law if the products manufacturer has agreed in advance to sell the products to the territory of any of the above places and is so designated by the injured to be the applicable law.

*e. The Applicable Law to Securities Held with an Intermediary*

The legislative explanation of Article 44 of the Draft mentions that this article is taken reference to the spirit of the 2002 Hague Convention on the Law Applicable to Certain Rights in Respect of Securities Held with an Intermediary, which regulates that certain rights of the securities shall be governed by the law to which the contract of depository expressly refers or the law of the place with the closest relationship if without such express mentioning.

*f. The Applicable Law to Matrimonial Property Regimes*

The legislative explanation of Article 48 of the Draft mentions that this article is taken reference to the 1978 Hague Convention on the Law Applicable to Matrimonial Property Regimes, which provides that the matrimonial property regime is governed by the national law or domicile of either the husband or the wife provided they agree upon it in writing, or the internal law of the common nationality if without such agreement, or the law of their common domicile if without such common state, or the law of the place with the closest relationship with the marital relationship if without such common domicile.

*g. The Applicable Law to Parents and Children Relationship*

The legislative explanation of Article 55 of the Draft mentions that this article is taken reference to the principle embodied in the 1996 Hague Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in Respect of Parental Responsibility and Measures for the Protection of Children, which stipulates that the legal relationship between parents and children shall be governed by the national law of the children.

*h. The Applicable Law to Maintenance Obligations*

The legislative explanation of Article 57 of the Draft mentions that this article is taken reference to the principle embodied in the 1973 Hague Convention on the Law Applicable to Maintenance Obligations and the 1989 CIDIP Inter-American Convention on Support Obligations, which stipulates that the maintenance shall be governed by the national law of maintenance creditor.

*i. The Applicable Law to Wills*

The legislative explanation of Article 61 of the Draft mentions that this article is taken reference to Articles 1 and 2 of the 1961 Hague Convention on the Conflicts of Laws

Relating to the Form of Testamentary Dispositions, which regulates that the form of a will and its revocation shall be governed by either the law of the place where the will is made, the law of the domicile of the testator when he dies, or the law of the place of the real property if the will involves real property.

### III. THE SIMILARITIES AND DIFFERENCES BETWEEN INTERNATIONAL CONFLICTS CONVENTIONS AND TAIWAN'S DOMESTIC LAW – RESPONSES TO QUESTIONS 5)~7)

In addition to observing the indirect impact of the international conflicts conventions on Taiwan's domestic law from the legislative reason or the explanation of the current Taiwan Conflicts Act and the 2007 Draft of Taiwan Conflicts Act, the influence of the international conflicts conventions on Taiwan's domestic conflict of laws rules may also be observed by comparing the similarities and differences between these international conflicts conventions and Taiwan's current domestic law. This Report does not intend to discuss this in too much detail, but it does list several important issues for comparison between the Hague Conventions and Taiwan's domestic law.

#### *A. International Sale of Goods*

To decide the applicable law of the international sale of goods, the 1986 Hague Convention on the Law Applicable to Contracts for the International Sale of Goods has established several fundamental principles. Pursuant to Article 7, the applicable law shall be first determined by the law chosen by parties expressly or with a clear demonstration. Without such agreement, the applicable law shall be the law of the place where the seller has his place of business at the time of the conclusion of the contract in principle by virtue of Article 8(1), but shall be the law of the place where the buyer has his place of business at the time of the conclusion of the contract in certain exceptional circumstances by virtue of Article 8(2). Nevertheless, pursuant to Article 8(3), those rules shall be subject to the principle of close connection, i.e., the contract will be governed by the law which the contract is manifestly more closely connected with. In summary, the conflict of laws rule relating to the international sale of goods under the 1986 Hague Convention on the Law



Applicable to Contracts for the International Sale of Goods is that, subject to the close connection principle, the express agreement of parties is treated as being of first priority, and then the seller's place of business is in principle but with few exceptions where the buyer's place of business dominates. This rule is different from the current Taiwan Conflicts Act regime.

Taiwan Conflicts Act does not deal with the conflict of laws rule of sales of goods specifically. However, Article 6 of the law provides a general principle dealing with the law applicable to the effect of juristic acts, including contracts of sales of goods. Under this provision, the law applicable to the contract of sales of goods shall be determined firstly by the intention of the parties to the contract, then the law of the state in which the parties possess common nationality without such agreement, then the law of the contracting place if without such state, then the law of the place when the notice of the offer was issued if the contract is offered and accepted in different places, but the law of the place of domicile of the offeror if the offeree does not know the place where the offer was issued.

The rule under the current Taiwan Conflicts Act is apparently different from the rule established under the 1986 Hague Convention on the Law Applicable to Contracts for the International Sale of Goods. The reason for this difference is mainly because the rule in Taiwan governing the law applicable to contracts is not as delicate as the international conflicts conventions. As a matter of fact, there is only one provision, i.e., Article 6, which deals with the law applicable to all the juristic acts with no further classification. Therefore, the rule applying to the international sales of goods is actually the general rule under juristic acts and there is a lack of a special rule which takes into account the characteristic and uniqueness of international sales of goods. Under the 2007 Draft of Taiwan Conflicts Act, this deficiency has still not been improved.

### *B. Product Liability*

To decide the law applicable to the liability of the products manufacturer for damage caused by a product, the 1973 Hague Convention on the Law Applicable to Products Liability has enumerated several principles. The applicable law, subject to several conditions under Article 4, shall be the internal law of the State of the place of injury, but

the internal law of the State of the habitual residence of the person directly suffering damage prevails if that State meets the condition set in Article 5. If neither the conditions under Article 4 nor the one under Article 5 are met, the applicable law, pursuant to Article 6, shall be the internal law of the State of the principal place of business of the person claimed to be liable, unless the claimant bases his claim upon the internal law of the State of the place of injury. Nevertheless, the above rules will not apply if the person claimed to be liable establishes that he could not reasonably have foreseen that the product or his own products of the same type would be made available in that State through commercial channels pursuant to Article 7.

Although the 2007 Draft of Taiwan Conflicts Act has added Article 26 to regulate the applicable law to products liability and has incorporated the spirit of the 1973 Hague Convention on the Law Applicable to Products Liability into it, there is no specific provision specifically dealing with the law applicable to products liability under the current Taiwan Conflicts Act. Since most of the scholars in Taiwan categorize the products liability as a special type of tort liability, the conflict of laws rules of torts governs this issue. By virtue of Article 9 of the current Taiwan Conflicts Act, an obligation arising from a tort shall be dealt with by *lex loci delicti*, provided that this shall not apply where such act is not considered to be wrongful under the law of Taiwan. Applying this rule to products liability, the disputes of products liability shall be governed by the law of the place of wrong or the place of injury.

The rule under the current Taiwan Conflicts Act clearly differs from the 1973 Hague Convention on the Law Applicable to Products Liability. Again, this is mainly due to there being a lack of a delicate classification within torts under the current Taiwan Conflicts Act. However, by taking note of this deficiency, the 2007 Draft of Taiwan Conflicts Act has added Article 26 to specifically regulate the applicable law to products liability, which shall be considered as an improvement.

### *C. Traffic Accidents*

The 1971 Hague Convention on the Law Applicable to Traffic Accidents provides several principles in determining the law applicable to traffic accidents. Article 3 provides that the

law applicable to traffic accidents shall in principle be the internal law of the State where the accident occurred. However, subject to the conditions and circumstances enumerated in Article 4, the internal law of the State where the vehicle is registered may possibly prevail.

There are also no specific provisions specifically dealing with the law applicable to traffic accidents under the current Taiwan Conflicts Act, and the rules applying to traffic accidents still need to be observed by the conflict of laws rules governing torts. As mentioned above, Article 9 of the current Taiwan Conflicts Act stipulates that the *lex loci delicti* governs the torts. Therefore, the law applicable to traffic accidents in Taiwan will be the law of the place where the traffic accidents occur in principle.

By comparing the 1971 Hague Convention on the Law Applicable to Traffic Accidents with Taiwan Conflicts Act, there is indeed some resemblance. However, it shall be emphasized that this similarity has not arisen from the Taiwan Conflicts Act taking reference to the 1971 Hague Convention on the Law Applicable to Traffic Accidents during the legislative process, but rather, a coincidence. The reason for this coincidence is possibly due to a traffic accident being a usual type of tort which happens frequently in our daily lives, and therefore the characteristics of traffic accidents have already been incorporated into the rules governing the applicable law to the general torts.

#### *D. Matrimonial Property Regime*

To decide the law applicable to the matrimonial property regime, the 1978 Hague Convention on the Law Applicable to Matrimonial Property Regimes provides that the law which governs shall be firstly determined by the law designated by the spouses before marriage with some limitations in Article 3. Without such designation, the applicable law, pursuant to Article 4, shall be the law of the State in which both spouses establish their first habitual residence after marriage in principle, but the internal law of the State of the common nationality of the spouses will apply in certain exceptional circumstances. If the spouses do not have their habitual residence in the same State, nor have a common nationality, their matrimonial property regime is governed by the internal law of the State with which, taking all circumstances into account, it is most closely connected.

The rules under the current Taiwan Conflicts Act, however, are much more backward in relation to this issue. According to Article 13 of the Taiwan Conflicts Act, the applicable law is in principle the law of the state of which the husband is a national at the time of marriage. However, if an alien is the Chui-fu (i.e., a son-in-law living in his wife's home) of a national of the Republic of China, the applicable law shall be the law of the state of which the wife is the national, i.e., the law of the Republic of China. In addition, the above rule does not apply to the immovable property of the husband and wife if, under *lex loci rei sitae*, special provisions shall apply thereto.

Apparently, the current rule in Taiwan governing the matrimonial property regime mainly follows the national law of the husband and therefore puts the husband in a more favourable position, which is against the principle of equality between men and women. Therefore, the 2007 Draft of Taiwan Conflicts Act proposes to amend the rule applying to the matrimonial property regime and take reference to the 1978 Hague Convention on the Law Applicable to Matrimonial Property Regimes as mentioned above.

#### *E. Maintenance Obligations*

The 2007 Hague Protocol on the Law Applicable to Maintenance Obligations establishes the principle in deciding the applicable law of maintenance obligations and represents the latest view relating to the law applicable to maintenance obligations of the Hague Conference. The general principle under the Protocol, pursuant to Article 3, is that the maintenance obligations shall be governed by the law of the State of the habitual residence of the creditor. However, there are also some special rules applying to specific categories of the maintenance relationship, such as Article 4 providing special rules for the parents-children maintenance relationship and Article 5 providing special rules for maintenance obligations between spouses or ex-spouses.

Under the current Taiwan Conflicts Act, the rule is not as complicated as the one under the 2007 Hague Protocol on the Law Applicable to Maintenance Obligations. Article 21 of the current Taiwan Conflicts Act merely stipulates that the national law of the person who is bound to furnish maintenance shall apply with respect to the maintenance obligations.

The rule under the current Taiwan Conflicts Act apparently departs from Article 3 of the 2007 Hague Protocol on the Law Applicable to Maintenance Obligations by putting the debtor rather than the creditor in a better position. Nevertheless, as above mentioned, Article 57 of the 2007 Draft of Taiwan Conflicts Act is amended to follow the rules recognized by the 1973 Hague Convention on the Law Applicable to Maintenance Obligations and the 1989 CIDIP Inter-American Convention on Support Obligations, which is similar to the rules under Article 3 of the 2007 Hague Protocol on the Law Applicable to Maintenance Obligations.

#### IV. TAIWAN'S IMPLEMENTATION OF INTERNATIONAL CONFLICTS CONVENTIONS – RESPONSES TO QUESTIONS 10)~12)

As to the implementation of the international conflicts conventions in jurisprudence, it shall be firstly noted that since Taiwan is not a member of any of the Hague Conventions or CIDIP Conventions, these international conflicts conventions have no direct binding force to the domestic courts in Taiwan. Furthermore, since the current Taiwan Conflicts Act has not used these international conflicts conventions as reference when legislating, the courts naturally do not need to resort to these conventions in order to interpret the current Taiwan Conflicts Act. Therefore, to the courts in Taiwan, these conventions have very limited reference value, and there is very little jurisprudence citing these conventions. In particular, there is no jurisprudence in Taiwan citing the Hague Convention of 1980 on the Civil Aspects of International Child Abduction, the CIDIP III Convention of 1984 on Conflicts of Law in the Adoption of Minors and the CIDIP IV Convention of 1989 on the International Restitution of Minors based on the present research of the author.

Nevertheless, this report summarizes for reference purposes two court decisions in Taiwan which have cited the Hague Conventions, one of them involving the 1993 Hague Convention on Protection of Children and Co-operation in Respect of Interstate Adoption, as follows:

##### *A. Taiwan High Court 86 Shang No. 1153 Decision*

In this case, the parties agreed in their contract designating the French Court to possess exclusive jurisdiction in resolving the disputes arising from the contract. In determining the effect of this provision of the contract, the Taiwan High Court first noted that whether or not the parties could have designated a foreign court as the court dealing with civil matters involving foreign elements remains unregulated under the current Taiwan Conflicts Act and the Taiwan Code of Civil Procedure. To decide whether parties are allowed to do so, the Court took the 1965 Hague Convention on the Choice of Court as its reference and therefore determined that this agreement of jurisdiction provision was valid.

*B. Taiwan Taipei District Court 89 Yang-sheng No. 184 Ruling and Taiwan High Court 89 Jia-kang No. 251 Ruling*

In this case, two nationals of the Netherlands adopted a Taiwan child as their adopted daughter. In obtaining the recognition from the court, the Taiwan Taipei District Court rejected the adoption, where one of the reasons for rejection was based on the 1993 Hague Convention on Protection of Children and Co-operation in Respect of Interstate Adoption. The Court considered that the intermediary institution, i.e., the Catholic Relief Service, failed to seek for domestic adoption in advance, which was in violation of the universal principle embodied in the 1993 Hague Convention on Protection of Children and Co-operation in Respect of Interstate Adoption, and therefore rejected this interstate adoption.

However, in the procedure of appeals from rulings, the Taiwan High Court in its 89 Jia-kang No. 251 Ruling reversed the ruling of the Taiwan Taipei District Court and opined that since Taiwan did not enter into the 1993 Hague Convention on Protection of Children and Co-operation in Respect of Interstate Adoption, nor was the Convention transformed into Taiwan's domestic law, the Convention should not be binding on the nationals of Taiwan. In addition, the Taiwan High Court also accepted the argument made by the appellant that "the best interests of children" principle is also embodied in the 1993 Hague Convention on Protection of Children and Co-operation in Respect of Interstate Adoption, and therefore approved the adoption in this case.

V. CONCLUSION

To conclude, due to Taiwan's specific international status, none of the Hague Conventions or CIDIP Conventions have been ratified by Taiwan. However, since these Conventions are entered into by numerous countries and represent a widely recognized principle in the international community, they still have a certain indirect impact on Taiwan's domestic law, which may particularly be observed from the 2007 Draft of Taiwan Conflicts Act. In addition, since the current Taiwan Conflicts Act does not classify the issue of conflict of laws as specifically as the international conflicts conventions, some differences between these conventions and Taiwan's domestic law still exist. It is thus worth pondering whether to incorporate the principle embodied in these conventions into the Draft in the future. Finally, there are few cases where these international conflicts conventions have been incorporated into Taiwan jurisprudence, which again proves that Taiwan's conflict of laws rules are isolated from the international community. It is anticipated that the proceeding amendment of the Taiwan Conflicts Act may bring Taiwan more into conformity with the global trend in the future.