

## Abstract

The thesis includes the introduction and several chapters. There specific contents are as follows:

The introduction instructs the definition of the title of the thesis, the significance of the study, the thinking-way and construction of the study.

Chapter 1 gives a deep analysis on the reasons of the treaties-implementation in China. First of all, “*pacta sunt servanda*” is the legal theoretical reason for the implementation of treaties in China. Secondly, the real reason for the implementation of treaties in China is that the treaties involve private interest or modification of the interest of domestic laws. Furthermore, the most fundamental reason for the implementation of treaties in China is the coordination of the interest of the international community, the national interest of China, and the private interest at domestic level.

Chapter 2 makes a general statement of the definition, characteristics and classification of acceptance. Then this chapter discusses the reality of the acceptance of treaties in China's domestic laws, and points out that the conclusion procedure must come before the acceptance. This chapter continues to give some advices for perfecting the acceptance mechanism of treaties in domestic laws.

Chapter 3 points out that the fundamental principles of treaties-implementation in China are the basis for the implementation of treaties in China, and are important principles which go through the whole procedure of the implementation of treaties in China. There follows the analysis on three fundamental principles of the implementation of treaties in China, which are the principle of sovereignty, the principle of “*pacta sunt*

servanda” and the principle of the protection of private interest.

Chapter 4 introduces the five different practices about the legal status of treaties within domestic legal system. Meanwhile, it introduces and analyses the standpoints and reasons concerning the legal status of treaties within domestic legal system by some domestic scholars, and points out the tendency of “treaties are prior to laws” which reflected in the stipulations. On the basis of jurisprudence, it defines the legal status of treaties within China’s legal system.

Chapter 5 analyses the China’s regulations, the judicial interpretations and the cases concerning treaties-implementing methods whatever directly or indirectly or mixture during the lasting 20 years. It points out that there are many defects within the legal documents of direct treaties-implementation, and shortage of legal documents of indirect treaties-implementation as well as the confusion of standards concerning the implementation of treaties directly or indirectly, which resulting to the confusion of system of treaties-implementation in China. To change such condition, China shall establish the system of “self-execution treaties” and “non-self-execution treaties” to rule the implementation of the treaties.

Chapter 6 introduces the methods of prevention and solution of conflicts between treaties and domestic laws of China, analyses the defects of those methods, and brings out perfecting suggestions.

Chapter 7 discusses the perfection of implementation system of treaties from aspects of legislation system and judicial system. In aspect of legislation system, we shall use the terms of treaties normatively, compactly and

unified in domestic law, and shall amend the constitution law as well as the law of procedure of the conclusion of treaties. In aspect of judicial system, we shall reform the judicial system to improve its independence, shall innovate the judicial idea as well as the thought of law implementation, shall train the judicial professionals who are familiar with both international treaties and law of treaties, shall perfect the judicial interpretation and improve the transparency as well as applicability of such judicial interpretation, and shall establish the reporting system of judicial implementation of treaties.