

MUTUAL RECOGNITION OF ARBITRAL AWARDS AMONG TAIWAN, CHINA, HONG KONG AND MACAU: REGULATORY FRAMEWORK AND JUDICIAL DEVELOPMENT

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ABSTRACT

This article examines the mutual recognition of arbitral awards among Taiwan, China, Hong Kong and Macau. It covers both regulatory frameworks and judicial practices. Relevant issues are mainly shaped and formulated by domestic regulatory regimes and decided by national courts before the coming into place of formal agreements. In terms of agreements signed between those four jurisdictions, they are not entirely identical. This article argues that the recognition of arbitral awards among those four jurisdictions relates not only to different conception and interpretation of some pertinent legal concepts, such as reciprocity, public policy, and res judicata, but also to the competition of jurisdiction and conflicts of economic interests. The complexities should not be overlooked by simply referring to the trend of closer judicial assistance.

KEYWORDS: *Mutual Recognition, Arbitral Awards, Public policy, Reciprocity, Res Judicata, Mutual Recognition Arrangements*

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