

# EXPLORING A RECENT JUDICIAL DILEMMA ON RECOGNITION AND ENFORCEMENT OF PEOPLE'S REPUBLIC OF CHINA ARBITRAL AWARDS IN TAIWAN (REPUBLIC OF CHINA)

*Pei-Kan Yang*\*

## ABSTRACT

*Despite not being a member, Taiwan has tried to implement New York Convention through legislative actions and judicial practices. Since 1982, Taiwan has established a legal system in favor of recognizing foreign arbitral awards. However, such system might be implicated by a recent case involved a cross-strait dispute. In *Evergreen Co. v. Chechiang Textiles Co.*, the ruling of Taiwan Supreme Court runs against the common practices of adopting a formal approach in reviewing the recognition of foreign civil judgments. This paper aims at discussing such recent dilemma and exploring its possible implications on the recognition and enforcement of arbitral awards rendered in PRC. This paper argues that the court's ruling amounts to a substantive review, and such interpretation could generate negative effects on future cases involved with the recognition of PRC arbitral awards. It is suggested that the principle of reciprocity could be a possible ground for judicial review and a further legislative action to revise Cross-Strait Relations Act might be necessary to solve the dilemma.*

---

\* Assistant Professor of Law, Graduate Institute of Financial and Economic Law, Feng Chia University, Taichung, Taiwan. J.D., Duke University School of Law, U.S.A. The author can be reached at [peikan1@gmail.com](mailto:peikan1@gmail.com).

**KEYWORDS:** *arbitral awards, recognition and enforcement, foreign arbitral awards, New York Convention, res judicata*