



IDRA TALK AT THE NATIONAL JUDGES COLLEGE OF THE SUPREME PEOPLE'S COURT

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RECOGNITION AND ENFORCEMENT OF FOREIGN JUDGMENTS IN THE CONTEXT OF ONE-BELT-ONE-ROAD

The speaker



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President Hwang is an independent Barrister (Senior Counsel) and Chartered Arbitrator based in Singapore practising international arbitration and mediation. He has also served as Chief Justice of the

Dubai International Financial Centre (DIFC) Courts since 2010. He was formerly a contract Judge of the High Court of Singapore and has served as Singapore's Non-Resident Ambassador to Switzerland and Argentina. He was also President of the Law Society of Singapore from 2008 to 2010, and a Visiting and later an Adjunct Professor at the National University of Singapore. Dr Hwang was educated at undergraduate and postgraduate levels at Oxford University and was conferred an Honorary Degree of Doctor of Laws (LLD) by the University of Sydney, where he started his legal career as a law teacher in 1966-7.

Host and Moderator



Dean Professor HUANG Yongwei

President
National Judges College (NJC)

Dean Huang has a doctorate degree in litigation jurisprudence. He is currently the Secretary of the Communist Party Committee and the Dean of the Supreme People's Court's National Judges College and a part-time professor of the Southwest University of Political Science and Law. He graduated in the Southwest University of Political Science and Law in July 1982 and has worked in the Research Office of the Higher People's Court of Hebei. Between 2000 and 2001, he studied in the Illinois State University and obtained his master's degree in business administration (MBA). In March 2003, he was appointed as Chief Judge and the Secretary of the Communist Party Committee of the Intermediate People's Court of Qinhuangdao, Hebei. In November 2012, he was appointed as the Dean of the Supreme People's Court's National Judges College. In March 2016, he was appointed as the Secretary to the Party Committee of the Supreme People's Court's National Judges College.

Synopsis

International arbitration is traditionally thought to be the only method of dispute resolution which businesses can resort to when cross-border disputes arise in the One-Belt-One-Road project. However, lawyers and their clients should not overlook the possibility of litigating in a national court, and then applying to another national court for recognition and enforcement of the judgment. Common law courts will enforce money judgments from any other country, provided a few basic conditions apply, and these conditions are not difficult to meet. In civil law courts, foreign money judgments can often be enforced but the conditions for recognition and enforcement are stricter than for common law courts. But whatever the differences between common law and civil law courts may be, it is worthwhile for courts to take the lead and exchange information on recognition and enforcement with other courts. One way is for courts of OBOR countries to enter into memorandums of guidance with the courts of other OBOR countries, explaining the requirements for enforcing the judgments of one court in the other. The example set by the DIFC Courts may be a useful guide for OBOR countries to follow.