



FACULTY OF LAW OF THE UNIVERSITY OF MACAU

A Study on Interregional Recognition and Enforcement of Civil and Commercial Judgments between Mainland China and Macao

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I declare and certify that this thesis presented here is entirely the result of my original research and has not been submitted elsewhere, either in part or whole, for a degree or other academic credits. I undertake the sole responsibility for any inaccuracy in this declaration.

Yours Sincerely,

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Abstract

For more than a decade, the economic tie and social communication among the regions of China have become closer and closer. Given the continuous increase of interaction between the Mainland China and the Macao SAR, a better understanding of the mutual interregional recognition and enforcement of civil and commercial judgments between the two sister-regions is of vital importance to protect the legitimate interests of private parties. The key issues related to the recognition and enforcement, which are world widely accepted, mainly include jurisdiction, *res judicata*, fair and adequate procedure, finality of the judgment, public order, fraud exception and the reciprocity principle. Due to historical reasons, the legal cultures and the judicial systems of these two jurisdictions of China vary a lot in their respective legal practices. Although Mainland and Macao belong to one country, the Macao SAR has been endowed with the autonomy of high degree. All these points make the interregional recognition and enforcement between the two regions of China distinctive from the situations of interregional recognition and enforcement within other countries. Before the conclusion of the Arrangement between the Mainland and Macao on the Mutual Recognition and Enforcement of Civil and Commercial Judgments in 2006, the interregional recognition and enforcement of judgments between the two regions were mainly governed by the unilateral regimes respectively. Thus the thesis tries to explore the different situations of interregional recognition and enforcement between the two regions before and after the Mainland-Macao Arrangement. Moreover, the focus of the thesis is mainly put on the mechanism of interregional recognition and enforcement constructed by the Mainland-Macao Arrangement, and the thesis tries to evaluate both the advantages and shortcomings of the Arrangement. Besides, the thesis also tries to formulate the suggestions for further improvement of the current regime.

Keywords: Interregional, Mainland-Macao Arrangement, Recognition, Enforcement

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