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Study on New York Convention and Mutual Recognition and Enforcement of Arbitral Awards between China and Hong Kong SAR

by

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Abstract

With the rapid development of the world economy and the increase in the economic interdependence among countries, international arbitration plays a more important role in international commercial disputes. And the recognition and enforcement of arbitral awards is one of the most important aspects of it. In this thesis, I examine the characteristics and the legal framework of the New York Convention and analyze its applicable scope, procedural rules and the grounds for the refusal to recognize and implement. And then, I analyze the development and judicial practice of the New York Convention in China. I identify the existing problems by closely studying relevant law and practice in China including some cases through systematic analysis. Next part, I summarize and analyze the development and judicial practice of the New York Convention in Hong Kong, and focusing on the changes as well as problems after its reunification with People's Republic of China. Finally, I study the issue of mutual recognition and enforcement of arbitral awards between Mainland China and Hong Kong being a one country two systems.

Key words: New York Convention; Arbitral Awards; the Recognition and Enforcement of Arbitral Awards; China; Hong Kong SAR; Mutual Recognition and Enforcement of Arbitral Awards

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