

Mutual Enforcement of Arbitration Awards between Hong Kong and Macao January 2013

On 7 January 2013, representatives from Hong Kong and Macao signed an agreement to provide for mutual recognition and enforcement of arbitral awards in both places: *The Arrangement Concerning Reciprocal Recognition and Enforcement of Arbitral Awards between the Hong Kong Special Administrative Region and the Macao Special Administrative Region* (the "Arrangement").

The Arrangement is made in the spirit of the *Convention on the Recognition and Enforcement of Foreign Arbitral Awards 1958*, commonly known as the *New York Convention*, which is the international agreement by which more than 140 signatory jurisdictions may enforce foreign arbitration awards.

Mainland China has long been a signatory to the New York Convention and as such, awards made in Hong Kong and Macao (being regions within China) are enforceable in the 140 foreign signatory jurisdictions. However, the New York Convention does not apply between regions within China and as such, does not govern enforceability of arbitral awards between Hong Kong, Macao and Mainland China.

Hong Kong and Macao each signed separate agreements with Mainland China for mutual enforcement of arbitral awards, in 1999 and 2007 respectively. The new Arrangement bridges the gap between Hong Kong and Macao and provides for reciprocity between the two special administrative regions.

The conclusion of the Arrangement fosters the legal and judicial co-operation between Macao and Hong Kong in civil and commercial matters and enhances Hong Kong's position as a leading arbitration centre in the Asia Pacific.

While there are existing procedures available to enforce a Macao award in Hong Kong (and vice versa), the Arrangement provides greater certainty and a simpler mechanism for enforcement.

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