

# Mutual Recognition and Enforcement of Civil and Commercial Judgments among China (PRC), Japan and South Korea

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Against the lasting global efforts to address the issue of recognition and enforcement of civil and commercial judgments (“REJ”), some scholars from Mainland China, Japan and South Korea echoed from a regional level, and convened for a seminar on “Recognition and Enforcement of Judgments between China, Japan and South Korea in the New Era”. The seminar was held in School of Law of Renmin University of China on December 19, 2017 and the participants were involved in discussing in depth the status quo and the ways out in relation to the enduring REJ dilemma between the three jurisdictions, especially that between China and Japan.

Unfortunately, despite the immense volume of civil and commercial interactions, China and Japan have been stuck in the REJ deadlock ever since China first refused to recognize Japanese judgments in the infamous 1994 case Gomi Akira. After this misfortune, both Chinese and Japanese courts have waged rounds of repeated refusals or revenges, forming a vicious circle in the guise of the so-called reciprocity. The Sino-Japanese REJ stalemate is considered to be illustrative of the most formidable blockades lying on the way to free movement of judgments. Between China and South Korea, the REJ future is promising. Although China refused to recognize, at least in one case, Korean judgments for lack of reciprocity, Korean

courts have nevertheless recognized Chinese courts on a reciprocity basis. The positive move by Korean courts may well pave the way for Chinese courts to recognize Korean judgments in the future.

For smooth REJ, understanding must be ensured between the three jurisdictions and mutual trust should also be established. In light of China's recent positive movement in applying reciprocity, there may exist a way out for the REJ deadlock if the other two jurisdictions could well join the trend. The papers presented for the seminar will appear in a special 2018 issue of *Frontiers of Law in China*:

1. Yuko Nishitani, *Coordination of Legal Systems by Recognition of Judgments ? Rethinking Reciprocity in Sino-Japanese Relationships*
2. Kwang Hyun Suk, *Recognition and Enforcement of Foreign Judgments among China, Japan and South Korea: Korean Law Perspective*
3. Qisheng He, *Wuhan University Law School Topic: Judgment Reciprocity among China, Japan and South Korea: Some Thinking for Future Cooperation*
4. Wenliang Zhang, *To break the Sino-Japanese Recognition Feud – Lessons Learnt As Yet*
5. Lei Zhu, *The Latest Development on the Principle of Reciprocity in the Recognition and Enforcement of Foreign Judgments in China*
6. Yasuhiro Okuda, *Unconstitutionality of Reciprocity Requirement for Recognition and Enforcement of Foreign Judgments in Japan.*