

ENTER THE DRAGON: India adds China, Hong Kong and Macao to its official list of New York Convention countries

On 19 March 2012, the Department of Legal Affairs of the Indian Government Ministry of Law and Justice issued a notification under section 44(b) of the India Arbitration and Conciliation Act 1996. This notification declared the People's Republic of China (PRC) (including the Special Administrative Regions of Hong Kong and Macao) to be a territory to which the New York Convention applies for the purposes of that Act in respect of any awards made in the PRC, Hong Kong or Macao on or after 19 March 2012.

This notification is important for Hong Kong. Although India is a signatory to the New York Convention, only awards made in territories that have been notified under the Official Gazette¹ may be enforced in India under the New York Convention. Further, although notification had historically been made of over 40 states, notably, out of the Asian jurisdictions, the PRC and Hong Kong were absent from that list until now.

The addition of Hong Kong to this list removes, therefore, what was otherwise a significant hurdle to the enforcement in India of arbitral awards rendered in Hong Kong, and further enhances Hong Kong's appeal as a seat for international arbitration, particularly in matters with an India connection.

¹ The PRC notification will be gazetted in the India Official Gazette.

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