

Propositions

Recognition of Foreign Judgments With a Special Focus on Maritime Judgments Yuhan Ji

1. The legal concept of recognition of foreign judgments is not merely an aspect of enforcement of foreign judgments.
2. Currently, the national and regional legal regimes for the recognition of foreign judgments are designed for the recognition of foreign judgments with an enforcement purpose.
3. Greater willingness of recognition is demonstrated when a court allows only limited categories of refusal grounds or has a strict interpretation of them.
4. Before a court decides whether and to what extent the preclusive effect of a foreign judgment can be recognized, first the applicable law needs to be determined.
5. The common core of Brussels Ibis, English law and American law is that a foreign judgment can be used to preclude a repetitive litigation with the purpose of seeking a contradictory result.
6. If a court defers too much to the determinations of a foreign court and precludes re-litigation on each and every issue decided by a foreign court, the undesirable consequence is that the parties are compelled to contest every minor issue thoroughly in a foreign court at the penalty of being bound by the outcome forever and ever.
7. Because of their inherent international nature, maritime judgments provide an ideal testing ground for the legal regime of recognition of foreign judgments.
8. Although international maritime conventions normally contain a standardized provision concerning the recognition and enforcement of foreign judgments, the effect of these provisions appears to be rather toothless.
9. Due to the fact that some maritime judgments have particular *erga omnes* effect, it is wise for the shipping participants to seek recognition of these in order to realize the full effect of a foreign maritime judgment and to get the benefits granted by the legal mechanisms in maritime law.
10. Maritime judgment creditors can initiate the proceeding for the recognition and enforcement of foreign judgments through an action *in rem* or by applying for a Rule B attachment.
11. To conquer Covid-19 the cooperation between states worldwide needs to improve significantly.