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MULTILATERAL

Inter-American Convention on international commercial arbitration. Concluded at Panama City on 30 January 1975

Authentic texts: Spanish, English, Portuguese and French.

Registered by the Organization of American States on 23 October 1986.

MULTILATÉRAL

Convention interaméricaine sur l'arbitrage commercial international. Conclue à Panama le 30 janvier 1975

Textes authentiques : espagnol, anglais, portugais et français.

Enregistrée par l'Organisation des États américains le 23 octobre 1986.

INTER-AMERICAN CONVENTION¹ ON INTERNATIONAL COMMERCIAL ARBITRATION

The Governments of the Member States of the Organization of American States, desirous of concluding a convention on international commercial arbitration, have agreed as follows:

Article 1. An agreement in which the parties undertake to submit to arbitral decision any differences that may arise or have arisen between them with respect to a commercial transaction is valid. The agreement shall be set forth in an instrument signed by the parties, or in the form of an exchange of letters, telegrams, or telex communications.

Article 2. Arbitrators shall be appointed in the manner agreed upon by the parties. Their appointment may be delegated to a third party, whether a natural or juridical person.

Arbitrators may be nationals or foreigners.

Article 3. In the absence of an express agreement between the parties, the arbitration shall be conducted in accordance with the rules of procedure of the Inter-American Commercial Arbitration Commission.

Article 4. An arbitral decision or award that is not appealable under the applicable law or procedural rules shall have the force of a final judicial judgment. Its execution or recognition may be ordered in the same manner as that of decisions handed down by national or foreign ordinary courts, in accordance with the procedural laws of the country where it is to be executed and the provisions of international treaties.

¹ Came into force on 16 June 1976, i.e., the thirtieth day following the date of deposit with the General Secretariat of the Organization of American States of the second instrument of ratification, in accordance with article 10:

<i>State</i>	<i>Date of deposit of the instrument of ratification</i>
Chile	17 May 1976
Panama	17 December 1975

Subsequently, the Convention came into force for the following States on the thirtieth day after deposit of their instruments of ratification or accession with the General Secretariat of the Organization of American States, in accordance with article 10:

<i>State</i>	<i>Date of deposit of the instrument of ratification</i>
Paraguay	15 December 1976
(With effect from 14 January 1977.)	
Uruguay	25 April 1977
(With effect from 25 May 1977.)	
Costa Rica	20 January 1978
(With effect from 19 February 1978.)	
Mexico	27 March 1978
(With effect from 26 April 1978.)	
Honduras	22 March 1979
(With effect from 21 April 1979.)	
El Salvador	11 August 1980
(With effect from 10 September 1980.)	
Venezuela	16 May 1985
(With effect from 15 June 1985.)	
Guatemala	20 August 1986
(With effect from 19 September 1986.)	

Article 5. 1. The recognition and execution of the decision may be refused, at the request of the party against which it is made, only if such party is able to prove to the competent authority of the State in which recognition and execution are requested:

- a. That the parties to the agreement were subject to some incapacity under the applicable law or that the agreement is not valid under the law to which the parties have submitted it, or, if such law is not specified, under the law of the State in which the decision was made; or
- b. That the party against which the arbitral decision has been made was not duly notified of the appointment of the arbitrator or of the arbitration procedure to be followed, or was unable, for any other reason, to present his defense; or
- c. That the decision concerns a dispute not envisaged in the agreement between the parties to submit to arbitration; nevertheless, if the provisions of the decision that refer to issues submitted to arbitration can be separated from those not submitted to arbitration, the former may be recognized and executed; or
- d. That the constitution of the arbitral tribunal or the arbitration procedure has not been carried out in accordance with the terms of the agreement signed by the parties or, in the absence of such agreement, that the constitution of the arbitral tribunal or the arbitration procedure has not been carried out in accordance with the law of the State where the arbitration took place; or
- e. That the decision is not yet binding on the parties or has been annulled or suspended by a competent authority of the State in which, or according to the law of which, the decision has been made.

2. The recognition and execution of an arbitral decision may also be refused if the competent authority of the State in which the recognition and execution is requested finds:

- a. That the subject of the dispute cannot be settled by arbitration under the law of that State; or
- b. That the recognition or execution of the decision would be contrary to the public policy (*ordre public*) of that State.

Article 6. If the competent authority mentioned in Article 5.1.e has been requested to annul or suspend the arbitral decision, the authority before which such decision is invoked may, if it deems it appropriate, postpone a decision on the execution of the arbitral decision and, at the request of the party requesting execution, may also instruct the other party to provide appropriate guaranties.

Article 7. This Convention shall be open for signature by the Member States of the Organization of American States.

Article 8. This Convention is subject to ratification. The instruments of ratification shall be deposited with the General Secretariat of the Organization of American States.

Article 9. This Convention shall remain open for accession by any other State. The instruments of accession shall be deposited with the General Secretariat of the Organization of American States.

Article 10. This Convention shall enter into force on the thirtieth day following the date of deposit of the second instrument of ratification.

For each State ratifying or acceding to the Convention after the deposit of the second instrument of ratification, the Convention shall enter into force on the thirtieth day after deposit by such State of its instrument of ratification or accession.

Article 11. If a State Party has two or more territorial units in which different systems of law apply in relation to the matters dealt with in this Convention, it may, at the time of signature, ratification or accession, declare that this Convention shall extend to all its territorial units or only to one or more of them.

Such declaration may be modified by subsequent declarations, which shall expressly indicate the territorial unit or units to which the Convention applies. Such subsequent declarations shall be transmitted to the General Secretariat of the Organization of American States, and shall become effective thirty days after the date of their receipt.

Article 12. This Convention shall remain in force indefinitely, but any of the States Parties may denounce it. The instrument of denunciation shall be deposited with the General Secretariat of the Organization of American States. After one year from the date of deposit of the instrument of denunciation, the Convention shall no longer be in effect for the denouncing State, but shall remain in effect for the other States Parties.

Article 13. The original instrument of this Convention, the English, French, Portuguese and Spanish texts of which are equally authentic, shall be deposited with the General Secretariat of the Organization of American States. The Secretariat shall notify the Member States of the Organization of American States and the States that have acceded to the Convention of the signatures, deposits of instruments of ratification, accession, and denunciation as well as of reservations, if any. It shall also transmit the declarations referred to in Article 11 of this Convention.

IN WITNESS WHEREOF the undersigned Plenipotentiaries, being duly authorized thereto by their respective Governments, have signed this Convention.

DONE at Panama City, Republic of Panama, this thirtieth day of January one thousand nine hundred and seventy-five.

[For the signature pages, see p. 258 of this volume.]

Por Haití:
For Haiti:
Pelo Haiti:
Pour Haïti :

Por Perú:
For Peru:
Pelo Peru:
Pour le Pérou :

Por Trinidad y Tobago:
For Trinidad and Tobago:
Por Trinidad e Tobago:
Pour la Trinité-et-Tobago :

Por Uruguay:
For Uruguay:
Pelo Uruguai:
Pour l'Uruguay :

[Signed — Signé]

EDISON GONZALEZ LAPEYRE
30 de enero de 1975¹

Por Bolivia:
For Bolivia:
Pela Bolívia:
Pour la Bolivie :

[Signed — Signé]

FERNANDO SALAZAR PAREDES
2 de agosto de 1983²

Por Honduras:
For Honduras:
Por Honduras:
Pour le Honduras :

[Signed — Signé]

CARLOS ROBERTO REINA
30 de enero de 1975¹

¹ 30 January 1975 — 30 janvier 1975.

² 2 August 1983 — 2 août 1983.

Por los Estados Unidos de América:
For the United States of America:
Pelos Estados Unidos da América:
Pour les Etats-Unis d'Amérique :

[Signed — Signé]

GALE W. MCGEE
June 9, 1978

[Signed — Signé]

CHARLES R. NORBERG
June 9, 1978

Por Barbados:
For Barbados:
Por Barbados:
Pour la Barbade :

Por la República Argentina:
For the Argentine Republic:
Pela República Argentina:
Pour la République Argentine :

Por Costa Rica:
For Costa Rica:
Por Costa Rica:
Pour le Costa Rica :

[Signed — Signé]

GONZALO ORTÍZ MARTÍN
30 de enero 1975¹

Por Nicaragua:
For Nicaragua:
Por Nicarágua:
Pour le Nicaragua :

[Signed — Signé]

DIEGO SIRERA HERRERO
30 de enero 1975¹

Por Ecuador:
For Ecuador:
Pelo Equador:
Pour l'Équateur :

[Signed — Signé]

HUMBERTO GARCÍA ORTÍZ
30/75 enero ¹

¹ 30 January 1975 — 30 janvier 1975.

Por Guatemala:
For Guatemala:
Pela Guatemala:
Pour le Guatemala :

[Signed — Signé]

FRANCISCO VILLAGRÁN KRAMER
30 de enero 1975¹

Por Jamaica:
For Jamaica:
Pela Jamaica:
Pour la Jamaïque :

Por Brasil:
For Brazil:
Pelo Brasil:
Pour le Brésil :

[Signed — Signé]

HAROLDO TEIXEIRA VALLADAO
Panamá, 30/1/75

[Signed — Signé]

GERALDO EULALIO DO NASCIMENTO E SILVA

Por Panamá:
For Panama:
Pelo Panamá:
Pour Panama :

[Signed — Signé]

JUAN MATERNO VASQUEZ
30/1/75

Por Paraguay:
For Paraguay:
Pelo Paraguai:
Pour le Paraguay :

Ad referendum

[Signed — Signé]

MIGUEL SOLANO LÓPEZ
26 de agosto de 1975²

¹ 30 January 1975 — 30 janvier 1975.

² 26 August 1975 — 26 août 1975.

Por Venezuela:
For Venezuela:
Pela Venezuela:
Pour le Venezuela :

[Signed — Signé]
GONZALO PARRA ARANGUREN
30/1/75

Por la República Dominicana:
For the Dominican Republic:
Pela República Dominicana:
Pour la République Dominicaine :

[Signed — Signé]
KEMIL DIPP GÓMEZ
Abril 18, 1977¹

Por El Salvador:
For El Salvador:
Por El Salvador:
Pour Le Salvador :

[Signed — Signé]
FRANCISCO BERTRAND GALINDO
30 de enero de 1975²

Por México:
For Mexico:
Pelo México:
Pour le Mexique :

[Signed — Signé]
RAFAEL DE LA COLINA
27 de octubre de 1977³

Por Chile:
For Chile:
Pelo Chile:
Pour le Chili :

[Signed — Signé]
RAFAEL EYZAGUIRRE ECHEVARRÍA
3 de enero de 1975²

¹ 18 April 1977 — 18 avril 1977.

² 30 January 1975 — 30 janvier 1975.

³ 27 October 1977 — 27 octobre 1977.

Por Colombia:
For Colombia:
Pela Colômbia:
Pour la Colombie :

[*Signed — Signé*]

MARCO GERARDO MONROY CABRA
30 de enero de 1975¹

¹ 30 January 1975 — 30 janvier 1975.