

No. 24392

MULTILATERAL

**Inter-American Convention on extraterritorial validity of
foreign judgments and arbitral awards. Concluded at
Montevideo on 8 May 1979**

Authentic texts: Spanish, English, Portuguese and French.

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

MULTILATÉRAL

**Convention interaméricaine sur l'efficacité extraterritoriale
des décisions et sentences arbitrales étrangères.
Conclue à Montevideo le 8 mai 1979**

Textes authentiques : espagnol, anglais, portugais et français.

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

INTER-AMERICAN CONVENTION¹ ON EXTRATERRITORIAL VALIDITY OF FOREIGN JUDGMENTS AND ARBITRAL AWARDS

The Governments of the Member States of the Organization of American States,

Considering that the administration of justice in the American States requires their mutual cooperation for the purpose of ensuring the extraterritorial validity of judgments and arbitral awards rendered in their respective territorial jurisdictions, have agreed as follows:

Article 1. This Convention shall apply to judgments and arbitral awards rendered in civil, commercial or labor proceedings in one of the States Parties, unless at the time of ratification it makes an express reservation to limit the Convention to compensatory judgments (*sentencias de condena*) involving property. In addition, any one of them may declare, when ratifying the Convention, that it also applies to rulings that end proceedings, to the decisions of authorities that exercise some jurisdictional function and to judgments in penal proceedings ordering compensation for damages resulting from an offense.

The rules of this Convention shall apply to arbitral awards in all matters not covered by the Inter-American Convention on International Commercial Arbitration, signed in Panama on January 30, 1975.²

Article 2. The foreign judgments, awards and decisions referred to in Article 1 shall have extraterritorial validity in the States Parties if they meet the following conditions:

- a. They fulfill all the formal requirements necessary for them to be deemed authentic in the State of origin;

¹ Came into force on 14 June 1980, 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 11:

<i>State</i>	<i>Date of deposit of the instrument of ratification</i>
Peru	15 May 1980
Uruguay*	15 May 1980

* For the text of the declaration made upon ratification, see p. 105 of this volume.

Subsequently, the Convention came into force for the following States on the thirtieth day after the date of deposit with the General Secretariat of the Organization of American States of their instruments of ratification or accession in accordance with article 11:

<i>State</i>	<i>Date of deposit of the instrument of ratification</i>
Colombia	10 September 1981
(With effect from 10 October 1981.)	
Ecuador	1 June 1982
(With effect from 1 July 1982.)	
Argentina	1 December 1983
(With effect from 31 December 1983.)	
Venezuela	28 February 1985
(With effect from 30 March 1985.)	
Paraguay	16 August 1985
(With effect from 15 September 1985.)	

² United Nations, *Treaty Series*, vol. 1438, No. 1-24384.

- b. The judgment, award or decision and the documents attached thereto that are required under this Convention are duly translated into the official language of the State where they are to take effect;
- c. They are presented duly legalized in accordance with the law of the State in which they are to take effect;
- d. The judge or tribunal rendering the judgment is competent in the international sphere to try the matter and to pass judgment on it in accordance with the law of the State in which the judgment, award or decision is to take effect;
- e. The plaintiff has been summoned or subpoenaed in due legal form substantially equivalent to that accepted by the law of the State where the judgment, award or decision is to take effect;
- f. The parties had an opportunity to present their defense;
- g. They are final or, where appropriate, have the force of *res judicata* in the State in which they were rendered;
- h. They are not manifestly contrary to the principles and laws of the public policy (*ordre public*) of the State in which recognition or execution is sought.

Article 3. The documents of proof required to request execution of judgments, awards and decisions are as follows:

- a. A certified copy of the judgment, award or decision;
- b. A certified copy of the documents proving that the provisions of items (e) and (f) of the foregoing article have been complied with; and
- c. A certified copy of the document stating that the judgment, award or decision is final or has the force of *res judicata*.

Article 4. If a foreign judgment, award or decision cannot be executed in its entirety, the judge or tribunal may agree to its partial execution at the request of an interested party.

Article 5. A declaration *in forma pauperis* recognized in the State of origin of the judgment shall be recognized in the State of destination.

Article 6. The procedures for ensuring the validity of foreign judgments, awards and decisions, including the jurisdiction of the respective judges and tribunals, shall be governed by the law of the State in which execution is sought.

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 instrument of accession shall be deposited with the General Secretariat of the Organization of American States.

Article 10. Each State may, at the time of signature, ratification or accession, make reservations to this Convention, provided that each reservation concerns one

or more specific provisions and is not incompatible with the object and purpose of the Convention.

Article 11. 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 12. 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 this 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 13. 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 14. 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, which will forward an authenticated copy of its text to the Secretariat of the United Nations for registration and publication in accordance with Article 102 of its Charter. The General Secretariat of the Organization of American States shall notify the Member States of that Organization 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 12 of this Convention.

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

DONE at Montevideo, Republic of Uruguay, this eighth day of May, one thousand nine hundred and seventy-nine.

[For signature pages, see p. 100 of this volume.]

Por Grenada:
For Grenada:
Por Grenada:
Pour la Grenade :

Por Suriname:
For Suriname:
Pelo Suriname:
Pour le Suriname :

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

[*Signed — Signé*]
WILSON VELA HERVAS

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

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

[*Signed — Signé*]¹
MANUEL A. VIEIRA

¹ For the text of the declaration made upon signature, see p. 105 of this volume — Pour le texte de la déclaration faite lors de la signature, voir p. 105 du présent volume.

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

[*Signed — Signé*]
[*Signed — Signé*]
ALVARO LEAL MORALES
FABIO TORRIJOS QUINTERO

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

[*Signed — Signé*]
[*Signed — Signé*]
[*Signed — Signé*]
YVES FRANÇOIS
RODRIGUE CASIMIR
VICTOR PIERRE-LOUIS

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

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

[*Signed — Signé*]
HAROLDO TEIXEIRA VALLADÃO

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

[*Signed — Signé*]
JUAN MATERNO VASQUEZ

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

[*Signed — Signé*]
LUIS ALVARADO GARRIDO

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

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

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

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

[*Signed — Signé*]
GONZALO PARRA ARANGUREN

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

[*Signed — Signé*]
RAMÓN SILVA ALONSO

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

[*Signed — Signé*]
[*Signed — Signé*]
JUAN JOSÉ RODAS MARTINEZ
FRANCISCO VILLAGRÁN KRAMER

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

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

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

[*Signed — Signé*]
GONZALO ORTÍZ MARTÍN

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

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

[*Signed — Signé*]
MARIA ELENA MUÑOZ DE RICART

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

[*Signed — Signé*]
ADOLFO LEÓN GOMEZ

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

[*Signed — Signé*]
CARLOS FERREIRA CANNobbio

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

DECLARATION MADE
UPON SIGNATURE

URUGUAY

*[For the text of the declaration, see
p. 21 of this volume.]*

DÉCLARATION FAITE
LORS DE LA SIGNATURE

URUGUAY

*[Pour le texte de la déclaration voir
p. 21 du présent volume.]*

DECLARATION MADE
UPON RATIFICATION

URUGUAY

*[Confirming the declaration made
upon signature. See above.]*

DÉCLARATION FAITE
LORS DE LA RATIFICATION

URUGUAY

*[Avec confirmation de la déclaration
faite lors de la signature. Voir ci-dessus.]*