

## **Convention on the Recognition and Enforcement of Foreign Arbitral Awards**

Done at New York, 10 June 1958; Entered into force, 7 June 1959 330 U.N.T.S. 38 (1959)

### Article I

1. This Convention shall apply to the recognition and enforcement of arbitral awards made in the territory of a State other than the State where the recognition and enforcement of such awards are sought, and arising out of differences between persons, whether physical or legal. It shall also apply to arbitral awards not considered as domestic awards in the State where their recognition and enforcement are sought.
2. The term “arbitral awards” shall include not only awards made by arbitrators appointed for each case but also those made by permanent arbitral bodies to which the parties have submitted.
3. When signing, ratifying or acceding to this Convention, or notifying extension under article X hereof, any State may on the basis of reciprocity declare that it will apply the Convention to the recognition and enforcement of awards made only in the territory of another Contracting State. It may also declare that it will apply the Convention only to differences arising out of legal relationships, whether contractual or not, which are considered as commercial under the national law of the State making such declaration.

### Article II

1. Each Contracting State shall recognize an agreement in writing under which the parties undertake to submit to arbitration all or any differences which have arisen or which may arise between them in respect of a defined legal relationship, whether contractual or not, concerning a subject matter capable of settlement by arbitration.
2. The term “agreement in writing” shall include an arbitral clause in a contract or an arbitration agreement, signed by the parties or contained in an exchange of letters or telegrams.
3. The court of a Contracting State, when seized of an action in a matter in respect of which the parties have made an agreement within the meaning of this article, at the request of one of the parties, refer the parties to arbitration, unless it finds that the said agreement is null and void, inoperative or incapable of being performed.



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## Article III

Each Contracting State shall recognize arbitral awards as binding and enforce them in accordance with the rules of procedure of the territory where the award is relied upon, under the conditions laid down in the following articles. There shall not be imposed substantially more onerous conditions or higher fees or charges on the recognition or enforcement of arbitral awards to which this Convention applies than are imposed on the recognition or enforcement of domestic arbitral awards

## Article IV

1. To obtain the recognition and enforcement mentioned in the preceding article, the party applying for recognition and enforcement shall, at the time of the application, supply:

- (a) The duly authenticated original award or a duly certified copy thereof;
- (b) The original agreement referred to in article II or a duly certified copy thereof.

2. If the said award or agreement is not made in an official language of the country in which the award is relied upon, the party applying for recognition and enforcement of the award shall produce a translation of these documents into such language. The translation shall be certified by an official or sworn translator or by a diplomatic or consular agent.

## Article V

1. Recognition and enforcement of the award may be refused, at the request of the party against whom it is invoked, only if that party furnishes to the competent authority where the recognition and enforcement is sought, proof that:

(a) The parties to the agreement referred to in article II were, under the law applicable to them, under some incapacity, or the said agreement is not valid under the law to which the parties have subjected it or, failing any indication thereon, under the law of the country where the award was made; or

(b) The party against whom the award is invoked was not given proper notice of the appointment of the arbitrator or of the arbitration proceedings or was otherwise unable to present his case; or

(c) The award deals with a difference not contemplated by or not falling within the terms of the submission to arbitration, or it contains decisions on matters beyond the scope of the submission to arbitration, provided that, if the decisions on matters submitted to



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arbitration can be separated from those not so submitted, that part of the award which contains decisions on matters submitted to arbitration may be recognized and enforced; or

(d) The composition of the arbitral authority or the arbitral procedure was not in accordance with the agreement of the parties, or, failing such agreement, was not in accordance with the law of the country where the arbitration took place; or

(e) The award has not yet become binding on the parties or has been set aside or suspended by a competent authority of the country in which, or under the law of which, that award was made.

2. Recognition and enforcement of an arbitral award may also be refused if the competent authority in the country where recognition and enforcement is sought finds that:

(a) The subject matter of the difference is not capable of settlement by arbitration under the law of that country; or

(b) The recognition or enforcement of the award would be contrary to the public policy of that country.

## Article VI

If an application for the setting aside or suspension of the award has been made to a competent authority referred to in article V (1) (e), the authority before which the award is sought to be relied upon may, if it considers it proper, adjourn the decision on the enforcement of the award and may also, on the application of the party claiming enforcement of the award, order the other party to give suitable security.

## Article VII

1. The provisions of the present Convention shall not affect the validity of multilateral or bilateral agreements concerning the recognition and enforcement of arbitral awards entered into by the Contracting States nor deprive any interested party of any right he may have to avail himself of an arbitral award in the manner and to the extent allowed by the law or the treaties of the country where such award is sought to be relied upon.

2. The Geneva Protocol on Arbitration Clauses of 1923 and the Geneva Convention on the Execution of Foreign Arbitral Awards of 1927 shall cease to have effect between Contracting States on their becoming bound and to the extent that they become bound, by this Convention.



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## Article VIII

1. This Convention shall be open until 31 December 1958 for signature on behalf of any Member of the United Nations and also on behalf of any other State which is or hereafter becomes a member of any specialized agency of the United Nations, or which is or hereafter becomes a party to the Statute of the International Court of Justice, or any other State to which an invitation has been addressed by the General Assembly of the United Nations.
2. This Convention shall be ratified and the instrument of ratification shall be deposited with the Secretary-General of the United Nations.

## Article IX

1. This Convention shall be open for accession to all States referred to in article VIII.
2. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

## Article X

1. Any State may, at the time of signature, ratification or accession, declare that this Convention shall extend to all or any of the territories for the international relations of which it is responsible. Such a declaration shall take effect when the Convention enters into force for the State concerned.
2. At any time thereafter any such extension shall be made by notification addressed to the Secretary-General of the United Nations and shall take effect as from the ninetieth day after the day of receipt by the Secretary-General of the United Nations of this notification, or as from the date of entry into force of the Convention for the State concerned, whichever is the later.
3. With respect to those territories to which this Convention is not extended at the time of signature, ratification or accession, each State concerned shall consider the possibility of taking the necessary steps in order to extend the application of this Convention to such territories, subject, where necessary for constitutional reasons, to the consent of the Governments of such territories.

## Article XI

In the case of a federal or non-unitary State, the following provisions shall apply:



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- (a) With respect to those articles of this Convention that come within the legislative jurisdiction of the federal authority, the obligations of the federal Government shall to this extent be the same as those of Contracting States which are not federal States;
- (b) With respect to those articles of this Convention that come within the legislative jurisdiction of the constituent states or provinces which are not, under the constitutional system of the federation, bound to take legislative action, the federal Government shall bring such articles with a favourable recommendation to the notice of the appropriate authorities of constituent states or provinces at the earliest possible moment;
- (c) A federal State Party to this Convention shall, at the request of any other Contracting State transmitted through the Secretary-General of the United Nations, supply a statement of the law and practice of the federation and its constituent units in regard to any particular provision of this Convention, showing the extent to which effect has been given to that provision by legislative or other action.

## Article XII

1. This Convention shall come into force on the ninetieth day following the date of deposit of the third instrument of ratification or accession.
2. For each State ratifying or acceding to this Convention after the deposit of the third instrument of ratification or accession, this Convention shall enter into force on the ninetieth day after deposit by such State of its instrument of ratification or accession.

## Article XIII

1. Any Contracting State may denounce this Convention by a written notification to the Secretary-General of the United Nations. Denunciation shall take effect one year after the date of receipt of the notification by the Secretary-General.
2. Any State which has made a declaration or notification under article X may, at any time thereafter, by notification to the Secretary-General of the United Nations, declare that this Convention shall cease to extend to the territory concerned one year after the date of the receipt of the notification by the Secretary-General.
3. This Convention shall continue to be applicable to arbitral awards in respect of which recognition or enforcement proceedings have been instituted before the denunciation takes effect.

#### Article XIV

A Contracting State shall not be entitled to avail itself of the present Convention against other Contracting States except to the extent that it is itself bound to apply the Convention.

#### Article XV

The Secretary-General of the United Nations shall notify the States contemplated in article VIII of the following:

- (a) Signatures and ratifications in accordance with article VIII;
- (b) Accessions in accordance with article IX;
- (c) Declarations and notifications under articles I, X and XI;
- (d) The date upon which this Convention enters into force in accordance with article XII;
- (e) Denunciations and notifications in accordance with article XIII.

#### Article XVI

1. This Convention, of which the Chinese, English, French, Russian and Spanish texts shall be equally authentic, shall be deposited in the archives of the United Nations.
2. The Secretary-General of the United Nations shall transmit a certified copy of this Convention to the States contemplated in article VII.

Ratification/Accession/Succession Convention on the Recognition and Enforcement of Foreign Arbitral Awards Done at New York on 10 June 1958

ENTRY INTO FORCE: 7 June 1959, in accordance with article XII.

REGISTRATION: 7 June 1959, No. 4739.

TEXT: United Nations, Treaty Series, vol. 330, p. 3.

STATUS: Signatories: 24. Parties: 121.

Note: The Convention was prepared and opened for signature on 10 June 1958 by the United Nations Conference on International Commercial Arbitration, convened in accordance with resolution 604 (XXI)<sup>1</sup> of the Economic and Social Council of the United Nations adopted on 3 May 1956. The Conference met at the Headquarters of the United Nations in New York from 20 May to 10 June 1958. For the text of the Final Act of this Conference, see United Nations, Treaty Series, vol. 330, p. 3.



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## **The Federal Arbitration Act**

Title 9, US Code, Section 1-14, was first enacted February 12, 1925 (43 Stat. 883), codified July 30, 1947 (61 Stat. 669), and amended September 3, 1954 (68 Stat. 1233). Chapter 2 was added July 31, 1970 (84 Stat. 692), two new Sections were passed by the Congress in October of 1988 and renumbered on December 1, 1990 (PLS 669 and 702); Chapter 3 was added on August 15, 1990 (PL 101-369); and Section 10 was amended on November 15.

### Arbitration

#### Chapter 1. General Provisions

##### Section 1. “Maritime transactions” and “commerce” defined; exceptions to operation of title

“Maritime transaction”, as herein defined, means charter parties, bills of lading of water carriers, agreements relating to wharfage, supplies furnished vessels or repairs to vessels, collisions, or any other matters in foreign commerce which, if the subject of controversy, would be embraced within admiralty jurisdiction; “commerce”, as herein defined, means commerce among the several States or with foreign nations, or in any Territory of the United States or in the District of Columbia, or between any such Territory and another, or between any such Territory and any State or foreign nation, or between the District of Columbia and any State or Territory or foreign nation, but nothing herein contained shall apply to contracts of employment of seamen, railroad employees, or any other class of workers engaged in foreign or interstate commerce.

##### Section 2. Validity, irrevocability, and enforcement of agreements to arbitrate

A written provision in any maritime transaction or a contract evidencing a transaction involving commerce to settle by arbitration a controversy thereafter arising out of such contract or transaction, or the refusal to perform the whole or any part thereof, or an agreement in writing to submit to arbitration an existing controversy arising out of such a contract, transaction, or refusal, shall be valid, irrevocable, and enforceable, save upon such grounds as exist at law or in equity for the revocation of any contract.



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### Section 3. Stay of proceedings where issue therein referable to arbitration

If any suit or proceeding be brought in any of the courts of the United States upon any issue referable to arbitration under an agreement in writing for such arbitration, the court in which such suit is pending, upon being satisfied that the issue involved in such suit or proceeding is referable to arbitration under such an agreement, shall on application of one

of the parties stay the trial of the action until such arbitration has been had in accordance with the terms of the agreement, providing the applicant for the stay is not in default in proceeding with such arbitration.

### Section 4. Failure to arbitrate under agreement; petition to United States court having jurisdiction for order to compel arbitration; notice and service thereof; hearing and determination

A party aggrieved by the alleged failure, neglect, or refusal of another to arbitrate under a written agreement for arbitration may petition any United States district court which, save for such agreement, would have jurisdiction under Title 28, in a civil action or in admiralty of the subject matter of a suit arising out of the controversy between the parties, for an order directing that such arbitration proceed in the manner provided for in such agreement. Five days' notice in writing of such application shall be served upon the party in default. Service thereof shall be made in the manner provided by the Federal Rules of Civil Procedure. The court shall hear the parties, and upon being satisfied that the making of the agreement for arbitration or the failure to comply therewith is not in issue, the court shall make an order directing the parties to proceed to arbitration in accordance with the terms of the agreement. The hearing and proceedings, under such agreement, shall be within the district in which the petition for an order directing such arbitration is filed. If the making of the arbitration agreement or the failure, neglect, or refusal to perform the same be in issue, the court shall proceed summarily to the trial thereof. If no jury trial be demanded by the party alleged to be in default, or if the matter in dispute is within admiralty jurisdiction, the court shall hear and determine such issue. Where such an issue is raised, the party alleged to be in default may, except in cases of admiralty, on or before the return day of the notice of application, demand a jury trial of such issue, and upon such demand the court shall make an order referring the issue or issues to a jury in the manner provided by the Federal Rules of Civil Procedure, or may specially call a jury for that purpose. If the jury find that no agreement in writing for arbitration was made or that there is no default in proceeding thereunder, the proceeding shall be dismissed. If the jury find that an agreement for arbitration was made in writing and that there is a default in proceeding thereunder, the court shall make an order summarily directing the parties to proceed with the arbitration in accordance with the terms thereof.

## Section 5. Appointment of arbitrators or umpire

If in the agreement provision be made for a method of naming or appointing an arbitrator or arbitrators or an umpire, such method shall be followed; but if no method be provided therein, or if a method be provided and any party thereto shall fail to avail himself of such method, or if for any other reason there shall be a lapse in the naming of an arbitrator or arbitrators or umpire, or in filling a vacancy, then upon the application of either party to the controversy the court shall designate and appoint an arbitrator or arbitrators or

umpire, as the case may require, who shall act under the said agreement with the same force and effect as if he or they had been specifically named therein; and unless otherwise provided in the agreement the arbitration shall be by a single arbitrator.

## Section 6. Application heard as motion

Any application to the court hereunder shall be made and heard in the manner provided by law for the making and hearing of motions, except as otherwise herein expressly provided.

## Section 7. Witnesses before arbitrators; fees; compelling attendance

The arbitrators selected either as prescribed in this title or otherwise, or a majority of them, may summon in writing any person to attend before them or any of them as a witness and in a proper case to bring with him or them any book, record, document, or paper which may be deemed material as evidence in the case. The fees for such attendance shall be the same as the fees of witnesses before masters of the United States courts. Said summons shall issue in the name of the arbitrator or arbitrators, or a majority of them, and shall be signed by the arbitrators, or a majority of them, and shall be directed to the said person and shall be served in the same manner as subpoenas to appear and testify before the court; if any person or persons so summoned to testify shall refuse or neglect to obey said summons, upon petition the United States district court for the district in which such arbitrators, or a majority of them, are sitting may compel the attendance of such person or persons before said arbitrator or arbitrators, or punish said person or persons for contempt in the same manner provided by law for securing the attendance of witnesses or their punishment for neglect or refusal to attend in the courts of the United States.



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## Section 8. Proceedings begun by libel in admiralty and seizure of vessel or property

If the basis of jurisdiction be a cause of action otherwise justiciable in admiralty, then, notwithstanding anything herein to the contrary, the party claiming to be aggrieved may begin his proceeding hereunder by seizure of the vessel or other property of the other party according to the usual course of admiralty proceedings, and the court shall then have jurisdiction to direct the parties to proceed with the arbitration and shall retain jurisdiction to enter its decree upon the award.

## Section 9. Award of arbitrators; confirmation; jurisdiction; procedure

If the parties in their agreement have agreed that a judgment of the court shall be entered upon the award made pursuant to the arbitration, and shall specify the court, then at any time within one year after the award is made any party to the arbitration may apply to the

court so specified for an order confirming the award, and thereupon the court must grant such an order unless the award is vacated, modified, or corrected as prescribed in sections 10 and 11 of this title. If no court is specified in the agreement of the parties, then such application may be made to the United States court in and for the district within which such award was made. Notice of the application shall be served upon the adverse party, and thereupon the court shall have jurisdiction of such party as though he had appeared generally in the proceeding. If the adverse party is a resident of the district within which the award was made, such service shall be made upon the adverse party or his attorney as prescribed by law for service of notice of motion in an action in the same court. If the adverse party shall be a nonresident, then the notice of the application shall be served by the marshal of any district within which the adverse party may be found in like manner as other process of the court.



## Section 10. Same; vacation; grounds; rehearing

- a. In any of the following cases the United States court in and for the district wherein the award was made may make an order vacating the award upon the application of any party to the arbitration:
  1. Where the award was procured by corruption, fraud, or undue means.
  2. Where there was evident partiality or corruption in the arbitrators, or either of them.
  3. Where the arbitrators were guilty of misconduct in refusing to postpone the hearing, upon sufficient cause shown, or in refusing to hear evidence pertinent and material to the controversy; or of any other misbehavior by which the rights of any party have been prejudiced.
  4. Where the arbitrators exceeded their powers, or so imperfectly executed them that a mutual, final, and definite award upon the subject matter submitted was not made.
  5. Where an award is vacated and the time within which the agreement required the award to be made has not expired the court may, in its discretion, direct a rehearing by the arbitrators.
- b. The United States district court for the district wherein an award was made that was issued pursuant to section 590 of title 5 may make an order vacating the award upon the application of a person, other than a party to the arbitration, who is adversely affected or aggrieved by the award, if the use of arbitration or the award is clearly inconsistent with the factors set forth in section 582 of title 5.

## Section 11. Same; modification or correction; grounds; order

In either of the following cases the United States court in and for the district wherein the award was made may make an order modifying or correcting the award upon the application of any party to the arbitration

- a. Where there was an evident material miscalculation of figures or an evident material mistake in the description of any person, thing, or property referred to in the award.
- b. Where the arbitrators have awarded upon a matter not submitted to them, unless it is a matter not affecting the merits of the decision upon the matter submitted.
- c. Where the award is imperfect in matter of form not affecting the merits of the controversy.

The order may modify and correct the award, so as to effect the intent thereof and promote justice between the parties.

## Section 12. Notice of motions to vacate or modify; service; stay of proceedings

Notice of a motion to vacate, modify, or correct an award must be served upon the adverse party or his attorney within three months after the award is filed or delivered. If the adverse party is a resident of the district within which the award was made, such service shall be made upon the adverse party or his attorney as prescribed by law for service of notice of motion in an action in the same court. If the adverse party shall be a nonresident then the notice of the application shall be served by the marshal of any district within which the adverse party may be found in like manner as other process of the court. For the purposes of the motion any judge who might make an order to stay the proceedings in an action brought in the same court may make an order, to be served with the notice of motion, staying the proceedings of the adverse party to enforce the award.



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## Section 13. Papers filed with order on motions; judgment; docketing; force and effect; enforcement

The party moving for an order confirming, modifying, or correcting an award shall, at the time such order is filed with the clerk for the entry of judgment thereon, also file the following papers with the clerk:

- a. The agreement; the selection or appointment, if any, of an additional arbitrator or umpire; and each written extension of the time, if any, within which to make the award.
- b. The award.
- c. Each notice, affidavit, or other paper used upon an application to confirm, modify, or correct the award, and a copy of each order of the court upon such an application.

The judgment shall be docketed as if it was rendered in an action.

The judgment so entered shall have the same force and effect, in all respects, as, and be subject to all the provisions of law relating to, a judgment in an action; and it may be enforced as if it had been rendered in an action in the court in which it is entered.

## Section 14. Contracts not affected

This title shall not apply to contracts made prior to January 1, 1926.

## Section 15. Inapplicability of the Act of State doctrine

Enforcement of arbitral agreements, confirmation of arbitral awards, and execution upon judgments based on orders confirming such awards shall not be refused on the basis of the Act of State doctrine.

## Section 16. Appeals

- a. An appeal may be taken from
  1. an order -
    - A. refusing a stay of any action under section 3 of this title,
    - B. denying a petition under section 4 of this title to order arbitration to proceed,
    - C. denying an application under section 206 of this title to compel arbitration,
    - D. confirming or denying confirmation of an award or partial award, or
    - E. modifying, correcting, or vacating an award;
  2. an interlocutory order granting, continuing, or modifying an injunction against an arbitration that is subject to this title; or
  3. a final decision with respect to an
- b. Except as otherwise provided in section 1292(b) of title 28, an appeal may not be taken from an interlocutory order -
  - granting a stay of any action under section 3 of this title;
  - directing arbitration to proceed under section 4 of this title;
  - compelling arbitration under section 206 of this title; or
  - refusing to enjoin an arbitration that is subject to this title.

## Chapter 2. Convention On The Recognition And Enforcement Of Foreign Arbitral Awards

### Section 201. Enforcement of Convention

The Convention on the Recognition and Enforcement of Foreign Arbitral Awards of June 10, 1958, shall be enforced in United States courts in accordance with this chapter.

### Section 202. Agreement or award falling under the Convention

An arbitration agreement or arbitral award arising out of a legal relationship, whether contractual or not, which is considered as commercial, including a transaction, contract, or agreement described in section 2 of this title, falls under the Convention. An agreement or award arising out of such a relationship which is entirely between citizens of the United States shall be deemed not to fall under the Convention unless that relationship involves property located abroad, envisages performance or enforcement abroad, or has some other reasonable relation with one or more foreign states. For the purpose of this section a corporation is a citizen of the United States if it is incorporated or has its principal place of business in the United States.

### Section 203. Jurisdiction; amount in controversy

An action or proceeding falling under the Convention shall be deemed to arise under the laws and treaties of the United States. The district courts of the United States (including the courts enumerated in section 460 of title 28) shall have original jurisdiction over such an action or proceeding, regardless of the amount in controversy.

### Section 204. Venue

An action or proceeding over which the district courts have jurisdiction pursuant to section 203 of this title may be brought in any such court in which save for the arbitration agreement an action or proceeding with respect to the controversy between the parties could be brought, or in such court for the district and division which embraces the place designated in the agreement as the place of arbitration if such place is within the United States.

### Section 205. Removal of cases from State courts

Where the subject matter of an action or proceeding pending in a State court relates to an arbitration agreement or award falling under the Convention, the defendant or the defendants may, at any time before the trial thereof, remove such action or proceeding

to the district court of the United States for the district and division embracing the place where the action or proceeding is pending. The procedure for removal of causes otherwise provided by law shall apply, except that the ground for removal provided in this section need not appear on the face of the complaint but may be shown in the petition for removal. For the purposes of Chapter 1 of this title any action or proceeding removed under this section shall be deemed to have been brought in the district court to which it is removed.

#### Section 206. Order to compel arbitration; appointment of arbitrators

A court having jurisdiction under this chapter may direct that arbitration be held in accordance with the agreement at any place therein provided for, whether that place is within or without the United States. Such court may also appoint arbitrators in accordance with the provisions of the agreement.

#### Section 207. Award of arbitrators; confirmation; jurisdiction; proceeding

Within three years after an arbitral award falling under the Convention is made, any party to the arbitration may apply to any court having jurisdiction under this chapter for an order confirming the award as against any other party to the arbitration. The court shall confirm the award unless it finds one of the grounds for refusal or deferral of recognition or enforcement of the award specified in the said Convention.

#### Section 208. Chapter 1; residual application

Chapter 1 applies to actions and proceedings brought under this chapter to the extent that chapter is not in conflict with this chapter or the Convention as ratified by the United States.

### Chapter 3. Inter-American Convention On International Commercial Arbitration

#### Section 301. Enforcement of Convention

The Inter-American Convention on International Commercial Arbitration of January 30, 1975, shall be enforced in United States courts in accordance with this chapter.

#### Section 302. Incorporation by reference

Sections 202, 203, 204, 205, and 207 of this title shall apply to this chapter as if specifically set forth herein, except that for the purposes of this chapter “the Convention” shall mean the Inter-American Convention.



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Section 303. Order to compel arbitration; appointment of arbitrators; locale

(a) A court having jurisdiction under this chapter may direct that arbitration be held in accordance with the agreement at any place therein provided for, whether that place is within or without the United States. The court may also appoint arbitrators in accordance with the provisions of the agreement.

(b) In the event the agreement does not make provision for the place of arbitration or the appointment of arbitrators, the court shall direct that the arbitration shall be held and the arbitrators be appointed in accordance with Article 3 of the Inter-American Convention.

Section 304. Recognition and enforcement of foreign arbitral decisions and awards; reciprocity

Arbitral decisions or awards made in the territory of a foreign State shall, on the basis of reciprocity, be recognized and enforced under this chapter only if that State has ratified or acceded to the Inter-American Convention.

Section 305. Relationship between the Inter-American Convention and the Convention on the Recognition and Enforcement of Foreign Arbitral Awards of June 10, 1958

When the requirements for application of both the Inter-American Convention and the Convention on the Recognition and Enforcement of Foreign Arbitral Awards of June 10,

1958, are met, determination as to which Convention applies shall, unless otherwise expressly agreed, be made as follows:

1. If a majority of the parties to the arbitration agreement are citizens of a State or States that have ratified or acceded to the Inter-American Convention and are member States of the Organization of American States, the Inter-American Convention shall apply.

2. In all other cases the Convention on the Recognition and Enforcement of Foreign Arbitral Awards of June 10, 1958, shall apply.



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## Section 306. Applicable rules of Inter-American Commercial Arbitration Commission

a. or the purposes of this chapter the rules of procedure of the Inter-American Commercial Arbitration Commission referred to in Article 3 of the Inter-American Convention shall, subject to subsection (b) of this section, be those rules as promulgated by the Commission on July 1, 1988.

b. In the event the rules of procedure of the Inter-American Commercial Arbitration Commission are modified or amended in accordance with the procedures for amendment of the rules of that Commission, the Secretary of State, by regulation in accordance with section 553 of title 5, consistent with the aims and purposes of this Convention, may prescribe that such modifications or amendments shall be effective for purposes of this chapter.

## Section 307. Chapter 1; residual application

Chapter 1 applies to actions and proceedings brought under this chapter to the extent chapter 1 is not in conflict with this chapter or the Inter-American Convention as ratified by the United States.

## Participant/Signature [Ratification, accession (a), succession (d)]

Algeria 7 Feb 1989 a

Antigua and Barbuda 2 Feb 1989 a

Argentina 26 Aug 1958 14 Mar 1989 Armenia 29 Dec 1997 a

Australia 26 Mar 1975 a

Austria 2 May 1961 a

Bahrain 6 Apr 1988 a

Bangladesh 6 May 1992 a

Barbados 16 Mar 1993 a

Belarus 29 Dec 1958 15 Nov 1960 Belgium 10 Jun 1958 18 Aug 1975 Benin 16 May 1974 a

Bolivia 28 Apr 1995 a

Bosnia and Herzegovina 1 Sep 1993 d Botswana 20 Dec 1971 a

Brunei Darussalam 25 Jul 1996 a

Bulgaria 17 Dec 1958 10 Oct 1961 Burkina Faso 23 Mar 1987 a

Cambodia 5 Jan 1960 a

Cameroon 19 Feb 1988 a

Canada 12 May 1986 a

Central African Republic 15 Oct 1962 a

Chile 4 Sep 1975 a



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China<sup>2</sup> 22 Jan 1987 a  
Colombia 25 Sep 1979 a  
Costa Rica 10 Jun 1958 26 Oct 1987 Ctte d'Ivoire 1 Feb 1991 a  
Croatia 26 Jul 1993 d Cuba 30 Dec 1974 a Cyprus 29 Dec 1980 a  
Czech Republic<sup>3</sup> 30 Sep 1993 d Denmark 22 Dec 1972 a  
Djibouti 14 Jun 1983 d Dominica 28 Oct 1988 a  
Ecuador 17 Dec 1958 3 Jan 1962 Egypt 9 Mar 1959 a  
El Salvador 10 Jun 1958 26 Feb 1998 Estonia 30 Aug 1993 a  
Finland 29 Dec 1958 19 Jan 1962 France 25 Nov 1958 26 Jun 1959 Georgia 2 Jun 1994 a  
Germany<sup>4,5</sup> 10 Jun 1958 30 Jun 1961 Ghana 9 Apr 1968 a  
Greece 16 Jul 1962 a  
Guatemala 21 Mar 1984 a

Guinea 23 Jan 1991 a  
Haiti 5 Dec 1983 a

Participant/Signature [Ratification, accession (a), succession (d)]

Holy See 14 May 1975 a  
Hungary 5 Mar 1962 a  
India 10 Jun 1958 13 Jul 1960 Indonesia 7 Oct 1981 a  
Ireland 12 May 1981 a  
Israel 10 Jun 1958 5 Jan 1959 Italy 31 Jan 1969 a  
Japan 20 Jun 1961 a  
Jordan 10 Jun 1958 15 Nov 1979 Kazakhstan 20 Nov 1995 a  
Kenya 10 Feb 1989 a  
Kuwait 28 Apr 1978 a  
Kyrgyzstan 18 Dec 1996 a  
Lao People's Democratic Republic 17 Jun 1998 a  
Latvia 14 Apr 1992 a  
Lebanon 11 Aug 1998 a  
Lesotho 13 Jun 1989 a  
Lithuania 14 Mar 1995 a  
Luxembourg 11 Nov 1958 9 Sep 1983 Madagascar 16 Jul 1962 a  
Malaysia 5 Nov 1985 a  
Mali 8 Sep 1994 a  
Mauritania 30 Jan 1997 a  
Mauritius 19 Jun 1996 a  
Mexico 14 Apr 1971 a



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Monaco 31 Dec 1958 2 Jun 1982 Mongolia 24 Oct 1994 a  
Morocco 12 Feb 1959 a  
Mozambique 11 Jun 1998 a  
Nepal 4 Mar 1998 a  
Netherlands 10 Jun 1958 24 Apr 1964 New Zealand 6 Jan 1983 a  
Niger 14 Oct 1964 a Nigeria 17 Mar 1970 a  
Norway 14 Mar 1961 a Oman 25 Feb 1999 a  
Pakistan 30 Dec 1958 Panama 10 Oct 1984 a  
Paraguay 8 Oct 1997 a Peru 7 Jul 1988 a  
Philippines 10 Jun 1958 6 Jul 1967 Poland 10 Jun 1958 3 Oct 1961 Portugal 18 Oct 1994  
a  
Republic of Korea 8 Feb 1973 a  
Republic of Moldova 18 Sep 1998 a  
Romania 13 Sep 1961 a  
Russian Federation 29 Dec 1958 24 Aug 1960 San Marino 17 May 1979 a

Participant/Signature [Ratification, accession (a), succession (d)]

Saudi Arabia 19 Apr 1994 a  
Senegal 17 Oct 1994 a  
Singapore 21 Aug 1986 a  
Slovakia 28 May 1993 d Slovenia 6 Jul 1992 d South Africa 3 May 1976 a  
Spain 12 May 1977 a  
Sri Lanka 30 Dec 1958 9 Apr 1962 Sweden 23 Dec 1958 28 Jan 1972 Switzerland 29  
Dec 1958 1 Jun 1965 Syrian Arab Republic 6 9 Mar 1959 a  
Thailand 21 Dec 1959 a  
the former Yugoslav Republic of Macedonia 10 Mar 1994 d Trinidad and Tobago 14 Feb  
1966 a  
Tunisia 17 Jul 1967 a  
Turkey 2 Jul 1992 a Uganda 12 Feb 1992 a  
Ukraine 29 Dec 1958 10 Oct 1960 United Kingdom 24 Sep 1975 a  
United Republic of Tanzania 13 Oct 1964 a  
United States of America 30 Sep 1970 a  
Uruguay 30 Mar 1983 a Uzbekistan 7 Feb 1996 a  
Venezuela 8 Feb 1995 a  
Viet Nam 12 Sep 1995 a  
Yugoslavia 26 Feb 1982 a  
Zimbabwe 29 Sep 1994 a



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## Declarations and Reservations

(Unless otherwise indicated, the declarations and reservations were made upon ratification, accession or succession. For objections thereto and territorial applications, see hereinafter.)

### Algeria

Declaration: Referring to the possibility offered by article I, paragraph 3, of the Convention, the People's Democratic Republic of Algeria declares that it will apply the Convention, on the basis of reciprocity, to the recognition and enforcement of arbitral awards made only in the territory of another Contracting State and only where such awards have been made with respect to differences arising out of legal relationships whether contractual or not, which are considered as commercial under Algerian law.

### Antigua and Barbuda

Declarations: "In accordance with article I, the Government of Antigua and Barbuda declares that it will apply the Convention on the basis of reciprocity only to the recognition and enforcement of awards made in the territory of another contracting state.

The Government of Antigua and Barbuda also declares that it will apply the Convention only to differences arising out of legal relationships, whether contractual or not, which are considered as commercial under the laws of Antigua and Barbuda."

### Argentina

Upon signature:

Subject to the declaration contained in the Final Act.

Upon ratification:

On the basis of reciprocity, the Republic of Argentina will apply the Convention only to the recognition and enforcement of foreign arbitral awards made in the territory of another Contracting State. It will also apply the Convention only to differences arising out of legal relationships, whether contractual or not, which are considered as commercial under its national law.

The Convention will be interpreted in accordance with the principles and clauses of the National Constitution in force or those resulting from modification made by virtue of the Constitution.



## Armenia

### Declarations:

“1. The Republic of Armenia will apply the Convention only to recognition and enforcement of awards made in the territory of another Contracting State.

2. The Republic of Armenia will apply the Convention only to differences arising out of legal relationships, whether contractual or not, which are considered as commercial under the laws of the Republic of Armenia.” Austria

## Bahrain

“1. The accession by the State of Bahrain to the Convention on the Recognition and Enforcement of Foreign Arbitral Awards, 1958 shall in no way constitute recognition of Israel or be a cause for the establishment of any relations of any kind therewith.

In accordance with article 1 (3) of the Convention, the State of Bahrain will apply the Convention, on the basis of reciprocity, to the recognition and enforcement of only those awards made in the territory of another Contracting State party to the Convention.

In accordance with article 1 (3) of the Convention, the State of Bahrain will apply the Convention only to differences arising out of legal relationships, whether contractual or not, which are considered as commercial under the national law of the State of Bahrain.”

## Barbados

### Declaration:

“(i) In accordance with article 1 (3) of the Convention, the Government of Barbados declares that it will apply the Convention on the basis of reciprocity to the recognition and enforcement of awards made only in the territory of another Contracting State.

(ii) The Government of Barbados will also apply the Convention only to differences arising out of legal relationships, whether contractual or not which are considered as commercial under the laws of Barbados.”

## Belarus

The Byelorussian Soviet Socialist Republic will apply the provisions of this Convention in respect to arbitral awards made in the territories of non-contracting States only to the extent to which they grant reciprocal treatment.

## Belgium

In accordance with article I, paragraph 3, the Government of the Kingdom of Belgium declares that it will apply the Convention to the recognition and enforcement of arbitral awards made only in the territory of a Contracting State.

## Bosnia and Herzegovina

### Declaration:

“The Convention will be applied to the Republic of Bosnia and Herzegovina only relating those arbitral awards that have been brought after entering into force of the Convention.

The Republic of Bosnia and Herzegovina will apply the Convention, on the basis of reciprocity, to the recognition and enforcement of only those awards made in the territory of another Contracting State.

The Republic of Bosnia and Herzegovina will apply the Convention only to differences arising out of legal relationships, whether contractual or not, which are considered as commercial under the national law of the Republic of Bosnia and Herzegovina.”

## Botswana

“The Republic of Botswana will apply the Convention only to differences arising out of legal relationship, whether contractual or not, which are considered commercial under Botswana law.

“The Republic of Botswana will apply the Convention to the Recognition and Enforcement of Awards made in the territory of another Contracting State.”

## Brunei Darussalam

### Declaration:

“... Brunei Darussalam will on the basis of reciprocity apply the said Convention to the recognition and enforcement of only those awards which are made in the territory of another Contracting State.”

## Bulgaria

“Bulgaria will apply the Convention to recognition and enforcement of awards made in the territory of another contracting State. With regard to awards made in the territory of non-contracting States it will apply the Convention only to the extent to which these States grant reciprocal treatment.”



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## Canada

27 May 1987

“The Government of Canada declares that it will apply the Convention only to differences arising out of legal relationships, whether contractual or not, which are considered as commercial under the laws of Canada, except in the case of the Province of Quebec where the law does not provide for such limitation.”

## Central African Republic

Referring to the possibility offered by paragraph 3 of article I of the Convention, the Central African Republic declares that it will apply the Convention on the basis of reciprocity, to the recognition and enforcement of awards made only in the territory of another contracting State; it further declares that it will apply the

Convention only to differences arising out of legal relationships, whether contractual or not, which are considered as commercial under its national law.

## China

1. The People’s Republic of China will apply the Convention, only on the basis of reciprocity, to the recognition and enforcement of arbitral awards made in the territory of another Contracting State;
2. The People’s Republic of China will apply the Convention only to differences arising out of legal relationships, whether contractual or not, which are considered as commercial under the national law of the People’s Republic of China.

## Cuba

Cuba will apply the Convention to the recognition and enforcement of arbitral awards made in the territory of another Contracting State. With respect to arbitral awards made by other noncontracting States it will apply the Convention only in so far as those States grant reciprocal treatment as established by mutual agreement between the parties. Moreover, it will apply the Convention only to differences arising out of legal relationships, whether contractual or not, which are considered as commercial under Cuban legislation.



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## Cyprus

“The Republic of Cyprus will apply the Convention, on the basis of reciprocity, to the recognition and enforcement of awards made only in the territory of another Contracting State; furthermore it will apply the Convention only to differences arising out of legal relationships, whether contractual or not, which are considered as commercial under its national law.”

## Czech Republic<sup>3</sup>

## Denmark

In accordance with the terms of article I, paragraph 3, [the Convention] shall have effect only as regards the recognition and enforcement of arbitral awards made by another Contracting State and [it] shall be valid only with respect to commercial relationships.

## Ecuador

Ecuador, on a basis of reciprocity, will apply the Convention to the recognition and enforcement of arbitral awards made in the territory of another contracting State only if such awards have been made with respect to differences arising out of legal relationships which are regarded as commercial under Ecuadorian law.

## France

Referring to the possibility offered by paragraph 3 of article I of the Convention, France declares that it will apply the Convention on the basis of reciprocity, to the recognition and enforcement of awards made only in the territory of another contracting State.

Referring to paragraphs 1 and 2 of article X of the Convention, France declares that this Convention will extend to all the territories of the French Republic.

## Germany

## Greece

8 April 1980

The present Convention is approved on condition of the two limitations set forth in article I (3) of the Convention.

## Guatemala

On the basis of reciprocity, the Republic of Guatemala will apply the above Convention to the recognition and enforcement of arbitral awards made only in the territory of another contracting State; and will apply it only to differences arising out of legal relationships, whether contractual or not, which are considered as commercial under its national law.

## Holy See

The State of Vatican City will apply the said Convention on the basis of reciprocity, on the one hand, to the recognition and enforcement of awards made only in the territory of another Contracting State, and on the other hand, only to differences arising out of legal relationships, whether contractual or not, which are considered as commercial under Vatican law.

## Hungary

“The Hungarian People’s Republic shall apply the Convention to the recognition and enforcement of such awards only as have been made in the territory of one of the other Contracting States and are dealing with differences arising in respect of a legal relationship considered by the Hungarian law as a commercial relationship.”

## India

“In accordance with Article I of the Convention, the Government of India declare that they will apply the Convention to the recognition and enforcement of awards made only in the territory of a State, party to this Convention. They further declare that they will apply the Convention only to differences arising out of legal relationships, whether contractual or not, which are considered as commercial under the law of India.”

## Indonesia

“Pursuant to the provision of article I (3) of the Convention, the Government of the Republic of Indonesia declares that it will apply the Convention on the basis of reciprocity, to the recognition and enforcement of awards made only in the territory of another Contracting State, and that it will apply the Convention only to differences arising out of legal relationships, whether contractual or not, which are considered as commercial under the Indonesian Law.”



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## Ireland

“In accordance with article I (3) of the said Convention the Government of Ireland declares that it will apply the Convention to the recognition and enforcement of arbitral awards made only in the territory of another Contracting State”.

## Japan

“It will apply the Convention to the recognition and enforcement of awards made only in the territory of another Contracting State.”

## Jordan

The Government of Jordan shall not be bound by any awards which are made by Israel or to which an Israeli is a party.

## Kenya

### Declaration:

“In accordance with article I (3) of the said Convention the Government of Kenya declares that it will apply the Convention to the recognition and enforcement of arbitral awards made only in the territory of another contracting state.”

## Kuwait

The State of Kuwait will apply the Convention to the recognition and enforcement of awards made only in the territory of another Contracting State.

It is understood that the accession of the State of Kuwait to the Convention on the Recognition and Enforcement of Foreign Arbitral Awards, done at New York, on the 10th of June 1958, does not mean in any way recognition of Israel or entering with it into relations governed by the Convention thereto acceded by the State of Kuwait.

## Lebanon

### Declaration:

The Government of Lebanon declares that it will apply the Convention, on the basis of reciprocity, to the recognition and enforcement of awards made only in the territory of another Contracting State.



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## Lithuania

### Declaration:

[The Republic of Lithuania] will apply the provisions of the said Convention to the recognition of arbitral awards made in the territories of the Non-Contracting States, only on the basis of reciprocity.”

## Luxembourg

Declaration: The Convention is applied on the basis of reciprocity to the recognition and enforcement of only those arbitral awards made in the territory of another Contracting State.

## Madagascar

The Malagasy Republic declares that it will apply the Convention on the basis of reciprocity, to the recognition and enforcement of awards made only in the territory of another contracting State; it further declares that it will apply the Convention only to differences arising out of legal relationships, whether contractual or not, which are considered as commercial under its national law.

## Malaysia

Declaration: The Government of Malaysia will apply the Convention on the basis of reciprocity, to the recognition and enforcement of awards made only in the territory of another Contracting State. Malaysia further declares that it will apply the Convention only to differences arising out of legal relationships, whether contractual or not, which are considered as commercial under Malaysian law.

## Mauritius

### Declaration:

“In accordance with paragraph 3 of article 1 of the Convention, the Republic of Mauritius declares that it will, on the basis of reciprocity, apply the Convention only to the recognition and enforcement of awards made in the territory of another Contracting State.

Referring to paragraphs 1 and 2 of article X of the Convention, the Republic of Mauritius declares that this Convention will extend to all the territories forming part of the Republic of Mauritius.”



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## Monaco

Referring to the possibility offered by article I (3) of the Convention, the Principality of Monaco will apply the Convention, on the basis of reciprocity, to the recognition and enforcement of awards made only in the territory of another contracting State; furthermore, it will apply the Convention only to differences arising out of legal relationship, whether contractual or not, which are considered as commercial under its national law.

## Mongolia

### Declaration:

“1. Mongolia will apply the Convention, on the basis of reciprocity, to the recognition and enforcement of arbitral awards made only in the territory of another Contracting State.

2. Mongolia will apply the Convention only to differences arising out of legal relationships, whether contractual or not, which are considered as commercial under the national law of Mongolia.”

## Morocco

The Government of His Majesty the King of Morocco will apply the Convention to the recognition and enforcement of awards made only in the territory of another Contracting State.

## Mozambique

Reservation: “The Republic of Mozambique reserves itself the right to enforce the provisions of the said Convention on the base of reciprocity, where the arbitral awards have been pronounced in the territory of another Contracting State.”

## Nepal

### Declaration:

“The Kingdom of Nepal will apply the Convention, on the basis of reciprocity, to the recognition and enforcement of awards made only in the territory of another contracting state. [The Government of Nepal] further declares that the Kingdom of Nepal will apply the Convention only to the differences arising out of legal relationship, whether contractual or not, which are considered as commercial under the law of the Kingdom of Nepal.”



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## Netherlands

Referring to paragraph 3 of article I of the Convention on the Recognition and Enforcement of Foreign Arbitral Awards, the Government of the Kingdom declares that it will apply the Convention to the recognition and enforcement of awards made only in the territory of another Contracting State.

## New Zealand

### Declarations:

“In accordance with paragraph 3 of article 1 of the Convention, the Government of New Zealand declares that it will apply the Convention, on the basis of reciprocity, to the recognition and enforcement of awards made only in the territory of another Contracting State.

“Accession to the Convention by the Government of New Zealand shall not extend for the time being, pursuant to article X of the Convention, to the Cook Islands and Niue.”

## Nigeria

“In accordance with paragraph 3 of article I of the Convention, the Federal Military Government of the Federal Republic of Nigeria declares that it will apply the Convention on the basis of reciprocity to the recognition and enforcement of awards made only in the territory of a State party to this Convention and to differences arising out of legal relationships, whether contractual or not, which are considered as commercial under the laws of the Federal Republic of Nigeria.”

## Norway

“1. [The Government of Norway] will apply the Convention only to the recognition and enforcement of awards made in the territory of one of the Contracting States.”

”2. [The Government of Norway] will not apply the Convention to differences where the subject matter of the proceedings is immovable property situated in Norway, or a right in or to such property.”



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## Philippines

Upon signature:

Reservation:

“The Philippine delegation signs ad referendum this Convention with the reservation that it does so on the basis of reciprocity.”

Declaration:

“The Philippines will apply the Convention to the recognition and enforcement of awards made only in the territory of another contracting State pursuant to Article I, paragraph 3 of the Convention.”

Declaration made upon ratification: “The Philippines, on the basis of reciprocity, will apply the Convention to the recognition and enforcement of awards made only in the territory of another Contracting State and only to differences arising out of legal relationships, whether contractual or not, which are considered as commercial under the national law of the State making such declaration.”

## Poland

“With reservations as mentioned in article I, para. 3.”

## Portugal

Declaration:

Within the scope of the principle of reciprocity, Portugal will restrict the application of the Convention to arbitral awards pronounced in the territory of a State bound by the said Convention.

## Republic of Korea

“By virtue of paragraph 3 of article I of the present Convention, the Government of the Republic of Korea declares that it will apply the Convention to the recognition and enforcement of arbitral awards made only in the territory of another Contracting State. It further declares that it will apply the Convention only to differences arising out of legal relationships, whether contractual or not, which are considered as commercial under its national law.

### Republic of Moldova

“The Convention will be applied to the Republic of Moldova only relating those arbitral awards that have been brought after entering into force of the Convention.

The Convention will be applied to the Republic of Moldova, on the basis of reciprocity, only relating those awards made in the territory of another Contracting State.”

### Romania

The Romanian People’s Republic will apply the Convention only to differences arising out of legal relationships, whether contractual or not, which are considered as commercial under its legislation.

The Romanian People’s Republic will apply the Convention to the recognition and enforcement of awards made in the territory of another Contracting State. As regards awards made in the territory of certain non-contracting States, the Romanian People’s Republic will apply the Convention only on the basis of reciprocity established by joint agreement between the parties.

### Russian Federation

The Union of Soviet Socialist Republics will apply the provisions of this Convention in respect to arbitral awards made in the territories of non-contracting States only to the extent to which they grant reciprocal treatment.

### Saudi Arabia

#### Declaration:

On the Basis of reciprocity, the Kingdom declares that it shall restrict the application of the Convention to the recognition and enforcement of arbitral awards made in the territory of a Contracting State.

### Singapore

“The Republic of Singapore will on the basis of reciprocity apply the said Convention to the recognition and enforcement of only those awards which are made in the territory of another Contracting State.”

### Slovakia



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## Switzerland

### Trinidad and Tobago

”In accordance with article I of the Convention, the Government of Trinidad and Tobago declares that it will apply the Convention to the recognition and enforcement of awards made only in the territory of another Contracting State. The Government of Trinidad and Tobago further declares that it will apply the Convention only to differences arising out of legal relationships, whether contractual or not, which are considered as commercial under the Law of Trinidad and Tobago.”

### Tunisia

With the reservations provided for in article I, paragraph 3, of the Convention, that is to say, the Tunisian State will apply the Convention to the recognition and enforcement of awards made only in the territory of another Contracting State and only to differences arising out of legal relationships, whether contractual or not, which are considered as commercial under the Tunisian law.

### Turkey

#### Declaration:

In accordance with the Article I, paragraph 3 of the Convention, the Republic of Turkey declares that it will apply the Convention on the basis of reciprocity, to the recognition and enforcement of awards made only in the territory of another contracting State. It further declares that it will apply the Convention only to differences arising out of legal relationships, whether contractual or not, which are considered as commercial under its national law.

### Uganda

#### Declaration:

“The Republic of Uganda will only apply the Convention to recognition and enforcement of awards made in the territory of another Contracting State.”



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## Ukraine

The Ukrainian Soviet Socialist Republic will apply the provisions of this Convention in respect to arbitral awards made in the territories of non-contracting States only to the extent to which they grant reciprocal treatment.

## United Kingdom of Great Britain and Northern Ireland

5 May 1980

“The United Kingdom will apply the Convention only to the recognition and enforcement of awards made in the territory of another Contracting State. This declaration is also made on behalf of Gibraltar, Hong Kong and the Isle of Man to which the Convention has been extended.”

## United Republic of Tanzania

“The Government of the United Republic of Tanganyika and Zanzibar will apply the Convention, in accordance with the first sentence of article I (3) thereof, only to the recognition and enforcement of awards made in the territory of another Contracting State.”

## United States of America

“The United States of America will apply the Convention, on the basis of reciprocity, to the recognition and enforcement of only those awards made in the territory of another Contracting State.

“The United States of America will apply the Convention only to differences arising out of legal relationships, whether contractual or not, which are considered as commercial under the national law of the United States.”

## Venezuela

### Declarations:

(a) The Republic of Venezuela will apply the Convention only to the recognition and enforcement of foreign arbitral awards made in the territory of another Contracting State.

(b) The Republic of Venezuela will apply the present Convention only to differences arising out of legal relationships, whether contractual or not, which are considered as commercial under its national law.



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## Vietnam

### Declarations:

1. [The Socialist Republic of Viet Nam] considers the Convention to be applicable to the recognition and enforcement of arbitral awards made only in the territory of another Contracting State. With respect to arbitral awards made in the territories of non-contracting States, it will apply the Convention on the basis of reciprocity.
2. The Convention will be applied only to differences arising out of legal relationships which are considered as commercial under the laws of Viet Nam.
3. Interpretation of the Convention before the Vietnamese Courts or competent authorities should be made in accordance with the Constitution and the law of Viet Nam.

## Yugoslavia

### Reservation:

- “1. The Convention is applied in regard to the Socialist Federal Republic of Yugoslavia only to those arbitral awards which were adopted after the coming of the Convention into effect.
- “2. The Socialist Federal Republic of Yugoslavia will apply the Convention on a reciprocal basis only to those arbitral awards which were adopted on the territory of the other State Party to the Convention.
- “3. The Socialist Federal Republic of Yugoslavia will apply the Convention [only] with respect to the disputes arising from the legal relations, contractual and non-contractual, which, according to its national legislation are considered as economic.”

## Objections

(Unless otherwise indicated, the objections were received upon ratification, accession or succession.)

## Germany

29 December 1989 The Federal Republic of Germany is of the opinion that the second paragraph of the declaration of the Argentine Republic represents a reservation and as such is not only contradictory to article I (3) of the Convention but is also vague and hence inadmissible; it therefore raises an objection to that reservation.



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In all other respects this objection is not intended to prevent the entry into force of the Convention between the Argentine Republic and the Federal Republic of Germany.

## Territorial Application

Participant Date of receipt of Territories the notification

Australia 26 Mar 1975 All the external territories for the international relations of which Australia is responsible other than Papua New Guinea

Denmark 16 10 Feb 1976 Faeroe Islands, Greenland

France 26 Jun 1959 All the territories of the French Republic

Netherlands 17 24 Apr 1964 Netherlands Antilles, Surinam

United Kingdom 2, 18 24 Sep 1975 Gibraltar

21 Jan 1977 Hong Kong

22 Feb 1979 Isle of Man

14 Nov 1979 Bermuda

26 Nov 1980 Belize, Cayman Islands

19 Apr 1985 Guernsey

United States of America Nov 1970 All the territories for the international relations of which the United States of America is responsible

## Declarations and reservations made upon notification of territorial application

United Kingdom of Great Britain and Northern Ireland

Belize, Bermuda, Cayman Islands, Guernsey

[The Convention will apply] . . . “in accordance with article I, paragraph 3 thereof, only to the recognition and enforcement of awards made in the territory of another Contracting State.”



## Notes

1 Official Records of the Economic and Social Council, Twenty-first Session, Supplement No. 1 (E/2889), p. 5.

2 On 6 and 10 June 1997, respectively, the Governments of China and the United Kingdom of Great Britain and Northern Ireland notified the Secretary-General of the following: [Same notifications as those made under note TXB5aPatrin chapter IV.1.] In addition, the notification made by the Government of China contained the following declaration: The Convention will be applied in the Hong Kong Special Administrative Region only to the recognition and enforcement of awards made in the territory of another Contracting State.

3 Czechoslovakia had signed and ratified the Convention on 3 October 1958 and 10 July 1959, with a declaration. For the text of the declaration, see United Nations, Treaty Series, vol. 330, p. 69. See also note 5 below and note 11.I.2 in chapter I.2.

4 The German Democratic Republic had acceded to the Convention with declarations, on 20 February 1975. For the text of the declarations, see United Nations, Treaty Series, vol. 959, p. 841. See also note aAB370dos-in chapter I.2.

5 With a declaration that the Convention will also apply to Land Berlin as from the day on which it enters into force for the Federal Republic of Germany.

With reference to the above-mentioned statement, communications have been received from the Governments of Albania, Bulgaria, the Byelorussian SSR, Cuba, Czechoslovakia, the Federal Republic of Germany, France, the United Kingdom and the United States of America, Poland, Romania, the Ukrainian SSR and the Union of Soviet Socialist Republics. The said communications are identical in essence, *mutatis mutandis*, to the ones reproduced in note 3 in chapter III.3. Upon accession to the Convention, on 20 February 1975, the Government of the German Democratic Republic made the following declaration in this respect:

Pursuant to the Quadripartite Agreement of 3 September 1971 between the Governments of the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, the United States of America and the French Republic, that Berlin (West) is not a constituent part of the Federal Republic of Germany and not to be governed by it. The statements by the Federal Republic of Germany to the effect that these Conventions also apply to "Land Berlin" are therefore contrary to the Quadripartite Agreement, which states further that treaties affecting matters of security and status may not be extended to Berlin (West) by the Federal Republic of Germany. The statements by the Federal Republic of Germany cannot therefore have legal effects. In regard to the latter declaration, the Secretary-General received on 26 January 1976 from the



Governments of France, the United Kingdom of Great Britain and Northern Ireland and the United States of America a communication confirming their previous declarations. Subsequently, on 24 February 1976, the Secretary-General received from the Government of the Federal Republic of Germany a communication which states in part:

“The Government of the Federal Republic of Germany, on the basis of the legal situation set out in the [Note] of the Three Powers, wishes to confirm that the application in Berlin (West) of the above-mentioned [Convention] extended by it under the established procedures continues in full force and effect.” See also note 4 above.

6 Accession by the United Arab Republic, see note zyG276dos-in chapter I.1.

7 The declaration made upon signature and contained in the Final Act read as follows: “If another Contracting Party extends the application of the Convention to territories which fall within the sovereignty of the Argentine Republic, the rights of the Argentine Republic shall in no way be affected by that extension.”

8 In a communication received on 25 February 1988, the Government of Austria notified the Secretary-General of its decision to withdraw as from that date, the reservation made upon accession to the Convention. For the text of the reservation, see United Nations, Treaty Series, vol. 395, p. 274.

9 In a communication received by the Secretary-General on 23 June 1980, the Government of Israel declared the following: “The Government of Israel has noted the political character of the statement made by the Government of Jordan. In the view of the Government of Israel, this Convention is not the proper place for making such political pronouncements. Moreover, the said declaration cannot in any way affect whatever

obligations are binding upon Jordan under general international law or under particular conventions. “Insofar as concerns the substance of the matter, the Government of Israel will adopt towards the Government of Jordan an attitude of complete reciprocity.”

A communication identical in essence, *mutatis mutandis*, was received by the Secretary-General, on 22 September 1988, from the Government of Israel in respect of the declaration made by Bahrain upon accession.

10 The declaration by Canada received on 20 May 1987, and which originally comprised two parts, was made after accession. It was communicated by the Secretary-General to all States. None of the Contracting Parties having expressed an objection within a period of 90 days from the date of the above-mentioned communication [22 July 1987], the declaration was deemed to have been accepted and replaces the declaration made upon accession which read as follows:



“The Government of Canada declares, with respect to the Province of Alberta, that it will apply the Convention only to the recognition and enforcement of awards made in the territory of another Contracting State. “The Government of Canada declares that it will apply the Convention only to differences arising out of legal relationships, whether contractual or not, which are considered as commercial under the national law of Canada.” Subsequently, on 25 November 1988, the Government of Canada notified the Secretary-General of its decision to withdraw, with effect from that date, the second part of its revised declaration received on 20 May 1987 which read as follows:

“The Government of Canada declares, with respect to the Province of Saskatchewan, that it will apply the Convention only to the recognition and enforcement of awards made in the territory of another Contracting State.”

11 In a communication received on 27 November 1989, the Government of France notified the Secretary-General of its decision to withdraw, with effect from that date, the declaration relating to the second sentence of its declaration relating to paragraph 3 of article I made upon ratification. For the text of the declaration so withdrawn, see United Nations, Treaty Series, vol. 336, p. 426.

12 In a communication received on 31 August 1998, the Government of Germany notified the Secretary-General of its decision to withdraw the reservation made upon ratification of the Convention. For the text of the reservation, see United Nations, Treaty Series, vol. 399, p. 286.

13 Since the declaration [by Greece] [by the United Kingdom] had been made after accession, it was communicated by the Secretary-General to all States concerned on 10 June 1980. None of the Contracting Parties having expressed an objection within a period of 90 days from the date of the above-mentioned communication, the declaration was deemed to have been accepted.

14 On 23 April 1993, the Government of Switzerland notified the Secretary-General of its decision to withdraw the declaration made upon ratification. For the text of the declaration, see United Nations, Treaty Series, vol. 536, p. 477.

15 In a latter declaration dated 28 June 1982, the Government of Yugoslavia specified that the first reservation only constituted an affirmation of the legal principle of retroactivity and that the third reservation being essentially in accordance with article I (3) of the Convention, the word “only” was therefore to be added to the original text and note taken that the word “economic” had been used therein as a synonym for “commercial”.



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16 At the time of acceding to the Convention the Government of Denmark declared, in accordance with article X (1), that it would not apply for the time being to the Faeroe Islands and Greenland.

In a communication received on 12 November 1975, the Government of Denmark declared that it had withdrawn the above-mentioned declaration, this decision to take effect on 1 January 1976.

In a further communication received on 5 January 1978, the Government of Denmark confirmed that the communication received by the Secretary-General on 12 November 1975 should be considered as having taken effect from 10 February 1976, in accordance with article X (2), it being understood that the Convention was applied de facto to the Faeroe Islands and Greenland from 1 January to 9 February 1976.

17 See note 7 in I.1 in chapter I.1.

18 See also under “Declarations and Reservations” in this chapter for the reservation made by the United Kingdom, which was also made on behalf of Gibraltar, Hong Kong (see also note 2 in this chapter) and the Isle of Man.