

CLAIMS AND DISPUTE RESOLUTION

Commercial Arbitration

**Inter-American Convention Between the
UNITED STATES OF AMERICA
and OTHER GOVERNMENTS**

Done at Panama City January 30, 1975

Signed by the United States on June 9, 1978



NOTE BY THE DEPARTMENT OF STATE

Pursuant to Public Law 89—497, approved July 8, 1966
(80 Stat. 271; 1 U.S.C. 113)—

“ . . .the Treaties and Other International Acts Series issued under the authority of the Secretary of State shall be competent evidence . . . of the treaties, international agreements other than treaties, and proclamations by the President of such treaties and international agreements other than treaties, as the case may be, therein contained, in all the courts of law and equity and of maritime jurisdiction, and in all the tribunals and public offices of the United States, and of the several States, without any further proof or authentication thereof.”

MULTILATERAL

Claims and Dispute Resolution: Commercial Arbitration

Inter-American Convention done at Panama City on January 30, 1975;

Signed by the United States on June 9, 1978;

*Transmitted by the President of the United States of America
to the Senate June 15, 1981 (Treaty Doc. 97-12,
97th Congress, 1st Session);*

*Reported favorably by the Senate Committee on Foreign Relations
June 11, 1986 (Senate Executive Report No. 99-24,
99th Congress, 2d Session);*

*Advice and consent to ratification by the Senate
October 9, 1986;*

Ratified by the President November 10, 1986;

*Instrument of Ratification of the United States of America
deposited September 27, 1990;*

Entered into force for the United States October 27, 1990.



ORGANIZACION DE LOS ESTADOS AMERICANOS
ORGANIZAÇÃO DOS ESTADOS AMERICANOS
ORGANISATION DES ETATS AMERICAINS
ORGANIZATION OF AMERICAN STATES

17th Street and Constitution Avenue, N.W. Washington, D.C. 20006

INTER-AMERICAN CONVENTION
ON INTERNATIONAL COMMERCIAL ARBITRATION

INTER-AMERICAN CONVENTION
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.

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 HAITI:
FOR HAITI:
PELO HAITI:
POUR HAITI:

FOR PERU:
FOR PERU:
PELO PERU:
POUR LE PEROU:

FOR TRINIDAD Y TOBAGO:
FOR TRINIDAD AND TOBAGO:
FOR TRINIDAD E TOBAGO:
POUR LE TRINITE ET TOBAGO:

30 de enero de 1975

FOR URUGUAY:
FOR URUGUAY:
PELO URUGUAI:
POUR L'URUGUAY:

Le Ymiris Lafuze

FOR BOLIVIA:
FOR BOLIVIA:
PELA BOLÍVIA:
POUR LA BOLIVIE:

FOR HONDURAS:
FOR HONDURAS:
FOR HONDURAS:
POUR LE HONDURAS:

30 de enero de 1975

[Signature]

POR LOS ESTADOS UNIDOS DE AMERICA:
FOR THE UNITED STATES OF AMERICA:
PELOS ESTADOS UNIDOS DA AMERICA:
POUR LES ETATS-UNIS D'AMERIQUE:

June 9, 1978

Galeoneda

Charles R. Montgomery June 9, 1978

POR BARBADOS:
FOR BARBADOS:
POR BARBADOS:
POUR LA BARBADE:

POR LA REPUBLICA ARGENTINA:
FOR THE ARGENTINE REPUBLIC:
PELA REPUBLICA ARGENTINA:
POUR LA REPUBLIQUE ARGENTINE:

POR COSTA RICA:
FOR COSTA RICA:
POR COSTA RICA:
POUR COSTA RICA:

30 Eno 1975 *Patricia Lopez Ortiz*
~~1-7~~

POR NICARAGUA:
FOR NICARAGUA:
POR NICARÁGUA:
POUR LE NICARAGUA:

30 Eno 1975 *Patricia Lopez*

POR ECUADOR:
FOR ECUADOR:
PELO EQUADOR:
POUR L'EQUATEUR:

2/75 enno

Patricia

POR GUATEMALA:
FOR GUATEMALA:
PELA GUATEMALA:
POUR LE GUATEMALA:

30 de Julio 1975

[Handwritten signature]

POR JAMAICA:
FOR JAMAICA:
PELA JAMAICA:
POUR LA JAMAIQUE:

POR BRASIL:
FOR BRAZIL:
PELO BRASIL:
POUR LE BRESIL:

30/7/75

[Handwritten signature]

[Handwritten signature]

POR PANAMA:
FOR PANAMA:
PELO PANAMÁ:
POUR PANAMA:

30/1/75 - para Water Coffee

POR PARAGUAY:
FOR PARAGUAY:
PELO PARAGUAI:
POUR LE PARAGUAY:

Handwritten signature and scribbles

POR VENEZUELA:
FOR VENEZUELA:
PELA VENEZUELA:
POUR LE VENEZUELA:

30/1/75 Cayalobana

POR LA REPUBLICA DOMINICANA:
FOR THE DOMINICAN REPUBLIC:
PELA REPUBLICA DOMINICANA:
POUR LA REPUBLIQUE DOMINICAINE:

Deppa
Jan 18, 1977

POR EL SALVADOR:
FOR EL SALVADOR:
POR EL SALVADOR:
POUR LE SALVADOR:

Buteau
31 de enero de 1975

POR MEXICO:
FOR MEXICO:
PELO MÉXICO:
POUR LE MEXIQUE:

Prof. de la Cultura
27 de octubre 1977

FOR CHILE:
FOR CHILE:
PELO CHILE:
POUR LE CHILI:

30 de enero de 1975
La Muniñ

FOR COLOMBIA:
FOR COLOMBIA:
PELA COLOMBIA:
POUR LA COLOMBIE:

30 de enero 1975
San Francisco



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CERTIFICATION

I, Val T. McComie, Assistant Secretary General of the Organization of American States, CERTIFY:

First: That in accordance with the provision of Article 118 (f) of the Charter of the Organization of American States, the General Secretariat of the Organization serves as depository of inter-American treaties and agreements as well as of the instruments of ratification thereof.

Second: That at the First Inter-American Specialized Conference on Private International Law the Inter-American Convention on International Commercial Arbitration was signed on January 30, 1975.

Third: That the original instrument of the Convention and the corresponding instruments of ratification have been deposited with the General Secretariat of the OAS in conformity with Articles 13 and 8, respectively, of the Convention.

Fourth: That this Convention has been signed and ratified by the following countries as of this date:

<u>SIGNATORY COUNTRIES</u>	<u>DATE OF DEPOSIT OF THE INSTRUMENT OF RATIFICATION</u>
Brazil	
Chile.	May 17, 1976
Colombia	
Costa Rica.	January 20, 1978
Dominican Republic	
Ecuador	
El Salvador.	August 11, 1980
Guatemala	
Honduras.	March 22, 1979
Mexico.	March 27, 1978
Nicaragua	
Panama.	December 17, 1975
Paraguay.	December 15, 1976
United States	
Uruguay.	April 25, 1977
Venezuela	

Fifth: That the United States of America signed this Convention at the headquarters of the General Secretariat of the OAS on June 9, 1978.


Signed and sealed in Washington, D.C., this 10th day of June 1981.



Val T. McComie
Assistant Secretary General

I hereby certify that I, Val T. McComie, am the Assistant Secretary General of the Organization of American States, having been duly elected by the General Assembly of the Organization of American States for a term of five (5) years beginning July 7, 1980, in conformity with Article 120 of the Charter of the Organization of American States.

I further certify that he signed the foregoing document, in Washington, D.C., this 10th day of June 1981.



Beatriz de Mendoza
Notary Public

My commission expires 9/30/84