

UNITED NATIONS CONFERENCE
ON INTERNATIONAL COMMERCIAL ARBITRATION

CONVENTION
ON THE RECOGNITION AND ENFORCEMENT
OF FOREIGN ARBITRAL AWARDS



UNITED NATIONS
1958

CONVENTION ON THE RECOGNITION AND ENFORCEMENT
OF FOREIGN ARBITRAL AWARDS

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, shall, 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.

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 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.

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:

- (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 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) by 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 VIII.

FOR AFGHANISTAN:
POUR L'AFGHANISTAN:
阿富汗
За Афганистан
POR EL AFGANISTÁN:

FOR ALBANIA:
POUR L'ALBANIE:
阿爾巴尼亞
За Албанию
POR ALBANIA:

FOR ARGENTINA:
POUR L'ARGENTINE:
阿根廷
За Аргентину
POR LA ARGENTINA:

*Subject to the declaration contained
in the final act.*

26 August 1958.
Cham

FOR AUSTRALIA:

POUR L'AUSTRALIE:

澳大利亞

За Австралию

FOR AUSTRALIA:

FOR AUSTRIA:

POUR L'AUTRICHE:

奧地利

За Австрию

FOR AUSTRIA:

FOR THE KINGDOM OF BELGIUM:

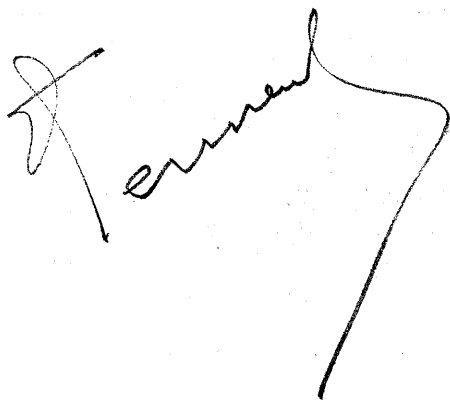
POUR LE ROYAUME DE BELGIQUE:

比利時王國

За Королевство Бельгии

FOR EL REINO DE BÉLGICA:

Joseph Nisot.

A large, stylized handwritten signature in black ink, appearing to read "Joseph Nisot". The signature is written in a cursive style with a prominent loop at the end.

FOR BOLIVIA:

POUR LA BOLIVIE:

玻利維亞

За Бoливию

FOR BOLIVIA:

FOR BRAZIL:

POUR LE BRÉSIL:

巴西

За Бразилию

FOR EL BRASIL:

FOR BULGARIA:

POUR LA BULGARIE:

保加利亞

За България

FOR 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.

Algiers
17 XII 1958

FOR THE UNION OF BURMA:

POUR L'UNION BIRMANE:

緬甸聯邦

За Бирманский Союз

FOR LA UNIÓN BIRMANA:

FOR THE BYELORUSSIAN SOVIET SOCIALIST REPUBLIC:

POUR LA RÉPUBLIQUE SOCIALISTE SOVIÉTIQUE DE BIÉLORUSSIE:

白俄羅斯蘇維埃社會主義共和國

За Белорусскую Советскую Социалистическую Республику

FOR LA REPÚBLICA SOCIALISTA SOVIÉTICA DE BIELORRUSIA:

Г. М. Сидоров
29/xii-1958.

FOR CAMBODIA:

POUR LE CAMBODGE:

高棉

За Камбоджу

FOR CAMBOJA:

FOR CANADA:
POUR LE CANADA:
加拿大
За Канаду
POR EL CANADÁ:

FOR CEYLON:
POUR CEYLAN:
錫蘭
За Цейлон
POR CEILÁN:

N. T. D. Kanakarathne

December 30th, 1958

FOR CHILE:
POUR LE CHILI:
智利
За Чили
POR CHILE:

FOR CHINA:

POUR LA CHINE:

中國

За Китай

FOR LA CHINA:

FOR COLOMBIA:

POUR LA COLOMBIE:

哥倫比亞

За Колумбию

FOR COLOMBIA:

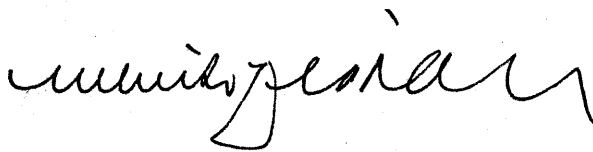
FOR COSTA RICA:

POUR LE COSTA-RICA:

哥斯大黎加

За Коста-Рику

FOR COSTA RICA:

A handwritten signature in black ink, appearing to read "Muniz J. S. A.", is written across the lower right portion of the page.

FOR CUBA:

POUR CUBA:

古巴

За Кубу

FOR CUBA:

FOR CZECHOSLOVAKIA:

POUR LA TCHÉCOSLOVAQUIE:

捷克斯拉夫

За Чехословакию

FOR CZECHOSLOVAKIA: Czechoslovakia 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.

Janoslav P. P. P.
October 3, 1958

FOR DENMARK:

POUR LE DANEMARK:

丹麥

За Данию

FOR DINAMARCA:

FOR THE DOMINICAN REPUBLIC:
POUR LA RÉPUBLIQUE DOMINICAINE:
多明尼加共和國
За Доминиканскую Республику
POR LA REPÚBLICA DOMINICANA:

FOR ECUADOR:
POUR L'ÉQUATEUR:
厄瓜多
За Эквадор
POR EL ECUADOR:

El Ecuador, a base de reciprocidad, aplicará la Convención al reconocimiento y a la ejecución de sentencias arbitrales dictadas en el territorio de otro Estado Contratante únicamente y sólo cuando tales sentencias se hayan pronunciado sobre litigios surgidos de relaciones jurídicas consideradas comerciales por el Derecho ecuatoriano

José A. Comas
Dec 17/1958

FOR EL SALVADOR:
POUR LE SALVADOR:
薩爾瓦多
За Сальвадор
POR EL SALVADOR:

M. Rafael Mejía
José

FOR ETHIOPIA:

POUR L'ETHIOPIE:

阿比西尼亞

За Эфиопию

FOR ETIOPIA:

FOR THE FEDERATION OF MALAYA:

POUR LA FÉDÉRATION DE MALAISIE:

馬來亞聯邦

За Малайскую Федерацию

FOR LA FEDERACION MALAYA:

FOR FINLAND:

POUR LA FINLANDE:

芬蘭

За Финляндию

FOR FINLANDIA:

L. A. Krieger -
sec. 29th, 1958.

FOR FRANCE:
POUR LA FRANCE:
法蘭西
За Францию
POR FRANCIA:

G. Georges-Lucot
25 Novembre 1958

FOR THE FEDERAL REPUBLIC OF GERMANY:
POUR LA RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE:
德意志聯邦共和國
За Федеративную Республику Германии
POR LA REPÚBLICA FEDERAL ALEMANA:

P. P. P. P. P.

FOR GHANA:
POUR LE GHANA:
迦納
За Гану
POR GHANA:

FOR GREECE:
POUR LA GRÈCE:
希臘
За Грецію
FOR GRECIA:

FOR GUATEMALA:
POUR LE GUATEMALA:
瓜地馬拉
За Гватемалу
FOR GUATEMALA:

FOR HAÏTI:
POUR HAÏTI:
海地
За Гаїти
FOR HAÏTÍ:

FOR THE HOLY SEE:

POUR LE SAINT-SIÈGE:

教廷

За Святейший Престол

FOR LA SANTA SEDE:

FOR HONDURAS:

POUR LE HONDURAS:

洪都拉斯

За Гондурас

FOR HONDURAS:

FOR HUNGARY:

POUR LA HONGRIE:

匈牙利

За Венгрию

FOR HUNGRIA:

FOR ICELAND:

POUR L'ISLANDE:

冰島

За Исландию

FOR ISLANDIA:

FOR INDIA:

POUR L'INDE:

印度

За Индию

FOR LA INDIA:

Скандинавия

FOR INDONESIA:

POUR L'INDONÉSIE:

印度尼西亞

За Индонезию

FOR INDONESIA:

FOR IRAN:

POUR L'IRAN:

伊朗

За Иран

FOR IRÁN:

FOR IRAQ:

POUR L'IRAK:

伊拉克

За Ирак

FOR IRAK:

FOR IRELAND:

POUR L'IRLANDE:

愛爾蘭

За Ирландию

FOR IRLANDA:

FOR ISRAEL:
POUR ISRAËL:
以色列
За Израиль
FOR ISRAEL:

Ad Am *ע"מ ע"מ*

FOR ITALY:
POUR L'ITALIE:
義大利
За Италию
FOR ITALIA:

FOR JAPAN:
POUR LE JAPON:
日本
За Японию
FOR EL JAPÓN:

FOR THE HASHEMITE KINGDOM OF JORDAN:
POUR LE ROYAUME DE LA JORDANIE HASHÉMITE:
約但哈希米德王國
За Хашемитское Королевство Иордании
FOR EL REINO HASHEMITA DE JORDANIA:



FOR THE REPUBLIC OF KOREA:
POUR LA RÉPUBLIQUE DE CORÉE:
大韓民國
За Корейскую Республику
FOR LA REPÚBLICA DE COREA:

FOR LAOS:
POUR LE LAOS:
寮國
За Лаос
FOR LAOS:

FOR LEBANON:
POUR LE LIBAN:
黎巴嫩
За Ливан
POR EL LÍBANO:

FOR LIBERIA:
POUR LE LIBÉRIA:
賴比瑞亞
За Либерию
POR LIBERIA:

FOR LIBYA:
POUR LA LIBYE:
利比亞
За Ливию
POR LIBIA:

FOR LIECHTENSTEIN:

POUR LE LIECHTENSTEIN:

力喜騰斯坦因

За Лихтенштейн

FOR LIECHTENSTEIN:

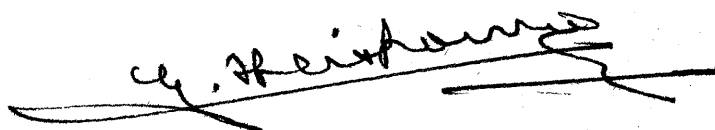
FOR THE GRAND DUCHY OF LUXEMBOURG:

POUR LE GRAND-DUCHÉ DE LUXEMBOURG:

盧森堡大公國

За Великое Герцогство Люксембург

FOR EL GRAN DUCADO DE LUXEMBURGO:

A handwritten signature in black ink, appearing to be "G. Heintzmann", written over a horizontal line.

Le 11 novembre 1958

FOR MEXICO:

POUR LE MEXIQUE:

墨西哥

За Мексику

FOR MÉXICO:

FOR MONACO:
POUR MONACO:
摩納哥
За Монако
POR MÓNACO:

almanac
Le 31 112 / 58

FOR MOROCCO:
POUR LE MAROC:
摩洛哥
За Марокко
POR MARRUECOS:

FOR NEPAL:
POUR LE NÉPAL:
尼泊爾
За Непал
POR NEPAL:

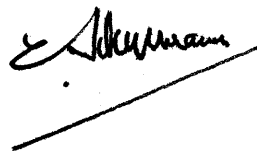
FOR THE KINGDOM OF THE NETHERLANDS:

POUR LE ROYAUME DES PAYS-BAS:

荷蘭王國

За Королевство Нидерландов

FOR EL REINO DE LOS PAÍSES BAJOS:

A handwritten signature in black ink, appearing to read "E. Schuman", is written above a horizontal line.

FOR NEW ZEALAND:

POUR LA NOUVELLE-ZÉLANDE:

紐西蘭

За Новую Зеландию

FOR NUEVA ZELANDIA:

FOR NICARAGUA:

POUR LE NICARAGUA:

尼加拉瓜

За Никарагуа

FOR NICARAGUA:

FOR THE KINGDOM OF NORWAY:
POUR LE ROYAUME DE NORVÈGE:
挪威王國
За Королевство Норвегии
POR EL REINO DE NORUEGA:

FOR PAKISTAN:
POUR LE PAKISTAN:
巴基斯坦
За Пакистан
POR EL PAKISTÁN:


Khawaja *Muhammed Kaiser*
30th of December 1958.

FOR PANAMA:
POUR LE PANAMA:
巴拿馬
За Панаму
POR PANAMÁ:

FOR PARAGUAY:
POUR LE PARAGUAY:
巴拉圭
За Парагвай
POR EL PARAGUAY:

FOR PERU:
POUR LE PÉROU:
祕魯
За Перу
POR EL PERÚ:

FOR THE PHILIPPINE REPUBLIC:
POUR LA RÉPUBLIQUE DES PHILIPPINES:
菲律賓共和國
За Филиппинскую Республику
POR LA REPÚBLICA DE FILIPINAS:


The Philippine delegation signs ad referendum this convention with the reservation that it does so on the basis of reciprocity and declares that the Philippines will apply the convention to the recognition and enforcement of awards made only in the territory of another contracting state pursuant to Act 1, paragraph 3 of the

FOR POLAND:

POUR LA POLOGNE:

波蘭

За Польшу

FOR POLONIA:

Joseph Marchowski

with reservation as mentioned in Article I par. 3

FOR PORTUGAL:

POUR LE PORTUGAL:

葡萄牙

За Португалию

FOR PORTUGAL:

FOR ROMANIA:

POUR LA ROUMANIE:

羅馬尼亞

За Румынию

FOR RUMANIA:

FOR SAN MARINO:

POUR SAINT-MARIN:

聖馬利諾

За Сан-Марино

FOR SAN MARINO:

FOR SAUDI ARABIA:

POUR L'ARABIE SAOUDITE:

沙烏地阿拉伯

За Саудовскую Аравию

FOR ARABIA SAUDITA:

POUR L'ESPAGNE:

西班牙

За Испанию

FOR ESPAÑA:

FOR THE SUDAN:
POUR LE SOUDAN:
蘇丹
За Судан
POR EL SUDÁN:

FOR SWEDEN:
POUR LA SUÈDE:
瑞典
За Швецию
POR SUECIA:

agor Rosnel Dec. 23. 1958

FOR SWITZERLAND:
POUR LA SUISSE:
瑞士
За Швейцарию
POR SUIZA:

Felix Wenz 29 dicembre 1958

FOR THAILAND:

POUR LA THAÏLANDE:

泰國

За Таиланд

FOR TAILANDIA:

FOR TUNISIA:

POUR LA TUNISIE:

突尼西亞

За Тунис

FOR TÚNEZ:

FOR TURKEY:

POUR LA TURQUIE:

土耳其

За Турцию

FOR TURQUÍA:

FOR THE UKRAINIAN SOVIET SOCIALIST REPUBLIC:
POUR LA RÉPUBLIQUE SOCIALISTE SOVIÉTIQUE D'UKRAINE:
烏克蘭蘇維埃社會主義共和國
За Украинскую Советскую Социалистическую Республику
POR LA REPÚBLICA SOCIALISTA SOVIÉTICA DE UCRANIA:

N. G. Vorobiev
29. XII. 1958r.

FOR THE UNION OF SOUTH AFRICA:
POUR L'UNION SUD-AFRICAINE:
南非聯邦
За Южно-Африканский Союз
POR LA UNIÓN SUDAFRICANA:

FOR THE UNION OF SOVIET SOCIALIST REPUBLICS:
POUR L'UNION DES RÉPUBLIQUES SOCIALISTES SOVIÉTIQUES:
蘇維埃社會主義共和國聯邦
За Союз Советских Социалистических Республик
POR LA UNIÓN DE REPÚBLICAS SOCIALISTAS SOVIÉTICAS:

A. S. Gorbunov
29-XII-58r.

FOR THE UNITED ARAB REPUBLIC:

POUR LA RÉPUBLIQUE ARABE UNIE:

聯合阿拉伯共和國

За Объединенную Арабскую Республику

FOR LA REPÚBLICA ARABE UNIDA:

FOR THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND:

POUR LE ROYAUME-UNI DE GRANDE-BRETAGNE ET D'IRLANDE DU NORD:

大不列顛及北愛爾蘭聯合王國

За Соединенное Королевство Великобритании и Северной Ирландии

FOR EL REINO UNIDO DE LA GRAN BRETAÑA E IRLANDA DEL NORTE:

FOR THE UNITED STATES OF AMERICA:

POUR LES ETATS-UNIS D'AMÉRIQUE:

美利堅合眾國

За Соединенные Штаты Америки

FOR LOS ESTADOS UNIDOS DE AMÉRICA:

FOR URUGUAY:

POUR L'URUGUAY:

烏拉圭

За Уругвай

POR EL URUGUAY:

FOR VENEZUELA:

POUR LE VENEZUELA:

委內瑞拉

За Венесуэлу

POR VENEZUELA:

FOR VIET-NAM:

POUR LE VIETNAM:

越南

За Вьетнам

POR VIET-NAM:

FOR YEMEN:

POUR LE YÉMEN:

葉門

За Йемен

FOR EL YEMEN:

FOR YUGOSLAVIA:

POUR LA YOUGOSLAVIE:

南斯拉夫

За Югославию

FOR YUGOESLAVIA: