

Convention on the Recognition and Enforcement of Foreign Arbitral Awards, New York, June 10, 1958

The text of the Convention is published in 330 United Nations Treaty Series, p.38, no.4738 (1959).

Because of technical difficulties in reproduction, the equally authentic Chinese and Russian texts of the Convention as mentioned in article XVI (1) have not been included.

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.

* The word "shall" has been left out in the text of Article II(3) of the Convention as published in 330 United Nations Treaty Series (1959) p. 38 at p. 39. The omission must be considered as a printing error as the Final Act of the New York Conference of 1958 includes the word "shall" (UN DOC E/CONF. 26/8/Rev. 1 and E/CONF.26/9/Rev. 1, p. 9)

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 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 favorable 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 Nation, 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 of 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 ratification 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 XIII;
- (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.

LIST OF CONTRACTING STATES

<i>State</i>	<i>Signature</i>	<i>Ratification, Accession (a), Succession (d)</i>	<i>Entry into force</i>
Albania		27 June 2001 a	25 September 2001
Algeria <i>1/ 2/</i>		7 February 1989 a	8 May 1989
Antigua and Barbuda <i>1/ 2/</i>		2 February 1989 a	3 May 1989
Argentina <i>1/ 2/ 7/</i>	26/8/1958	14 March 1989	12 June 1989
Armenia <i>1/ 2/</i>		29 December 1997 a	29 March 1998
Australia		26 March 1975 a	24 June 1975
Austria		2 May 1961	31 July 1961
Azerbaijan		29 February 200 a	29 May 2000
Bahrain <i>1/ 2/</i>		6 April 1988 a	5 July 1988
Bangladesh		6 May 1992 a	4 August 1992
Barbados <i>2/</i>		16 March 1993 a	14 June 1993
Belarus <i>1/ 3/</i>	29/12/1958	15 November 1960	13 February 1961
Belgium <i>1/</i>	10/6/1958	18 August 1975	16 November 1975
Benin		16 May 1974 a	14 August 1974
Bolivia		28 April 1995 a	27 July 1995
Bosnia and Herzegovina <i>1/ 2/ 6/ 10/</i>		1 September 1993 d	6 March 1992
Botswana <i>1/ 2/</i>		20 December 1971 a	19 March 1972
Brunei Darussalam <i>1/</i>		25 July 1996 a	23 October 1996
Bulgaria <i>1/ 3/</i>	17/12/1958	10 October 1961	8 January 1962
Burkina Faso		23 March 1987 a	21 June 1987
Cambodia		5 January 1960 a	4 April 1960
Cameroon		19 February 1988 a	19 May 1988
Canada <i>4/</i>		12 May 1986 a	10 August 1986
Central African Republic <i>1/ 2/</i>		15 October 1962 a	13 January 1963
Chile		4 September 1975 a	3 December 1975
China <i>1/ 2/</i>		22 January 1987 a	22 April 1987
Colombia		25 September 1979 a	24 December 1979
Costa Rica	10/6/1958	26 October 1987	24 January 1988
Côte d'Ivoire		1 February 1991 a	2 May 1991
Croatia <i>1/ 2/ 6/ 10/</i>		26 July 1993 d	8 October 1991
Cuba <i>1/ 2/ 3/</i>		30 December 1974 a	30 March 1975
Cyprus <i>1/ 2/</i>		29 December 1980 a	29 March 1981
Czech Republic <i>a/ 10/</i>		30 September 1993 d	1 January 1993
Denmark <i>1/ 2/</i>		22 December 1972 a	22 March 1973
Djibouti <i>10/</i>		14 June 1983 d	27 June 1977
Dominica		28 October 1988 a	26 January 1989
Ecuador <i>1/ 2/</i>	17/12/1958	3 January 1962	3 April 1962
Egypt		9 March 1959 a	7 June 1959
El Salvador	10/6/1958	26 February 1998	27 May 1998
Estonia		30 August 1993 a	28 November 1993
Finland	29/12/1958	19 January 1962	19 April 1962
France <i>1/</i>	25/11/1958	26 June 1959	24 September 1959
Georgia		2 June 1994 a	31 August 1994
Germany <i>b/ 1/ 11/</i>	10/6/1958	30 June 1961	28 September 1961
Ghana		9 April 1968 a	8 July 1968

<i>State</i>	<i>Signature</i>	<i>Ratification, Accession (a), Succession (d)</i>	<i>Entry into force</i>
Greece <u>1/</u> <u>2/</u>		16 July 1962 a	14 October 1962
Guatemala <u>1/</u> <u>2/</u>		21 March 1984 a	19 June 1984
Guinea		23 January 1991 a	23 April 1991
Haiti		5 December 1983 a	4 March 1984
Holy See <u>1/</u> <u>2/</u>		14 May 1975 a	12 August 1975
Honduras		3 October 2000 a	1 January 2001
Hungary <u>1/</u> <u>2/</u>		5 March 1962 a	3 June 1962
Iceland		24 January 2002 a	24 April 2002
India <u>1/</u> <u>2/</u>	10/6/1958	13 July 1960	11 October 1960
Indonesia <u>1/</u> <u>2/</u>		7 October 1981 a	5 January 1982
Iran (Islamic Rep. Of) <u>1/</u> <u>2/</u>		15 October 2001 a	13 January 2002
Ireland <u>1/</u>		12 May 1981 a	10 August 1981
Israel	10/2/1958	5 January 1959	7 June 1959
Italy		31 January 1969 a	1 May 1969
Japan <u>1/</u>		20 June 1961 a	18 September 1961
Jordan	10/6/1958	15 November 1979	13 February 1980
Kazakhstan		20 November 1995 a	18 February 1996
Kenya <u>1/</u>		10 February 1989 a	11 May 1989
Kuwait <u>1/</u>		28 April 1978 a	27 July 1978
Kyrgyzstan		18 December 1996 a	18 March 1997
Lao People's Democratic Republic		17 June 1998 a	15 September 1998
Latvia		4 April 1992 a	13 July 1992
Lebanon <u>1/</u>		11 August 1998 a	9 November 1998
Lesotho		13 June 1989 a	11 September 1998
Lithuania <u>2/</u>		14 March 1995 a	12 June 1995
Luxembourg <u>1/</u>	11/11/1958	9 September 1983	8 December 1983
Madagascar <u>1/</u> <u>2/</u>		16 July 1962 a	14 October 1962
Malaysia <u>1/</u> <u>2/</u>		5 November 1985 a	3 February 1986
Mali		8 September 1994 a	7 December 1994
Malta <u>1/</u> <u>12/</u>		22 June 2000 a	20 September 2000
Mauritania		30 January 1997 a	30 April 1997
Mauritius <u>1/</u>		19 June 1996 a	17 September 1996
Mexico		14 April 1971 a	13 July 1971
Monaco <u>1/</u> <u>2/</u>	31/12/1958	2 June 1982	31 August 1982
Mongolia <u>1/</u> <u>2/</u>		24 October 1994 a	22 January 1995
Morocco <u>1/</u>		12 February 1959 a	7 June 1959
Mozambique <u>1/</u>		11 June 1998 a	9 September 1998
Nepal <u>1/</u> <u>2/</u>		4 March 1998 a	2 June 1998
Netherlands <u>1/</u>	10/6/1958	24 April 1964	23 July 1964
New Zealand <u>1/</u>		6 January 1983 a	6 April 1983
Niger		14 October 1964 a	12 January 1965
Nigeria <u>1/</u> <u>2/</u>		17 March 1970 a	15 June 1970
Norway <u>1/</u> <u>5/</u>		14 March 1961 a	12 June 1961
Oman		25 February 1999 a	26 May 1999
Pakistan	30/12/1958		
Panama		10 October 1984 a	8 January 1985
Paraguay		8 October 1997 a	6 January 1998

<i>State</i>	<i>Signature</i>	<i>Ratification, Accession (a), Succession (d)</i>	<i>Entry into force</i>
Peru		7 July 1988 a	5 October 1988
Philippines <u>1/</u> <u>2/</u>	10/6/1958	6 July 1967	4 October 1967
Poland <u>1/</u> <u>2/</u>	10/6/1958	3 October 1961	1 January 1962
Portugal <u>1/</u>		18 October 1994 a	16 January 1995
Republic of Korea <u>1/</u> <u>2/</u>		8 February 1973 a	9 May 1973
Republic of Moldova <u>1/</u>		18 September 1998 a	17 December 1998
Romania <u>1/</u> <u>2/</u> <u>3/</u>		13 September 1961 a	12 December 1961
Russian Federation <u>d/</u> <u>1/</u> <u>3/</u>	29/12/1958	24 August 196	22 November 1960
Saint Vincent and the Grenadines <u>1/</u> <u>2/</u>		12 September 2000 a	11 December 2000
San Marino		17 May 1979 a	15 August 1979
Saudi Arabia		19 April 1994 a	18 July 1994
Senegal		17 October 1994 a	15 January 1995
Singapore <u>1/</u>		21 August 1986 a	19 November 1986
Slovakia <u>a/</u> <u>10/</u>		28 May 1993 d	1 January 1993
Slovenia <u>1/</u> <u>2/</u> <u>6/</u> <u>10/</u>		6 July 1992 d	25 June 1991
South Africa		3 May 1976 a	1 August 1976
Spain	30/12/1958	12 May 1977 a	10 August 1977
Sri Lanka	23/12/1958	9 April 1962	8 July 1962
Sweden	29/12/1958	28 January 1972	27 April 1972
Switzerland <u>8/</u>		1 June 1965	30 august 1965
Syrian Arab Republic		9 March 1959 a	7 June 1959
Thailand		21 December 1959 a	20 March 1960
The former Yugoslav Republic of Macedonian <u>1/</u> <u>2/</u> <u>6/</u> <u>10/</u>		10 March 1994 d	17 September 1991
Trinidad and Tobago <u>1/</u> <u>2/</u>		14 February 1966 a	15 May 1966
Tunisia <u>1/</u> <u>2/</u>		17 July 1967 a	15 October 1967
Turkey <u>1/</u> <u>2/</u>		2 July 1992 a	30 September 1992
Uganda <u>1/</u>		12 February 1992 a	12 May 1992
Ukraine <u>1/</u> <u>3/</u> <u>2</u>	9/12/1958	10 October 1960	8 January 1961
United Kingdom of Great Britain and Northern Ireland <u>1/</u>		24 September 1975 a	23 December 1975
United Republic of Tanzania <u>1/</u>		13 October 1964 a	12 January 1965
United States of America <u>1/</u> <u>2/</u>		30 September 1970 a	29 December 1970
Uruguay		30 March 1983 a	28 June 1983
Uzbekistan		7 February 1996 a	7 May 1996
Venezuela <u>1/</u> <u>2/</u>		8 February 1995 a	9 May 1995
Vietnam <u>1/</u> <u>2/</u> <u>3/</u> <u>9/</u>		12 September 1995 a	11 December 1995
Yugoslavia <u>e/</u> <u>13/</u>		12 march 2001 d	Effectible for Yugoslavia on 27 April 1992, the date of State succession.
Zambia		14 March 2002 a	12 June 2002
Zimbabwe		29 September 1994 a	28 December 1994