

# **Inter-American Convention on International Commercial Arbitration - Panama Convention, January 30 1975**

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1 **Inter-American Convention on International  
Commercial Arbitration (Panama Convention,  
January 30 1975)**

*[Pre]*

2 The Governments of the Member States of the Organization of  
American States, desirous of concluding a convention on inter-  
national commercial arbitration, have agreed as follows:

3 **Article 1**

4 An agreement in which the parties undertake to submit to arbi-  
tration any differences that may arise or have arisen be-  
tween 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.

5 **Article 2**

6 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 nation-  
als or foreigners.

7 **Article 3**

8 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.

9 **Article 4**

10 An arbitral decision or award that is not appealable under the  
applicable law or procedural rules shall have the force of a fi-  
nal judicial judgment. Its execution or recognition may be or-  
dered 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.

11 **Article 5**

12 1. The recognition and execution of the decision may be re-  
fused, 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:

13 a. That the parties to the agreement were subject to some in-  
capacity 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

14 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

15 c. That the decision concerns a dispute not envisaged in the  
agreement between the parties to submit to arbitration; nev-  
ertheless, if the provisions of the decision that refer to issues  
submitted to arbitration can be separated from those not sub-  
mitted to arbitration, the former may be recognized and exe-  
cuted; or

16 d. That the constitution of the arbitral tribunal or the arbitra-  
tion 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

17 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.

18 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:

19 a. That the subject of the dispute cannot be settled by arbitration under the law of that State; or

20 b. That the recognition or execution of the decision would be contrary to the public policy ("ordre public") of that State.

21 **Article 6**

22 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.

23 **Article 7**

24 This Convention shall be open for signature by the Member States of the Organization of American States.

**Article 8**

25

This Convention is subject to ratification. The instruments of ratification shall be deposited with the General Secretariat of the Organization of American States.

26

**Article 9**

27

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.

28

**Article 10**

29

This Convention shall enter into force on the thirtieth day following the date of deposit of the second instrument of ratification.

30

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.

31

**Article 11**

32

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.

33

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

34

be transmitted to the General Secretariat of the Organization of American States, and shall become effective thirty days after the date of their receipt.

35 **Article 12**

36 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.

37 **Article 13**

38 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.

**[Post]**

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

40 DONE AT PANAMA CITY, Republic of Panama, this thirtieth day of January one thousand nine hundred and seventy-five.

## Metadata

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