

No. 24393

MULTILATERAL

**Inter-American Convention on proof of and information
on foreign law. Concluded at Montevideo on 8 May 1979**

Authentic texts: Spanish, English, Portuguese and French.

Registered by the Organization of American States on 23 October 1986.

MULTILATÉRAL

**Convention interaméricaine sur la preuve du droit étranger
et les renseignements sur ce droit. Conclue à Montevideo
le 8 mai 1979**

Textes authentiques : espagnol, anglais, portugais et français.

Enregistrée par l'Organisation des États américains le 23 octobre 1986.

INTER-AMERICAN CONVENTION¹ ON PROOF OF AND INFORMATION ON FOREIGN LAW

The Governments of the Member States of the Organization of American States, desirous of concluding a Convention on proof of and information on foreign law, have agreed as follows:

Article 1. The purpose of this Convention is to establish rules governing international cooperation between the States Parties for obtaining elements of proof of and information on the laws of each of them.

Article 2. Subject to the provisions of this Convention, the authorities of each of the States Parties shall provide the authorities of the other States Parties that so request, with elements of proof of and reports on the text, validity, meaning, and legal scope of their law.

Article 3. International cooperation in the matter to which this Convention applies shall be provided through any of the suitable means of proof contemplated in both the law of the State of origin and the law of the State of destination.

For the purposes of this Convention, suitable means shall include the following:

- a. Documentary proof consisting of certified copies of legal texts together with an indication of their validity, or judicial precedents;
- b. Expert testimony consisting of opinions of attorneys or experts on the matter;

¹ Came into force on 14 June 1980, i.e., the thirtieth day following the date of deposit with the General Secretariat of the Organization of American States of the second instrument of ratification, in accordance with article 15:

<i>State</i>	<i>Date of deposit of the instrument of ratification</i>
Peru	15 May 1980
Uruguay*	15 May 1980

* For the text of the declaration and notification made upon ratification, see p. 127 of this volume.

Subsequently, the Convention came into force for the following States thirty days after the date of deposit with the General Secretariat of the Organization of American States of their instrument of ratification in accordance with article 15:

<i>State</i>	<i>Date of deposit of the instrument of ratification</i>
Ecuador	11 May 1982
(With effect from 10 June 1982.)	
Mexico*	9 March 1983
(With effect from 8 April 1983.)	
Colombia	28 April 1983
(With effect from 28 May 1983.)	
Venezuela	16 May 1985
(With effect from 15 June 1985.)	
Paraguay	16 August 1985
(With effect from 15 September 1985.)	

* For the text of the declaration and notification made upon ratification, see p. 127 of this volume.

In addition, notifications under article 9 of the Convention were made by the Governments of Peru and Uruguay. See p. 127 of this volume.

- c. The reports of the State of destination on the text, validity, meaning and scope of its law on specific points.

Article 4. The judges or courts of the States Parties to this Convention may request the reports referred to in Article 3, c.

The States Parties may extend the application of this Convention to requests for information from other authorities.

Without prejudice to the foregoing, requests from other authorities concerning the elements of proof specified in items *a* and *b* of Article 3 may also be answered.

Article 5. The requests to which this Convention relates shall contain the following:

- a. The name of the authority from which the request comes and the nature of the matter;
- b. Precise statement of the elements of proof being requested, and
- c. Specification of each of the points to which the request relates, together with an indication of its meaning and scope, and a statement of the pertinent facts for a proper understanding thereof.

The authority addressed shall answer each of the points contained in the request and as completely as possible.

The requests shall be prepared in the official language of the State of destination or shall be accompanied by a translation into that language. The reply shall be prepared in the language of the State of destination.

Article 6. In accordance with this Convention, each State Party shall reply to the requests from the other States Parties through its Central Authority, which may transmit such requests to other authorities of the same State.

The State that provides the reports referred to in Article 3, c, shall not be held responsible for the opinion expressed nor shall it be required to apply the law, or cause it to be applied, in accordance with the content of the reply provided.

The State that receives the reports referred to in Article 3, c, shall not be required to apply the law, or cause it to be applied, in accordance with the content of the reply received.

Article 7. The requests to which this Convention refers may be forwarded directly through the judges or courts or through the Central Authority of the State of origin, to the corresponding Central Authority of the State of destination, and legalization shall not be required.

The Central Authority of each State Party shall receive the requests made by the authorities of its State and forward them to the Central Authority of the State of destination.

Article 8. This Convention shall not limit any provisions regarding proof of and information on foreign law in bilateral or multilateral conventions that may have been signed or may be signed in the future by the States Parties or preclude the continuation of more favorable practices that may be followed by those States.

Article 9. For the purpose of this Convention, each State Party shall designate a central authority.

The General Secretariat of the Organization of American States shall be informed of the designation at the time of deposit of the instrument of ratification or accession, so that it may inform the other States Parties of such designation.

A State Party may change the designation of its Central Authority at any time.

Article 10. A State Party shall not be required to reply to a request from another State Party when its interests would be impaired by the question that gave rise to the request for information or when the reply could impair its security or sovereignty.

Article 11. This Convention shall be open for signature by the Member States of the Organization of American States.

Article 12. This Convention is subject to ratification. The instruments of ratification shall be deposited with the General Secretariat of the Organization of American States.

Article 13. This Convention shall remain open for accession by any other State. The instrument of accession shall be deposited with the General Secretariat of the Organization of American States.

Article 14. Each State may, at the time of signature, ratification or accession, make reservations to this Convention, provided that each reservation concerns one or more specific provisions and is not incompatible with the object and purpose of the Convention.

Article 15. 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 16. 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 17. 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 18. 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, which will forward an authenticated copy of its text to the Secretariat of the United Nations for registration and publication in accordance with Article 102 of its Charter. The General Secretariat of the Organization of American States shall notify the Member States of that Organization 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 information mentioned in Article 9 and the declarations referred to in Article 16 of this Convention.

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

DONE at Montevideo, Republic of Uruguay, this eighth day of May, one thousand nine hundred and seventy-nine.

[For signature pages, see p. 122 of this volume.]

Por Grenada:
For Grenada:
Por Grenada:
Pour la Grenade :

Por Suriname:
For Suriname:
Pelo Suriname:
Pour le Suriname :

Por Ecuador:
For Ecuador:
Pelo Ecuador:
Pour l'Equateur :

[*Signed — Signé*]
WILSON VELA HERVAS

Por la República Argentina:
For the Argentine Republic:
Pela República Argentina:
Pour la République Argentine :

Por Uruguay:
For Uruguay:
Pelo Uruguai:
Pour l'Uruguay :

[*Signed — Signé*]¹
MANUEL A. VIEIRA

¹ For the text of the declaration made upon signature, see p. 127 of this volume — Pour le texte de la déclaration faite lors de la signature, voir p. 127 du présent volume.

Por Colombia:
For Colombia:
Pela Colômbia:
Pour la Colombie :

[*Signed — Signé*]
[*Signed — Signé*]
ALVARO LEAL MORALES
FABIO TORRIJOS QUINTERO

Por Haïti:
For Haiti:
Pelo Haiti:
Pour Haïti :

[*Signed — Signé*]
[*Signed — Signé*]
[*Signed — Signé*]
YVES FRANÇOIS
RODRIGUE CASIMIR
VICTOR PIERRE-LOUIS

Por Mexico:
For Mexico:
Pelo México:
Pour le Mexique :

Por Brasil:
For Brazil:
Pelo Brasil:
Pour le Brésil :

Por Panamá:
For Panama:
Pelo Panamá:
Pour Panama :

[*Signed — Signé*]
JUAN MATERNO VASQUEZ

Por Perú:
For Peru:
Pelo Peru:
Pour le Pérou :

[*Signed — Signé*]
LUIS ALVARADO GARRIDO

Por Nicaragua:
For Nicaragua:
Por Nicarágua:
Pour le Nicaragua :

Por El Salvador:
For El Salvador:
Por El Salvador:
Pour Le Salvador :

Por Bolivia:
For Bolivia:
Pela Bolívia:
Pour la Bolivie :

Por Venezuela:
For Venezuela:
Pela Venezuela:
Pour le Venezuela :

[*Signed — Signé*]
GONZALO PARRA ARANGUREN

Por Paraguay:
For Paraguay:
Pelo Paraguai:
Pour le Paraguay :

[*Signed — Signé*]
RAMÓN SILVA ALONSO

Por Guatemala:
For Guatemala:
Pela Guatemala:
Pour le Guatemala :

[*Signed — Signé*]
[*Signed — Signé*]
JUAN JOSÉ RODAS MARTINEZ
FRANCISCO VILLAGRÁN KRAMER

Por Barbados:
For Barbados:
Por Barbados:
Pour la Barbade :

Por Trinidad y Tobago:
For Trinidad and Tobago:
Por Trinidad e Tobago:
Pour la Trinité et Tobago :

Por Costa Rica:
For Costa Rica:
Por Costa Rica:
Pour Costa Rica :

[*Signed — Signé*]
GONZALO ORTÍZ MARTÍN

Por los Estados Unidos de América:
For the United States of America:
Pelo Estados Unidos da América:
Pour les Etats-Unis d'Amérique :

Por la República Dominicana:
For the Dominican Republic:
Pela República Dominicana:
Pour la République Dominicaine :

[*Signed — Signé*]
MARIA ELENA MUÑOZ DE RICART

Por Honduras:
For Honduras:
Por Honduras:
Pour le Honduras :

[*Signed — Signé*]
ADOLFO LEÓN GÓMEZ

Por Chile:
For Chile:
Pelo Chile:
Pour le Chili :

[*Signed — Signé*]
CARLOS FERREIRA CANNOBIO

Por Jamaica:
For Jamaica:
Pela Jamaica:
Pour la Jamaïque :

DECLARATION MADE
UPON SIGNATURE

URUGUAY

[For the text of the declaration, see
p. 21 of this volume.]

DÉCLARATION FAITE
LORS DE LA SIGNATURE

URUGUAY

[Pour le texte de la déclaration voir
p. 21 du présent volume.]

DECLARATION AND NOTIFICA-
TION MADE UPON RATIFICATION

URUGUAY

[Confirming the declaration made
upon signature. See above.]

MEXICO

In accordance with the provisions of
article 9, the central authority is:

“La Secretaría de Relaciones Exteriores”²

DÉCLARATION ET NOTIFICATION
FAITE LORS DE LA RATIFICATION

URUGUAY

[Avec confirmation de la déclaration
faite lors de la signature. Voir ci-dessus.]

MEXIQUE

Conformément aux dispositions de
l'article 9, l'autorité centrale est :

NOTIFICATIONS under article 9 of the
Inter-American Convention of 8 May
1979 on proof of and information on
foreign law¹

*Effectuated with the General Secretariat
of the Organization of American States
on:*

1 September 1981

PERU

The central authority is:

“La Corte Suprema de Justicia”³

NOTIFICATIONS en vertu de l'article 9
de la Convention interaméricaine du
8 mai 1979 sur la preuve du droit
étranger et les renseignements sur ce
droit¹

*Effectuées auprès du Secrétariat général
de l'Organisation des Etats améri-
cains le :*

1^{er} septembre 1981

PÉROU

L'autorité centrale est :

¹ See p. 111 of this volume.

² The Secretariat of Foreign Affairs.

³ The Supreme Court of Justice.

¹ Voir p. 118 du présent volume.

² Le Secrétariat des Affaires étrangères.

³ La Cour Souveraine de Justice.

30 August 1985

30 août 1985

URUGUAY

URUGUAY

The central authority is:

L'autorité centrale est :

“Asesoría Autoridad Central de Cooperación Jurídica Internacional”¹

Certified statements were registered by the Organization of American States on 23 October 1986.

Les déclarations certifiées ont été enregistrées par l'Organisation des Etats américains le 23 octobre 1986.

¹ Council of the Central Authority for International Legal Cooperation.

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¹ Le Conseil de l'Administration Centrale pour la Coopération Juridique Internationale.