

No. 24385

MULTILATERAL

Inter-American Convention on the legal regime of powers of attorney to be used abroad. Concluded at Panama City on 30 January 1975

Authentic texts: Spanish, English, Portuguese and French.

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

MULTILATÉRAL

Convention interaméricaine sur le régime juridique des procurations à employer à l'étranger. Conclue à Panama le 30 janvier 1975

Textes authentiques : espagnol, anglais, portugais et français.

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

INTER-AMERICAN CONVENTION¹ ON THE LEGAL REGIME OF POWERS OF ATTORNEY TO BE USED ABROAD

The Governments of the Member States of the Organization of American States, desirous of concluding a convention on a legal regime of powers of attorney to be used abroad, have agreed as follows:

Article 1. Powers of attorney duly given in one of the States Parties to this Convention shall be valid in any of the other States Parties, provided they comply with the provisions of the Convention.

Article 2. The formalities and solemnities to be observed in giving a power of attorney to be used abroad shall be governed by the law of the place in which it was given unless the principal chooses to submit to the law of the State in which the power of attorney is to be used. In any case, should the law of the State in which a power of attorney is to be used require solemnities essential to its validity, such law shall govern.

Article 3. Should the State in which the power of attorney is given not recognize a special solemnity required under the law of the State in which the power of attorney is to be used, compliance with Article 7 of this Convention shall suffice.

Article 4. The requirements with respect to publicity pertaining to a power of attorney shall be governed by the law of the State in which it is to be used.

¹ Came into force on 16 January 1976, 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 16:

<i>State</i>	<i>Date of deposit of the instrument of ratification</i>
Ecuador	6 August 1975
Panama	17 December 1975

Subsequently, the Convention came into force for the following States on the thirtieth day after deposit of their instruments of ratification or accession with the General Secretariat of the Organization of American States, in accordance with article 16:

<i>State</i>	<i>Date of deposit of the instrument of ratification</i>
Chile	13 August 1976
(With effect from 12 September 1976.)	
Paraguay	15 December 1976
(With effect from 14 January 1977.)	
Uruguay	25 April 1977
(With effect from 25 May 1977.)	
Peru	25 August 1977
(With effect from 24 September 1977.)	
Dominican Republic	6 October 1977
(With effect from 5 November 1977.)	
Costa Rica	20 January 1978
(With effect from 19 February 1978.)	
Honduras	22 March 1979
(With effect from 21 April 1979.)	
Guatemala	10 January 1980
(With effect from 9 February 1980.)	
El Salvador	11 August 1980
(With effect from 10 September 1980.)	
Argentina*	7 December 1982
(With effect from 6 January 1983.)	

* See p. 281 of this volume for the text of the declaration made upon ratification.

Article 5. The effects and use of the power of attorney shall be governed by the law of the State in which it is to be used.

Article 6. In all powers of attorney, the official responsible for legalizing them shall certify or attest to the following, if competent to do so:

- a. The identity of the principal as well as his statement as to his nationality, age, domicile, and marital status;
- b. The authority of the principal to give a power of attorney on behalf of another natural person;
- c. The legal existence of the juridical person on whose behalf the power of attorney is given;
- d. The power of the principal to represent the juridical person and his authority to grant the power of attorney on its behalf.

Article 7. Should there be no official in the State in which the power of attorney is given who is competent to certify or attest to the items mentioned in Article 6, the following formalities shall be observed:

- a. The power of attorney shall include a sworn statement by the principal, or an affirmation that he will tell the truth, about the items specified in Article 6 a;
- b. Legalized copies or other evidence with respect to the items specified in paragraphs b, c, and d of the same article shall be appended to the power of attorney;
- c. The signature of the principal shall be authenticated;
- d. Such other requirements shall be observed as may be stipulated in the law under which the power of attorney is given.

Article 8. Powers of attorney shall be legalized when the law of the place where they are to be used so requires.

Article 9. Powers of attorney granted in a language different from the official language of the State in which they are to be used shall be translated into that official language.

Article 10. This Convention shall not limit any provisions regarding powers of attorney in bilateral or multilateral agreements that may have been signed or may be signed in the future by the States Parties, in particular the Protocol on Uniformity of Powers of Attorney which are to be Used Abroad or the Washington Protocol of 1940, or preclude the continuation of more favorable practices in that regard that may be followed by the States Parties.

Article 11. The agent need not state his acceptance in the instrument itself for the power of attorney to be valid. This acceptance shall result from the use of the power of attorney.

Article 12. The State of destination may refuse to execute a power of attorney if it is manifestly contrary to its public policy (*ordre public*).

Article 13. This Convention shall be open for signature by the Member States of the Organization of American States.

Article 14. This Convention is subject to ratification. The instruments of ratification shall be deposited with the General Secretariat of the Organization of American States.

Article 15. 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 16. 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 17. 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 18. 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 19. 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 17 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 the signature pages, see p. 276 of this volume.]

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

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

[Signed — Signé]

ALBERTO RUIZ ELDREDGE
30 de enero de 1975¹

[Signed — Signé]

CECILIA PASTOR DE MARCHAND

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

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

[Signed — Signé]

EDISON GONZALEZ LAPEYRE
30 de enero de 1975¹

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

[Signed — Signé]

FERNANDO SALAZAR PAREDES
2 de agosto de 1983²

¹ 30 January 1975 — 30 janvier 1975.

² 2 August 1983 — 2 août 1983.

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

[*Signed — Signé*]

CARLOS ROBERTO REINA
30 de enero de 1975¹

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

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

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

[*Signed — Signé*]

RAÚL A. QUIJANO
Sep. 22, 1982²

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

[*Signed — Signé*]

GONZALO ORTÍZ MARTÍN
30 de enero 1975¹

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

[*Signed — Signé*]

DIEGO SIRERA HERRERO
30 de enero 1975¹

¹ 30 January 1975 — 30 janvier 1975.

² 22 September 1982 — 22 septembre 1982.

Por Ecuador:
For Ecuador:
Pelo Equador:
Pour l'Équateur :

[Signed — Signé]

HUMBERTO GARCÍA ORTÍZ
30 de enero/75¹

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

[Signed — Signé]

FRANCISCO VILLAGRÁN KRAMER
30 de enero 1975¹

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

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

[Signed — Signé]

HAROLDO TEIXEIRA VALLADÃO
Panamá, 30/1/75

[Signed — Signé]

GERALDO EULADIO DO NASCIMENTO E SILVA

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

[Signed — Signé]

JUAN MATERNO VASQUEZ
30/1/75

¹ 30 January 1975 — 30 janvier 1975.

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

Ad referendum

[Signed — Signé]

MIGUEL SOLANO LÓPEZ
26 de agosto de 1975¹

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

[Signed — Signé]

GONZALO PARRA ARANGUREN
30/1/75

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

[Signed — Signé]

KEMIL DIPP GÓMEZ
Nov. 17, 1976

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

[Signed — Signé]

FRANCISCO BERTRAND GALINDO
30 de enero de 1975²

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

¹ 26 August 1975 — 26 août 1975.

² 30 January 1975 — 30 janvier 1975.

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

[*Signed — Signé*]

RAFAEL EYZAGUIRRE ECHEVARRÍA
30 de enero de 1975¹

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

[*Signed — Signé*]

MARCO GERARDO MONROY CABRA
30 de enero 1975¹

¹ 30 January 1975 — 30 janvier 1975.

DECLARATION MADE
UPON RATIFICATION

ARGENTINA

[SPANISH TEXT — TEXTE ESPAGNOL]

“La República Argentina interpreta que también la validez intrínseca del poder, se sujeta a la ley del Estado donde éste se ejerce.

La República Argentina interpreta, con relación al artículo sexto, que la expresión ‘funcionario que los legaliza’, se refiere a aquel funcionario ante quien pasa o quien autoriza el documento.”

[TRANSLATION]¹

It is the interpretation of the Republic of Argentina that the intrinsic validity of the power of attorney shall also be governed by the law of the State in which it is to be used.

With respect to Article 6, it is the interpretation of the Republic of Argentina that the expression “the official responsible for legalizing them” refers to the official in whose office the document is made or who validates it.

DÉCLARATION FAITE
LORS DE LA RATIFICATION

ARGENTINE

[TRANSLATION]¹

Selon l'interprétation de la République argentine, la validité intrinsèque de la procuration est aussi régie par la loi du lieu où le mandat doit être exécuté.

A propos de l'article 6, selon l'interprétation de la République argentine, l'expression « fonctionnaire appelé à intervenir dans l'établissement de toute procuration » se réfère au fonctionnaire au bureau duquel la procuration est adressée ou qui valide cette procuration.

¹ Translation supplied by the Organization of American States.

¹ Traduction fournie par l'Organisation des Etats américains.