

1952 - Arab League Convention

 aia-adr.com/blank-c10t5

1952 - Arab League Convention

Convention of the Arab League on the Enforcement of Judgments and Arbitral Awards*

14 September 1952

The Governments of:

- The Hashemite Kingdom of Jordan,
- The Syrian Republic,
- The Kingdom of Iraq,
- The Kingdom of Saudi Arabia,
- The Lebanese Republic,
- The Kingdom of Egypt,
- The Kingdom of Yemen (Metawakilia)

Desirous of facilitating among their several States the carrying out of execution of judgments, and in accordance with the provisions of Article 2 of the Pact of the Arab League, have agreed as follows:

Article 1

Any final judgment involving civil or commercial rights or payments, any sentence imposed by the Courts having jurisdiction over penal matters, or matters concerning injuries, as well as all decisions relating to matters of personal status, made by the competent legal authorities in any of the member States of the Arab League, shall be executory in the other States of the League, in accordance with the provisions of this agreement.

Article 2

The appropriate judicial authorities of the State which is requested to execute the sentence, shall not be allowed to investigate or review the subject matter of the case, and shall not refuse execution of the judgment, except under the following circumstances:

- a. If the legal authority which rendered the judgment was not qualified to hear the case on account of lack of jurisdiction or because of applicable principles of international law.
- b. If the parties concerned were not properly and duly summoned.

c. If the sentence passed is contrary to the general order, or to the public policy of the State which is requested to carry out its execution. The said State shall decide whether the case is to be so considered, as also whether the execution of the sentence would be contrary to a recognized principle of international law.

d. If the Courts of the State which is requested to carry out the execution have already given judgment between the same parties on the same subject matter, or if a case is pending on the same subject and between the same parties, provided the said case had been begun in the Court of the requested State prior to the date of its being begun and in the Court of the requesting State which gave verdict and asked execution.

Article 3

With due consideration to Article 1 of this agreement, the authorities who are requested to enforce execution are not entitled to reconsider the verdict of arbitrators which have been given in any of the States of the League. Request of execution may be refused in the following instances:

a. If the laws of the requested State do not admit the solution of litigation by means of Arbitrations.

b. If the verdict passed was not in pursuance of a conditional Arbitration Agreement.

c. If the Arbitrators were not qualified to act in pursuance of a conditional agreement of Arbitration or in accordance with the provisions of the law under which the sentence was passed.

d. If the parties were not properly served with Summons to appear.

e. If the Arbitrators' decision includes anything considered to be against general order or public morals in the State requested to carry out execution. The requested State shall decide whether the case is to be considered as such and may refuse execution.

f. If the Arbitrators' decision is not final in the State in which it is given.

Article 4

The provisions of this agreement shall not be applicable to any judgment issued against the Government of the requested State or any of its officers in his official capacity and on account of the performance of his duties, nor shall they be applicable to judgments which are contrary to international treaties and agreements, in force in the requested State.

Article 5

Requests for execution should be supported by the following documents:

1. A certified true copy of the judgment, duly authorized by responsible quarters.

2. The original summons of the text of judgment which is to be executed or an official certificate to the effect that the text of the judgment has been duly served.

3. A certificate from responsible authority to the effect that judgment is final and executory.

4. A certificate that the parties were duly served with summons to appear before the proper authorities or before the arbitrators in case the judgment or arbitrators' decision was by default.

Article 6

Judgments which are to be executed in any State of the League shall have the same legal validity as in the requesting State.

Article 7

In any of the States of the League, citizens of the requesting State shall not be asked to pay any fees, furnish any deposits or produce any securities, which they are not required to do in their country, nor is it permitted to deprive them of legal aid or exemptions from legal fees.

Article 8

Each State will appoint a legal authority to which will be submitted all demands of execution demands, procedure and appeals against decisions taken in this respect. Communication of such appointment shall be made to each of the other Contracting States.

Article 9

States which shall have accepted this agreement, shall confirm such acceptance in accordance with their own constitutional laws and procedure, at the earliest possible date. Documents of confirmation will be deposited with the general Secretariat of the League, which will prepare a memorandum of the deposit of each State's confirmatory documents and will inform the other signatories of this agreement.

Article 10

States of the League who have not signed this agreement may adhere to the same before sending a notice to that effect to the General Secretary of the League who will advise the other signatory of such adhesion.

Article 11

This agreement will come into force a month from the date of deposit of confirmatory documents by three of the signatory States. For other States, it will come into effect a month from the date of deposit of their confirmatory documents or their notice of adhesion.

Article 12

Any of the States bound by this agreement may withdraw therefrom, upon submitting a notice to that effect to the General Secretariat of the Arab States League. Withdrawal will be effective after the lapse of 6 months from the date of the notice. However the provisions of this agreement will remain valid and binding for execution of demands submitted before the date of its expiration.