Enforcement of Foreign Judgments, Part II: A Selected Bibliography on Enforcement of U.S. Judgments in Foreign Countries**

I. Introduction

This is Part II of a two-part selected bibliography of primary and secondary sources on the enforcement of foreign country judgments. Part I, which appeared in the Summer 1993 issue of The International Lawyer, covered sources and materials on enforcement of foreign judgments in the United States (inbound judgments). This bibliography, Part II, focuses on the recognition and enforcement of United States and other-country judgments in foreign countries (outbound judgments). Also contained in this bibliography is a brief section on reform issues, primarily those addressing harmonization or unification of the law of enforcement of foreign judgments.

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**Special recognition is due Fredrick Ray, Southwestern Class of 1993, without whose expert research assistance this bibliography would not have been completed. The author appreciates the earlier assistance of student researchers Mark Tackitt and Debra Belanger. Southwestern Research Librarian David McFadden and Amber Lee Smith, International and Comparative Law Librarian of the Los Angeles County Law Library, also offered many helpful suggestions on earlier drafts. Many valuable contributions were also made by a number of practitioners during the development of the bibliography. Finally, the author is grateful for the research support of Southwestern University School of Law.

Only materials published in the English language are included. The timeframe represented by the publications cited is all works published from the nineteenth century through August 1992, with an emphasis on works published in the last three decades.\(^2\) Works regarding enforcement of money judgments handed down from courts form the core of the bibliography. Some general and introductory materials concerning nonmoney judgments (such as family law matters) and arbitral awards are included; however, an exhaustive listing of those materials is beyond the scope of this bibliography.

The overall organization of materials in each section, as well as the order of citations in each topic area, follows rule 1.4 of *A Uniform System of Citation* (15th ed. 1991) (the *Bluebook*). Citations, wherever possible, are produced in *Bluebook* format, with additional information, such as city and publisher, provided where available. Every effort was made to confirm the sources cited. However, in order to provide the most complete listing, some citations have been taken from bibliographic listings of other materials and may be subject to error from multiple transposition.

Finally, the author welcomes suggestions for the bibliography from readers.\(^3\)

II. Enforcement Abroad of Foreign Judgments Made by U.S. Courts

A. Applicable Laws and Other Instruments

1. *Foreign State Statutes (country-by-country)*\(^4\)

   **Argentina**  

   **Australia**  
   **South Australia**  
   Foreign Judgments Act 1971 [unlike other Australian states, accepts judgments from any country, not only certain designated countries, which meet registration requirements].

   **All Other States**  
   Foreign Judgments (Reciprocal Enforcement) Act 1933 (U.K.) [adopted under the same name by each state].

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2. Listings of primary treaty materials and secondary materials are cumulative (i.e., they are listed, although they may be subsequently superseded or outdated) with the exception of those treatises which have revised editions, in which case the most recent edition is listed. United States statutes and foreign country statutes are those in effect as of August 1992.

3. A guide by the author to the inbound and outbound enforcement of judgments—including forms, documents, and a revised bibliography—is being finalized and will be published in the future.

4. These statutory citations were compiled from secondary sources available to the author in August 1992; these citations are only intended as a starting point for researching the law of recognition and enforcement for those countries listed. These laws are constantly changing; relevant statutes other than those statutes provided may exist in the countries listed, and relevant statutes may exist in countries not included in this listing.
Austria  Exekutionsordnung (Enforcement Code) §§ 79-85.
Belgium  JUD. CODE §§ 570, 635.
         JUD. CODE § 1723 [arbitration].
Bermuda  Judgments (Reciprocal Enforcement) Act 1958.
Bolivia  CODE CIV. P. arts. 202-205, 552, 555.
Brazil   C.C. Law of Introduction arts. 12, 15-17.
         Regimento Interno do Supremo Tribunal Federal,
         arts. 215-223, 317.
         C.P.C. arts. 88, 282, 483-484, 737, 741.
         Quebec   CODE CIV. PROC. §§ 178 to 179.
         CIV. CODE § 1220.
         All Other Provinces/ Reciprocal Enforcement of Judgments Act [adopted
         Territories  by each government under the same name].
Cayman Islands  Foreign Judgments Reciprocal Enforcement Law (Re-
               vised) 1976.
Chile     CODE CIV. P. arts. 242-251.
         CODE CIV. P. arts. 15, 16, 995 [real property; mar-
         riage].
China, People’s CIV. P. CODE arts. 262-270.
Republic of
China, Republic of R.O.C. CIV. P. CODE arts. 145, 149, 401-402.
(Taiwan)  R.O.C. COMPUL. EXEC. L. art. 43.
Costa Rica CODE CIV. P. §§ 705-708.
Cyprus    Foreign Judgments (Reciprocal Enforcement) Law of
         1935.
Czechoslovakia Private International Law Code arts. 63-68.
Denmark*  Administration of Justice Act §§ 223A-B, 479.
Dominican Republic CIV. CODE §§ 2123, 2134.
               CODE CIV. P. §§ 116-165, 545-556.
Egypt     CIV. & COM. PROC. arts. 296-298, 301.
El Salvador CODE CIV. P. §§ 441-454.
           CODE CIV. P. § 170 [divorce].
England   Judgments Extension Act, 1863, 31 & 32 Vict., ch. 54.
Administration of Justice Act, 1920, 10 & 11 Geo. 5, ch. 81.
Foreign Judgments (Reciprocal Enforcement) Act, 1933, 23 & 24 Geo. 5, ch. 81.
The Gaming Act, 1968, ch. 65.
Protection of Trading Interests Act, 1980, ch. 11.
Civil Jurisdiction and Judgments Act, 1982.

Finland* Act on Cooperation between Finnish and Foreign Authorities in Connection with Court Proceedings and Enforcement of Judgments Rendered by Foreign Courts (amended 1988) [attorney's fees].

France NEW C. PR. CIV. art. 509.

Germany Z.P.O. §§ 328, 722-723.
Z.P.O. § 1044 [arbitration].

Greece CODE CIV. P. arts. 323, 905.
CODE CIV. P. arts. 903, 906 [arbitration].

Guatemala CIV. & MERCANTILE PROC. CODE arts. 344-346.

Honduras CODE CIV. P. arts. 235-241.


Iceland* Act on Enforcement No. 19/1887.

India INDIA CODE CIV. PROC. §§ 2, 13-14, 20-21, 34-35, 44, 47, 96, 100.

Indonesia Reglement op de Rechtsvordering arts. 436, 440.
COMM. CODE art. 724.

Ireland Jurisdiction of Courts and Enforcement of Judgments (European Communities) Act No. 2 (1988).

Israel Rules of Court §§ 352-359, 397.
Adjudication of Interest and Linkage Law 5721 (1961).

Italy C.P.C. §§ 395, 796-799.

Japan MINSOHŌ [Code of Civil Procedure] art. 200 [recognition].
MINPO [Civil Code] art. 24 [enforcement].
Kenya
Foreign Judgments (Reciprocal Enforcement) Act.

Korea, Republic of
CODE Civ. P. arts. 9, 203, 476-477.

Lebanon
CODE Civ. P. arts. 1009-1022.
CODE Civ. P. arts. 793-797, 814-818 [arbitration].

Luxembourg
CODE Civ. P. § 1028-1 [arbitration].

Malaysia
Reciprocal Enforcement of Judgments Act (Revised) 1972.

Malta

Mexico
C.P.C.D.F. arts. 24-25, 81, 85, 140, 156, 330, 604-608.
C.C.D.F. arts. 2814, 2817.

Netherlands
CODE Civ. P. arts. 1074-1076 [arbitration].

New Zealand
Reciprocal Enforcement of Judgments Act 1934.

Nicaragua
CODE Civ. P. arts. 9-19, 542-552.

Nigeria
Foreign Judgments (Reciprocal Enforcement) Act 1960.

Norway*
Enforcement Act §§ 3(10), 30, 78.

Pakistan
CODE Civ. P. §§ 2, 13, 20, 44A, 47.

Panama
JUD. Code arts. 581-590.
CODE Civ. P. arts. 1409-1411.
Maritime Code arts. 419-428.

Paraguay
CODE Civ. P. §§ 532-537, 693(c).

Peru
CODE Civ. P. arts. 1155-1168.

Philippines
Rules of Court § 50, rule 40.

Poland
CODE Civ. P. arts. 1145-1153.

Portugal
CODE Civ. P. arts. 78-81 [admiralty].
CODE Civ. P. art. 82 [bankruptcy].
CODE Civ. art. 558 [currency].

Saudi Arabia
Board of Grievances Regulations art. 8(1)(g) (1982).

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Singapore

*Reciprocal Enforcement of Foreign Judgments Act 1959.*

South Africa


Spain


Sri Lanka

Reciprocal Enforcement of Judgments Act, Ordinance No. 41 of 1921.
Enforcement of Foreign Judgments, Ordinance No. 4 of 1937.

Sweden*


Switzerland


Syria

CODE Civ. P. arts. 306-311.

Tanzania

Foreign Judgment (Reciprocal Enforcement) Ordinance ch. 8 (1936).

Thailand

CIV. & COM. CODE §§ 113, 164, 168, 196, 224.

Turkey


United Arab Emirates


Uruguay

CODE Civ. P. arts. 524-543.

Venezuela

CODE Civ. P. arts. 242-254, 850-858.

Zaire


[*Note: Foreign judgments are generally unenforceable in the Nordic countries of Denmark, Finland, Iceland, Norway, and Sweden except by treaty. The United States has no treaties for enforcement with these countries; therefore U.S. judgments generally are unenforceable, with the exception perhaps of judgments awarding attorney's fees in Finland and Sweden. The Nordic Judgments Conventions of 1933 and 1977 provide for recognition and enforcement of judgments between these five countries.]*
2. *Conventions*\(^5\)

a. United Nations


b. Others

Agreement on the Execution of Foreign Judgments (Acuerdo Boliviano), Caracas, Venezuela, July 18, 1911.


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\(^5\) Most of these conventions are inapplicable to U.S. judgments. For a list of those conventions to which the United States is a party, see part I.A.3. of this bibliography, *supra* note 1, 27 INT’L LAW. at 477.


B. Treatises and Books

1. Conventions

a. General


VOL. 27, NO. 4
b. Brussels Convention and the EEC


c. Lugano and San Sebastian Conventions

Michael Carpenter et al., *The Lugano and San Sebastian Conventions* (London, Butterworths 1990)

2. General


Jan H. Dalhuisen, *Dalhuisen on International Insolvency and Bankruptcy* §§ 1.03, 1.04, 1.06, 1.07 (New York, Matthew Bender 1986).


*Effective Dispute Resolution for the International Commercial Lawyer* 173-96 (P. Summerfield & D. Campbell eds., Boston, Kluwer Law & Taxation Publishers 1989) [overview of Asian, civil, and common law country approaches].

*Enforcement of Foreign Judgments Worldwide* (Charles Platto ed., London, Graham & Trotman 1989) [practice guide for 34 countries based on answers to questionnaires by practitioners in those countries].
ENFORCEMENT OF MONEY JUDGMENTS ABROAD (Philip R. Weems ed., New York, Matthew Bender 1991) [practice guide for 42 countries (including the United States) by practitioners in those countries; regularly updated; well supported by reprints of translated statutes for each country].


FRANCIS T. PIGGOT, FOREIGN JUDGMENTS AND JURISDICTION (Hong Kong, Kelly & Walsh 1908-1910).

THOMAS H. REYNOLDS & ARTURO A. FLORES, FOREIGN LAW: CURRENT SOURCES OF CODES AND BASIC LEGISLATION IN JURISDICTIONS OF THE WORLD (Littleton, Colorado, Fred B. Rothman & Co. 1989) [see entry for “Foreign Judgments” under each country].


DAVID WESTIN, U.S. JUDGMENTS ABROAD (New York, Matthew Bender 1991) [country-by-country practice guide].

3. Regional

Eastern Europe


Western Europe

Paul Cronheim, Enforcing U.S. Judgments in Europe, in INTERNATIONAL LITIGATION 487 (ABA Section of International Law and Practice 1989).

Argentina


Australia


Z. COWEN, AMERICAN-AUSTRALIAN PRIVATE INTERNATIONAL LAW 100 (Bilateral Studies in Private International Law No. 8, published for the Parker School of Foreign and Comparative Law, Columbia University, New York, Oceana Publications 1957).


Austria

IGNAZ SEIDL-HOHENVELDERN, AMERICAN-AUSTRIAN PRIVATE INTERNATIONAL LAW 151 (Bilateral Studies in Private International Law No. 11, published for the Parker School of Foreign and Comparative Law,
Belgium


Bermuda


Brazil

PAUL G. GARLAND, AMERICAN-BRAZILIAN PRIVATE INTERNATIONAL LAW 93 (Bilateral Studies in Private International Law No. 9, published for the Parker School of Foreign and Comparative Law, Columbia University, New York, Oceana Publications 1959).

Canada

IAN F.G. BAXTER, ESSAYS OF PRIVATE LAW: FOREIGN LAW AND JUDGMENTS (Toronto, University of Toronto Press 1966).

JEAN G. CASTEL, CANADIAN CONFLICT OF LAWS (Toronto, Butterworths 1986).


Chile

A. ETCHBERRY, AMERICAN-CHILEAN PRIVATE INTERNATIONAL LAW 94 (Bilateral Studies in Private International Law No. 10, published for the Parker
School of Foreign and Comparative Law, Columbia University, New York, Oceana Publications 1960).

Czechoslovakia


Colombia


Cyprus

LAW OF CYPRUS ch. 10, 113 (1959).

Denmark


Egypt


England and the Commonwealth of Nations

BLACK, ENFORCEMENT OF A JUDGMENT (London, Longman Professional, 7th ed.).


COLLEGE OF LAW, JURISDICTION AND ENFORCEMENT OF JUDGMENTS IN EUROPE (1985).


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France


Germany


Rolf A. Schütze, Conceptual Differences and Areas of Potential Collision Between United States and "Civil Law" Procedure from the German Perspective, in Litigation of Business Matters in the United States and International Legal Assistance (Roger Zäch ed., 1984).


Greece

C. BEIS, LESSONS OF CIVIL PROCEDURE—ENFORCEMENT (1st ed.).

J. BRINIAS, THE ENFORCEMENT (2d ed.).


India

M. SUBRAYA PAI, LAW OF EXECUTION 314 (Bangalore, Indian Law House 1984).

Indonesia

J. BALL, INDONESIAN LEGAL HISTORY 1602-1848 (Sydney, Oughtershaw Press 1982).

R. SOEPONO, LAW ON CIVIL PROCEDURE BEFORE DISTRICT COURTS (Jakarta, Pradnya Paramita 1972).


Ireland

J. BRADY & T. KERR, THE LIMITATION OF ACTIONS IN THE REPUBLIC OF IRELAND ch. 4, at 58.


J. WYLIE, A CASE BOOK OF IRISH LAND LAW ch. 9, at 473.

Israel


Italy


2 R. Myrick, *World Litigation and Practice* Unit B: Europe: Italy §§ 9.01-.03 (1986).

**Japan**


The Japanese Legal System (Hideo Tanaka ed., Tokyo, University of Tokyo Press 1976).


**Mexico**


**Netherlands**


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<td><strong>New Zealand</strong> in <em>Civil Procedure, in Introduction to Dutch Law for Foreign Lawyers</em> 258 (D.C. Fokkema et al. eds., 1978).</td>
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<td>Russia (former Soviet Union)</td>
<td><strong>SIM &amp; CRAIN, PRACTICE AND PROCEDURE</strong> (12th ed. 1985).</td>
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<td>South Africa</td>
<td><strong>EDWARD I. SYKES &amp; MICHAEL C. PRYLES, AUSTRALIAN PRIVATE INTERNATIONAL LAW</strong> (2d ed. 1987).</td>
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Switzerland


Turkey


Venezuela


5. Specialized Areas

a. Admiralty


b. Antitrust


c. Arbitration Awards/New York Convention


d. Bankruptcy and Creditor’s Rights

JAN H. DALHUISEN, DALHUISEN ON INTERNATIONAL INSOLVENCY AND BANKRUPTCY §§ 1.03, 1.04, 2.01-.06 (New York, Matthew Bender 1986).

e. Domestic Relations


f. Nonmoney Judgments (Equitable Remedies)


C. JOURNALS

1. General


2. Conventions

a. Brussels Convention and EEC


Lawrence Collins, Provisional Measures, the Conflict of Laws and the Brussels Convention, 1 Y.B. EUR. L. 249 (1981).


b. Lugano and San Sebastian Conventions


c. Hague Conventions


d. Inter-American Conventions


3. Regional
Africa
Eastern Europe


Western Europe


Latin America


Australia


Brazil

Jacob Dolinger, Brazilian Confirmation of Foreign Judgments, 19 Int’l L. 853 (1985).

Keith Rosenn, Enforcement of Foreign Arbitral Awards in Brazil, 28 Am. J. Comp. L. 498 (1980).


Canada

Marvin G. Baer, Conflict of Laws—Recognition of Foreign Judgments—Fraud—Finality—Public Pol-


G.F. Henderson, Foreign Court and the National Interest, the Effect of Foreign Judgments on Activities in Canada, 3 INT'L BUS. LAW. 133 (1975).


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France

Thomas E. Carboneau, The French Exequatur Proceeding: The Exorbitant Jurisdictional Rules of Ar-
articles 14 and 15 (Code Civil) as Obstacles to the Enforcement of Foreign Judgments in France, 2 Hastings Int'l & Comp. L. Rev. 307 (1979).


Indonesia


Iran


Ireland

A.V. Gill, Jurisdiction and Enforcement of Foreign Judgments in Ireland, 1980 J. IRISH SOC’Y FOR EUR. L. 3.

Israel


Amos Shapira, Recognition and Enforcement of Foreign Judgments in Personam in Israel, 3 TEL AVIV UNIV. STUD. L. 171 (1978).
Italy


Japan


Takao Sawaki, Recognition and Enforcement of Foreign Judgments in Japan, 23 Int’l Law. 29 (1989) [brief but useful for practice].


Malaysia


Mexico


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**Pakistan**


**Saudi Arabia**


**Scotland**


**Singapore**


**South Africa**


**Spain**


**Switzerland**


**United Arab Emirates**

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B. JOURNALS


