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

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BIBLIOGRAPHY

ROBERT E. LUTZ*

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*,¹ 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.

1. Robert E. Lutz, *Enforcement of Judgments, Part I: A Selected Bibliography of U.S. Enforcement of Judgments Rendered Abroad*, 27 INT'L LAW. 471 (1993).

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	CÓD. PROC. CIV. Y COM. arts. 517-519. CÓD. PROC. CIV. Y COM. arts. 175-187 [expedited procedures]. CÓD. PROC. CIV. Y COM. art. 617 [currency of judgment].
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].

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.
Canada	
New Brunswick	R.S.N.B. chs. F-19, R-3 (1973).
Quebec	CODE CIV. PROC. §§ 178 to 179. CIV. CODE § 1220.
All Other Provinces/ Territories	Reciprocal Enforcement of Judgments Act [adopted 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 Republic of	CIV. P. CODE arts. 262-270.
China, Republic of (Taiwan)	R.O.C. CIV. P. CODE arts. 145, 149, 401-402. R.O.C. COMPUL. EXEC. L. art. 43.
Colombia	CODE CIV. P. §§ 302-339, 623, 693-697.
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.
Ecuador	CODE CIV. P. §§ 273-306, 423-428.
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. C. CIV. arts. 14-15, 2123, 2128.
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. Law of the Judicial Organism arts. 190-195.
Honduras	CODE CIV. P. arts. 235-241.
Hungary	International Private Law Code of Hungary ch. 4, arts. 70-74 (Act-Order 1979:13).
Iceland*	Act on Enforcement No. 19/1887. Act on Enforcement No. 90/1989.
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	Foreign Judgments Enforcement Law 5718 (1958). Israel Rules of Court §§ 352-359, 397. Adjudication of Interest and Linkage Law 5721 (1961). Evidence Ordinance (New Version) 5731 (1971). Rules of Civil Procedure 5744, ch. 27 (1984).
Italy	C.P.C. §§ 395, 796-799.
Japan	MINSOHō [Code of Civil Procedure] art. 200 [recognition]. MINPō [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. §§ 19-31, 116-192. CODE CIV. P. § 1028-1 [arbitration].
Malaysia	Reciprocal Enforcement of Judgments Act (Revised) 1972.
Malta	CODE ORG. & CIV. P. §§ 811-812, 826-828.
Mexico	C.P.C.D.F. arts. 24-25, 81, 85, 140, 156, 330, 604-608. C.F.P.C. arts. 302, 355-356. C.C.D.F. arts. 2814, 2817.
Netherlands	CODE CIV. P. arts. 431, 985-992. 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*	CODE CIV. P. §§ 167-168. 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. CODE CIV. arts. 2059, 2102-2111, 24 I.L.M. 997 (1985) [English translation].
Philippines	Rules of Court § 50, rule 40. CIV. CODE arts. 14, 16-17.
Poland	CODE CIV. P. arts. 1145-1153.
Portugal	CODE CIV. P. arts. 65, 65A, 85, 558, 771, 1094-1096, 1100-1102 [generally]. 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).

Singapore	Reciprocal Enforcement of Foreign Judgments Act 1959. Rules of the Supreme Court 1970, Order 67.
South Africa	Protection of Businesses Act 1978.
Spain	CODE CIV. P. arts. 300, 523, 600-601, 921, 951-958, 1435-1445.
Sri Lanka	Reciprocal Enforcement of Judgments Act, Ordinance No. 41 of 1921. Enforcement of Foreign Judgments, Ordinance No. 4 of 1937.
Sweden*	Act on Enforcement of Certain Decisions Concerning Litigation Costs (1899:12, p. 9).
Switzerland	Federal Law on Swiss Private International Law arts. 23-28, 149, 470-472 (1989).
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. Act on Conflict of Laws, B.E. 2481, § 15 (1938). CODE CIV. P. §§ 2, 4, 161, 170, 224, 229, 231, 247, 248, 253, 284-285, 287, 290, 665.
Turkey	Enforcement and Recognition of Foreign Judgments and Arbitral Awards Act, No. 2675 of 1982, pt. 2, sec. 2.
United Arab Emirates	Abu Dhabi Code of Civil Procedure §§ 15-17, 21-26, 61-63. U.A.E. Fed. Law No. 11 of 1973, art. 12 [between emirates].
Uruguay	CODE CIV. P. arts. 524-543.
Venezuela	CODE CIV. P. arts. 242-254, 850-858.
Zaire	Code of Judicial Organization and Competence, arts. 117, 144-145.

[*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

Convention Concerning the Recognition and Enforcement of Decisions Involving Obligations to Support Minor Children, Apr. 15, 1958, 539 U.N.T.S. 27.

Convention on Recognition and Enforcement of Foreign Arbitral Awards (New York Convention), June 10, 1958, 21 U.S.T. 2517, 330 U.N.T.S. 38 (1959).

Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil and Commercial Matters, Nov. 15, 1965, 20 U.S.T. 361, T.I.A.S. No. 6638, 658 U.N.T.S. 163.

b. Others

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

Arab League Convention on the Enforcement of Judgments, Sept. 14, 1952.

Convention on Accession of New Member States to the 1968 Convention on Jurisdiction of Courts, Oct. 9, 1978, 1978 O.J. (L 304) 1.

Convention on the Choice of Court, Nov. 25, 1965, Recueil de Conventions Hague [RCH] 96.

Convention on the Jurisdiction, Applicable Law, and Recognition of Adoptions, Nov. 15, 1965, [RCH] 64, U.K.T.S. 94 (1978) (Cmnd 7342).

Convention on Private International Law (Bustamante Code), Havana, Feb. 20, 1928, 86 L.N.T.S. 111.

Convention on the Recognition of Divorces and Legal Separations, June 1, 1970, RCH 138, U.K.T.S. 123 (Cmnd 6248), 8 I.L.M. 31.

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European Communities-European Free Trade Association: Convention on Jurisdiction and Enforcement of Judgments in Civil and Commercial Matters (Lugano Convention), Sept. 16, 1988, 28 I.L.M. 620 (1989).

European Convention on the Accession of the Kingdom of Spain and the Portuguese Republic to the Brussels Convention (San Sebastian Convention), May 26, 1989, 29 I.L.M. 1413 (1990).

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.

European Convention on International Commercial Arbitration, Geneva, Apr. 21, 1961, 484 U.N.T.S. 364 (1964).

European Convention on Jurisdiction and the Enforcement of Judgments in Civil and Commercial Matters (Brussels Convention), Sept. 27, 1968, 1978 O.J. (L 304) 78, 8 I.L.M. 229 (1969).

European Convention on Recognition and Enforcement of Decisions Concerning Children and on Restoration of Custody of Children, Council of Europe, Luxembourg, May 20, 1980, Europ. T.S. No. 105.

European Convention on State Immunity, May 15, 1972, 74 Europ. T.S. No. 41.

Hague Convention on the Recognition and Enforcement of Decisions Relative to Maintenance Obligations, Oct. 2, 1973, RCH 203.

Hague Convention on the Recognition and Enforcement of Foreign Judgments in Civil and Commercial Matters, Apr. 26, 1966, 5 I.L.M. 636 (1966), 15 AM. J. COMP. L. 362 (1967).

Hague Convention on the Recognition and Enforcement of Foreign Judgments in Civil and Commercial Matters, Feb. 1, 1971, RCH 106.

Inter-American Convention on Extraterritorial Validity of Foreign Judgments and Arbitral Awards, May 8, 1979, OEA/Ser.A./28 (SEPF), Pan-Am T.S. 51, 18 I.L.M. 1224 (1979).

Inter-American Convention on International Commercial Arbitration, Panama, Jan. 30, 1975, 14 I.L.M. 336 (1976).

Inter-American Convention on Jurisdiction in the International Sphere for the Extraterritorial Validity of Foreign Judgments, Montevideo, May 24, 1984, OEA/Ser.A/39 (SEPF), 24 I.L.M. 468 (1985).

Inter-American Convention on Letters Rogatory, Panama, Jan. 30, 1979, 14 I.L.M. 339 (1980).

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c. Lugano and San Sebastian Conventions

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