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

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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.

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. 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.

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

A. Applicable Laws and Other Instruments

1. Foreign State Statutes *(country-by-country)*

   - **Argentina**

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

   - **South Australia**
     - 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.
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<td>Austria</td>
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<td>Belgium</td>
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<td>Bermuda</td>
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<td>Bolivia</td>
<td>CODE CIV. P. arts. 202-205, 552, 555.</td>
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<td>All Other Provinces/Territories</td>
<td>Reciprocal Enforcement of Judgments Act [adopted by each government under the same name].</td>
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<td>Cayman Islands</td>
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<td>Egypt</td>
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<td>El Salvador</td>
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<td>CODE CIV. P. § 170 [divorce].</td>
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<tr>
<td>England</td>
<td>Judgments Extension Act, 1863, 31 &amp; 32 Vict., ch. 54.</td>
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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].
MINPÔ [Civil Code] art. 24 [enforcement].
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<td>Malaysia</td>
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<td>Pakistan</td>
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<td>Maritime Code arts. 419-428.</td>
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<td>Paraguay</td>
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<td>Philippines</td>
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<td>Saudi Arabia</td>
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<td>Singapore</td>
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<td>Tanzania</td>
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<td>Uruguay</td>
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<td>Venezuela</td>
<td>Code Civ. P. arts. 242-254, 850-858.</td>
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</tbody>
</table>

[*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.

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B. TREATISES AND BOOKS

1. Conventions

a. General


b. Brussels Convention and the EEC


c. Lugano and San Sebastian Conventions

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2. General


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

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3. Regional

Eastern Europe


Western Europe

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<th>Country</th>
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</table>
A. GOLBERT & Y. NUN, **LATIN AMERICAN LAWS AND INSTITUTIONS** 565 (1982). |
| Argentina               | **WERNER GOLDSCHMIDT & JOSE RODRIGUEZ-NOVAS, AMERICAN-ARGENTINE PRIVATE INTERNATIONAL LAW** 112 (Bilateral Studies in Private International Law No. 15, published for the Parker School of Foreign and Comparative Law, Columbia University, New York, Oceana Publications 1966).  
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P. NYGH, **CONFLICT OF LAWS IN AUSTRALIA** (1984). |
| 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


Canada


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1 Ronald E. Myrick, World Litigation and Practice Unit A: North America: Canada § 8.02 (New York, Matthew Bender 1986).


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J. Brinias, The Enforcement (2d ed.).

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Indonesia

J. Ball, Indonesian Legal History 1602-1848 (Sydney, Oughtershaw Press 1982).
The Supreme Court of the Republic of Indonesia, Compilation of Questions and Answers on Civil Laws (Jakarta 1984).

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

M. Cappelletti et al., The Italian Legal System: An Introduction 156 (1967).

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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).

Alexander D. Calhoun, Enforcing U.S. Judgments in Japan, in International Litigation 503 (ABA Section of International Law and Practice 1989).


Mexico


Netherlands


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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

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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).


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b. Lugano and San Sebastian Conventions


c. Hague Conventions


d. Inter-American Conventions


3. Regional

Africa


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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).


Germany


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<td>Italy</td>
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<td>Reciprocal Enforcement of Judgments in the United Kingdom and Italy</td>
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<td>Takao Sawaki</td>
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</tbody>
</table>

Oman
Terence Lane & William Morton, Enforcement of a Foreign Award in Oman, 2 Arb. Int’l 75 (1986).

Pakistan

Saudi Arabia

Scotland

Singapore

South Africa

Spain

Switzerland

United Arab Emirates
Giles Dixon & Priscilla Wood, Arbitration Law, Practice and Enforcement of Awards in the United

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5. Specialized Areas

a. Admiralty


b. Antitrust


c. Bankruptcy and Creditor’s Rights


d. Domestic Relations


e. Sovereign Immunity


III. Harmonization and Other Types of Reform

A. TREATISES AND BOOKS


B. JOURNALS


