

2. INTER-AMERICAN CONVENTION OF 8 MAY 1979 ON PROOF OF AND INFORMATION ON FOREIGN LAW

The Governments of the Member States of the Organization of American States, desirous of concluding a Convention on proof of and information on foreign law, have agreed as follows:

Article 1

The purpose of this Convention is to establish rules governing international cooperation between the States Parties for obtaining elements of proof of and information on the laws of each of them.

Article 2

Subject to the provisions of this Convention, the authorities of each of the States Parties shall provide the authorities of the other States Parties that so request, with elements of proof of and reports on the text, validity, meaning, and legal scope of their law.

Article 3

International cooperation in the matter to which this Convention applies shall be provided through any of the suitable means of proof contemplated in both the law of the State of origin and the law of the State of destination.

- a)* For the purposes of this Convention, suitable means shall include the following:
- b)* Documentary proof consisting of certified copies of legal texts together with an indication of their validity, or judicial precedents;
- c)* Expert testimony, consisting of opinions of attorneys or experts on the matter;

The reports of the State of destination on the text, validity, meaning and scope of its law on specific points.

Article 4

The judges or courts of the States Parties to this Convention may request the reports referred to in Article 3 *c*).

The States Parties may extend the application of this Convention to requests for information from other authorities.

Without prejudice to the foregoing, requests from other authorities concerning the elements of proof specified in items *a*) and *b*) of Article 3 may also be answered.

Article 5

The requests to which this Convention relates shall contain the following:

- a)* The name of the authority from which the request comes and the nature of the matter;
- b)* Precise statement of the elements of proof being requested, and
- c)* Specification of each of the points to which the request relates, together with an indication of its meaning and scope, and a statement of the pertinent facts for a proper understanding thereof.

The authority addressed shall answer each of the points contained in the request and as completely as possible.

The requests shall be prepared in the official language of the State of destination or shall be accompanied by a translation into that language. The reply shall be prepared in the language of the State of destination.

Article 6

In accordance with this Convention, each State Party shall reply to the requests from the other States Parties through its Central Authority, which may transmit such requests to other authorities of the same State.

The State that provides the reports referred to in Article 3 *c*) shall not be held responsible for the opinion expressed nor shall it be required to apply the law, or cause it to be applied, in accordance with the content of the reply provided.

The State that receives the reports referred to in Article 3 *c*) shall not be required to apply the law, or cause it to be applied, in accordance with the content of the reply received.

Article 7

The requests to which this Convention refers may be forwarded directly through the judges or courts or through the Central Authority of the State of origin, to the corresponding Central Authority of the State of destination, and legalization shall not be required.

The Central Authority of each State Party shall receive the requests made by the authorities of its State and forward them to the Central Authority of the State of destination.

Article 8

This Convention shall not limit any provisions regarding proof of and information on foreign law in bilateral or multilateral conventions that may have been signed or may be signed in the future by the States Parties or preclude the continuation of more favorable practices that may be followed by those States.

Article 9

For the purpose of this Convention, each State Party shall designate a central authority.

The General Secretariat of the Organization of American States shall be informed of the designation at the time of deposit of the instrument of ratification or accession, so that it may inform the other States Parties of such designation.

A State Party may change the designation of its Central Authority at any time.

Article 10

A State Party shall not be required to reply to a request from another State Party when its interests would be impaired by the question that gave rise to the request for information or when the reply could impair its security or sovereignty.

Article 11

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

Article 12

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

Article 13

This Convention shall remain open for accession by any other State. The instrument of accession shall be deposited with the General Secretariat of the Organization of American States.

Article 14

Each State may, at the time of signature, ratification or accession, make reservations to this Convention, provided that each reservation concerns one or more specific provisions and is not incompatible with the object and purpose of the Convention.

Article 15

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 16

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 17

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 18

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, which will forward an authenticated copy of its text to the Secretariat of the United Nations for registration and publication in accordance with Article 102 of its Charter. The General Secretariat of the Organization of American States shall notify the Member States of that Organization 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 information mentioned in Article 9 and the declarations referred to in Article 16 of this Convention.

In witness whereof the undersigned Plenipotentiaries, being duly authorized thereto by their respective Governments, have signed this Convention.

Done at Montevideo, Republic of Uruguay, this eighth day of May, one thousand nine hundred and seventy-nine.