

**KINGDOM OF CAMBODIA**

Nation - Religion - King

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**LAW  
ON  
THE ADOPTION AND IMPLEMENTATION  
OF  
THE UN CONVENTION ON  
THE RECOGNITION OF FOREIGN ARBITRAL AWARDS**

**CHAPTER 1  
GENERAL PROVISIONS**

**ARTICLE 1:**

This law defines about the adoption and implementation of the UN Convention on the Recognition and Enforcement of Foreign Arbitral Awards adopted in New York of June 10, 1958 and recognized by the Kingdom of Cambodia in January 05, 1960. This law also defines the procedure and jurisdiction of the judiciary of the Kingdom of Cambodia when there is a recognition and enforcement of foreign arbitral awards based on the New York Convention stated above.

**CHAPTER 2  
DEFINITION**

**ARTICLE 2:**

As used for the purpose of implementation of this law the terms:

- 1) "Foreign arbitral awards" means an award of an arbitration made in a country other than the Kingdom of Cambodia or under the procedures law of a country other than the Kingdom of Cambodia.
- 2) "Arbitral awards" means awards made by arbitrators whether they are made by a permanent arbitral bodies or non-permanent ones.
- 3) "New York Convention" means the UN Convention on the Recognition and Enforcement of Foreign Arbitral Awards adopted in New York of June 10, 1958.

- 4) "Appellate Court" means the adjudicated magistrate, with three (03) in-post judges, of the Appeal Court of Phnom Penh of the Kingdom of Cambodia.
- 5) "Supreme Court" means the adjudicated magistrate, with five (05) in-post judges, of the Supreme Court of the Kingdom of Cambodia.
- 6) "Cambodian Court" means the Appellate Court or Supreme Court of the Kingdom of Cambodia who has jurisdictions to review and make decision about the recognition and enforcement of foreign arbitral awards.
- 7) "Contrary to Public Policy" means the decision that will adversely affect the public order.

### CHAPTER 3 JUROSDICTION AND SCOPE OF LAW

#### ARTICLE 3:

The Cambodian Court shall be granted an adjudicated jurisdiction over the proposal for recognition and enforcement of foreign arbitral awards.

#### ARTICLE 4:

The Cambodian Court must decide in compliance with the New York Convention in adjudicating on the recognition and enforcement of foreign arbitral awards.

#### ARTICLE 5:

The Cambodian Court shall receive a proposal for recognition and enforcement of foreign arbitral awards from an applicant regardless of the nationality of such applicant.

#### ARTICLE 6:

A person who proposes for a recognition and enforcement shall first submit the file to the Appellate Court.

### CHAPTER 4 PROCEDURE

#### ARTICLE 7:

In order to obtain any recognition and enforcement of foreign arbitral awards, the party who applies for a recognition and enforcement shall submit the original, legal copy of the foreign arbitral award or a certified true copy of the award and the original copy of the arbitration contract made by the parties or a certified true copy of the contract. If the foreign arbitral award or arbitration contract does not exist in an official language of the Kingdom of Cambodia, the parties shall provide with the certified accurate translations.

ARTICLE 8:

After date of receipt of a proposal for recognition and enforcement, the Appellate Court shall notify the party against whom the enforcement is sought of this litigation within ten (10) calendar days after the proposal has been received by the court.

ARTICLE 9:

The party against whom the enforcement is sought has the right to file a counter-claim with the Appellate Court to refuse a recognition an enforcement of foreign arbitral award by providing strong evidence and any lawful ground within a period of sixty (60) calendar days after date the proposal for recognition and enforcement was received by the Appellate Court.

ARTICLE 10:

If the counter-claim was made in a timely fashion, the Appellate Court shall make decision specifying whether or not the foreign arbitral awards was recognized and enforced within sixty (60) calendar days from the date of receiving the proposal for recognition and enforcement of foreign arbitral awards.

ARTICLE 11:

The Appellate Court may require the applicant of counter-claim to deposit a guarantee money in the amount which is not exceeding the amount of money in the foreign arbitral award plus the estimates of lawyer fee and other expenses for adjudication fee. If the applicant of counter-claim is unable to deposit a guarantee money stated above, the Appellate Court shall issue an order for temporary withholding or otherwise to take temporary possession over the property or other assets belong to the applicant of counter-claim.

ARTICLE 12:

The Appellate Court's or Supreme Court's judicial order, either recognizing and enforcing or refusing the recognition and enforcement of foreign arbitral awards, shall be considered a final decision of the court shall be implemented in accordance with the applicable procedure on the implementation of judicial order.

ARTICLE 13:

During the pending for the final decision of the Cambodian Court, any party who is subject to a foreign arbitral awards, at any time, may file a counter-claim with the Supreme Court requesting for temporary measures and to protect the arbitral award, including issuing of decision of withholding or request for temporary possession over the debtor's property or other assets that belong to the other party or parties related to the arbitral award.

CHAPTER 5  
GROUND FOR REFUSAL OF  
RECOGNITION OR ENFORCEMENT

ARTICLE 14:

Recognition and enforcement of foreign arbitral award may be refused by the Cambodian Court pursuant to the paragraphs of Articles 15 and 16 below.

ARTICLE 15:

Recognition and enforcement of foreign arbitral awards may be refused only if:

- a) At the request of the party against whom it is invoked, where the recognition and enforcement is sought, if such party prove to the court that:
  - (1) The parties to the arbitration agreement, under the law applicable to them, under some incapacity, or the said agreement is not valid under the law to which the parties subjected it or failing any indication thereon, under the law of the country where the award was made; or
  - (2) The party against whom the award is invoked was not given proper notice of the appointment of the arbitrator or of the arbitration proceedings or was otherwise unable to present his case; or
  - (3) The award deals with a difference not contemplated by or not falling within the terms of the submission to arbitration, or it contains decisions on matters beyond the scope of the submission to arbitration, provided that, if the decisions on matters submitted to arbitration can be separated from those not so submitted, that part of the award which contains decisions on matters submitted to arbitration may be recognized and enforced; or
  - (4) The composition of the arbitration authority or the arbitral procedure was not in accordance with the agreement of the parties, or, in failing such agreement was not in accordance with the law of the country where the arbitration took place; or
  - (5) The award has not yet become binding on the parties, or has been set aside or suspended by the court of the country in which, or under the law of which, that award was made; or
- b) If the Cambodian Court finds that:
  - (1) The subject matter of the difference is not capable of settlement by arbitration under the law of the Kingdom of Cambodia; or
  - (2) The recognition or enforcement of foreign judgement is would be contrary to the public policy of the Kingdom of Cambodia.

In determining the standard of public policy applicable to the refusal of foreign arbitral award, the court shall consider based on the standard of public policy applied by the court of other signatory countries of the New York Convention.

ARTICLE 16:

Pursuant to paragraph (a)(5) of Article 15, in case an appeal requesting for recognition and enforcement of arbitral award if the appeal was considered as appropriate, the Cambodian Court may delay its decision and order the other party to make payment of an appropriate guaranteed money.

CHAPTER 6  
RIGHT, POWER AND COMPOSITION OF APPELLATE COURT

ARTICLE 17:

After receiving a petition, within sixty (60) calendar days and at the end of working hour, if there is no request for refusal of recognition and enforcement of foreign arbitral awards the Appellate Court shall make decision to recognize and enforce such foreign arbitral award. The Appellate Court shall register its decision docket and shall sign to recognize such foreign arbitral award to be final and conclusive and shall immediately enforce such decision under the laws and procedures in force. In this case, the Appellate Court's judicial order shall be final and conclusive and may not be a subject of counter-claim to the Supreme Court.

ARTICLE 18:

The Appellate Court shall use great consideration on its decision under the conditions sated in Articles 15 and 16 of this law before making decision of recognition and enforcement of foreign arbitral awards.

ARTICLE 19:

Except Article 17 above, when making a decision to recognize and enforce or refusal to recognize and enforce the foreign arbitral award, the Appellate Court shall allow the other party to file an appeal against its decision to the Supreme Court within sixty (60) calendar days after the date the decision was made.

ARTICLE 20:

In a hearing to decide the case in presence of the parties as stated above, the Appellate Court shall compose of three (03) in-post judges.

CHAPTER 7  
RIGHT, POWER AND COMPOSITION OF SUPREME COURT

ARTICLE 21:

The Supreme Court is a tribunal that has a jurisdiction to try an appeal filed by another party who is not satisfied with the Appeal Court's decision that recognizes and enforces or refuse to recognize and enforce the foreign arbitral award.

ARTICLE 22:

The Supreme Court shall try and make decision within sixty (60) calendar days from the date of accepting an appeal from the party without returning the files to the Appellate Court for review.

ARTICLE 23:

The Supreme Court's judicial order shall be final and conclusive and shall not be subject to any appeal or other counter-claims in any whatsoever manner.

ARTICLE 24:

The Supreme Court shall take measures for immediate implementation of its judicial orders regarding the decisions of recognition and enforcement of foreign arbitral award under the procedures stated in Article 12 of this law.

ARTICLE 25:

In making its decision on the above case, the Supreme Court shall consist of five (5) in-post judges.

CHAPTER 8  
FINAL PROVISIONS

ARTICLE 26:

Any provisions of this law shall have enforcement effect only in case of foreign arbitration.

ARTICLE 27:

This law shall be declared to be urgent.