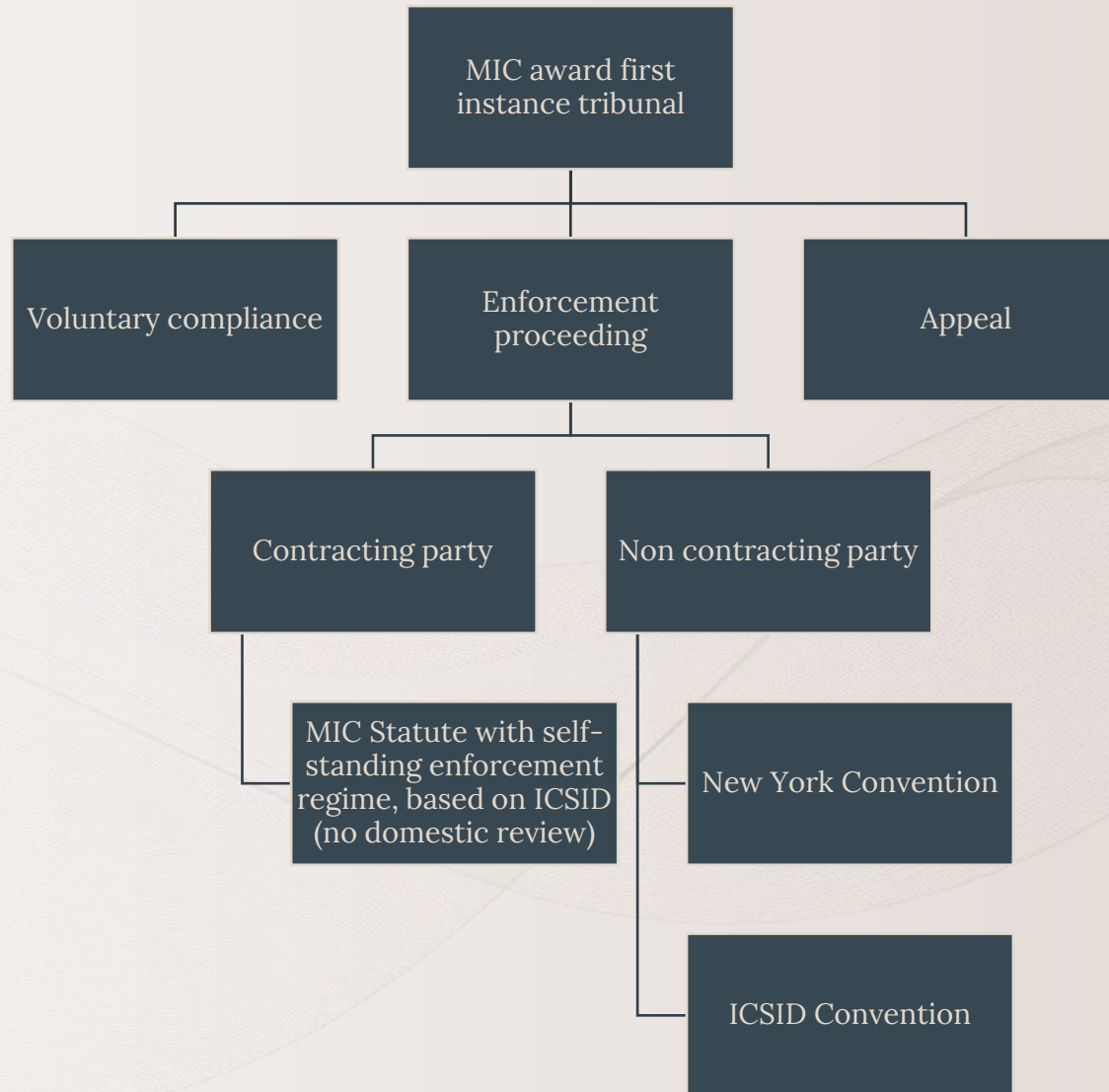# UNCITRAL WGIII – 6ᵗʰ Intersessional

SESSION 6: KEY COMMON IMPLEMENTATION AND ENFORCEMENT ISSUES

Enforcement in a two-tier mechanism

Draft Statute of a standing mechanism (sept 2023)

- **Draft article 11 – Recognition and Enforcement**

  - 1. Each Contracting Party shall recognise a decision rendered by the First Instance Tribunal or the Appeal Tribunal pursuant to this Statute as binding and enforce the obligations imposed by that decision within its territories as if it were a final judgment of a court in that State [or a regional economic integration organization]. A Contracting Party with a federal constitution may choose to enforce such a decision in or through its federal courts and may provide that such courts shall treat the decision as if it were a final judgment of the courts of a constituent State.

  - 2. A party seeking recognition or enforcement in the territories of a Contracting Party shall furnish to a competent court or other authority which such State [or a regional economic integration organization] shall have designated for this purpose a copy of the decision certified by the Executive Director.

  - 3. Execution of a decision shall be governed by the laws concerning the execution of judgments in force in the State [or a regional economic integration organization] in whose territories such execution is sought.

  - 4. A non-Contracting Party that consents to the jurisdiction of the Standing Mechanism pursuant to article 9 shall recognize and enforce the decision rendered by the First Instance Tribunal and/or the Appeal Tribunal pursuant to this Statute as if it were a final judgment of a court in that State [or a regional economic integration organization].

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**Foreign Affairs,
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