Title: Recognition of Foreign Arbitral Awards: The new Colombian arbitration law and right of due process.

ABSTRACT:

Two topics of interest I have planned to briefly address during the panel:

1. Colombia has in place a relatively new arbitration law (Law 1563/12) which deals both with national and international arbitration. Said law was made following the parameters brought by the UNCITRAL model law on international arbitration. As a matter of local law (Article 111 num. 2 of Law 1563/12) whenever the seat of the tribunal is located in Colombia an international arbitral award so granted will be considered as if it would be a national one and thus no further procedure for recognition will be needed. Thus, under Colombian law those international arbitral awards are self-executing and the decision so contained is enforceable through a collection procedure.

2. Colombian has in place an internal constitutional action called “acción de tutela”. As in other countries, said remedy is aimed at protecting fundamental rights, including the right of due process. Thus, it has been questioned in our jurisdiction whether a procedure for recognition of a given foreign/international arbitral award could be undermined due to an action of said nature at the local level. In fact, said action could be submitted before a local judge/court against a judicial decision/arbitral award if it is supposed to have been granted in violation of due process.