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UNITED NATIONS CONFERENCE ON INTERNATIONAL COMMERCIAL ARBITRATION

SUMMARY RECORD OF THE FIRST MEETING

Held at Headquarters, New York,
 on Tuesday, 20 May 1958, at 3.30 p.m.

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<u>Acting President:</u>	Mr. STAVROPOULOS	The Legal Counsel
<u>President:</u>	Mr. SCHURMANN	The Netherlands
<u>Secretariat:</u>	Mr. SCHACHTER	Executive Secretary of the Conference

OPENING OF THE CONFERENCES

The ACTING PRESIDENT declared the Conference open and welcomed the participants on behalf of the Secretary-General. The large number of distinguished officials and experts representing the participating countries augured well for the success of the Conference.

He reviewed the terms of reference of the Conference and suggested, in view of the short period of time at its disposal, that it should use all appropriate means to accelerate its work. The Secretariat was ready to assist in every way it could.

ELECTION OF THE PRESIDENT AND OTHER OFFICERS

The ACTING PRESIDENT called for nominations for the office of President of the Conference.

Mr. HERBENT (Belgium) nominated Mr. Schurmann (Netherlands).

Mr. URABE (Japan) and Mr. ZULETA ANGEL (Colombia) supported the nomination.

Mr. Schurmann (Netherlands) was elected President by acclamation.

Mr. Schurmann took the Chair.

The PRESIDENT thanked the representatives for their expression of confidence in him and for the honour they had done his country. A successful conference would constitute some small progress towards the rule of law and to the smoother settlement of private law disputes.

Though rule 4 of the draft rules of procedure provided for the election of two Vice-Presidents, he suggested, in view of the presence of so many distinguished representatives, that the Conference should elect three Vice-Presidents.

It was so decided.

The PRESIDENT called for nominations for the office of First Vice-President.

Mr. RENOUF (Australia) nominated Mr. Dhaphthary (India).

Mr. PSCOLKA (Czechoslovakia) and Mr. ROLZ BENNETT (Guatemala) supported the nomination.

Mr. Daphthary (India) was elected First Vice-President by acclamation.

The PRESIDENT called for nominations for the office of Second Vice-President.

Mr. MATTEUCCI (Italy) nominated Mr. Ramos (Argentina).

Mr. URQUIA (El Salvador) and Mr. LYCHOWSKI (Poland) supported the nomination.

Mr. Ramos (Argentina) was elected Second Vice-President by acclamation.

The PRESIDENT called for nominations for the office of Third Vice-President.

Mr. ALI MOHSEN (United Arab Republic) nominated Mr. Pscolka (Czechoslovakia).

Sir Claude COREA (Ceylon) and Mr. MATSCH (Austria) supported the nomination.

Mr. Pscolka (Czechoslovakia) was elected Third Vice-President by acclamation.

Mr. LAFITARY (India), Mr. RAMOS (Argentina) and Mr. PSCOLKA (Czechoslovakia) thanked the representatives for the honour done to their countries and to them personally.

STATEMENT BY THE PRESIDENT

The PRESIDENT briefly reviewed the history of international commercial arbitration since 24 September 1923 when the Geneva Protocol on Arbitration Clauses had been concluded under the auspices of the League of Nations. The Convention, ratified or acceded to by thirty States, had been followed by the Geneva Convention on the Execution of Foreign Arbitral Awards concluded on 26 September 1927. The continuing expansion of world trade and the acceleration of the commercial processes had soon caused the business community to regard the provisions of the Convention as inadequate and, in 1953, the International Chamber of Commerce had prepared a new draft of a "Convention on the Enforcement

(The President)

of International Arbitral Awards" and had proposed that the item should be considered by the Economic and Social Council. The Council, by its resolution 520.(XVII), had established a Committee on the Enforcement of International Arbitral Awards which had prepared for the Council's consideration the draft convention now before the Conference. The Council had requested the Secretary-General to transmit to governments and to interested organizations for comment the Committee's report and draft convention. In the light of the comments received, and after consultation with the Secretary-General, the Council had decided to convene the present Conference.

Since the views on major points had already been presented by Governments, a general debate in the usual sense might not prove necessary. However some delegations might wish to express their views on the draft convention as a whole and on the other questions with which the Conference was dealing before the Conference entered into an article by article consideration of the draft convention. Subsequently, when the Conference came to deal with the specific provisions of the draft, it might establish small working groups to consider those provisions and a drafting committee which would be entrusted with the preparation of the texts of the articles on the basis of the discussions held in the plenary meetings. The committee would submit one or more drafts for consideration and adoption by the Conference. That procedure had been used with some success in other similar United Nations conferences. A separate committee might also be set up to explore the nature and scope of the work that the Conference could undertake under item 5 of its agenda.

ADOPTION OF THE AGENDA (E/CONF.26/1)

Mr. COHN (Israel) observed that under Economic and Social Council resolution 604 (XXI), the Conference was to consider "if time permits" other possible measures for increasing the effectiveness of arbitration in the settlement of private law disputes. He thought, therefore, that the Conference should complete its consideration of item 4 and adopt the Final Act and Convention before dealing in plenary session with item 5. The item might, of course, be considered in committee at an earlier stage.

The PRESIDENT agreed with the Israel representative's interpretation of the terms of reference of the Conference.

The agenda was adopted.

ADOPTION OF THE RULES OF PROCEDURE (E/CONF.26/5)

The PRESIDENT observed that the Conference had, in effect, already amended rule 4 of its draft rules of procedure.

Mr. VILKOV (Union of Soviet Socialist Republics) noted, that under paragraph 2 of rule 45, the Conference might invite non-governmental organizations other than those already invited to submit to it written or oral statements on matters of special interest to the Conference. Under that rule, such an invitation might be extended to non-governmental organizations which did not have consultative status with the Economic and Social Council. He hoped that the rule, if adopted, would not be considered a precedent to be applied at future United Nations conferences.

The meeting rose at 4.30 p.m.