

UNITED NATIONS
ECONOMIC
AND
SOCIAL COUNCIL



Distr.
GENERAL

E/CONF.26/SR.25
12 September 1958
ENGLISH
ORIGINAL: FRENCH

UNITED NATIONS CONFERENCE ON INTERNATIONAL
COMMERCIAL ARBITRATION

SUMMARY RECORD OF THE TWENTY-FIFTH MEETING

Held at Headquarters, New York,
on Tuesday, 10 June 1958, at 4.15 p.m.

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President:

Mr. SCHURMANN

Netherlands

Executive Secretary:

Mr. SCHACHTER

SIGNATURE OF THE FINAL ACT AND THE CONVENTION

The representatives of the States participating in the Conference signed the Final Act of the Conference.

The PRESIDENT and Mr. SCHACHTER (Executive Secretary of the Conference) signed the Final Act.

The representatives of the following ten States signed the Convention: Belgium, Costa Rica, El Salvador, Federal Republic of Germany, Hashemite Kingdom of Jordan, India, Israel, Netherlands, Philippines, Poland.

COMPLETION OF WORK

The PRESIDENT said that it was still too early to tell whether the instrument prepared by the Conference would serve the ends of trade and justice. That would only be shown by experience. However, it was already apparent that the document represented an improvement on the Geneva Convention of 1927. It gave a wider definition of the awards to which the Convention applied; it reduced and simplified the requirements with which the party seeking recognition or enforcement of an award would have to comply; it placed the burden of proof on the party against whom recognition or enforcement was invoked; it gave the parties greater freedom in the choice of the arbitral authority and of the arbitration procedure; it gave the authority before which the award was sought to be relied upon the right to order the party opposing the enforcement to give suitable security. Nevertheless, the actual situation would not be really improved until a large number of States had ratified the Convention or acceded to it. The value of the resolutions adopted by the Conference would remain problematical until they had been given effect, and that depended on those who would have to continue the work which had been begun. In any case, it should not be forgotten that the texts drafted by the Conference marked only a small step forward in the long march towards the rule of law, to which all jurists aspired.

He was glad to note the spirit of co-operation which had been shown throughout the Conference and which had made its success possible. He paid a tribute to all representatives for their collaboration, especially to those who had participated in the three Working Parties and the Committee on Other Measures, and thanked the

(The President)

inter-governmental and non-governmental organizations which had been represented at the Conference, and the Secretariat, for their unflinching help.

Sir Claude COREA (Ceylon), speaking on behalf of the delegations of the Commonwealth countries and of some other delegations, Mr. URQUIA (El Salvador), speaking on behalf of the Latin American delegations, Mr. POINTELLI (Switzerland), speaking on behalf of the French and Italian speaking delegations, Mr. MALOLES (Philippines), Mr. MACHOWSKI (Poland), speaking on behalf of the Albanian, Bulgarian, Byelorussian, Czechoslovak, Ukrainian and USSR delegations, as well as his own, and Mr. URABE (Japan) emphasized the part which had been played by the President. Owing to his thorough knowledge of the subject, his impartiality and his patience, and to the valuable assistance furnished him by the vice-presidents, committee chairmen and the Secretariat, he had been able to overcome differences of opinion and to ensure the success of the Conference.

Mr. MALOLES (Philippines) thought that in spite of its imperfections, the new Convention would help to eliminate difficulties in world trade and to reduce international tension.

Mr. SARAIYA (International Chamber of Commerce) said that he was pleased that Governments had recognized the usefulness of the work of the International Chamber of Commerce and had taken its views into consideration. The new Convention marked a milestone along the road towards more harmonious international business relations.

Mr. van HOOGSTRATEN (Hague Conference on Private International Law) and Mr. DOMKE (International Law Association), speaking also on behalf of the International Association of Legal Science, thanked the Conference for giving them an opportunity to participate in its work. The non-governmental organizations would play an important part in the work of carrying out the Conference's recommendations.

The PRESIDENT said he appreciated the kind words which had been addressed to him. He wished to express his gratitude to all who had helped to make the Conference a success. He declared the Conference closed.

The meeting rose at 5.45 p.m.