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RECOGNITION AND ENFORCEMENT OF FOREIGN ARBITRAL AWARDS

Comments on the Draft Convention on the Recognition and Enforcement of Foreign Arbitral Awards

1. The Secretary-General transmits herewith a statement from the Chamber of Commerce of the United States, a non-governmental organization in consultative status, to which the Secretary-General, pursuant to Council resolution 570 (XIX), had forwarded for its comments the draft Convention and the Report of the Committee on the Enforcement of International Arbitral Awards.^{1/}
2. The Secretary-General transmits also for the Council's information, the observations received from the International Institute for the Unification of Private Law on this subject.

^{1/} Official Records of the Economic and Social Council, nineteenth session, Annexes, agenda item 14, document E/2704 and Corr.1.

Chamber of Commerce of the United States

"The Chamber of Commerce of the United States strongly advocates arbitration as a desirable and economic method of settling disputes in international trade, and recommends the inclusion of properly drawn arbitration clauses in foreign trade contracts. Arbitration organizations should adopt proper rules of procedure, maintain ample panels of arbitrators, and arrange that arbitrators in international trade cases be nationals of countries other than those of the litigants.

"The Chamber of Commerce of the United States also recognizes the need for the enforceability of an arbitration award in a country other than the one in which it is rendered; and recommends that further efforts be made in this direction through bilateral and multilateral treaties and conventions to the greatest extent feasible.

"The Chamber of Commerce of the United States is grateful to the International Chamber of Commerce for bringing this matter to the attention of the Economic and Social Council for its consideration and action."

International Institute for the Unification of Private Law

"This Institute, having attentively examined the draft Convention and the Report of the Committee on the Enforcement of International Arbitral Awards, transmitted to it for information by the Secretary-General of the United Nations pursuant to the resolution adopted on 20 May 1955 by the Economic and Social Council, wishes to express its high appreciation for the valuable work accomplished by the said Committee.

"With regard to the Suggestion formulated by the Committee in its Report (paragraph 69), by which the attention of the Economic and Social Council was drawn to the work done by the Institute in the field of unification of Arbitration proceedings, and particularly to the 'Draft of a Uniform Law on Arbitration in Respect of International Relations of Private Law', the following observations are respectfully submitted for consideration to the Economic and Social Council:

"1. The text of the Draft of Uniform Law on Arbitration referred to by the Committee, is the final text adopted by the Governing Council of the Institute. No further amendments have been introduced therein.

"2. Pursuant to an opinion expressed by the Consultative Assembly of the Council of Europe at its sixth ordinary session (Strasbourg, 29 March - 7 April 1954), the Legal and Administrative Committee, which is an organ of the Consultative Assembly, decided at its meeting on 10 December 1954 to set up a Sub-Committee which will study the possibility of drawing up a Uniform Law on Arbitration procedure in international disputes concerning private law matters; on the basis of the Institute's draft.

"A first reading of the said draft took place in a meeting of the Sub-Committee held in Rome in April 1955.

"The Sub-Committee decided:

- (a) to proceed to the examination of the question of arbitration procedure;
- (b) to exclude from the said examination, at least provisionally, the question of the recognition and the enforcement of arbitral awards, pending the work undertaken by the United Nations;
- (c) to take as a working basis the draft uniform law prepared by the Institute.

"A second meeting of the Sub-Committee took place at Strasbourg on 15 October 1955.

"3. The coexistence of a multilateral Convention on the Recognition and Enforcement of Foreign Arbitral Awards, and of the Uniform Law elaborated by the Institute, seems to be possible, in spite of the fact that the latter contains some provisions concerning the enforcement of the Arbitral Awards rendered under the Uniform Law. In fact, such provisions shall only apply to countries having adopted the Uniform Law, whilst the Convention shall apply to arbitral awards rendered under any national law whatever.

"4. If the Economic and Social Council, following the suggestions of the Committee, decides to examine the ways and means to come to a further formulation of a set of rules governing arbitration proceedings, taking into consideration the Institute's draft, the latter should be revised with a view to making it acceptable on a world-wide scale.

"The revision should aim to simplify the provisions of the draft as well as to compare the view of lawyers from the United States, Latin America and USSR together with the views which have inspired the drafters of the Uniform Law.

"5. The Institute will be glad to give its contribution to any further research the Council should decide to promote in this field, and is ready to undertake itself this research, whose object should be that of establishing whether the unification of rules governing arbitration proceedings is possible on a world-wide scale and eventually of drafting the appropriate rules."
