

No. 4739

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**ALBANIA, ARGENTINA, AUSTRALIA,  
AUSTRIA, BELGIUM, etc.**

**Final Act of the United Nations Conference on International  
Commercial Arbitration; and  
Convention on the Recognition and Enforcement of Foreign  
Arbitral Awards**

**Both done at New York, on 10 June 1958**

*Official texts: English, French, Chinese, Russian and Spanish.*

*Registered ex officio on 7 June 1959.*

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AUTRICHE, BELGIQUE, etc.**

**Acte final de la Conférence des Nations Unies sur l'arbitrage  
commercial international; et  
Convention pour la reconnaissance et l'exécution des sen-  
tences arbitrales étrangères**

**Faits à New-York, le 10 juin 1958**

*Textes officiels anglais, français, chinois, russe et espagnol.*

*Enregistrés d'office le 7 juin 1959.*

No. 4739. FINAL ACT OF THE UNITED NATIONS CONFERENCE ON INTERNATIONAL COMMERCIAL ARBITRATION. DONE AT NEW YORK, ON 10 JUNE 1958

1. The Economic and Social Council of the United Nations, by resolution 604 (XXI) adopted on 3 May 1956,<sup>1</sup> decided to convene a Conference of Plenipotentiaries for the purpose of concluding a convention on the recognition and enforcement of foreign arbitral awards, and to consider other possible measures for increasing the effectiveness of arbitration in the settlement of private law disputes.

2. In accordance with the terms of that resolution the Secretary-General invited to the Conference all States Members of the United Nations, those States non-members of the United Nations which are members of any of the specialized agencies or Parties to the Statute of the International Court of Justice, interested specialized agencies, The Hague Conference on Private International Law, the International Institute for Unification of Private Law, and interested inter-governmental and non-governmental organizations having consultative status with the Council.

3. The Conference met at the Headquarters of the United Nations in New York from 20 May to 10 June 1958.

4. The Governments of the following forty-five States were represented at the Conference :

|                                        |                             |                                                      |
|----------------------------------------|-----------------------------|------------------------------------------------------|
| Albania                                | Federal Republic of         | Peru                                                 |
| Argentina                              | Germany                     | Philippines                                          |
| Australia                              | Guatemala                   | Poland                                               |
| Austria                                | Holy See                    | Sweden                                               |
| Belgium                                | India                       | Switzerland                                          |
| Brazil                                 | Iran                        | Thailand                                             |
| Bulgaria                               | Israel                      | Tunisia                                              |
| Byelorussian Soviet Socialist Republic | Italy                       | Turkey                                               |
| Ceylon                                 | Japan                       | Ukrainian Soviet Socialist Republic                  |
| Colombia                               | Hashemite Kingdom of Jordan | Union of Soviet Socialist Republics                  |
| Costa Rica                             | Laos                        | United Arab Republic                                 |
| Czechoslovakia                         | Monaco                      | United Kingdom of Great Britain and Northern Ireland |
| Ecuador                                | Netherlands                 | United States of America                             |
| El Salvador                            | Norway                      | Yugoslavia                                           |
| Finland                                | Pakistan                    |                                                      |
| France                                 | Panama                      |                                                      |

<sup>1</sup> United Nations, *Official Records of the Economic and Social Council, Twenty-First Session, Supplement No. 1 (E/2889)*, p. 5.

5. The Governments of the following three States were represented at the Conference by observers : Federation of Malaya, Indonesia, Mexico.

6. The following inter-governmental organizations had observers at the Conference :

Hague Conference on Private International Law,  
International Institute for the Unification of Private Law,  
Organization of American States.

7. The following non-governmental organizations also had observers at the Conference :

International Chamber of Commerce,  
American Foreign Insurance Association,  
Chamber of Commerce of the United States,  
Consejo Inter-Americano de Comercio y Producción,  
International Association of Legal Science,  
International Bar Association,  
International Federation of Women Lawyers,  
International Law Association,  
Junior Chamber International,  
Société de législation comparée.

8. The Conference elected H.E. Mr. C. W. A. Schurmann of the Netherlands as President of the Conference.

9. The Conference elected Mr. C. K. Daphtary of India as First Vice-President, Mr. Constantino Ramos of Argentina as Second Vice-President and Mr. Jaroslav Pščolka of Czechoslovakia as Third Vice-President.

10. The Conference established the following committees and working parties :

*Committee on Other Measures for Increasing the Effectiveness of Arbitration in the settlement of Private Law Disputes*

*Chairman:* Mr. Constantino Ramos (Argentina)

*Vice-Chairman:* Mr. Toshio Urabe (Japan)

*Rapporteur:* Mr. Edmund F. Becker (United States of America)

*Credentials Committee*

*Chairman:* Alan P. Renouf (Australia)

*Working Party No. 1* (Preparation of drafts of articles I and II)

*Chairman:* Mr. C. K. Daphtary (India)

*Working Party No. 2* (Preparation of draft provisions on validity of arbitration agreements)

*Chairman:* Mr. Albert Herment (Belgium)

*Working Party No. 3* (Preparation of drafts of articles III, IV and V)

*Chairman:* Mr. Gunnar de Sydow (Sweden)

*Drafting Committee*

*Chairman:* Mr. Constantino Ramos (Argentina)

11. The Conference was opened by Mr. Constantin A. Stavropoulos, the Legal Counsel, on behalf of the Secretary-General. Mr. Oscar Schachter, Director of the General Legal Division of the Legal Office of the United Nations, was appointed Executive Secretary. Mr. Vladimir Fabry of the General Legal Division served as Deputy Executive Secretary and Mr. Paolo Contini served as Senior Legal Officer.

12. The Economic and Social Council, by its resolution convening the Conference, requested it to conclude a convention on the basis of the draft convention prepared by the Committee on the Enforcement of International Arbitral Awards, taking into account the comments and suggestions made by Governments and non-governmental organizations, as well as the discussion at the twenty-first session of the Council.

13. On the basis of the deliberations, as recorded in the reports of the working parties and in the records of the plenary meetings, the Conference prepared and opened for signature the Convention on the Recognition and Enforcement of Foreign Arbitral Awards<sup>1</sup> which is annexed to this Final Act.

14. The Conference decided that, without prejudice to the provisions of its articles I (3), X, XI and XIV, no reservations shall be admissible to the "Convention on the Recognition and Enforcement of Foreign Arbitral Awards".

15. The representative of Argentina made the following declaration on behalf of his Government in relation to article X: "If another Contracting Party extends the application of the Convention to territories which fall within the sovereignty of the Argentine Republic, the rights of the Argentine Republic shall in no way be affected by that extension." The representative of Guatemala made the following declaration on behalf of his Government in relation to article X: "The Delegation of Guatemala will vote in favour of article X of the Convention on the express understanding that it cannot affect or detract from the rights of Guatemala over Belize (improperly called British Honduras), if the Power occupying that part of Guatemala's national territory should at any time extend this Convention to that territory."

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<sup>1</sup> See p. 38 of this volume.

16. In addition the Conference adopted, on the basis of proposals made by the Committee on Other Measures as recorded in its report, the following resolution :

“ *The Conference,*

“ *Believing* that, in addition to the convention on the recognition and enforcement of foreign arbitral awards just concluded, which would contribute to increasing the effectiveness of arbitration in the settlement of private law disputes, additional measures should be taken in this field,

“ *Having considered* the able survey and analysis of possible measures for increasing the effectiveness of arbitration in the settlement of private law disputes prepared by the Secretary-General (document E/CONF. 26/6),

“ *Having given particular attention* to the suggestions made therein for possible ways in which interested governmental and other organizations may make practical contributions to the more effective use of arbitration,

“ *Expresses the following views* with respect to the principal matters dealt with in the note of the Secretary-General :

“ 1. It considers that wider diffusion of information on arbitration laws, practices and facilities contributes materially to progress in commercial arbitration; recognizes that work has already been done in this field by interested organizations,<sup>1</sup> and expresses the wish that such organizations, so far as they have not concluded them, continue their activities in this regard, with particular attention to co-ordinating their respective efforts;

“ 2. It recognizes the desirability of encouraging where necessary the establishment of new arbitration facilities and the improvement of existing facilities, particularly in some geographic regions and branches of trade; and believes that useful work may be done in this field by appropriate governmental and other organizations, which may be active in arbitration matters, due regard being given to the need to avoid duplication of effort and to concentrate upon those measures of greatest practical benefit to the regions and branches of trade concerned;

“ 3. It recognizes the value of technical assistance in the development of effective arbitral legislation and institutions; and suggests that interested Governments and other organizations endeavour to furnish such assistance, within the means available, to those seeking it;

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<sup>1</sup> “ For example, the Economic Commission for Europe and the Inter-American Council of Jurists.”