UNITED NATIONS
ECONOMIC AND
SOCIAL COUNCIL

UNITED NATIONS CONFERENCE ON INTERNATIONAL
COMMERCIAL ARBITRATION

CONSIDERATION OF DRAFT CONVENTION ON THE RECOGNITION AND
ENFORCEMENT OF FOREIGN ARBITRAL AWARDS (ITEM 4 OF THE
AGENDA)

Netherlands: Amendment to proposal made by Working Party No. 2 (E/CONF.26/L.52)

Instead of an additional Protocol add the following Article to the Convention:

New Article
1. Each Contracting State shall recognize as valid any agreement in writing -
   arbitration agreement or arbitral clause - under which the parties to a contract
   undertake to submit to arbitration all or any differences which have arisen or
   which may arise between them in respect of such contract.
2. The expression "agreement in writing" includes exchange of letters or
   telegrams between the parties and confirmation in writing by one of the parties
   without contestation by the other party.
3. In case one of the parties invokes the existence of an agreement in
   writing before the courts these will refer the parties to arbitrators, without
   prejudice however to the competence of the courts.

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