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UNITED NATIONS CONFERENCE ON
INTERNATIONAL COMMERCIAL ARBITRATION

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

Report of Working Party No. 1 on Reservations

1. Working Party No. 1 held a meeting on 4 June 1958 to consider the proposals made by delegations regarding reservations.
2. The following documents were before the Working Party:

E/2704 and Corr.1	-	Draft Convention, Article I, para. 2.
E/CONF.26/7	-	Proposal by Poland
E/CONF.26/L.7	-	" " United Kingdom
E/CONF.26/L.14	-	" " Ceylon
E/CONF.26/L.27	-	" " Norway
E/CONF.26/L.41	-	" " Italy.
3. Most delegations expressed the view that no reservations should be permitted, and reserved the right to put forward a proposal to that effect at the Conference. Having examined the proposals made by delegations on this subject, the Working Party agreed that, if the Conference decides to include reservations in the Convention, the following text may be considered:

"Any State may, when signing, ratifying or acceding to this Convention, declare:

 - (a) That it will apply the Convention only to the recognition and enforcement of awards made in the territory of another Contracting State.
 - (b) That it will not apply the Convention to the recognition and enforcement of arbitral awards considered as domestic by the law of the State making such declaration, although such awards be made in the territory of another State, provided that a State making such

declaration shall at the same time transmit to the Secretary-General of the United Nations the necessary information regarding the meaning of the expression 'domestic arbitral awards' under the law of that State.

(c) That it will apply the Convention only to disputes arising out of contracts which are considered as commercial under the domestic law of the Contracting State making such declaration."^{1/}

^{1/} While submitting this clause (c) the Working Party wishes to draw the attention of the Conference to the fact that, even without such reservation, a State whose legislation recognizes the arbitral procedure as relating only to commercial disputes, might be able to so limit the application of the Convention on the basis of Article IV, paragraphs 1 (a) and 2 (a) as adopted by the Conference at its 17th meeting on 3 June 1958 (E/CONF.26/L.48).