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UNITED NATIONS CONFERENCE ON INTERNATIONAL COMMERCIAL ARBITRATION



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UNITED NATIONS CONFERENCE ON INTERNATIONAL  
COMMERCIAL ARBITRATION

CONSIDERATION OF OTHER MEASURES FOR INCREASING  
THE EFFECTIVENESS OF ARBITRATION IN THE SETTLEMENT  
OF PRIVATE LAW DISPUTES (ITEM 5 ON THE AGENDA)

Report of the Committee on Other Measures

Rapporteur: Mr. Edmund F. Becker (United States)

1. The United Nations Conference on International Commercial Arbitration at its 5th meeting held on 26 May 1958 established the Committee on Other Measures to consider item 5 of the agenda, "Consideration of Other Measures for Increasing the Effectiveness of Arbitration in the Settlement of Private Law Disputes".
2. The Committee elected Mr. C. Ramos of Argentina as Chairman, Mr. T. Urabe of Japan, Vice-Chairman and Mr. E.F. Becker, of the United States, Rapporteur.
3. The Committee held five meetings to consider the items referred to it by the Conference. Membership in the Committee was open to any Government desiring to participate. The following representatives took part in the debates of the Committee: Australia, Belgium, Bulgaria, Ceylon, France, Italy, Japan, Philippines, Sweden, Switzerland, Ukrainian SSR, USSR, United Kingdom and United States. Upon the invitation of the Chairman, the Committee heard statements made by the representatives of the International Law Association, the International Association of Legal Science, the International Chamber of Commerce, and the Consejo Interamericano de Comercio y Produccion.
4. The Committee had before it a report (E/CONF.26/4) and a note (E/CONF.26/6) submitted by the Secretary-General. At its fourth meeting, the Committee decided to appoint a drafting group composed of the Rapporteur of the Committee and the representatives of Italy, Japan, the United Kingdom and the USSR to consider items I to VI of the note of the Secretary-General (E/CONF.26/6, para. 3) and to prepare draft recommendations.

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5. Draft resolutions submitted by Italy (E/CONF.26/L.1) and by the United States (E/CONF.26/L.2 and L.3) were withdrawn by their sponsors during the debate.

6. At the fifth meeting of the Committee, the draft recommendation submitted in the report of the drafting group (E/CONF.26/C.2/L.4) was adopted after several oral amendments were made by the members of the Committee. The Committee decided by a vote of 5 in favour, 2 against and 3 abstentions to retain the words "to avoid duplication of effort and" in the fourth preambular paragraph, subparagraph 2. The draft recommendation, as amended, was adopted unanimously. Some delegations, however, reserved their position as regards the phrase "for example, the International Institute for the Unification of Private Law and the Inter-American Council of Jurists" which appears in brackets in the fourth preambular paragraph, subparagraph 5.

7. The text of the draft recommendation as adopted by the Committee appears in the annex.

ANNEX

Draft Recommendation

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 the Economic Commission for Europe and by other interested organizations, 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 concurs in 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.

4. It recognizes that regional study groups, seminars or working parties may in appropriate circumstances have productive results; believes that consideration should be given to the advisability of convening such meetings to the appropriate regional commissions of the United Nations and other bodies, but regards it as important that any such action be taken with careful regard to avoiding duplication and assuring economy of effort and of resources;

5. It considers that greater uniformity of national laws on arbitration would further the effectiveness of arbitration in the settlement of private law disputes, notes the work already done in this field by various existing organizations, [ (for example, the International Institute for the Unification of Private Law and the Inter-American Council of Jurists) ],\* and suggests that by way of supplementing the efforts of these bodies appropriate attention be given to defining suitable subject matter for model arbitration statutes and other appropriate measures for encouraging the development of such legislation.

Expresses the wish that the United Nations, through its appropriate organs, take such steps as it deems feasible to encourage further study of measures for increasing the effectiveness of arbitration in the settlement of private law disputes through the facilities of existing regional bodies and non-governmental organizations and through such other institutions as may be established in the future.

Suggests that any such steps be taken in a manner that will assure proper co-ordination of effort, avoidance of duplication and due observance of budgetary considerations.

Requests that the Secretary-General submit this recommendation to the appropriate organs of the United Nations.

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\* Some delegations reserve their position as regards the inclusion of this material in brackets.