



UNITED NATIONS CONFERENCE
ON INTERNATIONAL COMMERCIAL ARBITRATION

New York, 20 May—10 June 1958

FINAL ACT
and
CONVENTION
ON THE RECOGNITION AND
ENFORCEMENT OF FOREIGN
ARBITRAL AWARDS

UNITED NATIONS

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**UNITED NATIONS CONFERENCE
ON INTERNATIONAL COMMERCIAL ARBITRATION**

FINAL ACT



UNITED NATIONS

1958

FINAL ACT OF THE UNITED NATIONS CONFERENCE ON INTERNATIONAL COMMERCIAL ARBITRATION

1. The Economic and Social Council of the United Nations, by resolution 604 (XXI) adopted on 3 May 1956, 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	Byelorussian Soviet
Argentina	Socialist Republic
Australia	Ceylon
Austria	Colombia
Belgium	Costa Rica
Brazil	Czechoslovakia
Bulgaria	Ecuador

El Salvador	Peru
Finland	Philippines
France	Poland
Federal Republic of Germany	Sweden
Guatemala	Switzerland
Holy See	Thailand
India	Tunisia
Iran	Turkey
Israel	Ukrainian Soviet
Italy	Socialist Republic
Japan	Union of Soviet
Hashemite Kingdom of Jordan	Socialist Republics
Laos	United Arab Republic
Monaco	United Kingdom of
Netherlands	Great Britain and
Norway	Northern Ireland
Pakistan	United States of
Panama	America
	Yugoslavia

5. The Governments of the following three States were represented at the Conference by observers:

Federation of Malaya	Indonesia Mexico
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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 Pro-
ducción,

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 Pěcolka 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 F'abry 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 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."

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,¹ 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;

"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 the convening of such meetings by 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,² and suggests that by

¹ For example, the Economic Commission for Europe and the Inter-American Council of Jurists.

² For example, the International Institute for the Unification of Private Law and the Inter-American Council of Jurists.

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 resolution to the appropriate organs of the United Nations.”

IN WITNESS WHEREOF, the undersigned representatives have signed this Final Act on behalf of their respective States.

DONE at New York, this tenth day of June, one thousand nine hundred and fifty-eight, in the Chinese, English, French, Russian and Spanish languages, each text being equally authentic. The original texts shall be deposited in the archives of the United Nations Secretariat.

**UNITED NATIONS CONFERENCE
ON INTERNATIONAL COMMERCIAL ARBITRATION**

**CONVENTION
ON THE RECOGNITION AND ENFORCEMENT
OF FOREIGN ARBITRAL AWARDS**



**UNITED NATIONS
1958**

CONVENTION ON THE RECOGNITION AND ENFORCEMENT OF FOREIGN ARBITRAL AWARDS

Article I

1. This Convention shall apply to the recognition and enforcement of arbitral awards made in the territory of a State other than the State where the recognition and enforcement of such awards are sought, and arising out of differences between persons, whether physical or legal. It shall also apply to arbitral awards not considered as domestic awards in the State where their recognition and enforcement are sought.

2. The term "arbitral awards" shall include not only awards made by arbitrators appointed for each case but also those made by permanent arbitral bodies to which the parties have submitted.

3. When signing, ratifying or acceding to this Convention, or notifying extension under article X hereof, any State may on the basis of reciprocity declare that it will apply the Convention to the recognition and enforcement of awards made only in the territory of another Contracting State. It may also declare that it will apply the Convention only to differences arising out of legal relationships, whether contractual or not, which are considered as commercial under the national law of the State making such declaration.

Article II

1. Each Contracting State shall recognize an agreement in writing under which the parties undertake to submit to arbitration all or any differences which have arisen or which may arise between them in respect of a defined legal

relationship, whether contractual or not, concerning a subject matter capable of settlement by arbitration.

2. The term "agreement in writing" shall include an arbitral clause in a contract or an arbitration agreement, signed by the parties or contained in an exchange of letters or telegrams.

3. The court of a Contracting State, when seized of an action in a matter in respect of which the parties have made an agreement within the meaning of this article, shall, at the request of one of the parties, refer the parties to arbitration, unless it finds that the said agreement is null and void, inoperative or incapable of being performed.

Article III

Each Contracting State shall recognize arbitral awards as binding and enforce them in accordance with the rules of procedure of the territory where the award is relied upon, under the conditions laid down in the following articles. There shall not be imposed substantially more onerous conditions or higher fees or charges on the recognition or enforcement of arbitral awards to which this Convention applies than are imposed on the recognition or enforcement of domestic arbitral awards.

Article IV

1. To obtain the recognition and enforcement mentioned in the preceding article, the party applying for recognition and enforce-

ment shall, at the time of the application, supply:

(a) The duly authenticated original award or a duly certified copy thereof;

(b) The original agreement referred to in article II or a duly certified copy thereof.

2. If the said award or agreement is not made in an official language of the country in which the award is relied upon, the party applying for recognition and enforcement of the award shall produce a translation of these documents into such language. The translation shall be certified by an official or sworn translator or by a diplomatic or consular agent.

Article V

1. Recognition and enforcement of the award may be refused, at the request of the party against whom it is invoked, only if that party furnishes to the competent authority where the recognition and enforcement is sought, proof that:

(a) The parties to the agreement referred to in article II were, under the law applicable to them, under some incapacity, or the said agreement is not valid under the law to which the parties have subjected it or, failing any indication thereon, under the law of the country where the award was made; or

(b) The party against whom the award is invoked was not given proper notice of the appointment of the arbitrator or of the arbitration proceedings or was otherwise unable to present his case; or

(c) The award deals with a difference not contemplated by or not falling within the terms of the submission to arbitration, or it contains decisions on matters beyond the scope of the submission to arbitration, provided that, if the decisions on matters submitted to arbitration can be separated from those not so submitted, that part of the award which contains

decisions on matters submitted to arbitration may be recognized and enforced; or

(d) The composition of the arbitral authority or the arbitral procedure was not in accordance with the agreement of the parties, or, failing such agreement, was not in accordance with the law of the country where the arbitration took place; or

(e) The award has not yet become binding on the parties, or has been set aside or suspended by a competent authority of the country in which, or under the law of which, that award was made.

2. Recognition and enforcement of an arbitral award may also be refused if the competent authority in the country where recognition and enforcement is sought finds that:

(a) The subject matter of the difference is not capable of settlement by arbitration under the law of that country; or

(b) The recognition or enforcement of the award would be contrary to the public policy of that country.

Article VI

If an application for the setting aside or suspension of the award has been made to a competent authority referred to in article V (1) (e), the authority before which the award is sought to be relied upon may, if it considers it proper, adjourn the decision on the enforcement of the award and may also, on the application of the party claiming enforcement of the award, order the other party to give suitable security.

Article VII

1. The provisions of the present Convention shall not affect the validity of multilateral or bilateral agreements concerning the recognition and enforcement of arbitral awards entered into by the Contracting States nor deprive

any interested party of any right he may have to avail himself of an arbitral award in the manner and to the extent allowed by the law or the treaties of the country where such award is sought to be relied upon.

2. The Geneva Protocol on Arbitration Clauses of 1923 and the Geneva Convention on the Execution of Foreign Arbitral Awards of 1927 shall cease to have effect between Contracting States on their becoming bound and to the extent that they become bound, by this Convention.

Article VIII

1. This Convention shall be open until 31 December 1958 for signature on behalf of any Member of the United Nations and also on behalf of any other State which is or hereafter becomes a member of any specialized agency of the United Nations, or which is or hereafter becomes a party to the Statute of the International Court of Justice, or any other State to which an invitation has been addressed by the General Assembly of the United Nations.

2. This Convention shall be ratified and the instrument of ratification shall be deposited with the Secretary-General of the United Nations.

Article IX

1. This Convention shall be open for accession to all States referred to in article VIII.

2. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

Article X

1. Any State may, at the time of signature, ratification or accession, declare that this Convention shall extend to all or any of the territories for the international relations of which

it is responsible. Such a declaration shall take effect when the Convention enters into force for the State concerned.

2. At any time thereafter any such extension shall be made by notification addressed to the Secretary-General of the United Nations and shall take effect as from the ninetieth day after the day of receipt by the Secretary-General of the United Nations of this notification, or as from the date of entry into force of the Convention for the State concerned, whichever is the later.

3. With respect to those territories to which this Convention is not extended at the time of signature, ratification or accession, each State concerned shall consider the possibility of taking the necessary steps in order to extend the application of this Convention to such territories, subject, where necessary for constitutional reasons, to the consent of the Governments of such territories.

Article XI

In the case of a federal or non-unitary State, the following provisions shall apply:

(a) With respect to those articles of this Convention that come within the legislative jurisdiction of the federal authority, the obligations of the federal Government shall to this extent be the same as those of Contracting States which are not federal States;

(b) With respect to those articles of this Convention that come within the legislative jurisdiction of constituent states or provinces which are not, under the constitutional system of the federation, bound to take legislative action, the federal Government shall bring such articles with a favourable recommendation to the notice of the appropriate authorities of constituent states or provinces at the earliest possible moment;

(c) A federal State Party to this Convention shall, at the request of any other Contracting

State transmitted through the Secretary-General of the United Nations, supply a statement of the law and practice of the federation and its constituent units in regard to any particular provision of this Convention, showing the extent to which effect has been given to that provision by legislative or other action.

Article XII

1. This Convention shall come into force on the ninetieth day following the date of deposit of the third instrument of ratification or accession.

2. For each State ratifying or acceding to this Convention after the deposit of the third instrument of ratification or accession, this Convention shall enter into force on the ninetieth day after deposit by such State of its instrument of ratification or accession.

Article XIII

1. Any Contracting State may denounce this Convention by a written notification to the Secretary-General of the United Nations. Denunciation shall take effect one year after the date of receipt of the notification by the Secretary-General.

2. Any State which has made a declaration or notification under article X may, at any time thereafter, by notification to the Secretary-General of the United Nations, declare that this Convention shall cease to extend to the territory concerned one year after the date of the receipt of the notification by the Secretary-General.

3. This Convention shall continue to be applicable to arbitral awards in respect of which

recognition or enforcement proceedings have been instituted before the denunciation takes effect.

Article XIV

A Contracting State shall not be entitled to avail itself of the present Convention against other Contracting States except to the extent that it is itself bound to apply the Convention.

Article XV

The Secretary-General of the United Nations shall notify the States contemplated in article VIII of the following:

(a) Signatures and ratifications in accordance with article VIII;

(b) Accessions in accordance with article IX;

(c) Declarations and notifications under articles I, X and XI;

(d) The date upon which this Convention enters into force in accordance with article XII;

(e) Denunciations and notifications in accordance with article XIII.

Article XVI

1. This Convention, of which the Chinese, English, French, Russian and Spanish texts shall be equally authentic, shall be deposited in the archives of the United Nations.

2. The Secretary-General of the United Nations shall transmit a certified copy of this Convention to the States contemplated in article VIII.

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