

CONVENTION ON THE RECOGNITION AND ENFORCEMENT OF FOREIGN ARBITRAL AWARDS

Studies and research undertaken by the Commission on International Commercial Arbitration in 1950, on the initiative of its Chairman, had borne out the International Chamber of Commerce in its conviction that the system established under the 1927 Geneva Convention on the Execution of Foreign Arbitral Awards no longer corresponded to the requirements of international trade. At its Lisbon Congress (1951), the International Chamber of Commerce adopted a resolution which was to be followed up by an International Conference with a view to the adoption of a new international system of enforcement of arbitral awards (reproduced in E/C.2/373).

Subsequently, the International Chamber of Commerce, under rule 10, paragraph 2, of the rules of procedure of the Economic and Social Council, proposed that an item Draft Convention on the Enforcement of International Arbitral Awards be added to the provisional agenda of the eighteenth session of the Council (E/C.2/373/Add.1).

On 6 April 1954, at its seventeenth session, the Economic and Social Council adopted resolution 520 (VII) which established the Committee on the Enforcement of International Arbitral Awards to study the matter raised by the International Chamber of Commerce and to submit any proposal as it might deem appropriate, including, if it saw fit, a draft convention. The Committee met at United Nations Headquarters from 1 to 15 March 1955 and established a drafting committee, which also held a number of meetings during the session. The Committee's work resulted in a draft for a Convention on the Recognition and Enforcement of Foreign Arbitral Awards (hereinafter "the Draft Convention", reproduced in E/C.2/373). The Committee also agreed upon a resolution which, *inter alia*, recommended that the Economic and Social Council transmit the Draft Convention and the report of the Committee's work: (a) to Governments of member and non-member States, for their consideration and comments with respect to the text of the Convention and the desirability of convening a conference to conclude a convention; (b) to the International Chamber of Commerce and other non-governmental organizations having consultative status with the Council as may be interested in commercial arbitration, for comments; and (c) to the International Institute for the Unification of Private Law, for information (see the report of the Committee, E/2704-E/AC.42/4/Rev.1, p. 18).

Having considered the report of the Committee on the Enforcement of International Arbitral Awards and the Draft Convention annexed thereto, the Economic and Social Council requested the Secretary-General to transmit the Draft Convention and the report of the Committee to Governments, the International Chamber of Commerce, non-governmental organizations and the International Institute, as recommended by the Committee. The Council also requested that the Secretary-General prepare a report containing the comments received from those entities, together with such observations as he might have, for submission to the Council at its twenty-first session (resolution 570 (XIX) of 20 May 1955).

The Economic and Social Council again considered the matter at its following session, in 1956. In its resolution 604 (XXI) of 3 May 1956, it took note of the report submitted by the Secretary-General (E/2822 and Corr. 1 and Add. 1 to 5) and decided to call a conference of plenipotentiaries to conclude a convention on the basis of the draft prepared by the Committee on the Enforcement of International Arbitral Awards, taking into account the comments received. States Members of the United Nations and members of any of its specialized agencies, and any other States which were a party to the Statute of the International Court of Justice were invited to participate. In the same

resolution, the Council requested the Secretary-General to ask the inter-governmental and non-governmental organizations active in the field of international commercial arbitration to submit brief reports on the progress of their activities on this subject, together with any comments or suggestions they might have. The Council also asked the Secretary-General to submit to the conference a consolidated report and to make all necessary arrangements for the calling of the conference.

The United Nations Conference on International Commercial Arbitration was held at United Nations Headquarters from 20 May to 10 June 1958. As the basis for its negotiations, the Conference used the Draft Convention prepared by the Committee on Enforcement of International Arbitral Awards, taking into account the comments and suggestions made by Governments and non-governmental organizations. On 10 June 1958, the Conference adopted the Convention on the Recognition and Enforcement of Foreign Arbitral Awards (New York Convention). The Convention remained open for signature until 31 December 1958, and entered into force on 7 June 1959.