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Note by the Secretariat

Topic:
Arbitral Procedure

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ARBITRAL PROCEDURE

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[Original text: English]

[30 March 1956]

1. The International Law Commission, in the report on its fifth session,¹ submitted to the General Assembly at its eighth session a draft Convention on Arbitral Procedure, and proposed that the Assembly should recommend the draft to the Members of the United Nations with a view to the conclusion of a convention.

2. After the matter had been discussed in its Sixth Committee,² the General Assembly by resolution 797 (VIII) of 7 December 1953 decided to transmit to the Member States the draft convention and the observations made thereon in the Sixth Committee, to request the Members to submit their comments on the draft, and to include the question in the agenda of its tenth session.

3. In the light of the comments received from Governments³ the matter was again discussed in the Sixth Committee at the tenth session of the General Assembly. The various opinions expressed are set forth in the summary records of the 461st-464th and 466th-472nd meetings of the Committee and in the Committee's report on the subject to the General Assembly.⁴

4. On the recommendation of the Sixth Committee, the General Assembly on 14 December 1955 adopted the following resolution 989 (X):

"The General Assembly,

"Having considered the draft on arbitral procedure

¹ *Official Records of the General Assembly, Eighth Session, Supplement No. 9.*

² *Ibid., Sixth Committee, 382nd-389th Meetings, and Annexes, agenda item 53.*

³ *Ibid., Tenth Session, Annexes, agenda item 52, document A/2899 and Add.1 and 2.*

⁴ *Ibid., Sixth Committee, 461st-464th and 466th-472nd meetings, and Annexes, agenda item 52, document A/3083.*

prepared by the International Law Commission at its fifth session and the comments thereon submitted by Governments,

"Recalling General Assembly resolution 797 (VIII) of 7 December 1953, in which it was stated that this draft includes certain important elements with respect to the progressive development of international law on arbitral procedure,

"Noting that a number of suggestions for improvements on the draft have been put forward in the comments submitted by Governments and in the observations made in the Sixth Committee at the eighth and current sessions of the General Assembly,

"Believing that a set of rules on arbitral procedure will inspire States in the drawing up of provisions for inclusion in international treaties and special arbitration agreements,

"1. Expresses its appreciation to the International Law Commission and the Secretary-General for their work in the field of arbitral procedure;

"2. Invites the International Law Commission to consider the comments of Governments and the discussions in the Sixth Committee in so far as they may contribute further to the value of the draft on arbitral procedure, and to report to the General Assembly at its thirteenth session;

"3. Decides to place the question of arbitral procedure on the provisional agenda of the thirteenth session, including the problem of the desirability of convening an international conference of plenipotentiaries to conclude a convention on arbitral procedure."