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UNITED NATIONS CONFERENCE ON INTERNATIONAL
COMMERCIAL ARBITRATION

ADDITIONAL PROTOCOL ON ARBITRATION AGREEMENTS

Sweden: draft submitted for consideration by Working Party II

Article 1

1. Each Contracting State shall recognize as valid any agreement in writing, concerning existing or future disputes, under which the parties [to a contract] agree to submit to arbitration [in any other State] all or any differences which may arise between them [on any matter susceptible of arbitration] or [in connexion with such contract relating to any matter capable of settlement by arbitration].
2. Any Contracting State may, upon signing, ratifying or acceding to this Protocol declare that it will apply the Protocol only to contracts which are considered as commercial under the national law of the Contracting State making such declaration.

Article II

The arbitral procedure, including the constitution of the arbitral tribunal, shall be governed by the will of the parties and subject to the control of the law of the State in whose territory the arbitration takes place.

Article III

The courts of any Contracting State to which the present Protocol applies, on being seized of a dispute regarding a contract containing an arbitration agreement which is valid by virtue of article I and capable of being carried into effect, shall refer the parties on the application of either of them to the decision of the arbitrators.

Such reference shall not prejudice the competence of the judicial tribunals in case the agreement cannot proceed or becomes inoperative.

Articles IV, etc.

(In principle the same final clauses as in the Convention under preparation.)
