

UNITED NATIONS LIBRARY
ECONOMIC
AND
SOCIAL COUNCIL

26 MAY 1958



Distr.
LIMITED

E/CONF.26/L.13
23 May 1958
ENGLISH
ORIGINAL: FRENCH

UNITED NATIONS CONFERENCE ON INTERNATIONAL
COMMERCIAL ARBITRATION

CONSIDERATION OF THE DRAFT CONVENTION ON THE RECOGNITION AND
ENFORCEMENT OF FOREIGN ARBITRAL AWARDS (ITEM 4 OF THE AGENDA)

Principles concerning the scope of the Convention and the law applicable
submitted by the Italian delegation as a basis for the discussion of
article I of the draft

(A) Scope of the Convention

The Convention applies to arbitral awards made in accordance with a procedural law other than that of the State in which the award is relied upon.

Reservations

1. Any Contracting State may declare that it will not apply the Convention to arbitral awards made in accordance with a foreign procedural law, if all the parties to the arbitration are its nationals or have their habitual place of residence in its territory.
2. Any Contracting State may declare that it will apply the Convention only to arbitral awards made between parties, one at least of whom, is a national of a Contracting State or has his habitual place of residence in a Contracting State or in accordance with the procedural law of one of the Contracting States.

(B) Law governing procedure

The parties may choose the law governing the arbitral procedure. If special rules of procedure (rules of procedure of a chamber of commerce or arbitral association) are adopted, these rules shall apply to the extent that they are consistent with the mandatory rules laid down in the applicable procedural law.

In the absence of agreement between the parties the arbitral procedure shall be governed by the law of the place in which arbitration takes place.
