



UN. LIBRARY
 JUN 1953
 UNCTAD



Distr.
 LIMITED

E/CONF.26/L.59
 6 June 1958

ORIGINAL: ENGLISH

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)

Text of new article to be included in the Convention,
 adopted by the Conference at its 22nd meeting 1/

1. Each Contracting State shall recognize any agreement in writing - arbitration agreement or arbitral clause - 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 determined legal relationship or a contract relating to a subject matter capable of settlement by arbitration.
2. The expression "agreement in writing" shall mean an arbitration agreement or an arbitral clause in a contract signed by the parties, or an exchange of letters or telegrams between those parties.
3. The courts of Contracting States, if seized of an action relating to a contract which includes an arbitration agreement referred to in paragraph 1 and capable of execution shall, of their own motion or at the request of one of the parties, refer the parties concerned to arbitrators for decision. Such action shall not prejudice the competence of the courts if, for any reason, the arbitration agreement, arbitral clause or arbitration has become null and void or inoperative.

1/ Text adopted subject to modification by the Drafting Committee.