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UNITED NATIONS CONFERENCE ON INTERNATIONAL
COMMERCIAL ARBITRATION

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

Netherlands: Amendment to proposal made by Working Party No. 2 (E/CONF.26/L.52)

Instead of an additional Protocol add the following Article to the
Convention:

New Article

1. Each Contracting State shall recognize as valid any agreement in writing - arbitration agreement or arbitral clause - under which the parties to a contract undertake to submit to arbitration all or any differences which have arisen or which may arise between them in respect of such contract.
2. The expression "agreement in writing" includes exchange of letters or telegrams between the parties and confirmation in writing by one of the parties without contestation by the other party.
3. In case one of the parties invokes the existence of an agreement in writing before the courts these will refer the parties to arbitrators, without prejudice however to the competence of the courts.
