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)

Sweden: amendments to the draft Convention

The Swedish delegation proposes:

I.   that an article reading as follows should be inserted in the

Convention:

"Every Contracting State shall recognize as valid any agreement in
writing, concerning existing or future disputes, under which the parties
agree to submit to arbitration all or some of such disputes as may arise
between them on any matter susceptible of arbitration."

II.   that article III should read as follows:

"To obtain the recognition and enforcement mentioned in the preceding
article, it is necessary:

"(a)   That the award shall have been made pursuant to a special
arbitral agreement or to an arbitral clause which is valid under
the law applicable to it and which has been drawn up in writing
by the parties named in the award;

"(b)   That, in the country where the award was made, it shall have
become final and operative and, in particular, that its enforcement
shall not have been suspended."

III.   that the words "the recognition or enforcement of which is sought,"
should be deleted from article IV, paragraph (e), of the draft Convention.

IV.   that article IV, paragraph (f), should be deleted from the draft
Convention.

V.   that the words ", or the subject matter thereof," should be deleted from
article IV, paragraph (h).

VI.   that a new paragraph reading as follows should be added to article IV
of the draft Convention:

"The circumstances referred to in article IV, paragraphs (b), (c), (e)
and (g), shall not constitute a bar to recognition or enforcement by the
party against whom the award has been made unless the said party raises an
objection based on those circumstances."