

UNCITRAL Secretariat Guide on the New York Convention and Updated Convention Website

UNCITRAL has announced the publication of the UNCITRAL Secretariat Guide on the Convention on the Recognition and Enforcement of Foreign Arbitral Awards, 1958 (the “New York Convention”), prepared in cooperation with two experts in international arbitration, [Professor Emmanuel Gaillard](#), head of the international arbitration group at Shearman & Sterling LLP, and [Professor George A. Bermann](#) of Columbia Law School.

The Guide was officially presented on July 7, 2016 to the forty-ninth session of UNCITRAL held at the United Nations Headquarters in New York. At the same session, the Commission was also presented with an updated version of the www.newyorkconvention1958.org website, an interactive online platform developed by UNCITRAL, Shearman & Sterling and Columbia Law School, that makes information gathered in the preparation of the Guide on the New York Convention publicly available.

The New York Convention Guide

The New York Convention Guide was initiated in 2010, when UNCITRAL commissioned the assistance of Professors Gaillard and Bermann as part of its efforts to promote wider adherence to the text of the New York Convention as well as its uniform interpretation and effective implementation.

From its inception, the Guide has been conceived to comprehend how the Convention is actually interpreted by national courts. The aim of the Guide is to canvass the richness of the national case law on the Convention in an objective manner.

To lay the groundwork for the Guide, research teams at Shearman & Sterling and Columbia Law School gathered, translated and analysed case law on the Convention with a view to identifying the key trends underlying how each of its articles has been interpreted and applied in practice. The materials gathered from an initial fifteen civil law and common law jurisdictions grew as contributors to the project provided case law and information on the implementation of the Convention from a further thirty jurisdictions.

As Renaud Sorieul, the Secretary of UNCITRAL, remarked at the time, “UNCITRAL welcomes the aspiration of the drafters of the Guide to offer the public something more than a static depiction of national case-law on the New York Convention at a given time.”

Since then, UNCITRAL has published chapters of the Guide on individual provisions of the New York Convention, each setting forth a detailed synopsis of the case law for the provision, highlighting common views and reporting any divergent approaches to the Convention’s interpretation. Each chapter also includes a complete list of the *travaux préparatoires* to each provision.

The final version of the Guide presented to the UNCITRAL current session consolidates the chapters on each provision. The end result is an objective analysis of the judicial application of the Convention by reference to case law from over 45 contracting States that spans several decades.

“We are delighted to see the publication of the consolidated version of the Guide, which is the culmination of years of dedicated research on the New York Convention,” Professor Gaillard said.

“The Guide gives expression to the principal finding of our research, namely that the contracting States have interpreted and applied the New York Convention in an overwhelmingly consistent manner, and that the Convention continues to fulfill its purpose of facilitating the worldwide recognition and enforcement of arbitral awards to the greatest extent possible. The New York Convention has served as the cornerstone of the international arbitration system since its signature in 1958 until the present day.”

Professor Bermann comments: “As a treaty that is not only widely adopted (to put it mildly), but also applied with unparalleled frequency year upon year, the New York Convention stands particularly to benefit from consistent interpretation and application across jurisdictions. The Guide is an invaluable tool for both professional and academic purposes, enabling access to national court judgments through every point of entry one could want. Only a handful of international treaties are accompanied by so rich a resource.”

The NewYorkConvention1958.org website

In 2012, as part of the preparation of the Guide, Shearman & Sterling and Columbia Law School launched, in cooperation with UNCITRAL, the newyorkconvention1958.org website. The website is the product of a coordinated effort to create an interactive online platform that makes information on the New York Convention publicly available.

The new version of the website launched this week complements and replaces the original website [launched in 2012](#). It is a sophisticated global legal database that offers free access to more than 1,200 cases from a wide number of common law and civil law jurisdictions, and also includes more than one hundred English translations of those decisions.

The 23 chapters of the Guide will soon be available on the website in all official languages of the United Nations. The chapters will include direct links to the full original case law and *travaux préparatoires* discussed.

The website offers access to the largest bibliography ever consolidated on the New York Convention. The bibliography has more than 800 references, over 200 of are linked to publicly accessible online sources.

Users can also browse jurisdiction briefs providing essential information relating to the implementation of the New York Convention in its Contracting States, an interactive map of the Convention’s signatories and the latest news on the New York Convention.

Finally, the website’s design has been upgraded to provide the most intuitive and user-friendly interface possible. It allows better compatibility with search engines and devices, including tablets and smartphones.

[Dr. Yas Banifatemi](#), Executive Director and Coordinator of the Project, says that “the newyorkconvention1958.org website is a unique tool that puts technology at the service of scientific research and legal analysis to the benefit of its users. The search engine allows users to tailor their research using a number of parameters. By making all of the above

material fully searchable by keywords run through the entirety of the platform's data, users can conduct a variety of searches by jurisdiction(s) and by New York Convention article(s) through its case law, *travaux préparatoires*, bibliography and chapters of the Guide”.

“In the months to come,” she adds, “the website will offer information on the application of the New York Convention in additional jurisdictions. The aim is to give users as wide and representative a view of judicial practice in this field as possible and to increase opportunities to perform personally tailored research on that basis.”

The newyorkconvention1958.org website strives to become an essential efficient tool to every judge, arbitrator, practitioner, academic and Government official interested in the interpretation and application of the New York Convention. It is a tool for the benefit of all and which offers everyone the possibility of contributing by sending documents, decisions, or any other relevant information on any signatory State to the New York Convention. Contributors may send material [here](#).

In the words of Corinne Montineri, Legal Officer in the International Trade Law Division of the United Nations Office of Legal Affairs, the Secretariat of the UNCITRAL, “the interpretation that derives from court decisions of diverse jurisdictions makes the Guide a unique tool to understand the New York Convention, an almost universally adopted text, and to monitor its application. The Guide and the website will no doubt be widely used: as part of UN capacity building efforts, by academics, practitioners, and of course judges faced with decisions on the application of the Convention.”