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## **Settlement of commercial disputes: Revision of the UNCITRAL Arbitration Rules**

### **Compilation of comments by Governments and international organizations**

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\* Submission of this note was delayed because of its late receipt.



## II. Comments received from Governments and international organizations

### A. Comments received from Governments

#### Indonesia

[Original: English]

[Date: 2 June 2010]

**Draft Article 10, paragraph 3:** Appointment made by the parties must be respected by the arbitrator agency or appointing authority.

New suggested paragraph 3: “In the event of any failure to constitute the arbitral tribunal under these Rules, the appointing authority shall, at the request of any party, constitute the arbitral tribunal, and in doing so, may maintain any appointment already made, and designate one of them as the presiding arbitrator.”

**Draft Article 16:** The arbitrator or arbitration tribunal may not be held legally responsible for any action taken during the proceedings to carry out the function of arbitration or arbitration tribunal unless it is proved that there was bad faith in the action.

New suggested provision: “Arbitrators, the appointing authority, the Secretary-General of the PCA and any person appointed by the arbitral tribunal based on any act or omission in connection with the arbitration shall not be held legally liable”.

**Draft article 20, paragraph 2:** To reverse point 2 (d) and (e) in the old version, in order to express the logic of a claim.

New suggested paragraph: “2. The statement of claim shall include the following particulars: (...) (d) The legal grounds or arguments supporting the claim; (e) The relief or remedy sought.”

**Draft article 21, paragraph 1:** The wording “within a period of time to be determined by the arbitral tribunal” creates an uncertainty. Therefore, it is suggested to give 30 days as period of time, as applied in other provisions of UNCITRAL, e.g. in the draft article 4 (1) of UNCITRAL Arbitration Rules.

New suggested paragraph 1: “The respondent shall communicate its statement of defence in writing to the claimant and to each of the arbitrators within 30 (thirty) days...”.