New York, 3 September '66.

Beste Pieter,

Ik schrijf in grote haast. De van het punt naar Europa te vliegen (voor ik vijf weken zal vertrekken).

Hoevoren mag ik vinden:
(i) de Engelse versie van UNCITRAL's report
(de Franse, etc. versies zijn nog niet verschenen);
(ii) Een exemplaar van de UNCITRAL Arbitration Rules;
(iii) Commentaar op jouw commentaar
op de UNCITRAL Arbitration Rules
(het zijn zeer betrek).

Ik ben in Den Haag van 1 tot 5 oktober en tel wel even. Hopelijk ziet u
elkaar. Beste wensen, rode van Yous.

Je Willem.
Comments on Sanders' draft commentary on the
UNCITRAL Arbitration Rules

Page 1, asterisk: does not mention Committee of the Whole II
and implies that the ninth session of UNCITRAL lasted from
12 to 26 April only. Would be better to state simply" ...
who participated in the Ninth Session of UNCITRAL (New York,
12 April - 7 May 1976):"

Page 1, second sentence: omits mention of the fact that the first
draft (A/CN.9/97) was a report of the Secretary-General.
Recommend: "A first draft of these Rules, prepared by the
United Nations/UNCITRAL Secretariat in consultation with
the author, was published in U.N. Document A/CN.9/97 of
4 November 1974, entitled A Preliminary Draft Set of Arbitration
Rules for Optional Use in Ad Hoc Arbitration relating to
International Trade. This document was circulated to the
regional economic commissions of the United Nations and ""

Page 1, last sentence: Recommend: "Following a detailed consideration
of the preliminary draft, the Secretary-General was requested to
prepare a revised draft, taking into account the observations
made on the preliminary draft."

Page 2, third sentence: Recommend: "This revised draft was thoroughly
considered during the Ninth Session of UNCITRAL and the final text
of the UNCITRAL Arbitration Rules, reproduced in this Volume,
was unanimously adopted by the Commission on April 28, 1976."

Page 2, last sentence: Recommend: "the final version of the
UNCITRAL Arbitration Rules, together with the Model Arbitration
Clause contained in a footnote to Article 1 of the Rules, form the subject matter
of the present commentary.

Page 3, part 2.2: Recommend: "The UNCITRAL Arbitration Rules do
not compete with institutional arbitration since, unlike
the rules and procedures adopted by every arbitral institution,
the UNCITRAL Rules do not provide for the administration of the
arbitration. However, in a limited number of instances the
do call for the assistance of a third party, who
UNCITRAL Rules/may be either an arbitral institution or a person.
Thus, such third party would be called upon for assistance
when the parties are unable to agree on the choice of the
sole arbitrator, or, in the case of an arbitral tribunal
composed of three arbitrators, the two arbitrators appointed
by the parties fail to agree on the choice of the presiding
arbitrator. The help of such third party is similarly utilised
when, in the case of an arbitral tribunal composed of three
arbitrators, the respondent does not appoint the arbitrator
he is entitled to name, when an arbitrator is challenged, and
in connexion with the fixing of the fees of the arbitrators.
In order to provide for the cases mentioned in the previous
paragraph the UNCITRAL Rules incorporate the concept of an