

SINGAPORE

“Choice of Remedies” under the UNCITRAL Model Law: *PT First Media v Astro* and Beyond

Kexian Ng*

1. Introduction

This paper examines the landmark decision of the Singapore Court of Appeal in *PT First Media TBK* (formerly known as PT Broadband Multimedia TBK) *v. Astro Nusantara International BV and others and another appeal* [hereinafter *PT First Media v Astro*].¹ The focus is on the “choice of remedies” of the parties, in relation to the validity and enforcement of international arbitration awards made in Singapore.

The Court of Appeal set aside an order granting leave to enforce parts of a “domestic international [arbitration] award”. The *ratio decidendi* was on the basis that the arbitral tribunal lacked jurisdiction to make orders in favour of non-parties to the arbitration agreement. This resulted in the award being reduced to USD700,000, which is a mere fraction of the original USD250 million awarded.² The Court of Appeal was of the view that the appellant, PT First Media TBK (“FM”), could not be excluded from resisting the enforcement of an award on the basis that the arbitral tribunal [hereinafter Tribunal] lacked jurisdiction under Section 19 of the International Arbitration Act (“IAA”).³ This was despite the fact that FM had

* Researcher, Asian Business & Rule of Law Initiative, Singapore Management University School of Law. Member, Singapore Society of International Law. Advocate & Solicitor at Singapore Supreme Court. The author may be contacted at: kexian.ng@gmail.com

¹ [2014] 1 SLR 372.

² *Id.* at ¶ 227. See also Y. Kriegler, *Singapore CoA slashes \$250m award to \$700,000 after Essex Court challenge*, THE LAW, May 9, 2014, available at [http://www.thelawyer.com/news/regions/asia-pacific-news/singapore-coa-slashes-250m-award-to-700000-after-essex-court-challenge/3012601.article?cmptype=Singapore%20CoA%20slashes%20\\$250m%20award%20to%20\\$700,000&cmpid=dnews_36775](http://www.thelawyer.com/news/regions/asia-pacific-news/singapore-coa-slashes-250m-award-to-700000-after-essex-court-challenge/3012601.article?cmptype=Singapore%20CoA%20slashes%20$250m%20award%20to%20$700,000&cmpid=dnews_36775) (last visited on May 9, 2014).

³ IAA (Cap. 143A).