

## BOOK REVIEWS

*ICC Arbitration in Practice* BY ERIK SCHÄFER, HERMAN VERBIST AND CHRISTOPHE IMHOOS [The Hague: Kluwer Law International, 2005. 213 pp. + 13 Appendices. Hardcover: US\$154/€130]

This is a book by three well qualified authors from different jurisdictions, who have all formerly held positions as counsel within the Secretariat of the International Chamber of Commerce (ICC) and are active in the field of arbitration as counsel and arbitrators.

It enters a field already covered by two highly respected texts, *International Chamber of Commerce Arbitration* by W.L. Craig, W.W. Park and J. Paulsson (3<sup>rd</sup> ed., 2000) and *A Guide to the New ICC Rules of Arbitration* by Y. Derains and E.A. Schwartz (1998). How then does the new entry compare?

The answer is that it is aiming at a reader with a different profile from those who have been referring to the two other texts. The existing texts are intended for practitioners already conversant with the subject. This book is primarily aimed at readers who are unfamiliar with international arbitration and the ICC Rules of 1998, and wish to be able to assess the pros and cons of entering into an arbitration referring to the ICC Rules, and to know how to proceed in a given situation. For this reason, the authors have deliberately avoided the use of footnotes and a detailed bibliography. It is therefore a practical guide rather than a learned treatise.

It is a slimmer volume than the other two (*Craig, Park and Paulsson* contains 717 pages of text and *Derains and Schwartz* has 354 pages, counting appendices). It would therefore be unfair to judge it by the standards of scholarship displayed in the other two books. However, there are many useful features in this book that will not be found in the other two:

- A general discussion of how ICC Rules and arbitration differ from other institutional rules and arbitrations.
- An overview of time limits under ICC Rules, which is particularly useful to novices to ICC arbitration as a check list.
- The most up-to-date exposition of alternative methods of dispute resolution under the ICC Rules (including the ICC ADR Rules, ICC Rules for Dispute Boards, and Rules of ICC as Appointing Authority, which are not dealt with in the other two texts). However, inevitably, it has not been able to take in the new scale of personal and arbitral tribunal expenses promulgated in January 2005.
- Diagrams to guide the reader through the procedures of the ICC.

- A helpful comparative table of references to selected national arbitration laws (which goes some way to make up for a lack of detailed discussion of such laws in the principal text).
- The most up-to-date statistics on ICC Arbitration (up to 2003).
- Above all, it is easily readable.

These are not unexpected, given the aim of the book and the date of its publication. But these advantages come at a price: it is (deliberately) short on detailed discussions of academic points and devoid of references to arbitral and case law, which will be found in the other two texts. Both the older texts contain a discussion of the old rules and the deficiencies in those rules that led to the changes in the 1998 version, which is absent from this book. *Derains and Schwartz* is the closest comparison to *Schäfer, Verbist and Imhoos* in proceeding by way of a rule by rule analysis. By contrast, *Craig, Park and Paulsson* is organised in a thematic fashion, where different rules are brought together under a particular chapter for discussion.

The conclusion is that you pay your money and you make your choice: lack of detailed discussion and footnotes make for readability, but mean that this book will not answer the really difficult questions that may arise in the course of an ICC arbitration.

One minor criticism that can be made of *Schäfer, Verbist and Imhoos* is the relative lack of emphasis given to the Terms of Reference, which is one of the most distinctive features of ICC arbitration. This is presumably due to the authors' view that the value of the Terms of Reference has arguably become partly superseded by the New York Convention and the modernisation of national arbitration laws.

But overall, the book succeeds within its own terms of reference to give the neophyte a primer to ICC arbitration and to be his *vade mecum* and handbook to guide him through the whole process.

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