Book review

International Arbitration: Law and Practice, 2nd edn

Gary B. Born. Kluwer Law International, Alphen aan den Rijn, the Netherlands, 2015, ISBN 978-90-411-6637-1, £24.00, 536 pp.

This book offers a comprehensive introduction to the law and practice of international arbitration at a very reasonable price. It is written in a concise but readable style and achieves its general aim of providing an introduction to the key legal principles and customary practices encountered in international arbitration in an accessible and straightforward manner. After a useful overview chapter, the subject matter is divided into three parts: the first deals with international arbitration agreements; the second, with international arbitral procedures; and the third, with international arbitral awards. The book deals primarily with the topic of international commercial arbitration – that is, arbitration of disputes or differences arising under a commercial transaction between private parties – but it also makes reference to investor–state and state-to-state arbitrations, and the final chapter is devoted to this topic.

A key feature of the book is that its discussion of international arbitration is focused on the provisions of the 'New York Convention' and the 'UN Commission on International Trade Law (UNCITRAL) Model Law', which are helpfully reproduced in three annexes. No attempt is made, deliberately, to enter into any detailed discussion of individual state-enacted arbitration laws, and this approach enables the book to concentrate on higher-level general principles of more universal application. Someone engaged in arbitration in a particular jurisdiction could, nevertheless, compare the arbitration law enacted in that region, and the way in which it is applied, with the legal framework established by the New York Convention and promoted by the UNCITRAL Model Law as set out in this book.

Each part of the book begins with a brief introduction and explanation of what is covered in the following chapters, and the first chapter in each part sets out the legal framework of the topic under consideration. The succeeding chapters deal with various subtopics: for example, in the part dealing with international arbitration agreements, there are chapters titled 'Formation and validity', 'Interpretation' and 'Non-signatory issues', while the part that covers international arbitral proceedings has chapters titled 'Selection and removal of arbitrators', 'Procedural issues', 'Disclosure and evidence-taking', 'Confidentiality and transparency', 'Provisional measures', 'Multiparty and multi-contract issues', 'Choice of substantive law' and 'Legal representatives and professional responsibility'; and there are chapters titled 'Annulment' and 'Recognition and enforcement' in the part on arbitral awards.

One could quibble with some stylistic idiosyncrasies: for example, this reviewer found the many references to 'as discussed above' and 'as discussed below', without any guidance as to where to find those discussions, somewhat irritating, but that would be nitpicking when the author, an experienced practitioner and highly regarded author of other publications, has generously provided the reader with the benefit of the distillation and summation of much of his very extensive knowledge of the subject. The book is presented as an introductory text, but, in truth, much of it goes well beyond that, with substantial coverage of most topics supplemented with numerous footnotes and references to other materials, such that even an experienced practitioner should find it useful for reference.

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