

ICC Arbitration in Practice

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In the world of international arbitration, the International Chamber of Commerce (ICC), through its International Court of Arbitration, is arguably the most prestigious and important arbitral institute.

The joint authors of the publication *ICC Arbitration in Practice*, Eric Schäfer, Herman Verbist and Christoph Imhoos, are arbitration practitioners of high reputation and standing. Each has been a sometime counsel at the ICC and brings a wealth of knowledge and experience to this timely publication.

The form of the book avoids footnotes and provides flow diagrams to assist in an understanding of the *seriatim* nature of many of the ICC arbitration processes.

The publication, by way of its introduction, sets the scene explaining arbitration in the international context, both in relation to other means of non-curial dispute resolution processes, and the relationships between state courts and arbitration. As well, the Introduction gives a general background to Institutional arbitration generally and ICC arbitration in particular.

The authors provide, at length, the history and operation of the ICC and the Court of Arbitration. The role of the Court's Secretariat is explained in detail.

All of this enables the uninitiated to understand the environment in which the *ICC Arbitration Rules* have been developed and how they are administered by the Court and the Secretariat.

However, the real value of the publication is the very detailed analysis of the ICC Rules article (rule) by article. All of the articles making up the rules in their entirety are dealt with. Each article is cited and explained, both as to its meaning and application, in an easily readable and understandable manner. Where appropriate, previous interpretations and conduct of the Court of Arbitration are cited.

The flow diagrams, which cover such matters as:

- procedures and requirements before the file is transmitted to the arbitral tribunal;
- procedures and requirements after the file has been transmitted to the arbitral tribunal;
- default arbitrator appointment;
- challenges to arbitrators and replacement of arbitrators; and
- advances on costs,

are clear and aid a clear understanding of the necessary interaction between the disputants and the ICC.

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The publication also provides schedules of fees and the basis of establishing the arbitrators' personal as well as the arbitral tribunal's expenses and gives guidance on other ICC requirements.

Having dealt with practical aspects and requirements of ICC arbitration, the authors provide a great deal of general information on the ICC including statistical information, a bibliography, a model *curriculum vitae* for ICC arbitrators, notes on correction and interpretation of awards, the applicable rules when the ICC acts as an appointing authority under UNCITRAL Rules or in *ad hoc* arbitrations.

The Rules for Pre-Arbitral Referees, Expertise and Dispute Boards, all somewhat lesser known and lesser utilised procedures but valuable dispute resolution processes, are set forth in detail as well as the ICC ADR Rules and Guide to ICC ADR.

The authors have produced a most comprehensive book going beyond arbitration and encompassing all of the dispute resolution aspects provided by the ICC. Just as importantly, the book conveys the culture and philosophy of the ICC to assist in overall understanding.

With the continued growth of international arbitration and the practice of constituting many arbitral tribunals by party appointed arbitrators, many of whom may have little or no immediate knowledge of the process and their obligations, this publication will prove of great assistance to the neophyte sitting as a member of an arbitral tribunal governed by the ICC Rules.

However, the depth of knowledge and the detail of the text make the publication of real value even to the most experienced international arbitrator.

However, this is particularly a most valuable book to all associated directly or indirectly with the resolution of transnational commercial disputes other than as arbitrator, whether as a party or prospective party, in-house or general counsel, or the drafters of contracts and looking to or considering adoption of the ICC Rules for whatever process.

The great strength of the book is its detailed analysis and explanation of the ICC *Arbitration Rules* as applied in practice as the title represents.

An essential book for any arbitration practitioner's or international lawyer's library.