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Wei Sun & Melanie Willems (eds), *Arbitration in China: A Practitioner's Guide* (Kluwer Law International, The Hague, 2015), Hardback, ISBN 978-9-041-14840-7, GBP 136, 504 pp.

Since the introduction of the Arbitration Law of the People's Republic of China ("PRC Arbitration Law") in 1994, arbitration activity has exploded in China, tracking the rapid expansion of economic and business activity in the region. While in 1995 there were eleven arbitration institutions in China administering approximately 1,000 cases, by 2014 there were thirty-five arbitral institutions in China dealing with 113,660 cases. Indeed, the China International Economic and Trade Arbitration Commission (CIETAC) is now reputed to be one of the busiest arbitral institutions in the world: it accepted a total of 1,610 new arbitrations in

2014 alone, of which 387 were foreign-related cases. Yet, despite its rapid growth and increasing popularity, the law and practice of arbitration in China is not often well understood outside of China, not least because of its procedural peculiarities and the absence of uniform or clear rules on a number of issues.

Arbitration in China: A Practitioner's Guide is thus an excellent and timely book, providing a unique and important overview of domestic and international arbitration in China that is accessible to readers both inside and outside the Chinese market. It is a perfect entry point for practitioners and scholars unfamiliar with Chinese arbitration. It is also equally useful for Chinese practitioners who might want to gain a deeper understanding of their system through a comparative analysis.

The book guides the reader through numerous important aspects of the PRC Arbitration Law, as well as the rules of major Chinese arbitral institutions such as CIETAC and the Beijing Arbitration Commission (BAC), covering all stages in the lifecycle of an arbitration, including the arbitration agreement, the applicable laws, mechanisms for multiparty arbitrations, availability of interim measures, arbitrator appointments, arbitral proceedings, and the setting aside and enforcement of arbitral awards.

As a self-proclaimed practitioner's guidebook, the book focuses on the practical effect of the various Chinese law provisions and rules. Thus, the authors take care to introduce and explain to a foreign reader certain concepts that are unique to arbitration in China. These include, for example, the requirement under Chinese law that an arbitration agreement designate an "arbitration commission" to be valid, or the esoteric distinctions in Chinese law between "domestic" arbitrations, "international" arbitrations, arbitrations with a "foreign element," arbitrations relating to Hong Kong, Macau, or Taiwan, and arbitrations seated in Hong Kong, Macau, or Taiwan.

A collaborative effort between prominent Chinese and U.K. practitioners, the book will also likely be of interest to scholars of comparative arbitration law. For a number of topics, the authors set out comparisons between Chinese arbitral law and practice, on the one hand, and the approach taken in other jurisdictions or in international arbitration practice, on the other. Comparisons are made not only to the statutes and case law of England, Wales, and Northern Ireland, but also to the statutes and case law of France, Switzerland, and Germany, among others. The authors' stated aspiration is for this comparative exercise to help Chinese practitioners to gain a deeper insight into the substantive issues and also allow them to familiarize themselves with the terminology and concepts that are commonly used in international arbitral practice.

Another of this book's important contributions is the carefully curated set of translated Chinese court judgments that are cited and included as annexes to

chapters. These are sure to be a useful resource for practitioners and researchers, particularly those from outside China that wish to undertake a deeper examination of Chinese case law.

The book is comprehensive in its sweep of the law and practice of arbitration in China. Chapters 1 and 2 provide a brief history of arbitration in China and its development, including the advent of the PRC Arbitration Law and an overview of the arbitral institutions in China. Chapters 3–10 cover important issues under Chinese law and the rules of the main Chinese arbitral institutions, including the requirements for validity of an arbitration agreement, applicable laws, limitation periods, pre-arbitration procedures, and the distinctions between domestic arbitration, foreign arbitration, arbitration involving a foreign element, and arbitration relating to Hong Kong, Macau, or Taiwan. Chapters 11, 13, and 22 address the courts' and arbitrators' powers to grant interim relief. Chapters 14–17 deal with arbitral proceedings, and provide an overview of the rules and legal standards on party representation, appointment and replacement of arbitrators, fact and witness evidence, and the conduct of hearings. Chapters 18–20 deal with the making of awards, allocation of costs, recognition and enforcement of awards, and the judicial review of awards. Chapter 21 discusses “med-arb,” a common practice in China whereby the arbitral tribunal acts also as mediator at one stage of proceedings, and a number of related legal issues, including the validity of “med-arb” awards.

In their foreword, the authors emphasize that the book can only provide a snapshot of the current status of arbitration law in China—a recognition that, in China, the law and practice of arbitration is necessarily changing all the time. While framed as a practitioners' guidebook, the book is not solely descriptive, and does not shy away from identifying problems with the current state of Chinese law, including limitations on party autonomy with respect to arbitration agreements, or inconsistencies in the enforcement regime for arbitral awards. It does not stop at identifying these problems either: for example, in Chapter 15, the authors introduce three proposals for modifying Article 34 of the PRC Arbitration Law regarding challenges to and withdrawals of arbitrators.

In conclusion, this book comes highly recommended as a valuable resource for those outside China who are seeking to understand the practical and legal aspects of arbitration in China, as well as an important and useful tool for Chinese practitioners who wish to better understand their system in light of international practices.

Jonathan Lim
Wilmer Cutler Pickering Hale and Dorr LLP

[A] Aim of the Journal

Since its 1984 launch, the Journal of International Arbitration has established itself as a thought-provoking, ground-breaking journal aimed at the specific requirements of those involved in international arbitration. Each issue contains in-depth investigations of the most important current issues in international arbitration, focussing on business, investment, and economic disputes between private corporations, State-controlled entities, and States. The new Notes and Current Developments sections contain concise and critical commentary on new developments. The journal's worldwide coverage and bimonthly circulation give it even more immediacy as a forum for original thinking, penetrating analysis and lively discussion of international arbitration issues from around the globe.

[B] Contact Details

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- [2] The front page should include the author's name and email address, as well as an article title.
- [3] The article should contain an abstract of about 200 words.
- [4] Heading levels should be clearly indicated.
- [5] The first footnote should include a brief biographical note with the author's current affiliation.
- [6] Special attention should be paid to quotations, footnotes, and references. All citations and quotations must be verified before submission of the manuscript. The accuracy of the contribution is the responsibility of the author. The journal has adopted the Association of Legal Writing Directors (ALWD) legal citation style to ensure uniformity. Citations should not appear in the text but in the footnotes. Footnotes should be numbered consecutively, using the footnote function in Word so that if any footnotes are added or deleted the others are automatically renumbered.
- [7] For guidance on style, see the House Style Guide available at this website: http://authors.wolterskluwerblogs.com/wp-content/uploads/2016/01/House-Style-Guide_January-2016.pdf.

[D] Review Process

- [1] After review by the Editor, manuscripts may be returned to authors with suggestions related to substance and/or style.
- [2] The author will also receive PDF proofs of the article, and any corrections should be returned within the scheduled dates.

[E] Publication Process

- [1] For accepted articles, authors will be expected to execute a Consent to Publish form.
- [2] Each author of an accepted article will receive a free hard copy of the journal issue in which the article is published, plus an electronic version of the article.