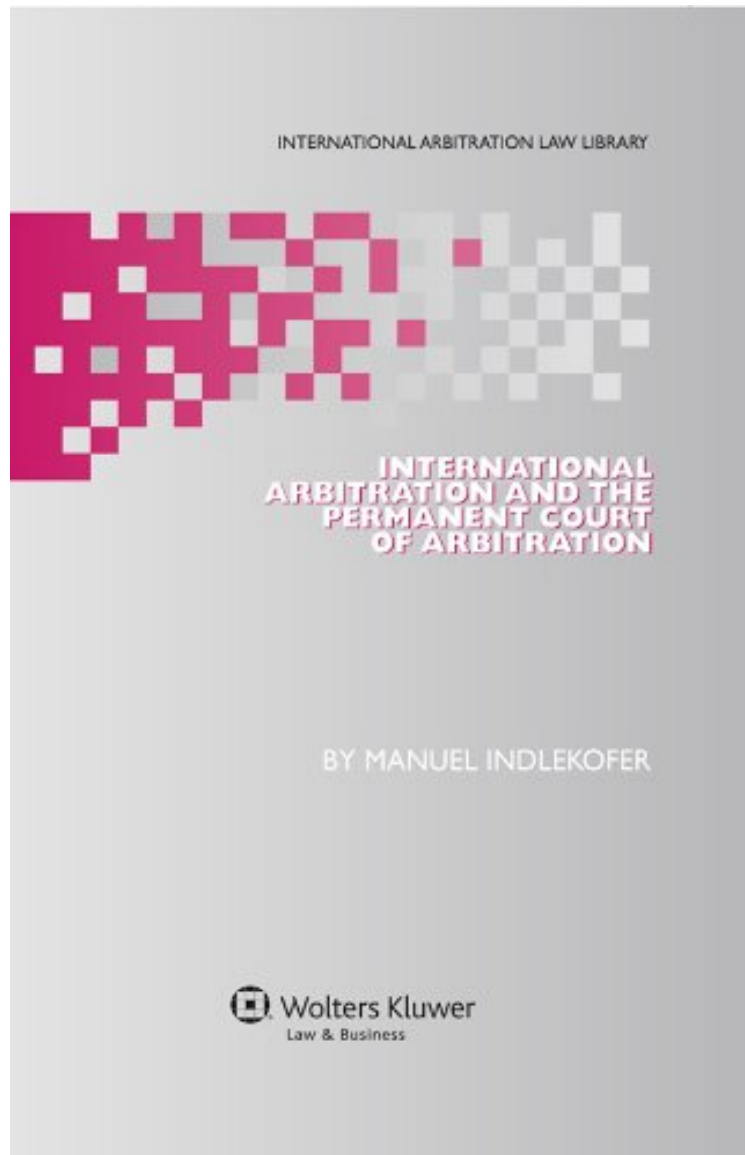


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International Arbitration and the Permanent Court of Arbitration (International Arbitration Law Library)

Manuel Indlekofer

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AbstractThe reviewed book is a result of hard work of Manuel Indlekofer, who wrote the PhD dissertation on the same topic at Augsburg University. A reservation should be made beforehand – this book is about international public arbitration i.e. arbitration between States, or at least one of the parties is a State. The book discusses one of the prominent and important arbitration institutions of the world – Permanent Court of Arbitration, established in 1899. The author starts the book with concise historical essay about roots of arbitration in ancient Greece, Rome and medieval Europe. Interesting is a passage about arbitration between Poseidon and Zeus, which implies divine roots of arbitration. Although author traces the roots of arbitration in ancient world, he believes that arbitrations that took place in 18 and 19 centuries are in fact forerunners of contemporary arbitration. Particularly, the author pays specific attention to Jay Arbitration 1794 and Alabama Arbitration 1871. The author believes that this arbitration cases gave an impulse for creation of 1899 Convention for the Pacific Settlement of international disputes. The book is full of examples from many arbitration cases, which had been adjudicated between 1908 and 2012, where the period between 1909 and 1935 is admitted as Golden Century of Permanent Court of Arbitration. To me, a maritime lawyer, the great interest posed by cases with participation of shipping companies as Norwegian Shipowners Claims Arbitration (1921) and Orinoco Steamship Company Arbitration (1909). Besides, the book does not only examine the history of development of Permanent Court of Arbitration but also its procedure of functioning, application of international agreements in the Court's jurisprudence and its current state. The author's rethinking of the Court's role in 21 century is impressive along with analysis of problematic aspects, which arise in the process of the Court's work. The book is written in a very academic language and it is very difficult to read it without interruption from the beginning to the end. For this reason, it is advised to read the chapters selectively and only those, which present interest and useful for readers. On the other hand, for those who are interested in international public arbitration discipline, the book will be a valuable contribution to their library. The book can be recommended as a textbook for students, who study at Master's program and intend to study the subject seriously. One of the advantages of the book is an appendix, where the author adduces list of cases, decided in the Court since 1945 with indication of year, case name, kind of dispute, names of parties, subject of dispute, names of arbitrators and date of beginning of dispute. This is very useful resource and one may wish that upon publication of similar books in Russia, the books are supplied with such information. As Alexander Muranov, managing partner at Muranov, Chernyakov Partners, leading Russian law firm, admitted in his comment to the review, that he plans to publish a book about international arbitration in Russia and it will be very useful if the forthcoming book will be supplied by such information.

The modern tendency to restrict international arbitration to matters of commerce and investment is succumbing to a renewed recognition of the original impetus for dispute resolution by arbitration – i.e., matters of public international law, most importantly the settlement of disputes that pose a threat of international conflict. Recent developments suggest a renaissance of public international arbitration, most clearly manifested in the present flourishing of the Permanent Court of Arbitration (PCA), the oldest existing dispute settlement institution in international law. As the calls for the development of new and more appropriate methods for dispute settlement in international law increased during the 1990s, the PCA undertook a structural reform and is today a vital forum for dispute settlement, with scores of arbitrations currently pending under its auspices. This book – the most comprehensive study of the institution to date, covering its history, its present status, and its future prospects – proves the PCA's contemporary relevance within the international dispute settlement framework. Among aspects of the PCA's work covered are the following: how public international arbitration functions in comparison to other means available for dispute settlement in international law; the PCA's historical contributions to the current dispute settlement framework; arbitrations between a state and a non-state actor that are in whole or in part governed by public international law; the fields in which public international arbitration plays a revived role; the PCA's present-day institutional framework and its current activities; the prospects for public international arbitration and the PCA in the dispute settlement framework of the twenty-first century; and proposals to increase the PCA's activities in future and to sustain and enhance the institution's ongoing revitalization. A very useful Practitioner's Guide provides an overview of the PCA's various services and the best means of accessing them, along with a summary of the key provisions of the new PCA Arbitration Rules 2012. For lawyers who are involved in dispute resolution proceedings, there can be little doubt about the PCA's relevance. This book is at once an academic work, indispensable for scholars of the institution, and a practical guide that will be a required addition to the libraries of counsel, arbitrators, and others involved in dispute resolution proceedings conducted at the PCA.