

BOOK REVIEWS

DISPUTE SETTLEMENT

New York Convention: Article-by-Article Commentary

(2nd ed.) edited by Reinmar Wolff. Oxford: Hart Publishing an imprint of Bloomsbury Publishing, 2019. xxiii + 721 pp. Hardcover: £250.00. doi: 10.5040/9781509923847

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The United Nations adopted the *Convention on the Recognition and Enforcement of Foreign Arbitral Awards*, commonly referred to as the *New York Convention* (NYC) on 10 June 1958. In force for over 60 years with currently 168 member states, it enables the recognition and enforcement of arbitral awards rendered abroad and has been essential to making international arbitration the go-to method of dispute resolution for transnational business dealings over the past half-century. It is applied daily by courts worldwide. Since no single court or other authority has the power to determine the correct interpretation of the NYC in a binding manner, keeping tabs on the relevant case law and scholarly opinion is a challenge for courts, academics, and arbitration practitioners alike.

When the first edition of the commentary edited by Dr. Reinmar Wolff was published in 2012, it quickly became an integral part of the library of any international arbitration lawyer and met the demand for a concise yet comprehensive collection of judicial and academic sources. Now, this masterpiece is available in its second edition, which is certain to surpass the success of the first. Compiling and editing any legal commentary is a herculean task, but one regarding an international convention and including case law and authorities from around the globe, is particularly noteworthy. Wolff, together with an esteemed list of commentators, has again done so in a manner that is concise whilst seemingly answering any relevant question.

The Commentary's clear structure allows easy navigation of the 16 articles with elaborate guidance on their interpretation and ample references to arbitral awards, court decisions, scholarly opinion and the commentators' own expert views. Wolff and his co-authors successfully compare and explain the differing applications of the NYC coherently whilst seeking to consolidate different views and opinions. The succinct summaries of case law and scholarly opinion are accompanied by practical considerations and recommendations, rendering the Commentary to be not only invaluable for academic purposes, but also particularly helpful to practitioners and courts.

Arguably the “key” provisions—Articles II (scope, validity, and recognizability of an arbitration agreement) and V (grounds for refusal of recognition and enforcement of arbitral awards)—are discussed in particular depth with the commentators analyzing in detail the divergent approaches taken by courts on the in-writing obligation in Article II(1) and concluding with the pro-arbitration stance of the NYC in favour of a non-exhaustive approach; Article V is addressed by examining the varying approaches taken by courts

regarding the grounds for refusal of recognition and enforcement of arbitral awards, as well as providing practical assistance by exhaustive reference to case law.

The Commentary further includes the text of the NYC in English, French, Spanish, Chinese, and Russian together with the member states, reservations and declarations, the UNCITRAL Recommendation, the *travaux préparatoires*, complementary conventions, and an elaborate table of cases and awards that is structured by jurisdiction.

In sum, the second edition of this commentary on the New York Convention belongs on the desk of any judge, practitioner, or scholar dealing with international arbitration. It provides insight into and explanation of arguably the heart of international arbitration. The editor and authors are to be congratulated on continuing the excellent work commenced with the first edition, and it can only be hoped that this invaluable encyclopedia will be continued in future editions.

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HISTORY AND THEORY OF INTERNATIONAL LAW

A Chinese Theory of International Law

by Zhipeng He and Lu Sun. Singapore: Springer jointly published with Beijing, China: Law Press China, 2020. ix + 248 pp. Hardcover: €119.99; Softcover: €84.99; eBook €71.68. doi: 10.1007/978-981-15-2882-8

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It has been widely recognized that, with its rapid rise as a global power, China's approach to international law will likely have a major impact on the future trajectory of international legal order. But does China have a coherent approach to international law? What factors have shaped China's approach? How does China's approach differ from other global powers? How should we situate China's approach in competing conceptions of international legal order? These important questions have been subject to emerging academic inquiry,¹ and this book, authored by Professor Zhipeng He, Dean of Jinlin University, School of Law, and Lu Sun, a research fellow at Jilin Academy of Social Sciences, is the most recent addition.

The book prefaces two observations: first, it is a myth that international law is a neutral and universal field, instead, international law is a transnational legal field where international lawyers with different national and cultural background compete for influence and dominance; second, China's position on international affairs has not always been

[†] This article has been updated since original publication and the error rectified in online PDF and HTML versions. A notice detailing the changes has also been published at <https://doi.org/10.1017/S2044251322000017>.

¹ XUE Hanqin, *Chinese Contemporary Perspectives on International Law* (Hague: Hague Academy of International Law, 2012); Phil C. W. CHAN, *China, State Sovereignty and International Legal Order* (Leiden/Boston: Brill Nijhoff, 2015); Simon CHESTERMAN, "Asia's Ambivalence about International Law and Institutions: Past, Present and Futures" (2016) 27(4) *European Journal of International Law* 945; Maria Adele CARRAI, *Sovereignty in China: A Genealogy of a Concept Since 1840* (Cambridge: Cambridge University Press, 2019); Congyan Cai, *The Rise of China and International Law: Taking Chinese Exceptionalism Seriously* (Oxford: Oxford University Press, 2019).