various experimental attempts being implemented by international bodies, such as the cluster approach recently taken by the UNOCHA (Office for the Coordination of Humanitarian Affairs), will be in vain unless they pay more serious attention to improving the interface with the existing local system and knowledge.

If any shortcoming of this volume is to be pointed out, it is the short span of the disaster-management phase that the author chose to deal with in this study. The author's interest is directed only to the stage of emergency response for rescue and relief, without referring to the issues of humanitarian concerns connected with the succeeding stages of early recovery and reconstruction, even though the world's humanitarian concern is expanding to the issues that arise in succeeding stages, after the international emergency aid is closed and various donors leave. Since the author's attractive title of *Governing Disasters* stimulates the readers' expectation of knowing more about what should happen in the succeeding stages of disaster governance, we trust that the author will respond to this expectation in her future work.

In summary, this volume is an excellent and challenging contribution, reflecting her energetic expertise as a lawyer, and offering an intensive and comprehensive "meta-analysis" of this emerging interdisciplinary field of disaster-management studies.

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Joachim Zekoll, Moritz Bälz, and Iwo Amelung, eds., *Dispute Resolution in Asia and Beyond: Formalization and Flexibilisation in Dispute Resolution* (Leiden: Brill/Nijhoff, 2015) pp 401. Hardcover: $190.
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This edited volume offers an interdisciplinary analysis on the development of the relationship between extrajudicial and judicial conflict resolution in different times in history and in different regions in the world. The 13 authors in this volume critically analyze the assumption that extrajudicial dispute resolution develops as an alternative to a formal procedure in court. It is an ambitious undertaking of the editors to focus on a wide variety of dispute-resolution procedures in four different continents at different periods in time. It has to be said, the editors succeeded in defining common themes and approaches that makes this volume relatively coherent and of interest for legal scholars.

The first part sets the scene focusing on the issue of formalization and asking critical questions about the implication of informal justice with regard to the rule of law. This part starts with a contribution by Michael Palmer explaining the process and implications of the hybridization of dispute-resolution techniques. Palmer focuses on mediation in China arguing that path-dependent choices and learning effects made mediation central to the pallet of dispute-resolution mechanisms. Yet, he raises questions about due process that this long-time primacy of mediation entails. Another contribution by Deborah Hensler treats the blurring boundary between public and private dispute resolution drawing on the case of the US

and tracing the history of dispute resolution and more specifically the developments of ADR (alternative dispute resolution) there. The author takes a closer look at commercial arbitration in the US but also in private international arbitration, making the point related to arbitration in commercial disputes that its "biggest advantage over litigation, however, may be the enforceability of its judgments worldwide" (p. 62). Hensler, however, also is critical of the increasing exclusion of collective claims from courts in favour of private dispute resolution. Yujun Feng and Xiaolong Peng offer a very detailed insight in recent developments with regard to mediation including quantitative information that reveals a rapid increase of the number of cases mediated by People's Mediation Committees (p. 91). In this contribution as well as in the next, concern with the rule of law because of political pressure is voiced. Hualing Fu is critical when analyzing mediation in China, stressing that "there is good mediation when there is a good court which can support and constrain the operation of mediation" but that, in China's political context, "government-controlled mediation becomes an effective instrument for government control of society" (p. 129). Eric Feldman analyses the pallet of dispute-resolution systems available to the victims of the 11 March 2011 nuclear disaster in Fukushima and rightly points out that there is no such thing as a "mainstream" and "alternative" mechanism for dispute resolution in this pallet, but that each option entails reliance on legal professionals and on black-letter law, but differs from "the archetype of litigation" (p. 147). The author rightly calls for a conceptual rethinking of widely used taxonomy of dispute resolution.

The second part focuses on the historical path of the formalization of informal dispute resolution and on the flexibilization of litigation. Pia Letto-Vanamo explains how the historical context was defining the way that the state was involved in the development of informal methods of dispute resolution in Scandinavian countries. She argues that a pragmatic attitude to law finds its origin in a late development of urban centre and the prevalence until recent times of small, egalitarian societies (p. 151). Recently, a stronger emphasis on normative elements in the judges' efforts to promote settlements and a need to satisfy the criteria of experiences justice and fairness (p. 163) have supported the hybridization of dispute resolution in this Nordic region, too. Jiang Yu takes us back to late Imperial China (1368–1911) and explains the pallet of dispute resolution ranging from conciliation by local elders to adjudication by the magistrates, with the main goal to enhance the citizens' responsibility and consider the long-term necessity of co-existing in a traditional "acquaintance society" (p. 185). Rather to consider extrajudicial and judicial procedures in a separate way, they form different phases of a broader scheme and have to be considered as such.

In the third part of the book, we turn to practical applications in contemporary societies, with Kota Fukui explaining that the new Act on the Promotion of Use of Alternative Dispute Resolution (2004) has not yielded the expected results because "the service offered by the providers does not correspond to the needs of the parties in dispute" (p. 209). The existing pallet of dispute-resolution mechanisms in Japan is well established and covers the needs of the parties but the "alternative"—ADR—falls outside the scope of these needs and is therefore failing to achieve its goals. Another important contribution by Luke Nottage deals with international commercial arbitration and investor-state arbitration. Nottage stresses the potential of these mechanisms for dispute resolution but stresses that, due to growing costs and delay, the efficiency of these schemes has been undermined. He stresses their potential but underlines the problems that make this type of dispute resolution ineffective. Wayne Brazil examines the development of ADR in the US and points at the long history of

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arbitration since the seventeenth century before the "litigisation" (p. 334) of arbitration at the end of the twentieth century. Brazil analyses the historical pattern of user preferences among ADR processes in the Northern District of California and concludes that, the more ADR parallels the trial process, the less attractive it is. Important is his conclusion that "litigants and lawyers will value an ADR process in proportion to how well it enables and encourages them to explore a wider range of settlement-related matters in a wider range of ways than conventional litigation permits" (p. 335). In the final two contributions, Christopher Hodges and Gerhard Wagner discuss Consumer ADR (CDR) in the EU. Hodges stresses that this mechanism to address consumer disputes in the EU was introduced in 2013 and rapidly has become the mainstream method to resolve consumer disputes. He concludes that CDR is "here to stay" (p. 367). Hodges also stresses that this turn in Europe towards mediation is important to secure higher standards in consumer markets, mainly because it offers avenues for grievants in small claims, but also for mass or collective redress. Wagner does not agree with this optimistic assessment. He considers CDR a threat for the important role that the European Court of Justice (ECJ) plays in clarifying ambiguities in the law. By keeping the legal issues away from the courts, mediation in consumer cases will prevent the standards in the consumer markets from increasing. Wagner is sceptical and suggests that "the attempt of the European legislature to improve the enforcement of consumer law through ADR is doomed to failure" (p. 404).

In sum, the volume offers a welcome contribution to research on the resolution of civil disputes. Two important conclusions can be drawn overall. First, some regions or nations have a longstanding hybrid and integrated pallet of dispute-resolution mechanisms that contradicts the clear-cut distinctions between extrajudicial and judicial dispute resolution that is often made. Second, a critical assessment of the process and implementation of disputes-resolution procedures other than litigation is important in view of preserving and fortifying the rule of law. Different forms of mediation can undermine the rule of law in some cases but, in other cases and context, it can contribute to the development of the rule of law.

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Justine Guichard. *Regime Transition and the Judicial Politics of Enmity: Democratic Inclusion and Exclusion in South Korean Constitutional Justice* (New York: Palgrave Macmillan, 2016) pp 248. Hardcover: $76.00.
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This book examines the role that the Constitutional Court of Korea has performed since the transition from an authoritarian to a democratic regime in 1987. Reflecting the nature of the transition as well as the political divides on the Korean peninsula, the new constitutional order has retained repressive elements and institutions from the authoritarian era. The court, according to the author, has worked to adapt these elements and institutions to the current era,