

Law, Practice and Procedure of Arbitration

A book usually serves two main purposes. The first is to fulfil the dream of the author. To an author, much satisfaction is derived from the completion of his book. It is the author's intention in this book to give a consolidated and authoritative guide to the law, practice and procedure relating to the arbitration of disputes. This book, *Law, Practice and Procedure of Arbitration* by Sundra Rajoo, is comprehensive and well researched. It gives the reader a good sense of the area written about.

The second is to be of use to the reader. A successful book is acknowledged, usually through a record made in the sales. However, this book may suffer a disadvantage. It is usually difficult to sell a three-and-a-half inch thick book at 1,396 pages. The book is divided into 12 Divisions. Each Division comprises several Chapters which are in running order resulting in 56 Chapters running from Division 1 through to Division 12. At the end of Chapter 56, there are 30 Appendices which form about half the book.

The author recognises the difficulty of writing a book on arbitration without making reference to other jurisdictions. Hence, he declares that the book is written from the perspective of

Malaysian law but considers cases and statutes from a wide variety of common law jurisdictions including England, Singapore, Australia, Hong Kong, India, New Zealand, Canada, Scotland and the United States. In addition, the author has been very generous in naming other works on arbitration. The book must be remembered for the author's effort in bringing to birth a well-documented book.

However, this strength of the book may also be its weakest link, if any, since according to the author, a domestic arbitration, as discussed in the greater part of the book, would mean an arbitration in which the arbitral proceedings are held in Malaysia and in accordance with Malaysian substantive and procedural law and the cause of action for the dispute has wholly arisen in Malaysia or where the parties are subject to Malaysian jurisdiction, and the references to cases from the other jurisdictions would be helpful in as far as the decisions are not inconsistent with the Malaysian Arbitration Act. It is only in Division 12, comprising Chapters 54, 55 and 56, that arbitrations excluded by the Arbitration Act 1952 are discussed.

In addition, the author's attempt to include developments in what has

come to be known as international commercial arbitration would benefit those who are being initiated into international arbitration as well as those whose experience may be limited. I would dare say that each new international arbitration brings with it an experience that is unparalleled. References have been made to rules of arbitration of arbitral institutions of both common law and civil law jurisdictions in order to introduce the practice of international arbitration. The views of some international arbitrators are also found in the book.

Finally, the Appendices comprising 30 documents of arbitration legislation of several countries, international conventions, and rules on the conduct of arbitration of various arbitral institutions effectively provide an easy reference to them. However, the fact that it occupies about half the book may discourage some from buying the book while others may be convinced by the convenience offered by the gathering of the relevant documents in one book.

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