

DRO

Deakin University's Research Repository

This is the published version:

Hayward, Benjamin 2010, International commercial arbitration and the arbitrator's contract by Emilia Onyema, *Vindobona journal of international commercial law and arbitration*, vol. 14, no. 2, pp. 315-316.

Available from Deakin Research Online:

<http://hdl.handle.net/10536/DRO/DU:30031418>

Reproduced with the kind permission of the copyright owner.

Copyright : 2010, Moot Alumni Association

INTERNATIONAL COMMERCIAL ARBITRATION AND THE
ARBITRATOR'S CONTRACT

Author: Emilia Onyema*

Book Review by: Benjamin Hayward**

Published by: Routledge
Year: 2010
ISBN: 978-0-415-49278-2

Emilia Onyema's *International Commercial Arbitration and the Arbitrator's Contract*¹ provides a most useful and interesting insight into the web of contractual relationships underpinning arbitration as a dispute settlement mechanism. As the title suggests, the focus is on the arbitrator's contract. In undertaking her analysis, the author divides the book into 8 parts: introduction; arbitration agreement; juridical and relationship theories; parties to the arbitrator's contract; formation of the arbitrator's contract, terms of contracts, remedies; and termination of contracts.

Within the introduction, Onyema identifies the key questions addressed in her text. That is: how is the arbitrator's contract concluded? What are its terms of conclusion? And what are the consequences of the conclusion on the arbitrators, the disputing parties and (if relevant) the arbitral institution? These questions are answered by the author through analysis of case studies, that are based on both ad hoc and institutional references.

Onyema's text is well reasoned, explained and most importantly, easy to read. The author touches on some quite topical issues – such as Chapter 4's analysis of temporal conflicts between sets of arbitration rules. Where appropriate, the author in her analysis, proposes some novel approaches to the issues considered – including, in Chapter 2, the 'partnership theory' as a means of explaining the formation of an arbitrator's contract where one of the disputing parties has declined to participate in an arbitrator's appointment. Throughout the text, Onyema makes reference to various sets of arbitration rules, laws, up-to-date case law and even draws on these to use as examples in illustrating her viewpoint.

* Emilia Emilia Onyema, LLB (Nigeria) LLM, PhD (London); is a Lecturer at the School of Law, University of London, United Kingdom

** Benjamin Hayward is an Associate Lecturer in the School of Law, Deakin University, a former participant in the Willem C. Vis (East) International Commercial Arbitration Moot, and Coach of the Deakin University Vis Moot and Vis (East) Moot teams.

¹ Emilia Onyema, *International Commercial Arbitration and the Arbitrator's Contract*, 2010, Routledge, Cavendish

Perhaps the most admirable facet of Onyema's work is its ability to constantly draw the reader back to the fact that international commercial arbitration is a private device underpinned by private contractual relationships, despite its function as a dispute resolution mechanism. The depth of Onyema's analysis into these contractual relationships makes her text an illuminating read.

As Onyema provides the reader with clear explanations of the contractual relationships underpinning international commercial arbitration, this book would be quite useful to practitioners and students of international arbitration alike.