It is astonishing that a legal topic which affects virtually everyone has not been the subject of a thorough exposition prior to the appearance of this book. Its importance to the industry can scarcely be over-emphasised. The relative dearth of case law on the PFA means that the authors' thoughtful discussions are likely to influence legal arguments and judicial decisions in years to come. The authors have already promised future editions which will deal with anticipated new legislation and new judicial precedent.

Craig Watt-Pringle SC, Johannesburg Bar

The Law Arbitration South African and International Arbitration

By Peter Ramsden
Juta Law (2009)
lxii and 334 pages
Soft cover R425 (VAT incl)

The author's stated aim is to cover not only the South African law pertaining to domestic arbitration but to include best practice international commercial arbitration law.

The topic is covered with admirable breadth of scope. All aspects of the arbitration process are reviewed from the conclusion of the arbitration agreement to proceedings for the recognition and enforcement of an award, as well as the setting aside of an award, remittal to the arbitrator and prescription of awards.

The busy practitioner will be pleased with the short, subject-specific chapters, divided into titled sub-chapters, dealing with the various procedural issues in a clearly defined, logical order. The indexes to subjects, cases and legislative sources are equally well-arranged.

There are some useful practical guidelines, such as the checklist for the topics to be covered at pre-arbitration meetings. Reference is made in most chapters to the relevant Roman-Dutch common law principles, and relevant provisions of the Arbitration Act 42 of 1965 and the Uncitral model law on International Commercial Arbitration. There is also an abundance of case authority, both South African and international.

The book includes contact details for South Africa arbitration institutions. The appendices include legislative sources, and the AASA rules, but unfortunately not the AFSA commercial arbitration rules.

The author's style of writing is sparse and if you are looking for in-depth critical analysis of a subject or detailed commentary on a case you will not find it. In each chapter there is a brief explanation of the principles, followed by illustrative examples supported by case authority. This is an advantage in some respects, in that several answers to a particular procedural problem can be quickly reviewed.

The draw-back is that the reader has no insight into the particular factors or circumstances which may have prompted a decision. In the result, quite often one encounters a statement authoritatively made, with reference to one decision, only to find a few pages or chapters on, a seemingly contradictory statement, referring to a decision in a different jurisdiction. Sometimes the author notes and comments on the contradiction. At other times a closer re-reading suggested a reconciliation of the two propositions. However this was not always the case.

In the result, I think the book would have benefited from additional discursive treatment of some subjects. As a novice to the area of international arbitration, the value as precedent of the many international cases cited was not readily apparent. For example, a Hong Kong decision was cited as authority for the incorporation of standard trading terms referred to on the face of a document, where the terms on the reverse were never faxed. *Prima facie* that decision stands at odds with South African case law (*see Cape Group Construction t/a Forbes Waterproofing v Government of the United Kingdom* [2003] All SA 496 (SCA)).

In the chapter on Sources of Arbitration Law, under the topic Case Law, the author quotes an intriguing statement by Lord Wilberforce in Hansard that arbitration is to be regarded '*subject to statutory guidelines, as a freestanding system, free to settle its own procedure and free to develop its own substantive law.*'

However this statement is not explored further, and it would be useful perhaps to the layperson and less experienced practitioner to include more detailed commentary on these areas.

Overall however the book is a comprehensive and user-friendly guideline, which does achieve its intention of giving the reader a good feel for both domestic and international arbitration law and the interplay between these spheres.

D Donnelly, Durban Bar

JOINT PRESS RELEASE BY THE LAW SOCIETY OF SA AND THE GENERAL COUNCIL OF THE BAR OF SOUTH AFRICA

Legal profession in SA calls on Zimbabwean Executive to encourage citizens to respect the judiciary and court decisions

The General Council of the Bar (GCB) of South Africa and the Law Society of South Africa (LSSA) have learnt with shock and dismay that it has been reported that a Zimbabwean Minister of State has been encouraging villagers to disobey a court order they are not in agreement with.

The GCB, representing South African advocates, and the LSSA, representing attorneys in South Africa, call on the Government of Zimbabwe to investigate the reports and to take any corrective action to avoid a total collapse of one of the best judicial systems in the Southern African region.

Litigants, including villagers, are entitled to challenge any court order they do not believe is just. However, disobeying a court order is not the right way to challenge it. The Zimbabwean system of justice allows litigants to appeal when not satisfied with the outcome of any dispute.

It is the duty of the Government of Zimbabwe and its Ministers rather to encourage citizens to obey the law and to follow the constitutionally recognised methods for resolving disputes. Encouraging villagers and citizens to disobey the law undermines the judiciary and the judicial system. It will ultimately erode any confidence the people have in the system. Where courts cannot be used to resolve disputes, the only method left will be violence and war.

Issued on behalf of the chairman of the General Council of the Bar, Patric Mtshaulana SC and the co-chairpersons of the Law Society of South Africa, Max Boqwana and Peter Horn – 15 June 2010