

FOREWORD

This second annual edition of the Baker & McKenzie International Arbitration Yearbook expands upon last year's yearbook in two respects, both of which we expect to continue in future editions.

First, in contrast to last year's volume, which focused exclusively on Europe, this year we have included articles on developments in international commercial arbitration from jurisdictions around the world. The articles, organized by region, and then country, are written by members of our firm's International Arbitration Practice Group practicing in each of the countries represented.

Second, we have expanded the scope of each chapter. As with last year, the first section (Part A), describes important recent developments and trends in national legislation and practice affecting the conduct of international commercial arbitration and the second section (Part B), refers to noteworthy case law in each country.

This year we have added a third section (Part C), which focuses on an important current topic in international commercial arbitration. This year's topic is the attitude of national courts towards the independence and impartiality of arbitrators in international arbitration. Most international arbitration rules provide for arbitrators to be impartial and independent, and to disclose facts which may give rise to doubts about his or her impartiality and independence. Nevertheless, national treatment of this issue varies. The International Bar Association has released Guidelines on Conflict of Interest in International Arbitration (IBA Guidelines), which provides some guidance. The IBA Guidelines, however, are not mandatory and do not override national laws or arbitral rules chosen by the parties.

As was the case with last year's edition, this collection does not aspire to be a guide to arbitration in a general sense, nor is it intended as a comprehensive case reporter. Instead, it is a selection of the most noteworthy developments in the countries on which we comment. It is hoped that these materials will be helpful to those who contemplate arbitration as a process for resolving disputes in international business transactions, especially with respect to choice of venue, since national courts continue to play a critical roles in en-

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forcing arbitration agreements and awards, and supervising the arbitral process generally.

We welcome any comments you may have on the content of this edition and any suggestions with respect to topics you would like to see included in future editions.

This publication would not be possible without the assistance of a great many of our colleagues around the world. The editors particularly wish to thank Christopher Chinn for his invaluable assistance with this second edition.

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