

FOREWORD

It is with great pleasure that Baker & McKenzie's International Arbitration Practice Group provides you with this third annual edition of our *International Arbitration Yearbook*. A tradition that was started by our European offices in 2007, the *Yearbook* has been expanded to include developments in various jurisdictions in Asia Pacific, Latin America and North America. Providing the views of our practitioners from these jurisdictions, the *Yearbook* has become a favorite of clients and colleagues in the international business community.

The articles, organized by region, and then country, are written by members of our group practicing in each of the countries represented. As in past years, the first section (Part A) describes important recent developments and trends in national legislation and practice affecting the conduct of international commercial arbitration. The second section (Part B) refers to noteworthy case law in each country. In a tradition that was started in 2008, a third section (Part C) focuses on an important current topic in international commercial arbitration.

This year's topic is parallel proceedings before state courts and arbitral tribunals, which is timely, and one that affects the perception of arbitration as an efficient and effective mechanism for resolving disputes. The different chapters discuss how these proceedings are handled in various jurisdictions, with frequent mention of Article II(3) of the New York Convention, the doctrines of *compétence-compétence*, *lis pendens* and *res judicata* under national laws, and of course, anti-suit injunctions.

Certain jurisdictions covered in past years, such as Belgium and Thailand, had no new developments to report this year; others only had materials to report in two of the three categories. Overall, this *Yearbook* makes for an interesting read about the developments around the world in this fascinating field of law that directly affects the risks and challenges of doing business locally and internationally and managing the disputes that follow.

As was the case in past editions, this collection does not aspire to be a guide to arbitration in a general sense, nor is it intended as a

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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 role in enforcing 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 effort and diligence of our colleagues from around the world who drafted the chapters, with special thanks to members from our New York office, Rebecca Sendker for her invaluable assistance with this edition, and to Akbar S. Hussain and Chris Chinn for their support.

Nancy M. Thevenin

Editor