THE RISE OF TRANSPARENCY IN INTERNATIONAL ARBITRATION

The Case for the Anonymous Publication of Arbitral Awards

Alberto Malatesta
Rinaldo Sali

Editors

JURIS
Questions About This Publication

For assistance with shipments, billing or other customer service matters, please call our Customer Services Department at:

1-631-350-2100

To obtain a copy of this book, call our Sales Department:

1-631-351-5430
Fax: 1-631-351-5712

Toll Free Order Line:
1-800-887-4064 (United States & Canada)

See our webpage about this book:
www.arbitrationlaw.com

COPYRIGHT 2013
JurisNet, LLC

All rights reserved. No part of this publication may be reproduced in any form or by any electronic or mechanical means including information storage and retrieval systems without permission in writing from the publisher.

Printed in the United States of America

JurisNet, LLC
71 New Street
Huntington, New York 11743
USA
www.arbitrationlaw.com
# TABLE OF CONTENTS

ABOUT THE EDITORS ................................................................. v
ABOUT THE CONTRIBUTORS ....................................................... vii
PREFACE ............................................................................................. xiii
FOREWORD ............................................................................................ xv
  *Fausto Pocar*
INTRODUCTION ............................................................................ xix
  Balancing Confidentiality and Transparency
  *Stefano Azzali*

## Chapter 1
Presenting the Guidelines for the Publication of Arbitral Awards: Aiming to the Circulation of a Solid Arbitral Case Law ........................................ 1
  *Paolo Comoglio and Chiara Roncarolo*

*Annex:*
THE MILAN GUIDELINES FOR THE ANONYMOUS PUBLICATION OF ARBITRAL AWARDS ........................................ 27

## Chapter 2
Confidentiality in International Commercial Arbitration ....................... 39
  *Alberto Malatesta*

## Chapter 3
The Case for the Publication of Arbitral Awards ................................... 53
  *Alexis Mourre*

## Chapter 4
Transparency and Confidentiality: How and Why to Publish Arbitration Decisions ................................................................. 73
  *Rinaldo Sali*

## Chapter 5
Users Need More Transparency in International Arbitration ............... 87
  *Michael McIlwrath and Roland Schroeder*
RISE OF TRANSPARENCY IN INTERNATIONAL ARBITRATION

Chapter 6
The ICSID Approach to Publication of Information in Investor-State Arbitration................................................................. 107
Meg Kinnear, Eloïse Obadia and Michael Gagain

Chapter 7
Confidentiality in ICC Arbitration.......................................................... 123
Andrea Carlevaris

Chapter 8
Confidentiality in the Arbitration Rules of the Milan Chamber .......... 137
Benedetta Coppo

APPENDICES.......................................................................................... 155

Appendix A
International Law Association Recommendations on “Confidentiality in International Commercial Arbitration” .................................................. 157

Appendix B
Bibliography on Confidentiality in Arbitration
(Edited by the Studies and Documentation Centre of the Milan Chamber of Arbitration) ................................................................. 179

INDEX .................................................................................................... 187