

# ON A BALANCED MECHANISM OF PUBLISHING ARBITRAL AWARDS

*Chang-fa Lo*<sup>\*</sup>

## ABSTRACT

*The paper tries to develop an automatic mechanism of achieving the goal of publishing the arbitral awards, while still preserving the confidential parts of the disputes so that the interests of the parties and the public interest of knowing the contents of the arbitral award can be balanced. Non-publication of arbitral awards is not an integral part of the arbitration proceeding and hampers not only the development of arbitration and substantive fields of law, but also provides breeding ground for irregularities. The general trend is that more arbitration institutions and experts tend to favor certain kinds of publication. And it is proper to have a mechanism to have the arbitral awards being subject to publication system. The automatic mechanism proposed by the paper requires the parties to identify confidential parts of their submissions and the arbitrators to prepare confidential and non-confidential editions of the arbitral award accordingly. It would be a way to balance the interests of the parties and the public interest of knowing the contents of the arbitral award.*

**KEYWORDS:** *confidentiality, publication of arbitral award, treaty arbitration, contract arbitration, lex mercatoria, arbitration mechanism*

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<sup>\*</sup> Chair Professor and Lifetime Distinguished Professor of National Taiwan University.