Arbitration is the most popular form of alternative dispute resolution. Of the reasons for arbitration’s leading position as a means of alternative dispute resolution, at least in an international commercial context, is the presumption of the principle of confidentiality entailed in it.

This monograph is a comparative study of the doctrine of confidentiality in international commercial arbitration in the legal systems of England, the USA, Germany and France. The undertaking of the current work has been considered essential due to the central role of confidentiality in arbitration, alongside the fact that confidentiality is not always preserved and the fact that its protection is often problematic in many respects and in many stages throughout the arbitration proceedings. The purpose of this book is to analyse comparatively, critically discuss and assess the role and the problematic areas of confidentiality in international commercial arbitration, in the legal systems of England, the USA, Germany and France, and to propose ways to overcome the problems encountered in the light of the wider spread and strengthening of the role of arbitration worldwide as a powerful means of alternative dispute resolution.

I would like to acknowledge the Alexander von Humboldt Foundation for awarding me the prestigious Alexander von Humboldt Research Fellowship which enabled me to research and write this monograph. I am also grateful for the financial assistance provided by the Alexander von Humboldt Foundation for the printing costs connected with the publication.

In addition, I am indebted to various academic institutions and people in Germany. On the one hand I am indebted to the Georg-August University of Göttingen, Faculty of Law, Institute of Procedural Law, and Prof. Joachim Münch for agreeing to host me and provide me with guest readership status so as to use the library of the Institute of Procedural Law for the four months period between October 2007 and January 2008, during which I was following also intensive German language courses.
I am also indebted to the University of Hamburg, Faculty of Law, Institute of Procedural and Private Law for hosting me for the time period of the research fellowship (Feb. 2008 – Jan. 2010) and for all the assistance provided.

Special thanks are also due to the Max Planck Institute of Comparative and Private International Law in Hamburg, for allowing me to be a guest reader and thus facilitating my research during the same period.

I am deeply grateful to my host professor (Betreuer) Herr. Prof. Dr. iur., RiOLG Ulrich Magnus for hosting me and mostly for his overall support, encouragement and appraisal of my work whilst an Alexander von Humboldt Research Fellow in Hamburg.

I am also grateful to Frau Dr. Brigitte Reschke Executive Editor for Law in Springer Verlag, Heidelberg for all the publishing support provided.

I would like to thank all academic colleagues at the Max Planck Institute of Comparative and Private International Law in Hamburg for the constructive academic discussions we have had, which have helped enrich my thinking and writing.

I would also like to thank all of the administrative colleagues at the Max Planck Institute of Comparative and Private International Law in Hamburg for the administrative support provided.

I am also grateful to Mr. Keith Uff, Visiting Lecturer in Law at the B’ham Law School for the constructive discussions we have had on civil procedural law and arbitration and for offering to undertake the arduous task of proof-reading the present manuscript.

Not least, I should acknowledge my family who, as ever, have stood by me during the process of completing this work.

The law stands as on 30 September 2009.

Hamburg

Kyriaki Noussia

30 September 2009
Confidentiality in International Commercial Arbitration
A Comparative Analysis of the Position under English, US, German and French Law
Noussia, K.
2010, XIII, 200 p., Hardcover
ISBN: 978-3-642-10223-3