

Grounds for setting aside award under Kosovo Arbitration Law in comparative perspective

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Abstract

This paper is concerned with the grounds for setting aside award according to Kosovo Arbitration Law (hereinafter: KAL) comparing with UNCITRAL Model Law (hereinafter: Model Law).

In particular, this paper will review only the grounds for setting aside award under the KAL that differ in relation to the Model Law. Further, the paper will assess, analyze and interpret KAL provisions of article 36 and compare with article 34 of the Model Law. Furthermore, the KAL provisions will be comparing with the legislations of the Model Law countries and non-Model Law countries with respect to the grounds for setting aside award.

The purpose of this study is to explain, examine, analyze, interpret and compare provisions that stipulate grounds for setting aside award according to KAL and identify existing difference in the KAL with Model Law.

The differences between article 36 of the KAL and article 34 of the Model Law reads as follow:

- a) Title of article 36 of the KAL;
- b) Obligation of Court;
- c) Excess by arbitrator of his authority;
- d) Defects in both composition of arbitral tribunal and arbitral procedure;
- e) Arbitrability;
- f) Time limitations for setting aside award;
- g) Remission procedure;

It can be concluded that grounds for setting aside award according to Kosovo Arbitration Law are partially compliant to the grounds for setting aside award based on the Model Law.

Keywords: arbitration, grounds for setting aside award, difference, Kosovo Arbitration Law, UNCITRAL Model Law.

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