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ARTICLE

Should the Setting Aside of the Arbitral Award be Abolished?

Albert Jan van den Berg¹

Abstract—The text of the 2nd Karl-Heinz Böckstiegel Lecture of 13 September 2013 as adapted for publication examines the question on whether the setting aside of the arbitral award should be abolished. It does so by identifying the various issues that arise out of an action for setting aside, such as the possibility of double control and conflicting decisions, the (universal) effect of a setting aside in the country of origin and the court with the last say on the validity of an international arbitral award. The origin of the action for setting aside and its current legal status in international arbitration. The various attempts to reduce or eliminate the role of setting aside in international arbitration. The situation in investment arbitration. Whether the setting aside action should be abolished and if so, what may be the alternatives.

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