

Arbitration - Switzerland

Costs in Awards Denying Jurisdiction

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An *ad hoc* arbitration tribunal sitting in Geneva, Switzerland, recently found that it had jurisdiction to award the costs of arbitration, while at the same time dismissing the case for lack of jurisdiction.

The implications are that (i) a party may object to jurisdiction and yet seek an order of costs from the arbitral tribunal that lacks jurisdiction, and (ii) the arbitrators' authority to decide on their own jurisdiction includes the power to make an award of costs, even if there is no jurisdiction over the case.

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