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主 論 文 の 要 旨

論文題目 **COMPARATIVE ANALYSIS OF ETHIOPIAN ARBITRATION LAW AND THE UNCITRAL MODEL LAW: ASSESSING THE LIMITS OF PARTY AUTONOMY THROUGH ERROR OF LAW AND INARBITRABILITY**

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論 文 内 容 の 要 旨

The recent trends in ratifying the 1958 New York Convention and the reform of the arbitration law in Ethiopia have partly ameliorated the restrictions to party autonomy in international commercial arbitration. Nevertheless, the disproportionate involvement of Ethiopian courts in the matter of setting aside and enforcement of foreign arbitral awards on the grounds of error of law and inarbitrability is still a subject of much debate in both the statutory and case law arbitration system. The indeterminate statutory approach concerning the characterization of administrative contracts, a mandatory rule that in principle prohibits the arbitrability of administrative contracts and the rule that allows Cassation Court review of awards on an error of law are among the main factors that enable the unrestrictive degree of court involvement on this issue.

In this thesis, the author examines the theory that justifies the judicial intervention in international commercial arbitration on inarbitrability and error of law grounds in Chapter II. Chapter III attempts to analyze the differences in the grounds for setting aside and reviewing awards in the UNCITRAL Model Law and the New York Convention compared to the current Ethiopian arbitration law. Chapter IV considers the inarbitrability of administrative contracts in Ethiopia in the context of international arbitration and discusses its impact on party autonomy. Chapter V examines two Federal Cassation Bench cases that characterized the Ethiopian case-law standpoint on the review of awards based on the error of law ground. In Chapter VI, the author concludes that the approach to the issues of inarbitrability of administrative contract and the error of law could lead to a *de novo* court review of awards and hence there is a need to balance the competing demands for the freedom of parties in international contract and the public interest by providing an authoritative judicial interpretation; without which arbitration in Ethiopia will remain an unpromising dispute resolution mechanism, particularly in the international commercial arbitration context.