



Consent in International Arbitration (Oxford International Arbitration Series)

By Andrea M. Steingruber

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Arbitration is consensual by nature and the arbitrators' jurisdiction derives exclusively from the parties' agreement to use arbitration as a means to resolve their disputes. The concept of consent in arbitration - especially as cases become more complex - is taking on increasing importance, and issues with regard to the parties' consent to arbitrate are the topic of many articles and discussions.

Examining the notion, nature, and extent of consent in both commercial arbitration and investment arbitration, this book provides practitioners and academics with a thorough, case-related analysis of an issue which raises many questions.

While considering the differences between consent under State legislation and treaties, it addresses important theoretical questions to offer practical solutions. These include: how consent to arbitrate is given; which law shall govern the arbitration agreement or, more particularly, consent as an element of the substantive validity of it; and, conversely, according to which law will a possible lack of consent be judged; how consent should be interpreted; which relationship exists between consent as part of the substantive validity of an arbitration agreement and its formal validity (requirement to be "in writing"); which, if any, are the implied terms when consenting to arbitration; how consent to arbitrate influences procedural mechanisms like joinder and intervention of third parties or consolidation of arbitral proceedings, and which solutions adopted (or to be adopted) by treaties, national laws or arbitrational rules are, or would be, the most respectful of parties' consent in this respect.

The book includes original arguments and puts forward new suggestions with regard to the changeable consensual character of arbitration. It also provides a particular focus on problems that frequently arise in practice of international arbitration, for example issues related to complex multiparty arbitration and to jurisdictional questions in investment arbitration.

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Editorial Review

Review

"The book includes original arguments and puts forward new suggestions. It also usefully focuses on problems that frequently arise in the practice of international arbitration, in particular in complex multiparty arbitration and to jurisdictional questions in investment arbitration."

--ASA Bulletin

"Dealing with consent in all the areas of international arbitration was a major challenge in which the author has been totally successful. The book is evidence of extensive work and is rich in research and analysis. It will not be possible in the future to conduct any research on consent without referring to Steingruber's treatise."

--Bernard Hanotiau, Global Arbitration Review

"This is an important comprehensive research on the arbitration agreement for international investment arbitration."

--Akira Sawai, JCA Journal

"Consent in International Arbitration contains a thorough analysis of a large number of cases, laws and regulations of various jurisdictions as well as an impressive amount of scholarly writings on arbitration." -- Yuliya Chernykh, Law of Ukraine

About the Author

Dr. Andrea Marco Steingruber is an attorney-at-law in Switzerland and also admitted as a Solicitor in England and Wales. He studied law at the Universities of Berne, Edinburgh and London and business administration/economics at the University of St. Gallen. He concluded his studies in Berne with the admission to the Bar of Berne and he obtained his LLM in Commercial law from the University of Edinburgh (with distinction), and his PhD degree from Queen Mary, University of London.

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