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commercial arbitration is a dis-  
pute resolution  
mechanism  
embedded in  
consent of the  
parties involved.  
Presentation of such  
a mutual  
understanding is  
done through an  
arbitration

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output of PhD  
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**evolution of**  
**arbitration and its**  
**consensual nature**  
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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.**

**Consent in  
international  
arbitration (Book,**

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**The General Editor  
of the Oxford  
International  
Arbitration Series,  
Prof Loukas  
Mistelis, describes  
this book as  
“comprehensibly  
address[ing] legal  
issues associated  
with consent in  
international  
arbitration exploring**



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**the extent to which  
an absolute consent  
requirement has  
been modified or  
watered down” (v).**

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**discussed, namely,  
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arbitration was a  
major challenge in  
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has been totally

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**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."**

**The Mutable and**

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**Evolving Concept of  
'Consent' in ...**

**If the consent clause  
is contained in an  
offer by one party,  
its acceptance by  
the other party will  
determine the time  
of consent. If the  
host State makes a  
general offer to  
consent to  
arbitration in its  
legislation or in a**

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**treaty, the time of  
consent is  
determined by the  
investor's  
acceptance of the  
offer.**

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law In conversation  
with William Park In  
this Oxford Law Vox  
podcast, William  
Park is captured in  
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Assistant Maria  
Slobodchikova.

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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

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**importance, and  
issues with regard  
to the parties'  
consent to arbitrate  
are the topic of  
many articles and  
discussions.**

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Like consummated  
romance, arbitration**

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**rests on consent. 1  
An agreement of  
some sort waives  
each side's right to  
invoke the  
jurisdiction of  
otherwise  
competent courts.2.  
Nevertheless,  
arbitrators do hear  
cases involving  
entities and  
individuals that  
never signed an**

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arbitration clause.  
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Extension of the  
host State's  
consent to  
arbitration to  
contract claims.  
14.50; 14.51;  
Enlarging the scope  
of host State's

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**consent to  
arbitration to other  
categories of claims.**

**14.52; 14.53; 14.54;**

**Extension of the  
host State's**

**consent to**

**arbitration because  
of retroactive**

**application of the**

**BIT. 14.55; 14.56; 2.3**

**The rationale behind  
the differentiation.**

**14.57**



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In investment  
arbitration the State  
regularly expresses  
its consent to  
arbitration in  
national investment  
laws or bilateral and  
multilateral  
investment treaties.

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**arbitral bodies and  
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major challenge in

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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  
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**ICCA Arbitration**

**It discusses five  
methods to give  
consent to  
arbitration: consent  
by direct agreement,  
consent through  
host state  
legislation, consent  
through bilateral  
investment treaties,**

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**consent through  
multilateral treaties,  
and consent under  
most-favoured-  
nation clauses. The  
chapter then looks  
at temporal issues  
of consent and  
interpretation of  
consent.**

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