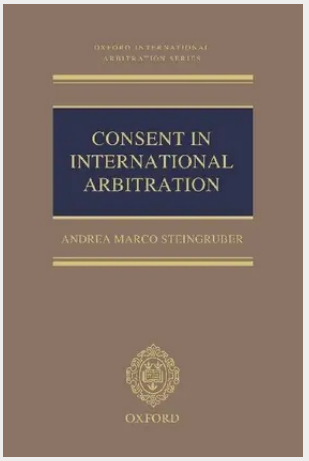
Steingruber

CONSENT INTERNAT ARBITRATION OIALS

NCS C

Provides an all-embracing discussion on consent in international arbitration (commercial arbitration and investment arbitration) Discusses changes in the perception of consent in arbitration in relation to arbitrations evolution and presents original arguments on the complex character of consent Addresses problems such as issues related to complex multiparty arbitration and to jurisdictional questions in investment arbitration Combines scholarly analysis with a detailed discussion of relevant cases, laws, and rules 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. Whilst considering the evolution of arbitration and ist consensual nature - enlargement of the parties' freedom to consent to arbitration, and development from commercial arbitration to investment arbitration - it addresses important theoretical questions to offer practical solutions. These include: how consent to arbitrate is expressed and when mutual consent to arbitration is reached; 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 ist formal validity; which, if any, are the implied terms when consenting to arbitration; how consent to arbitrate influences procedural aspects (counterclaims, joinder, consolidation), and which solutions adopted by treaties, national laws or arbitration rules are, or would be, the most respectful of parties' consent in this respect; what in investment arbitration is the relationship between consent and most-favoured-nation clauses or the influence of umbrella clauses. 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.

0



362,90 €
362,90 € (zzgl. MwSt.)

Lieferfrist: bis zu 10 Tage

Artikelnummer: 9780199698158
Medium: Buch
ISBN: 978-0-19-969815-8
Verlag: ACADEMIC
Erscheinungstermin: 15.03.2012
Sprache(n): Englisch
Auflage: 1. Auflage 2012
Serie: Oxford International Arbitration Series
Produktform: Gebunden
Gewicht: 894 g
Seiten: 368
Format (B x H): 175 x 250 mm

Kundenservice Verlag Dr. Otto Schmidt KG
Neumannstraße 10, 40235 Düsseldorf | kundenservice@otto-schmidt.de | 0221-93738-997 (Inland)