Radovic

Beyond Consent

Revisiting Jurisdiction in Investment Treaty Arbitration

Conventional wisdom in the theory and practice of investment treaty arbitration says that the jurisdiction of arbitral tribunals is regulated by party consent. In Beyond Consent: Revisiting Jurisdiction in Investment Treaty Arbitration, Relja Radovic investigates the formation of another layer of jurisdictional regulation, which is developed by arbitral tribunals. The principle that the jurisdiction of arbitral tribunals is governed by party consent stems from the foundations of the international legal order. Against that background, Radovic surveys case law and analyses the development of arbitrator-made jurisdictional rules, which complement those defined by disputing parties. He then argues in favour of recognising the regulatory function of arbitral tribunals in the jurisdictional structure of investment treaty arbitration.

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