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The arbitration agreement is considered the foundation stone of international commercial arbitration, as ‘ it records the consent of the parties to submit to arbitration—a consent which is indispensable to any process of dispute resolution outside national courts ’ .<sup>32</sup> Such processes depend for their very existence upon the agreement of the parties.

The Mutable and Evolving Concept of ‘ Consent ’ in ...

3 Host State ’ s consent to arbitration (offer) in relation to the time when the investment is made/the dispute has arisen. 13.122; 3.1 Consent to arbitration in relation to the time when the investment is made. 13.123; 13.124; 13.125; 3.2 Consent to arbitration in relation to the time when the investment dispute has arisen. 13.126; 13.127; 13 ...

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As to consent, the only requirement before the appointment of any arbitrator is that the ICC Court under Articles 6(4) be prima facie satisfied that ' an arbitration agreement under the ICC Rules that binds [all of the parties including the additional parties] may exist ' . 74 Under this provision, a non-signatory to the arbitration agreement may possibly be compelled to join the arbitration. 75 As noted above, binding a person to an agreement to which it is not a signatory requires a ...

Joinder in international commercial arbitration ...

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Chapter, “ Transnational Public Policy in International Arbitration ” , in Ortino & Schultz, Oxford Handbook in International Arbitration (Oxford University Press forthcoming) Consent, third Parties and non-signatories in international arbitration. Monograph, Third Parties in International Commercial Arbitration (Oxford University Press 2011)

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