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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. 32 Such processes depend for their very existence upon the agreement of the parties.

The Mutable and Evolving Concept of
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3 Host State’s consent to arbitration

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(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

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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 ...

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