WTI Brown Bag Seminar

Title

Jurisdiction and consent in investment arbitration

Speaker

Andrea Marco Steingruber

When

Thursday
19 April 2018
12:30-13:30

Where

Anna Nussbaum Auditorium
World Trade Institute
Hallerstrasse 6, 3012 Bern

Abstract

State consent is central to international adjudication. In the Corfu Channel case, the International Court of Justice (ICJ) laid down the foundational rule that consent provides the cornerstone for the exercise of jurisdiction by any international court or tribunal, including itself.

Jurisdiction has both an objective side and a subjective side. The two sides are however in relation to each other. With regard to the subjective side, in many international judicial systems an important precondition is an act of consent to the exercise of jurisdiction by the tribunal on a particular matter. While an act of consent is particularly important also in the context of investment arbitration, no such precondition is necessary in the WTO, because WTO members have ipso facto consented to the compulsory jurisdiction of panels and the Appellate Body.

Biography of the speaker

Andrea Steingruber studied law at the Universities of Berne, Edinburgh, London and Cambridge, and business administration/economics at the University of St. Gallen (lic. oec. HSG). He concluded his studies in Berne with the admission to the Bar of Berne (Fürsprecher) and he obtained his LLM in Commercial law from the University of Edinburgh, and his PhD degree from Queen Mary, University of London.

Andrea Steingruber practices law with Augsburger Deutsch & Partner in Berne. He is author of the monograph “Consent in international arbitration” (OUP 2012, second edition forthcoming) and he regularly publishes on jurisdictional issues.

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