




OPEN PEER REVIEW

The Examination of the Framework for Mineral Lease Contracts in the Structure of the Ministry of Industry, Mine, and Trade of Iran with a Look at Similar Models in the Legal Systems of Canada and France

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Received: 2024-06-08

Revised: 2024-09-04

Accepted: 2024-09-19

Published: 2024-10-01


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1. Round 1

1.1. Reviewer 1

Reviewer:

The opening paragraph effectively establishes the significance of minerals within the national and Islamic jurisprudence context. However, it would benefit from a more detailed explanation of how the "Anfal" principle specifically influences the Mineral Law of 1998. Providing additional context on "Anfal" and its implications for mineral management could enhance the reader's understanding of the legal foundation.

The transition of responsibilities from the Ministry of Mines and Metals to the Ministry of Industry, Mine, and Trade is mentioned briefly. Expanding on the historical reasons for this organizational change and its impact on mining policy execution would provide valuable context for readers.

The description of the new "BOT" model is comprehensive. However, including specific reasons why the Ministry has not fully implemented the 2020 initiative, beyond the general statement, would offer clearer insights into the practical obstacles faced.

While the section outlines various administrative challenges, it would benefit from more specific examples or case studies illustrating how these challenges have manifested in practice. This would help in understanding the real-world implications of the identified issues.

The criticisms and countermeasures are well-documented. To enhance this section, analyze the legal arguments presented by both sides in more detail, possibly referencing specific legal provisions or precedents that support each stance.

The obligations imposed on contractors are listed clearly. However, discussing how these obligations compare to international best practices or standards in mining contracts would provide a benchmark for evaluating their appropriateness and potential impact on contractor participation.

Authors revised the manuscript and uploaded the document.

1.2. Reviewer 2

Reviewer:

The introduction cites several studies (e.g., Jabbari, 2010, 2013; Dowlatabadi et al., 2021). To improve scholarly rigor, ensure that all references are consistently formatted according to a specific citation style (e.g., APA, Chicago). Additionally, including page numbers for direct quotes would strengthen the credibility of the citations.

The statement claiming the research is "entirely original" may overstate its uniqueness. It is advisable to acknowledge any related studies or similar approaches in other jurisdictions to provide a balanced view and situate the research within the existing literature.

The hypothesis identifies specific strengths and weaknesses of the new mineral lease transfer scheme. However, the rationale behind selecting these particular aspects as strengths and weaknesses should be elaborated. Providing a theoretical framework or previous empirical evidence supporting these choices would enhance the hypothesis's robustness.

The section provides a solid overview of the legal framework governing mining rights. To improve depth, consider discussing how Articles 44 and 45 of the Constitution specifically relate to mining activities and the implications of these constitutional provisions on the Mineral Law's implementation.

The critique of the public law courts is succinct but lacks depth. Elaborate on specific cases or legal shortcomings that illustrate the weakness of public law courts in adjudicating mining-related disputes, and suggest potential reforms to address these issues.

The argument for standardizing contracts is compelling. To strengthen this section, include examples of standardized contracts from other sectors or countries and discuss the specific elements that should be standardized in mining contracts to mitigate ambiguities and disputes.

The comparison with France's implementation of the "BOT" model is insightful. However, providing quantitative data on the outcomes of France's transfers, such as economic benefits or investment levels, would offer a more concrete basis for evaluating the model's success.

The section effectively highlights Canada's exclusivity in product purchases. To enhance analysis, discuss the economic and administrative impacts of this exclusivity on both the government and contractors, and how it addresses issues like hoarding more effectively than the current Iranian model.

Authors revised the manuscript and uploaded the document.

2. Revised

Editor's decision: Accepted.

Editor in Chief's decision: Accepted.