

OPEN PEER REVIEW

# An Introduction to Parallel Arbitration and Solutions to Overcome It

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Received: 2025-08-04	Revised: 2025-11-28	Accepted: 2025-12-04	Initial Publish: 2025-12-05	Final Publish: 2026-09-01
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## 1. Round 1

### 1.1. Reviewer 1

Reviewer:

The introduction is strong but reads as too literature-driven. Please contextualize the problem with one or two contemporary case examples (post-2018) to highlight the urgency of parallel arbitration.

You list three reasons why parallel arbitration is undesirable, but you do not explain how these differ in weight or importance. Please elaborate which consequence—contradictory awards, duplication, or conflicts—has been empirically most damaging.

This definition is sound, but the explanation overlaps with Rivkin (2005) and Gaillard & Pinsolle (2010). Please reduce redundancy and sharpen the novelty of your framing.

The SGS case is central. However, you do not explain the tribunal’s final reasoning. Please expand to clarify how the tribunal balanced commercial and investment arbitration.

This section lists contract chains but does not analyze implications. Please integrate a figure or diagram showing overlapping arbitration clauses to visualize complexity.

The introduction is general. Please specify which general principles (e.g., good faith, abuse of rights) are most often invoked in investment arbitration to combat parallel claims.

Authors revised the manuscript and uploaded the document.

### 1.2. Reviewer 2

Reviewer:

The discussion of Article II(3) is correct, but the analysis is descriptive. Please add a critical perspective on whether courts in Iran or other regional jurisdictions apply this consistently.

You discuss both positive and negative effects of competence–competence. However, the distinction is not sufficiently illustrated with real cases. Adding at least one French and one non-French case would make the argument clearer.

You suggest revising or supplementing the New York Convention. Please address potential political resistance by major states and whether UNCITRAL rules could serve as a more realistic reform pathway.

You argue resource costs are high but provide no empirical or quantitative evidence. Could you cite or include data on costs from ICC or ICSID reports to support the claim?

The definitions are correct but oversimplified. Please acknowledge that in practice tribunals often conflate these categories, and note how this impacts predictability.

Authors revised the manuscript and uploaded the document.

## 2. Revised

Editor's decision: Accepted.

Editor in Chief's decision: Accepted.