

Jurisdiction of ICSID in Foreign Investment Arbitration

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1. Round 1

1.1. Reviewer 1

Reviewer:

The paragraph beginning with “National laws, whose purpose is to create security and attract foreign investors...” abruptly shifts from discussing national laws to praising ICSID arbitration without a clear transitional bridge. A smoother logical flow is needed to avoid conceptual jumps.

The claim “Iran’s non-accession to the ICSID Convention does not appear to be justified” is a strong evaluative statement. The paragraph should either provide analytical justification or rephrase it in a more neutral, academic tone.

The paragraphs describing Article 1 and the Preamble repeat information already presented about ICSID’s objectives. Consider merging or streamlining these descriptions to avoid redundancy.

The section stating “The Centre has two main organs: (a) Administrative Council... (b) Secretariat...” is purely descriptive. It would benefit from analytical commentary on how this structure affects efficiency, neutrality, or decision-making.

You state: “the process of selecting an arbitral tribunal aligns with other international arbitration models.” This is vague. Specify which procedural elements align and provide clearer comparative detail to strengthen the argument.

Authors revised the manuscript and uploaded the document.

1.2. Reviewer 2

Reviewer:

When discussing the Additional Facility Rules, the paragraph does not clarify how these rules substantively differ from the main Convention. Readers unfamiliar with ICSID structures may find this unclear.

The paragraph outlining the Salini elements states them as if universally accepted. It would improve academic rigor to note that tribunals have applied these criteria flexibly and sometimes controversially.

The phrase “must be a concrete (and not abstract) and legal dispute” is imprecise. Provide examples or elaborate what counts as “concrete” to avoid ambiguity.

The paragraph lists ancillary transactions like financing, leasing, and letters of credit, but does not explain how tribunals distinguish between direct and indirect disputes. More conceptual clarity is needed.

You state that tribunals “consistently reject” objections claiming disputes are political rather than legal. The claim is correct but under-explained. Provide a clearer conceptual distinction or illustrate with examples.

Authors revised the manuscript and uploaded the document.

2. Revised

Editor’s decision: Accepted.

Editor in Chief’s decision: Accepted.