

Av. Yunus Emre AKBABA, LL.M.

REOPENING THE PANDORA'S BOX

The Scope of Inquiry of Investment Tribunals
on Admissibility Objections

onikilevha


İçindekiler

Preface	V
İçindekiler	VII
Abbreviations	IX
Table of Cases.....	XI
1. Introduction	1
1.1. Preamble.....	1
1.2. Scope and Delimitations of the Study	2
1.3. Research Questions	3
1.4. Terminology	3
1.5. Disposition.....	4
1.6. Methodology	4
2. Jurisdiction and Admissibility Distinguished	5
2.1. The Distinction between Jurisdiction and Admissibility	7
2.2. The Practical Importance of the Distinction and Its Implications.....	17
2.3. The Relevant Concepts.....	19
2.3.1. Motion to “Dismiss” or “Strike-Out” Application	19
2.3.2. Article 41 (5) of ICSID Arbitration Rules.....	22
2.3.3. Arbitrability.....	23
2.3.4. Competence	24
2.3.5. Seisin or Receivability	25

2.3.6. Merits.....	26
3. Scope of Inquiry: A Review on Merits at the Jurisdictional Stage?	28
3.1. The Scope of Inquiry on the Facts	31
3.2. The Scope of Inquiry on the Legal Claims	35
3.3. Cases before the Investment Tribunals.....	38
4. Discussion and Concluding Remarks	43
4.1. Research Question 1.....	43
4.2. Research Question 2.....	46
Bibliography.....	53