

INDEX¹

- Abuse of judicial authority, **5**, 128
Account stated, **4**, 220, 221, 228, 230-234, 236
Acquired rights, **6**, 163
Acta jure gestionis, **1**, 419
Act of State, **1**, 421, 422; **4**, 102, 115 n. 2; **5**, 12
Admission, effect of, **3**, 205 n. 2, 235, 288; *see also under* Jurisdiction of Tribunal
Agency, **1**, 357, 358, 376-382, 413; **2**, 11, 23, 24, 339; **3**, 205; **4**, 278, 279; **6**, 159, 160, 193-195; *see also under* Evidence of
Algeria, duties of, **5**, 49
Algiers Declarations: *see* Claims Settlement Declaration and General Declaration
Aliens, protection of, **2**, 78, 79, 81-89; **4**, 166, 167; **5**, 384
Allegans contraria non audiendus est, **1**, 318 n. 17; *see also* Estoppel
Alternativa petitio non est audienda, **6**, 70
Alternative forum, **6**, 49
Alternative pleading, **4**, 231, 233, 235, 236
American Arbitration Association—
Code of Ethics for Arbitrators in Commercial Disputes
—Canon III, **2**, 121
—Canon IV, **3**, 40, 296; **4**, 181 n. 1
—Canon VI, **1**, 499 n. 2
—Canon VII, **2**, 121
American Bar Association—
Grain Arbitration Rules, **3**, 323
Uniform Arbitration Act, **3**, 210, 211, 295
American law: *see* United States, law of
Appeal, **3**, 128, 364; **5**, 74; *see also* Rehearing
Applicable law, **1**, 241, 251, 377, 422; **2**, 12, 27, 154 n. 1, 185, 186, 213, 237, 250, 256; **3**, 14, 19, 48, 56, 58; **4**, 113-116, 174, 234, 267, 270; **5**, 113, 292, 293; **6**, 46, 97, 98; **7**, 99, 102, 113, 115, 130, 191
Appointing authority, **1**, 114, 115, 117, 513, 514
Arbitral award—
basis for legal action, **6**, 135-139
Arbitral tribunal: *see* Tribunal
Arbitration—
agreement, **2**, 60
failure to comply with, **7**, 202 n. 1
meaning of, **5**, 183
nature of, **7**, 178
waiver of right to, **7**, 202 n. 1
Arbitrator—
absence of, **1**, 415-417, 423-441, 453, 454; **2**, 14-16, 28, 344; **3**, 92, 108, 117, 118, 120, 124-146, 155, 168, 209-211, 237, 238, 254, 255, 268, 269, 276, 277, 291-296, 316
appointment, **5**, 277 n. 1; *see also* Appointing authority
challenge, **1**, 111-118, 509-518; **5**, 277 n. 1
confidentiality, **1**, 424, 427-430, 441, 449; **2**, 29, 343, 357
disqualification, **1**, 111-118, 509-518; **2**, 346, 358; **5**, 266
exceeding power, **5**, 366 n. 1; **6**, 271
failure to sign award, **1**, 204, 415-417, 424-441, 449, 452-454; **2**, 13-16, 27, 28, 170, 177, 227, 343, 344; **3**, 92, 108, 118, 124-129, 137, 141-146, 155, 168, 210, 211, 237, 238, 254, 255, 268, 269, 276, 277, 292-294; **4**, 111; **5**, 348; **6**, 39, 229, 230, 252; **7**, 222
—effect on validity of award: *see* Award, validity of
impartiality, **1**, 115, 116, 118, 424, 427, 433, 514, 516, 518; **2**, 21, 28 n. 1, 346, 357, 358; **3**, 129, 299, 303, 304, 315
independence of, **3**, 209
resignation, **1**, 415-417, 426, 427, 433, 434, 436; **2**, 14, 15; **3**, 41, 108, 117, 137-139, 144-146, 155, 168, 209-211, 237, 238, 254, 255, 268, 269, 276, 277, 291-293, 295, 375, 376; **5**, 362; **6**, 103; **7**, 56, 183
withdrawal, **5**, 338
Attachment, release of, **4**, 277
Attribution, **2**, 89; **3**, 153; **4**, 143, 165-167, 171, 173; **5**, 12; **6**, 166, 201, 203; **7**, 152, 173; *see also* Controlled entity

¹ This is a consolidated index identifying the contents of Volumes 1, 2, 3, 4, 5 and 6 as well as the present volume. The figures in bold type refer to the volume number.

- Award—
 absence of arbitrator, effect on: *see* *under* Arbitrator and Award, validity of
 additional, 5, 74
 amendment of, 6, 269, 270
 basis of to be stated, 4, 180; 6, 268-270
 contrary to fact, 5, 46, 47
 correction of, 3, 364; 4, 111; 5, 73, 74; 6, 270
 delay in making, 4, 3
 discriminatory, 6, 269
 enforcement of, 6, 135-139
 exceeding remedy sought, 6, 232
 final and binding, 3, 365; 4, 16; 5, 74, 252; 6, 109
 form of: *see under* Settlement
 illegal, 5, 41, 49; 7, 201
 interpretation of, 3, 364; 5, 74
 in violation of legal principles, 5, 42, 48
 jurisprudential value of, 6, 115
 modification of, 2, 283; 4, 81
 non-legalistic, 7, 17
 null and void, 6, 271; 7, 201
 on agreed terms: *see* Settlement
 postponement of, 3, 105
 recognition of, 2, 59, 60; 7, 219
 reconsideration of, 3, 364, 365; 4, 60; 5, 74, 75; 6, 46
 rescission of, 5, 74, 75
 unenforceable, 6, 271
 unjust, 7, 17
 validity of, 1, 415-417, 423-427, 430-436, 452-454; 2, 14-16, 27, 170, 177, 286, 289, 290, 346; 3, 54, 124-129, 140-144, 210, 211, 295, 297-299, 302, 315, 324; 6, 115; 7, 162, 198
 violation of, 4, 73
- Bad faith, 5, 266, 300
 Bailee, 6, 279
 Balance sheet, preparation of, 6, 244
 Bank guarantee: *see* Performance guarantee
 Banking institutions: *see* Undertakings
 Banking obligations, breach of, 7, 48
 Banking practices, 1, 170, 191, 198, 201, 202, 205, 207, 210, 211, 447, 505, 506; 2, 168; 3, 19, 21, 25, 27, 30; 5, 29, 38; 6, 167; 7, 43; *see also* Cheque
- Bankruptcy, 2, 151; *see also* Liquidation
 Bill of exchange: *see* Negotiable instruments
 Bill of lading, 5, 31, 32, 39; 6, 291
 Burden of proof: *see* Proof, burden of
- Canada, law of, 7, 167
Causa proxima non remota inspicitur, 3, 249
 Causation—
 foreseeability, 2, 253, 257, 258; 3, 266
 proximate cause, 2, 39, 40, 42, 253, 257, 258; 3, 249, 266
- Changed circumstances, 1, 208, 241, 245, 246, 251, 256, 264-266, 277, 285, 287-294, 308, 311-315, 446, 447; 3, 52, 68, 198, 199, 309, 322, 324; 4, 260, 268; 5, 211
- Charitable institutions: *see* Corporations, non-profit
- Cheque, 1, 169-172; 2, 168, 169, 235-238; 3, 10-21, 24-27, 30-33, 235
 beneficiary of, 3, 12
 burden of proof, 3, 19, 20
 holder in due course, 3, 20 n. 2
 signature, 3, 20 n. 1
- Choice of forum: *see* Forum selection clause
- Choice of law—
 clause, 1, 236-241, 251, 262-264, 281, 282, 286, 299-302, 308, 377; 4, 267, 268; 5, 293; 7, 107; *see also* Forum selection clause
 doctrine, 4, 234; 6, 98
 general principles of, 7, 99
- Civil action, alternative forum, 4, 60
 Civil Code of Iran: *see under* Iran, law of
 Claimant: *see* Proper claimant
 Claims, *see also* Statement of Claim—
 abandonment of, 5, 171
 arising under binding contract, 4, 230, 231
 barred, 7, 116
 based on award of International Chamber of Commerce, 6, 130, 131
 based on decline in value of dollar, 6, 287
 based on standby letters of credit, 5, 57-61, 66-72; 6, 222
 between government entities, 3, 348; 5, 113; *see also* Claims, official
 by banking institutions: *see* Undertakings

- by Domestic International Sales Corporations, 7, 186, 188, 200
 by individuals, 4, 115; 7, 121
 by Iran against U.S. nationals, 1, 101-110; 2, 56; 3, 152; 4, 75; 5, 15, 66, 127
 by Iranian nationals against Iran, 7, 123, 132, 171
 by non-profit institutions, 3, 317 n. 1
 continuity of: *see* Nationality of claim derivative, 4, 276
 direct, 5, 297, 298, 300
 dismissal of, 7, 123
 duty to examine validity of, 5, 85
 failure to establish basis for, 6, 127, 129
 for customs duty, 5, 96
 frivolous, 2, 245; 4, 19; 6, 129
 indirect, 4, 243, 244; 5, 379; 6, 28, 65 n. 3; 7, 6, 7, 183, 185-187, 199, 200, 206, 207
 —requirements for, 7, 186
 interstate nature of, 5, 291, 294-298, 334
 malicious, 5, 86, 87
 multiple causes of action, 7, 126
 not previously filed with U.S. courts, 4, 142
 of amounts larger than claims in U.S. courts, 4, 143
 official, regarding sales contracts between Iran and U.S., 5, 96, 99-104; 6, 13
 of less than \$250,000, 3, 77; 4, 211; 5, 83 n. 1
 outstanding, 1, 491, 492, 497, 498, 507; 3, 65, 103, 151, 312, 313, 315, 348, 358; 4, 95 n. 1; 5, 82, 373; 6, 223, 264; 7, 42, 43, 47, 50, 52, 53, 98, 107, 115
pendente lite, 5, 113
 proper claimant: *see* Proper claimant
 proper respondent: *see* Proper respondent
 refusal to accept, 7, 275, 276
 shareholder: *see* Corporations, shareholders
 withdrawal of, 1, 232, 233, 284, 385, 391, 486; 2, 36, 37, 246, 260; 3, 205, 332, 333; 4, 98 n. 1; 6, 5, 7, 8, 11; 7, 262
 Claims of nationals: *see* Nationality of claim
- Claims Settlement Declaration—
 Article II, 1, 149, 245, 255, 264, 266, 276, 288, 290, 295, 349, 494, 497, 504; 2, 199, 208-210, 212, 313, 315, 318; 3, 5, 102, 151, 152, 167, 310, 312, 324; 5, 295, 344 n. 1; 6, 103
 —Paragraph 1, 1, 103, 106-109, 136, 138, 168, 171, 225, 236-240, 242, 244, 245, 247, 248, 250, 252, 255-258, 260, 261, 263-265, 267-271, 273-277, 279, 280, 282-285, 287, 296, 297, 299-303, 305, 306, 308, 310, 312, 320, 321, 372, 394, 395, 412, 455, 490, 491, 496, 497, 503, 507; 2, 9, 39-42, 55, 62, 66, 79, 81, 82, 85, 86, 88, 97, 105, 106, 109, 110, 112, 120 n. 1, 138, 143, 160, 296, 301, 312, 313, 318, 320, 321, 323, 324, 338, 370, 377, 378, 395, 396, 401; 3, 3, 59, 61, 65, 66, 104, 113, 115, 116, 198, 199, 201, 231, 235, 243, 251, 252, 259, 260, 273, 286, 314, 315, 319, 320, 323, 335, 348, 384, 387; 4, 6, 8, 53, 54, 95, 99, 101, 115, 142, 215, 216, 219-221, 224, 225, 229-233, 243, 247; 5, 2, 14, 15, 69, 82, 92, 119, 120, 125, 126, 171, 173, 181, 182, 184, 194, 195, 233, 253, 268-270, 274, 278, 279, 284, 298, 342, 371, 373, 378, 388; 6, 5, 27, 77, 79, 80, 83, 93, 100-102, 109, 112-114, 132, 135, 139, 158, 221-223, 231, 232, 235, 236, 250, 251, 255, 263, 264, 268, 270; 7, 21, 33-35, 42, 47, 53, 66, 82, 107, 122, 132, 134, 188, 195, 218, 275
 —Paragraph 2, 1, 103, 106, 107, 178 n. 2, 292; 2, 53; 3, 348; 4, 100; 5, 14, 15, 96, 99-104, 352; 6, 13, 141
 —Paragraph 3, 1, 102, 103; 5, 14, 15, 58
 Article III, 1, 112, 149; 2, 314
 —Paragraph 1, 1, 117, 431-433, 436; 2, 301; 3, 40, 77, 126, 139, 211, 296, 364; 7, 204
 —Paragraph 2, 1, 114, 130, 451 n. 4, 458, 476, 511, 516; 2, 301; 3, 211, 296; 6, 100

- Claims Settlement Declaration (*cont.*)
- Paragraph 3, 1, 176, 177, 230 n. 2; 2, 209, 301; 3, 77; 4, 115, 210, 211; 5, 83 n. 1, 297; 7, 203 n. 3, 277
 - Paragraph 4, 1, 127-130, 176, 226-229, 394, 396; 2, 178, 312, 313, 315-321, 338; 3, 3, 287; 4, 99; 5, 79; 6, 29, 68, 102
- Article IV
- Paragraph 1, 2, 56, 63; 3, 365; 4, 16; 5, 74, 252; 6, 109
 - Paragraph 3, 1, 331, 406, 465; 2, 56, 63, 94
- Article V, 1, 198, 200, 201, 291, 294, 308, 374, 377 n. 15, 420, 422, 477; 2, 94, 223, 237; 3, 58; 4, 70, 114, 234, 267; 5, 21, 22, 233, 261, 274, 292-294; 6, 97, 268
- Article VI, 1, 198
- Paragraph 2, 2, 37; 5, 291; 7, 221
 - Paragraph 3, 1, 106, 195; 5, 291; 6, 68
 - Paragraph 4, 1, 102, 103, 294; 2, 59, 315, 320; 5, 58, 252
- Article VII, 1, 123, 137, 149, 166, 397, 503; 2, 19, 21, 32, 156, 208, 211, 377, 395; 3, 2, 160; 4, 142; 5, 78, 268, 283, 284, 353; 7, 221
- Paragraph 1, 1, 136, 139, 223, 392, 417, 455, 456, 458, 463, 477-479, 481; 2, 16, 17, 19, 33, 105, 160, 209, 210, 212, 248, 301, 303, 304, 335; 3, 46, 102, 103, 113, 161, 245, 259, 260; 4, 99, 216, 217, 264, 273; 5, 1, 2, 18, 21, 22, 92, 126, 163, 254, 267, 269, 279, 282, 284, 338, 339, 341, 342, 352; 6, 127, 285; 7, 5, 20, 27-29, 41, 97, 121-123, 127-129, 185
 - Paragraph 2, 1, 136, 139, 381 n. 20, 385, 388, 392, 394, 395, 399, 456, 477, 479; 2, 9, 53-56, 63, 65, 98, 99, 148, 226, 248, 281, 295-299, 363, 378, 396, 401; 3, 46, 60, 273, 386; 4, 54, 99, 101, 181, 216, 218, 243; 5, 6, 92, 93, 129, 153, 154, 196, 271, 365, 377, 379, 388; 6, 45, 58, 79, 80, 93, 108, 110, 115, 116, 127, 131, 263; 7, 5, 6, 29, 66, 97, 134, 185-188, 199, 206, 218, 219
- Paragraph 3, 1, 349, 350, 356, 372, 381, 412, 413, 419, 427, 504; 2, 20, 21, 105, 142-144, 146-148, 235, 248, 295, 302, 338; 3, 47, 102, 103, 259, 260, 273, 281; 4, 99, 216, 218, 264, 273; 5, 1-4, 6, 7, 13-18, 48, 135, 136, 148, 150, 164, 237, 239, 242, 378, 389; 6, 58, 221, 285; 7, 5, 10, 20, 42, 247, 258
 - Paragraph 4, 1, 381; 2, 302; 5, 2, 6, 15, 16, 18; 6, 27
- Article VIII, 1, 138
- interpretation of: *see* Treaties, interpretation of
- Class action, 2, 300, 301; *see also* Nationality of claim, shareholder claims
- Commercial law, 1, 374, 377 n. 15, 378, 445-447; 2, 168, 169; 3, 19, 20; 4, 101, 268, 270, 276; 5, 394; *see also under* Iran, law of; U.S., law of; General principles of *and* International Chamber of Commerce
- banking practices: *see* Banking practices
- Communis opinio juris*, 2, 197; 5, 300
- Compensation: *see* Damages
- Concurrent jurisdiction, 1, 489, 495; 2, 311, 371; *see also* Forum selection clause, jurisdiction of Tribunal
- Concurring opinion—
- Aldrich, 2, 349; 3, 348; 5, 267
 - Bellet, 2, 316
 - Brower, 6, 32, 110
 - Holtzmann, 1, 227, 229, 284; 2, 57; 3, 55, 78, 192, 199, 325, 330; 4, 159; 5, 111, 144, 267; 6, 40, 47, 133
 - Kashani, 2, 65; 3, 323
 - Lagergren, 2, 317
 - Mosk, 1, 305, 363, 449; 2, 27, 57, 114, 146, 298, 386; 3, 277, 293, 387; 4, 111; 5, 230, 269; 6, 64; 7, 201
 - Riphagen, 5, 273
 - Sani, 2, 65
 - Shafeiei, 2, 65
- see also* Dissenting opinion *and* Separate opinion
- Confiscation: *see* Expropriation
- Conflict of laws, 2, 166, 183, 185, 186, 196, 224; 3, 48; 6, 99 n. 1
- Consolidation of cases: *see under* Procedure

- Consumer law, **6**, 99
- Continuity of ownership of claim: *see* under Nationality of claim
- Contract, *see also* Forum selection clause; Lease agreements; Licence; Negotiable instruments *and* Purchase order—
- adhesion, **7**, 192
 - adoption of pre-incorporation agreements, **2**, 154
 - ambiguous terms, **5**, 180, 184, 192, 195
 - anticipatory breach, **3**, 151; **7**, 42, 53, 107, 115
 - assignment of, **6**, 233
 - breach, **2**, 116, 117, 382, 386, 387, 399; **3**, 50, 51, 55, 57, 153, 164, 247, 261, 265, 289, 293, 294 n. 1; **4**, 232, 233 n. 1, 234, 235, 240, 252, 267; **5**, 127, 398; **6**, 63, 64, 136, 137, 139, 189, 199, 200, 203, 206, 216, 222, 285, 286, 290, 293, 294; **7**, 13, 24, 75, 79, 82, 103, 105-107, 109, 110, 113, 114, 202 n. 1, 215
 - collateral promises, **6**, 197
 - condition precedent, **7**, 109, 114
 - counter offer, **7**, 113
 - creation of new agreement, **4**, 221; **5**, 395
 - discharge, **2**, 251, 254
 - duty of reasonable efforts, *see* good faith, duty of
 - election, **3**, 289
 - enforceability, **2**, 221, 381, 398; **3**, 13, 14, 16, 18, 27-29, 287; **6**, 62, 162; **7**, 192
 - evidence of: *see* Evidence of, contract
 - excuse, **3**, 153, 154, 264; **7**, 67, 75, 110, 193
 - exercise of rights under, **7**, 157, 158
 - extension of, **6**, 145
 - formation, **3**, 47, 55, 162; **6**, 162, 176, 189, 191-193, 196, 197; **7**, 107, 109—by conduct of parties, **3**, 48, 49; **6**, 17, 145, 191, 192, 197; **7**, 103, 113, 114
 - for ownership of land, **7**, 131
 - foreseeable consequences: *see* Causation
 - frustration, **2**, 250-253, 256, 258; **3**, 153, 155; **6**, 176, 177, 274, 281; **7**, 17
 - good faith, duty of, **6**, 197, 198; **7**, 160
 - governing law clause, **5**, 366
 - governing law of, **6**, 236
 - illegal, **4**, 249, 250
 - impossibility: *see* frustration
 - independence of, **7**, 66
 - intention of parties, **7**, 73, 75, 79, 83
 - interpretation of, **1**, 107 n. 1, 108, 209, 213 n. 7, 214 n. 8; **3**, 251, 261; **4**, 252, 260; **5**, 117, 128, 180, 181, 184, 192, 196, 197, 228; **6**, 114, 115, 161, 227, 237, 262, 277; **7**, 13, 23, 71, 72, 75, 76, 78, 79, 86, 87, 192—conduct of parties, **2**, 118; **3**, 288; **5**, 232; **6**, 227, 262; **7**, 193
 - legal relationship between parties, **5**, 173; **7**, 82
 - liability limited by, **6**, 89, 90, 94, 97, 98; *see also* Limitation of liability clause
 - merger of rights under two separate, **7**, 34, 35
 - performance of, **5**, 393, 398; **6**, 85-89, 94, 274, 290, 292-294; **7**, 110, 161; *see also* excuse—waiver of defects in, **6**, 87, 88
 - principals bound by, **6**, 72, 159
 - pro forma invoice, **3**, 41, 49, 54; **5**, 25, 38, 43, 46; **7**, 25
 - proper law of: *see* Proper law of the contract
 - quantum meruit*: *see* *Quantum meruit*
 - ratification by conduct of parties, **1**, 413, 414; **2**, 145, 146, 154, 380, 397; **3**, 163, 164, 247, 248; **4**, 249, 250; **5**, 395
 - recovery under, **5**, 172
 - reformation, **2**, 117
 - repudiation, **7**, 107
 - required to be in writing, **7**, 13
 - sales of goods and services between Iran and U.S., **5**, 96, 99-101, 103, 104
 - subject of, **7**, 25
 - sub-licence, **6**, 163
 - substitution, **3**, 274
 - termination, **2**, 110, 111, 116-118, 388; **3**, 154, 155, 232, 265, 266, 289, 294; **4**, 235, 259, 260; **5**, 210; **6**, 274; **7**, 15, 107
 - third party beneficiary, **3**, 274, 278; **4**, 276; **6**, 160, 161, 193, 195, 196
 - translation of, **1**, 317, 318
 - ultra vires*, **2**, 24

- Contract (*cont.*)
 unjust enrichment: *see* Unjust enrichment
 validity, 1, 413, 414; 2, 106, 116, 117, 119, 145, 155, 380-382, 397-399; 3, 48, 162-164, 231, 245, 246, 251, 252, 278, 286-289; 4, 249, 250, 260; 6, 176, 189, 192, 196; 7, 113
 value of rights under, 4, 156
 waiver of rights under, 7, 23
- Contradictory assertions, 7, 123-126, 135
- Controlled entity—
 Iran, 1, 356, 372, 389, 412, 413, 418-423, 427, 445, 475, 503; 2, 9, 10, 17-23, 26, 105, 143, 144, 146-152, 165, 258, 259, 302, 338; 3, 47, 65, 103, 104, 160, 230, 231, 260, 273, 286, 323; 4, 218; 5, 1-23, 48-50, 71, 135, 136, 210, 237-239, 242-245, 370, 371, 378-380; 6, 58, 59, 221, 285; 7, 5, 10, 20, 42, 97, 188
 —joint-stock company, 5, 2-23
 —test for control, 5, 6-11
 United States, 1, 106; 2, 165; 5, 71
see also Evidence of
- Cooperatives, 5, 238, 239, 244 n. 1
- Co-Registrar, exceeding powers, 7, 275, 276
- Corporate veil, piercing of, 7, 205
- Corporations, *see also* Cooperatives—
 agency: *see* Agency
 continuity of ownership: *see under* Nationality of claim
 control, 1, 358, 359, 363, 381, 382, 384, 385; 2, 20-22; 4, 101; 7, 5, 6, 123, 134, 135, 200, 206, 207; *see also* Controlled entity *and* Nationality of claim, corporations
 independence of, 6, 70; 7, 121, 130, 131
 juridical personality of, 6, 70; 7, 120, 133
 nationality: *see* Nationality, corporations *and* Nationality of claim, corporations
 nominal ownership of, 7, 186
 non-profit, 5, 345, 348, 350, 352; 6, 250; 7, 180 n. 1
 —control, 5, 349, 350
 —interest of directors, 5, 350
 —jurisdiction of Tribunal, 5, 338, 341, 343-347, 349, 351
 ownership of, 6, 127
 shareholders, *see also under* Nationality of claim
 —rights of, 2, 352; 4, 242, 243; 7, 120, 122, 130-134
 succession, 1, 359-363, 373-376, 382, 387, 389
 wholly-owned subsidiary: *see under* Nationality of claim
see also under Evidence of
- Costs, 1, 171, 414, 415, 447, 448, 451, 508; 2, 12, 13, 40, 43, 75, 113, 146, 169, 177, 227, 244, 245, 254, 259, 260, 342, 343, 385, 390, 400; 3, 17, 33, 58, 66, 72, 107, 108, 117, 206, 236, 253, 254, 267, 268, 275, 276, 279, 291, 294, 332, 333; 4, 18, 19, 79, 81, 82, 110, 120, 228, 229, 271, 278; 5, 87, 93, 96, 101, 111, 120, 137, 174, 175, 181, 230, 231, 241, 242, 360, 373, 374, 401; 6, 18, 64, 68, 69, 129, 175, 217, 229, 283, 287, 288; 7, 7, 16, 24, 25, 29, 30, 48, 88, 117, 198
 evidence of: *see* Evidence of, costs
 for defending malicious claims, 5, 86, 87
 legal fees, 3, 53, 58
 result of delays in proceedings, 4, 81
- Counterclaim, 1, 171, 218, 232, 233, 336, 384, 385, 390, 485, 507, 508; 2, 338, 384, 400; 4, 143, 177, 178, 214, 243
 admissibility, 2, 324-326
 amendment of, 7, 182
 arising out of same contract, transaction or occurrence, 2, 51, 55, 63, 97, 112, 324-326, 378, 379, 396; 3, 115, 116, 152, 167, 235, 251, 252, 260, 261, 286; 4, 7, 243, 247; 5, 173, 233, 400; 6, 83, 84, 95, 100-103, 109; 7, 21, 82-84, 195, 196, 207, 208
 as defence, 4, 246; 5, 173, 233, 400
 based on tort, 6, 84
 based on violation of Iranian law, 6, 84
 characterization of, 6, 46
 delay in presenting, 7, 116
 for overcharges, 7, 191
 for specific performance, 7, 159
 in excess of claim, 3, 152
 jurisdiction of Tribunal, 2, 54-60, 62-67, 97-99, 311, 363, 371; 3, 60,

- 61, 151, 152, 201, 235, 251, 261, 322, 335, 386; **4**, 7, 55, 242-245, 246 n. 1, 261; **5**, 129, 227, 229; **6**, 82-84, 93, 100-103, 108-110, 115, 116; **7**, 20, 21, 82, 84, 201, 219
- legal expenses, for, **3**, 261, 267
- limitation on, **6**, 102
- outstanding, **3**, 115
- preparation of, **2**, 288
- proper respondent, **6**, 82, 83; **7**, 126
- relation to claim, **4**, 243, 244; **7**, 82
- right of, **1**, 103, 108, 219
- same party, **2**, 324-326, 378; **4**, 75; **5**, 173; **7**, 21
- Social Security payments, for: *see* Social Security payments
- taxes, for: *see* Taxes
- time limits: *see* Time limits, counter-claims
- validity of, **7**, 202
- Course of dealing, **5**, 45, 46
- Criminal action, alternative forum, **4**, 60
- Culpa in contrahendo*, **3**, 30; **5**, 248
- Currency—
- conversion of, **2**, 13; **3**, 233, 250 n. 1, 288; **4**, 104 n. 1; **5**, 168, 169, 175, 214; **6**, 171; **7**, 73, 74
- Currency exchange controls: *see* Foreign exchange controls
- Customary international law, **2**, 179, 188, 196, 197, 210; **4**, 105, 116-118, 268; **5**, 269, 279-281, 286, 294, 300; **6**, 177, 178, 208, 209
- Customary international practice, **3**, 19; **4**, 67, 68
- Damages, **1**, 387, 388, 445, 448, 452-454; **5**, 248
- actual benefit, **6**, 213, 215
- actual use, **6**, 177, 213, 215, 216
- carrying costs, **7**, 111, 112, 114
- collection expenses, **3**, 249, 253; **5**, 400
- compensation, **1**, 171, 414, 415, 422, 450, 451; **2**, 80, 87, 117, 118, 383, 399; **3**, 53, 54, 106, 232-235, 264-266, 278, 279, 288-290, 293, 294; **4**, 112, 270, 271, 277; **5**, 109, 110, 169, 227, 248, 399, 400; **6**, 172, 225, 265, 281, 287, 290; **7**, 24, 50, 69, 71, 76, 112, 114, 165, 173; *see also* Expropriation, compensation rule
- full, **6**, 265, 266
- computation of, **6**, 169, 170, 177, 204, 206, 215, 269
- consequential, **4**, 240, 277; **5**, 400; **6**, 204-206; **7**, 75
- contract as measure of, **2**, 106, 110, 116-118, 383, 384, 387, 399; **3**, 56, 164, 232-234, 289, 293, 294; **4**, 234-236, 251, 260, 270; **5**, 110, 111, 234, 359, 360; **6**, 63, 227, 275; **7**, 24, 192
- conversion of currency: *see* Currency, conversion of
- damnum emergens*, **2**, 387 n. 1
- deduction of profits from resale, **4**, 270
- dissolution value, **6**, 226
- duty to compensate, **6**, 169
- evidence of: *see* Evidence of, damages
- foreseeable consequences: *see* Causation
- handling and storage, **3**, 52, 53, 56, 57
- inflation, **4**, 270
- interest, **1**, 170-172, 414, 415, 446-448, 450, 451, 453, 454; **2**, 12, 27, 111, 169, 239, 240, 342, 343, 385, 390, 400; **3**, 33, 53, 54, 56, 57, 72, 106, 116, 117, 206, 235, 236, 251, 253, 267, 275, 279, 290, 291, 294; **4**, 110, 118, 120, 224, 228, 229, 247, 270, 271; **5**, 48, 110, 111, 169, 174, 175, 219, 226, 227, 230, 367, 374, 395, 399, 401; **6**, 18, 19, 62-65, 68, 69, 173, 178, 216, 217, 229, 283, 287; **7**, 16, 24, 74, 76, 80, 89, 101, 104, 108, 111, 112, 115, 117, 118, 183, 191, 193, 194, 198
- calculation of, **6**, 217; **7**, 193, 194
- compound, **7**, 191, 192
- rate of, **5**, 111
- stipulated by contract, **7**, 192
- lease payments, **1**, 414, 415; **2**, 259
- limited by amount of claim, **3**, 251
- liquidated, **5**, 103 n. 1
- lost profits, **2**, 383, 384, 387, 390, 399; **3**, 233, 234; **4**, 107, 108, 118 n. 1, 260 n. 1, 268, 270; **6**, 170, 203, 204, 215, 216, 294, 295
- lucrum cessans*, **2**, 387 n. 1
- measure of, **1**, 446, 447, 450, 451, 453, 454; **3**, 56-58, 106, 154, 233; **4**, 106, 107, 269, 271; **5**, 227; **6**, 65, 213-216, 244, 245, 250, 266, 268, 269, 274, 275, 281, 285-287, 294;

- Damages (*cont.*)
 7, 110-112; *see also* Expropriation, compensation rule, valuation
 —settling of accounts, 6, 294
 mental anguish, grief and suffering, 2, 78, 79, 87
 mitigation, 3, 52, 56, 289, 293, 294; 7, 108, 110, 111
 offset of, 7, 114, 115
 punitive, 2, 78, 87
 quasi-contract: *see* Quasi-contract
 recalculation of, 3, 57, 114, 250, 257, 262, 264, 265, 290
 reduction of, 5, 220, 232, 234
 restitution: *see* Restitution
 royalties, 2, 340, 342
 tax liability: *see* Taxes
 unjust enrichment: *see* Unjust enrichment
 unjustified attachment, 4, 277
 wrongful death, 2, 82-86
- Debt, 1, 169-172, 185-188, 411-415, 442-448; 3, 35, 53, 65, 72, 113, 114, 119, 169, 235, 246, 247, 249, 250; 4, 221, 228, 231; 7, 14, 15, 190, 191
 assignment of, 3, 274, 275
 waiver of, 5, 373
- Decision—
 amendment to, 6, 30-32
 basis of, to be stated, 5, 129
 contradictory, 5, 130
 credibility of, 5, 267
 duty to comply with, 7, 219
 enforcement of, 5, 130
 grounds for setting aside, 5, 128
 null compromise, 5, 335; 6, 271
 void, 5, 336
 —*ab initio*, 5, 335
 without prejudice, 5, 72
- Declarations of Algiers: *see* Claims Settlement Declaration and General Declaration
- Declaration of the Government of Algeria Concerning the Settlement of Claims by the United States and Iran (1981): *see* Claims Settlement Declaration
- Default: *see* Time limits
- Defence: *see* Statement of defence
- Denial of justice, 1, 396-402; 3, 297
- Deprivation of property, 6, 225, 245, 256
- Diplomatic protection, 1, 465-467, 478-480; 2, 161-165, 180, 196-198, 200, 202, 204, 206, 208, 209, 224; 5, 260, 261, 263, 273, 274, 299, 302, 303, 324, 326, 331, 333, 334
- Discontinuance: *see* Claims, withdrawal of
- Discount, 7, 197
- Discovery, 4, 28, 58, 94, 95
- Dispute settlement provisions: *see under* Jurisdiction of Tribunal, exclusion of claims
- Dissenting opinion—
 Aldrich, 1, 320, 396; 3, 380; 4, 279
 Ansari, 5, 193, 275
 Enayat, 1, 104
 Holtzmann, 1, 129, 167, 174, 178, 284, 320, 396; 2, 33, 35, 81, 254; 3, 17, 66, 78, 84, 87, 316, 358, 380; 4, 12, 63, 65, 72, 206; 5, 141
 Kashani, 1, 104, 241, 250, 463; 2, 317; 5, 1, 85, 115, 121, 275; 7, 119
 Lagergren, 1, 197, 241, 250; 5, 348
 Mosk, 1, 119, 158, 230, 232, 305, 320, 396; 2, 139, 146; 3, 40, 41, 76, 77, 209, 318, 374, 377-380; 4, 3, 4, 28, 58, 76, 80, 93, 229; 5, 181, 242, 374; 7, 48
 Sani, 1, 177, 241, 250; 2, 14, 317; 4, 237
 Shafeiei, 1, 104, 241, 250; 2, 1, 178, 284, 317, 327, 345; 3, 297; 5, 275
see also Concurring opinion and Separate opinion
- Dollar Account No. 2, 5, 67-69
- Domestic International Sales Corporation, character of, 7, 186, 187, 200, 205
- Drafts: *see* Negotiable instruments
- Dual nationality: *see under* Nationality
- Due process, denial of, 3, 365
- Dutch Code of Civil Procedure: *see under* Netherlands, law of
- Earnest money, 5, 359, 360
- Ejusdem generis*, 2, 79, 86, 87; 5, 3
- Election of remedies, 4, 233, 235, 236
- Embassy, competence of, 5, 241
- Enforcement: *see under* Settlement and Time limits
- England, law of: *see* United Kingdom, law of
- Equity, 6, 169, 170, 274, 294

- Equality: *see* Sovereign equality of States
- Escrow Agreement (1981), 1, 189-214
 Paragraph 2, 1, 147
 Paragraph 3, 1, 147
 Paragraph 4, 1, 147, 148, 206, 209, 211, 212, 214
 Paragraph 5, 1, 192
- Estoppel, 1, 287, 315 n. 15, 318, 375, 376; 2, 149 n. 3; 3, 26, 27, 30, 261; 4, 112 n. 3, 113, 235; 5, 247, 248, 271, 274; 6, 50, 51; 7, 47, 103, 135, 143, 162, 201
- European Convention on International Commercial Arbitration (1961)—
 Article V, paragraph 3, 1, 292 n. 24
- Evidence, 1, 155, 215, 226-229, 260, 306, 318, 334-336, 340, 341, 369 n. 8, 420, 421, 455-482; 2, 107, 108, 113, 115, 139; *see also* Proof, burden of
- admissibility, 2, 121-123; 3, 67, 68 n. 1, 164, 350; 4, 70, 78, 245; 7, 70
- affidavits, 1, 202, 423, 462, 463, 503; 3, 247; 5, 245
- authenticity of documents, 2, 33-37, 118-121; 3, 206; 4, 80; 6, 71
- availability to other parties, 3, 350
- conflicting, 6, 280
- contradictory statements, 3, 26, 69 n. 1, 249, 358, 359; 5, 240
- contra proferentem*, 1, 214
- credibility of, 6, 200
- documents, unexplained, 3, 251
- duty to consider, 5, 196
- duty to submit, 3, 66, 69-71; 4, 58
- evaluation of, 2, 25, 112, 115, 121, 122, 139, 140; 3, 381; 4, 60, 107-109, 119, 120, 245
- expert testimony, 1, 202, 423, 462; 2, 70-75, 119, 122 n. 1; 3, 165-167; 4, 60, 119, 120, 261
- failure to submit, 2, 115, 152, 153, 300, 304, 355; 3, 16-18, 20 n. 2, 21, 22, 24, 27, 53, 65, 66, 70, 71, 115, 205, 206, 247-249, 252, 382 n. 2; 4, 70, 78, 79, 110, 225, 255, 261; 5, 23, 33-36, 111, 226, 240, 245, 380, 383, 394; 6, 65, 92, 96, 127, 145, 173, 178, 212, 282; 7, 14, 15, 28, 68, 70, 79, 80, 110, 116, 128, 129
- hearsay, 3, 68 n. 1
- inconsistent, 6, 71
- inference, 2, 11, 33, 115, 121, 142, 297-300, 355, 384; 3, 21, 22, 69, 82; 4, 81, 100, 223, 261; 5, 245; 6, 17, 18, 80, 145; 7, 75, 104, 109
- interpretation of, 2, 17
- judicial notice, 1, 459, 460, 480, 481; 2, 122 n. 1, 300; 5, 244 n. 1
- post-hearing submission: *see under* Procedure
- presumption, 1, 480; 5, 196; 6, 173, 231
- prima facie*: *see under* Proof, burden of relevance, 3, 252, 381; 4, 95 n. 3
- return of, 4, 60
- translation of, 1, 234, 326, 336-338, 341, 484; 2, 139 n. 4, 368
- weight of, 3, 66, 68 n. 1, 71, 72, 381; 4, 80, 119, 120, 245, 261; 5, 23, 231, 375, 376; 6, 207; 7, 80
- witnesses, 2, 115, 119, 153
 —credibility of, 3, 23, 24, 68
- Evidence of—
- agency, 1, 357, 358, 378-380; 2, 11, 325, 326
- capital transfer, 3, 15, 16
- contract, 1, 413, 414; 3, 48, 162, 231, 289; 5, 43; 6, 193, 292; 7, 13
 —ratification of, 2, 145, 146; 3, 163, 164
- controlled entity, 1, 413, 419-421; 2, 150-152, 302; 3, 47, 160, 230, 231, 286; 5, 135, 242-245; 6, 59; 7, 10
- control of corporation, 1, 359-361; 7, 6
- costs, 4, 81
- custom and usage, 6, 97
- damages, 2, 384, 388-390; 3, 56, 57, 164, 231, 233, 234, 250; 4, 269, 271; 6, 172, 173, 205, 213, 214
- excess freight charges, 2, 11, 12, 25
- expropriation, 1, 420, 428 n. 6, 504-507; 4, 105, 154, 167-169, 222, 223; 6, 164-166, 238, 240
- Iran's exclusive jurisdiction, 5, 116
- mitigation of damages, 3, 56, 294
- nationality of claim, 1, 389, 455-482; 2, 396; 5, 22
- nationality of corporation, 1, 223, 224, 334, 335, 384, 385, 418, 427, 428, 455-482, 503; 2, 9, 16, 17, 22, 31-34, 297, 298, 377, 378, 395; 3, 1, 2, 46, 47, 103, 113, 205 n. 2, 245, 272; 4, 141, 142, 216, 217, 273; 5, 22, 23, 209, 237, 343; 6, 127; 7, 27-29, 65, 66, 97
- nationality of person, 2, 81; 3, 23 n. 1

- Evidence of (*cont.*)
 subcontractor relationship, **3**, 273
 succession, **1**, 360-363, 373-375
 taxes due, **3**, 107, 236
 value of nationalized company, **4**, 106-109, 118-120, 157
- Exclusive jurisdiction: *see* Counterclaim, jurisdiction of Tribunal *and* Forum selection clause, jurisdiction of Tribunal
- Experts, *see also under* Evidence—
 appointment of, **1**, 235, 390; **2**, 71-75, 355; **3**, 107, 164, 167; **4**, 91-95, 157; **5**, 185
 —prerequisites for, **4**, 94
 necessity for, **6**, 267, 269
 payment of, **2**, 75-77; **3**, 166, 167; **4**, 59, 92, 93, 95, 158; **5**, 186
 terms of reference for, **4**, 95, 159, 173, 175-178; **6**, 30-32; **7**, 172-177
 —amendment of, **6**, 31
- Export license, **7**, 213
- Expressio unius est exclusio alterius*, **5**, 268
- Expropriation, **1**, 287, 375 n. 14, 387, 389, 422, 504-507; **2**, 10, 18-22, 79, 86, 87, 151 n. 2, 175-177, 207, 350; **3**, 290; **4**, 105-112, 115-118, 143, 154-156, 159, 162-179, 223; **5**, 227, 371; **6**, 164-168, 178, 189, 200-203, 206, 207, 209, 215 n. 6, 216, 225, 231, 241, 250, 251, 256, 257, 260, 268; **7**, 6, 7, 47, 48, 50, 51, 123, 125, 126, 129, 133, 134, 146, 152, 153-155, 164, 165, 168-170, 173; *see also* Damages *and under* Evidence of coercion and duress, **4**, 171
 compensation rule, **2**, 353, 354; **4**, 105-109, 111, 112, 116-118, 155-157, 173-177, 223
 —date of taking, **4**, 156, 159, 164, 165, 171, 173
 —valuation, **2**, 354, 355; **4**, 105-109, 111, 112, 116-118, 173-177; **7**, 172-175, 177
- contract rights, **4**, 163; **6**, 237, 243, 250
- control of corporation, **2**, 176, 349, 351, 352; **7**, 154, 159, 162
- denial of access to funds, **4**, 172
- elements of, **6**, 256
- intent of government, **6**, 225, 256
- interference with internal management, **6**, 165, 166, 199, 201, 238, 240; **7**, 162-167, 179 n. 1, 180 n. 1
- interference with use or enjoyment of property, **6**, 225
 jurisdiction of Tribunal, **4**, 101, 115; **5**, 210; **6**, 223
 survival of rights and contract obligations, **6**, 242
 unlimited responsibility, **6**, 265
- Faute quasi-délictuelle*, **3**, 30
- Filing of claims, *see also* Time limits—
 meaning of, **1**, 127, 128, 130, 132, 226, 228
- FOB (free on board), **7**, 103
- Force majeure*, **1**, 387, 452; **2**, 69, 103, 106, 116, 310, 369, 386, 388, 389; **3**, 52, 106, 152-154, 231; **4**, 13, 161, 165, 174, 179, 253 n. 2, 259 n. 5; **5**, 210; **7**, 13, 15, 110
 liability for: *see* Attribution
- Foreign exchange controls, **2**, 219, 220, 221, 239, 245, 340; **3**, 13, 32, 68 n. 2; **5**, 376 n. 1, 380, 381; **6**, 167, 178, 208-211; **7**, 44-53; *see also* International Monetary Fund Agreement
 capital transfers, **3**, 13, 15-18, 28 n. 1, 29; **7**, 45, 46, 51, 52
 current transactions, **7**, 45, 46, 51, 52
 effect on contract, **3**, 13, 14, 16, 18, 27-29
 in violation of treaty, **5**, 381, 383; **7**, 51, 53
 justification of, **5**, 382
 validity of, **3**, 13, 28, 29, 32; **5**, 383; **7**, 49, 50, 52
- Form of award: *see under* Settlement
- Forum non conveniens*, **7**, 137
- Forum selection clause—
 jurisdiction of Tribunal, **1**, 236-319, 490, 491, 496, 497; **2**, 4, 5, 54, 55, 66, 67, 105, 106, 138, 370, 378, 396; **3**, 61, 98, 99, 104, 113, 161, 198, 199, 246, 260, 321-325, 335, 384, 386, 387, 388 n. 2; **4**, 7, 8, 55, 143, 181, 220, 225, 230; **5**, 115-117, 119, 120, 126, 127, 130, 171, 180-184, 191-197, 210, 365, 388, 389; **6**, 5, 80-82, 93, 109, 112, 113, 115-117, 221, 222, 236, 250, 251, 255, 263, 268, 270; **7**, 33-35, 188, 218, 219
 separability, **1**, 292, 308, 309
 whether binding, **1**, 241, 245-247, 251, 254-257, 263-267, 270, 276,

- 277, 285-297, 302, 305-315; **3**, 160, 198; **5**, 120
- France, law of, **5**, 19; **7**, 166
- Civil Code
- Article 524, **7**, 175 n. 1
 - Article 1135, **1**, 108
 - Article 1156, **1**, 108
 - Article 1157, **1**, 107 n. 1
 - Article 1162, **1**, 213 n. 7, 214 n. 8
 - Article 1315, **1**, 209
 - Article 1372-1375, **7**, 164 n. 1
- Code of Civil Procedure
- Article 384, **1**, 233
 - Article 385, **1**, 233
 - Article 394, **1**, 233
 - Article 395, **1**, 233
- Fraud, **3**, 30; **7**, 25
- Full Tribunal: *see* Tribunal
- General Declaration—
distinguished, **5**, 284
- General Principle A, **5**, 61, 130
- General Principle B, **1**, 101, 103, 105, 106, 108, 293, 294, 309, 310, 386, 399; **2**, 53, 55, 56, 61, 62, 97, 160, 401; **3**, 304, 305, 307, 310-313, 315; **4**, 115 n. 2, 142; **5**, 61, 153, 154, 268, 271, 284, 295, 343; **6**, 45; **7**, 122
- interpretation of: *see* Treaties, interpretation of
- Paragraph 1, **5**, 14
- Paragraph 2, **2**, 147 n. 1
- Paragraph 4, **1**, 208; **5**, 61
- Paragraph 5, **1**, 208; **5**, 61
- Paragraph 6, **1**, 146, 203, 208; **5**, 61, 68
- Paragraph 7, **1**, 124, 136, 141, 146, 157, 161, 164, 172, 182, 188, 190, 199-201, 203, 205, 206, 208, 210, 211, 213, 217, 221, 328, 331, 343, 346, 404, 407, 410, 415, 427, 448; **2**, 13, 45, 91, 114, 127, 133, 147 n. 1, 169, 229, 231, 240, 262, 269, 270, 278-280, 292, 306, 307, 333, 342, 349, 359, 365, 367, 386, 400; **3**, 35, 37, 54, 74, 79, 92, 108, 117, 120, 142, 170, 177, 182, 187, 192, 207, 213, 219, 236, 254, 268, 276, 291, 327, 340, 352, 368, 369, 391; **4**, 21, 22, 29, 30, 34, 35, 40, 48, 84, 86, 110, 184, 185, 193, 198, 200, 202, 206, 207, 229, 271, 281; **5**, 61, 69, 77, 81, 89, 149, 151, 230, 250, 355, 374; **6**, 2, 5, 19, 21, 34, 35, 39, 64, 66, 119, 121, 124, 132, 148, 175; **7**, 7, 16, 22, 24, 88, 117, 118, 198, 210, 221, 224, 228, 236, 242, 245, 248, 251, 253, 259, 263, 264, 270
- Paragraph 8, **1**, 208; **5**, 61
- Paragraph 9, **1**, 208; **5**, 61
- Paragraph 10, **2**, 208
- Paragraph 11, **1**, 136, 305, 490, 496; **2**, 39, 40, 79, 88, 109, 110, 120 n. 1, 208; **5**, 47, 268; **7**, 153, 276
- Paragraph 16, **2**, 313, 315, 318, 320
- Paragraph 17, **1**, 102, 117, 190; **2**, 59, 313, 315, 318, 320; **5**, 58, 61, 112
- whether constitutes a Treaty, **5**, 259
- General principles of—
- accounting, **6**, 244, 251, 269
 - adjudication, **7**, 125, 126
 - commercial arbitration, **6**, 135
 - commercial law, **5**, 233, 394; **6**, 98
 - constitutional law, **1**, 423
 - contract law, **7**, 192
 - equity, **1**, 130, 133, 232, 233; **2**, 80, 237, 254; **3**, 58, 279; **4**, 259, 268; **5**, 248, 293; **6**, 294
 - fairness, **3**, 30
 - international law, **1**, 109, 114, 180, 207, 212, 213, 232, 233, 289, 290-292, 294, 361, 374, 376, 377 n. 15, 402, 450, 458, 464, 475, 476, 478, 482; **2**, 54, 59-61, 80-85, 194, 195, 201, 205, 207, 210, 212, 213, 223, 225, 255, 257, 353, 354, 358; **3**, 58, 69-71, 298, 312, 313, 316 n. 3; **4**, 105, 114, 155, 162, 165, 167, 172, 175, 177, 247; **5**, 3, 11, 20, 21, 48, 95, 99, 227, 233, 260, 265, 269, 270, 277, 281, 283, 286, 289, 290, 292-294, 300-304, 310, 313, 321, 322, 325, 331-335, 341, 346, 371; **6**, 98, 201 n. 1, 209, 225, 228, 243, 251, 257, 265, 270; **7**, 51 n. 3, 52, 130, 135, 153, 159, 173, 191, 192
 - judicial procedure, **5**, 36
 - jurisprudence, **5**, 11, 37, 40, 46, 49
 - justice, **1**, 114, 158, 374, 375, 396, 400; **2**, 320, 329, 330, 356; **3**, 32, 54, 298, 302, 362; **4**, 268; **6**, 294

- General principles of (*cont.*)
 law, **1**, 209, 212, 232, 233, 361, 362, 374, 415, 416, 420, 421, 464, 475; **2**, 14, 154 n. 1, 185, 186, 237, 380, 397; **3**, 32, 54, 58, 66, 278, 293, 307; **4**, 221, 231, 242, 261, 268, 270; **5**, 18, 41, 42, 129, 233, 248, 261, 293, 294, 373, 398; **6**, 90, 97, 98, 168, 225, 269, 271; **7**, 75, 120, 121, 131, 158, 163, 197
 municipal law, **5**, 3, 21, 48, 261; **6**, 228, 243; **7**, 130
 private international law, **2**, 185, 186, 205; **3**, 47; **5**, 292, 325
 trusteeship, **6**, 293
- Germany, Federal Republic of—
 Constitutional Court of, **7**, 168
 law of, **7**, 167
- Gestion d'affaire*, **7**, 164
- Good faith, **1**, 109, 206, 376, 378; **2**, 209, 223; **3**, 308; **5**, 26, 273, 277, 290; **6**, 209, 251, 270, 295; **7**, 159, 160, 178, 215
- Governing law, **7**, 99, 109, 115 n. 1; *see also* Applicable law
- Guarantee, **5**, 241
- Guarantor, **7**, 115
- Hague Convention on—
 Choice of Court (1964)
 —Article 5, **1**, 269
 Conflict of Nationality Laws (1930), **2**, 181, 196; **5**, 260, 262, 265, 266, 291
 —Article 1, **2**, 161, 224; **5**, 260, 302
 —Article 2, **5**, 302
 —Article 3, **5**, 302
 —Article 4, **2**, 161, 162, 164, 189, 195-199, 201, 202, 205, 207, 214, 223, 224; **5**, 260, 261, 299, 300-304, 322, 323, 325-327, 331
 —Article 5, **2**, 162, 189, 195, 198, 199, 203, 205; **5**, 262, 299, 322, 325, 326
 Pacific Settlement of International Disputes (1907), **5**, 293
- Hardship, **1**, 127, 128, 130, 132, 133, 175, 399, 400; **3**, 209, 375
- Hearing, postponement of: *see* Postponement of hearing
- Holder in due course, **7**, 99, 100, 102
- Husbands, value of, **2**, 81-86
- Immovable property: *see* Real estate
- Institute of International Law, **2**, 162, 163, 187, 199; **5**, 326, 328, 335
 Resolution of 10 September 1965, **2**, 196, 197, 200-202, 204, 207, 208, 214, 223; **5**, 266, 301, 303, 322, 324, 328, 331, 333
- Interest: *see under* Damages
- Interim measures—
 attachment of goods, withdrawal of, **3**, 7
 conservation of goods, **3**, 173-175, 331; **5**, 128
 conservation of rights of parties, **6**, 50
 justification for, **5**, 113; **6**, 51
 legal standards for granting, **6**, 134, 135
 payment of fees, **1**, 154
 protection of property, **5**, 112-114, 131-133
 re-exportation of goods, **1**, 121
 restraint of misuse of trademark, **1**, 122
 stay of attachment, **6**, 131-133, 140
 stay of proceedings, **1**, 222, 225; **2**, 55-67, 98, 99, 281, 282, 311, 363, 371, 402; **3**, 8, 9, 60, 61, 201, 336, 349, 385-388; **4**, 7, 8, 12-14, 17, 55, 72, 73; **5**, 121, 126-128, 130, 154; **6**, 46-51, 108-111, 115-117; **7**, 219, 277, 278
- International Chamber of Commerce, **2**, 401, 402; **5**, 388; **6**, 130, 138
 Court of Arbitration, **6**, 135, 137
 Internal Rules of the Court of Arbitration, Rule 2(2), **1**, 449 n. 2
 Rules of Conciliation and Arbitration, **1**, 278
 Rules of the Court of Arbitration
 —Article 6, **1**, 130
- Uniform Customs and Practice for Documentary Credits, **1**, 170; **5**, 28, 29, 39, 46
 —Article 3, **5**, 28
 —Article 11, **1**, 170
 —Article 47, **7**, 22
- Uniform Rules for the Collection of Commercial Papers (1967), **1**, 443
 —Article 4, **1**, 446, 447
 —Article 6, **1**, 446, 447
 —Article 12, **1**, 447
- International Court of Justice, **1**, 104, 110 n. 5, 290, 293, 307, 308, 313, 374, 402, 449 n. 2, 450, 457, 458,

Cambridge University Press

978-0-521-46441-3 - Iran—United States Claims Tribunal Reports: Volume 7

Edited by S. R. Pirrie and J. S. Arnold

Index

[More information](#)

INDEX

331

- 466, 467, 475; **2**, 61, 84, 88, 162, 163, 189, 196, 202-204, 208, 210, 214, 223, 245, 253, 257, 258 n. 1, 299, 352, 353, 355; **3**, 20, 28, 32 n. 1, 210, 295, 298, 299 n. 1, 302, 305 n. 1, 310 n. 2, 311 n. 4, 376; **4**, 113, 114, 116 n. 1, 173, 174; **5**, 20, 21, 113, 263, 266, 288, 309, 322-324, 329, 331-333; **6**, 108, 131, 134, 135, 211; **7**, 51 n. 3, 122, 133, 135 n. 1, 151, 152, 203
- Statute of
 —Article 37, **5**, 274
 —Article 54(3), **1**, 424
 —Article 62, **3**, 298
 —Article 75, **5**, 114; **6**, 46
 —Article 89, **1**, 233
- International Law Commission, **2**, 206
- International law: *see under* General principles of, international law; Customary international law; Customary international practice *and* Sources of international law
- International Monetary Fund, **2**, 220; **3**, 12 n. 1, 13, 14; **5**, 376 n. 1, 382, 383; **6**, 178, 211; **7**, 52, 73
- Agreement, **3**, 14, 16, 18, 19, 28, 29; **5**, 381, 383; **6**, 178 n. 1, 208, 210; **7**, 40, 51
 —Article VI, **2**, 221; **3**, 13, 15, 29; **7**, 44-46, 51
 —Article VII, **3**, 13 n. 1; **7**, 45
 —Article VIII, **2**, 220, 221; **3**, 13, 14, 16, 27-30, 32; **5**, 383; **6**, 210, 211; **7**, 44
 —Article XIV, **3**, 13 n. 1, 14; **6**, 210; **7**, 44, 45 n. 1
 —Article XIX, **5**, 383 n. 1; **7**, 45, 46, 51, 52
 —Article XXX, **3**, 29 n. 1; **6**, 211
 —violation of, **5**, 383
- International responsibility, extension of, **6**, 168
- International Tribunals—
 American-British Claims Commission, **1**, 132
 Anglo-German Commission, **5**, 308, 318
 Anglo-Greek Commission of Arbitration, **1**, 202
 Anglo-Italian Conciliation Commission (1952), **3**, 70
 Anglo-Mexican Arbitral Commission, **2**, 194
- Arbitral Commission against the German Government, **5**, 298
- Arbitral Commission on Property, Rights and Interests in Germany (1957), **2**, 59
 —Rules of procedure, **1**, 233
- British-American Civil War Commission (1872), **2**, 181, 190; **5**, 305
- British-Mexican Commission, **2**, 187, 188; **5**, 302, 308, 309
- British-U.S. Claims Commission, **5**, 309 n. 1
- British-Venezuelan Commission, **5**, 307, 313
- Central American Court of Justice, **5**, 298
- European Commission of Human Rights, **5**, 262 n. 1
- European Court of Human Rights, **5**, 298
- Franco-German Mixed Arbitral Tribunal, **2**, 148; **3**, 70
- Franco-Italian Conciliation Commission (1948), **2**, 60; **5**, 263, 310
- French-German Commission, **5**, 308, 319
- French-Mexican Claims Commission (1928), **2**, 188; **3**, 210, 294; **5**, 316
- French-Turkish Commission, **5**, 319, 320
- French-U.S. Commission, **5**, 309 n. 1
- French-Venezuelan Mixed Commission (1902-1905), **2**, 184; **5**, 307
- German-Mexican Claims Commission, **5**, 349
- Greco-Bulgarian Commission, **5**, 308, 319
- Greco-Bulgarian Mixed Arbitral Tribunal, **3**, 311
- Hungarian/Serbo-Croatian-Slovene Commission, **5**, 308
- Hungaro-Belgian Mixed Arbitral Tribunal, **6**, 214
- International Chamber of Commerce: *see* International Chamber of Commerce
- International Court of Justice: *see* International Court of Justice
- Italian-U.S. Conciliation Commissions, **2**, 163, 189, 197; **5**, 263, 300, 303, 310, 321, 322, 324, 325, 327

- International Tribunals (*cont.*)
- Italian-Venezuelan Commission, 5, 307, 315
 - London Court of Arbitration
 - International Arbitration Rules, 1, 130
 - Mexican Arbitral Commissions, 2, 194
 - Mexican Claims Commissions, 1, 158, 180, 401, 402, 457, 475; 2, 82, 83, 301; 3, 70, 376; 7, 204
 - Mexican-U.S. Claims Commission, 5, 309, n. 1; 6, 165, 257
 - Mixed Arbitral Tribunals, 2, 163, 185, 189, 191, 194, 209, 214; 5, 298, 308, 318, 321
 - Mixed Claims Commission, 2, 187; 5, 306, 308
 - Mixed United States/Colombia Commission, 7, 135 n. 2
 - Permanent Court of Arbitration, 1, 117, 509-511, 513, 518; 2, 64 n. 2, 184, 190; 3, 70; 5, 307, 332; 7, 135 n. 2
 - Permanent Court of International Justice: *see* Permanent Court of International Justice
 - Tripartite Claims Commission (U.S., Austria, Hungary, 1928), 5, 307
 - Upper Silesian Arbitral Tribunal, 5, 272
 - U.S.-France Arbitral Tribunal, 2, 257
 - U.S.-Italian Conciliation Commission (1958), 5, 272
 - U.S.-Peru Arbitral Commission, 6, 169
 - U.S.-Venezuelan Mixed Claims Commission, 2, 184, 215; 5, 306, 317
 - Venezuelan Arbitral Commissions (1903-1905), 2, 162, 182, 189, 190; 3, 70, 311 n. 1; 5, 307
- International tribunals, practice of, 3, 14, 20, 28, 31, 32, 66, 70, 85, 249, 287, 298, 302; 4, 237; 5, 129, 287, 293, 297, 298, 304, 331, 346, 351; 7, 135
- Iran—
- claims against U.S. nationals, 1, 101-110, 475; 4, 75
 - controlled entity: *see* Controlled entity, Iran
 - duties under international law, 6, 111
 - duty to secure stay of proceedings, 6, 111
 - liability for controlled entity, 2, 114, 147 n. 1 and 2, 165, 258, 259; 4, 72 n. 4, 248, 249; 5, 227, 368, 371; 6, 66
 - proprio moto* measures, 5, 371
 - misappropriation of assets, 6, 252
 - responsibility for compliance with treaty obligations, 4, 15
 - Workers' Councils, 5, 369, 370, 379, 380
 - see also* Changed circumstances
- Iran, law of, 1, 108, 266, 282, 291, 293, 294, 314, 315, 362, 374, 419-421, 489, 490, 495; 4, 247; 5, 126, 127, 333, 334, 367, 384; 6, 160
- Act Governing the Issuance of Cheques (Tir, 2535), 3, 19
 - Act on Permission to Establish the Ports and Shipping Organization (1960), 5, 3
 - Administrative Regulations Pertaining to the Registration of Companies Act, 3, 22
 - agency, 1, 266, 378-380; 2, 23, 24
 - Apartment Purchasers Bill (1980), 4, 146, 152
 - arbitration, 3, 210, 295
 - authorizing Claims Settlement Declaration, 6, 236
 - Banking and Monetary Law (1972), 7, 44
 - bankruptcy, 7, 131, 132
 - Banks Nationalization Law (1979), 4, 151
 - Bill Concerning Provisional Appointment of Directors (1979), 2, 150-152, 350
 - Bill for Appointment of Temporary Managers (1979), 4, 147, 153, 154; 7, 162, 163, 165
 - By-law Concerning Landed Property Ownership by Foreign Nationals (1949), 4, 160; 6, 183 n. 1
 - Civil Code, 5, 147
 - Article 5, 1, 249, 250; 5, 182
 - Article 9, 3, 388; 4, 114
 - Article 10, 6, 98
 - Article 18, 7, 175 n. 1
 - Article 193, 3, 163
 - Article 196, 6, 72, 159, 160, 195 n. 3, 196

- Article 198, 6, 194
- Article 220, 6, 99
- Article 223, 2, 119
- Article 230, 6, 99
- Article 231, 1, 375 n. 13; 6, 72, 159
- Article 247, 2, 154, 380
- Article 248, 2, 154, 380
- Article 292, 2, 116; 4, 232
- Article 301, 2, 236
- Article 301-306, 2, 155; 4, 231
- Article 303, 2, 236, 237
- Article 306, 7, 163
- Article 328-331, 6, 99 n. 2
- Article 336, 4, 231; 7, 76
- Article 336-337, 2, 155
- Article 377, 5, 40
- Article 571-606, 5, 147
- Article 575, 3, 161
- Article 656, 1, 379
- Article 658, 1, 378; 6, 194
- Article 662, 6, 159, 160
- Article 968, 1, 378 n. 16
- Article 976, 5, 272 n. 1
- Article 988, 5, 272 n. 1, 334
- Article 989, 5, 334
- Article 1106-1107, 2, 85
- Article 1111, 2, 85
- Article 1127, 2, 85
- Article 1306, 5, 43; 6, 192, 196
- Article 1310, 6, 192
- Article 1324, 6, 196
- Civil Responsibility Law, 6, 99
- Code for the Registration of Properties, 7, 164
- Code of Civil Procedure
 - Article 23, 7, 131
 - Article 35, 7, 131, 132
 - Article 36, 7, 131, 171
 - Article 48, 2, 64
 - Article 57, 2, 64
 - Article 72, 7, 125
 - Article 127, 2, 64; 3, 388
 - Article 146, 2, 64
 - Article 147, 2, 64
 - Article 225, 1, 390
 - Article 284, 6, 102 n. 1
 - Article 290-298, 2, 67; 6, 116
 - Article 298, 1, 233; 2, 64; 3, 388
 - Article 300, 2, 115
 - Article 301, 2, 115
 - Article 302, 2, 115
 - Article 356, 1, 209
 - Article 564, 5, 46
- Article 629, 1, 329 n. 2, 405 n. 2
- Article 630, 1, 329 n. 2, 405 n. 2
- Article 632-676, 2, 105
- Article 635, 1, 240
- Article 641, 3, 40, 296; 7, 204
- Article 649, 3, 210, 295
- Article 657, 1, 240, 282
- Article 660, 1, 425, 432; 3, 210, 295
- Article 662, 1, 240
- Article 665, 1, 240, 282; 5, 128; 7, 164 n. 2
- Article 740, 3, 287
- Article 988, 2, 218, 224
- Article 989, 2, 218, 224
- Commercial Code, 5, 17, 147; 7, 171
 - Article 6, 3, 22
 - Article 20, 5, 237
 - Article 20-194, 5, 147
 - Article 45, 2, 176
 - Article 74, 2, 176
 - Article 94, 5, 18
 - Article 118, 2, 154 n. 2; 3, 287
 - Article 119, 3, 161
 - Article 126, 2, 23 n. 1
 - Article 129, 2, 24 n. 1
 - Article 135, 2, 154 n. 2; 3, 287
 - Article 199-231, 2, 150
 - Article 313, 3, 19
 - Article 357, 2, 24 n. 2
 - Article 382, 5, 39
 - Article 383, 5, 39
 - Article 412-550, 2, 150
 - Article 583, 5, 237
 - Article 587, 5, 4
 - Article 589, 5, 237
 - Article 590, 5, 2, 18; 7, 130
 - Article 591, 5, 2, 18; 7, 130
- conformity to international standards, 5, 273 n. 1
- Constitution, 1, 413, 423; 3, 308; 6, 201
 - Article 1-5, 5, 378
 - Article 31, 5, 243
 - Article 44, 2, 144, 150
 - Article 80, 5, 243
 - Article 94, 5, 378
 - Article 96, 5, 378
 - Article 104, 5, 379
 - Article 107, 5, 378
 - Article 139, 5, 334 n. 1
 - Article 143, 5, 245
 - Article 166, 5, 129
 - Principle 104, 5, 369

- Iran, law of (*cont.*)
- Principle 139, 3, 305-309
 - Construction Completion Bill, 4, 146, 153
 - contract, 3, 163, 286, 287; 5, 43; 6, 192, 195, 196
 - corporations, 7, 132, 136
 - Decree of Imam Concerning Confiscation of the Pahlavi Properties (1979), 4, 168
 - Decrees on Appointment of Provisional Managers, 2, 150 n. 1, 350, 351
 - Direct Taxation Act (Esfand 1345), 3, 241
 - enforcement of, 5, 234
 - foreign currency regulations, 5, 375 n. 1; 7, 45, 46, 52
 - Foreign Investments Law: *see* Iran, law of, Law on Attraction and Protection of Foreign Investments
 - Foreign Nationals Immovable Properties Act (1931), 4, 160; 6, 183 n. 1
 - Foreign Technical Experts Employment Law (1970), 3, 287
 - General Public Code of Iran, 7, 161
 - government agencies, 5, 4, 5, 12
 - immovable property, 7, 131, 132, 175
 - Joint Stock Companies Act (1969), 5, 12, 17, 18, 21; 7, 5, 12, 17, 18, 21, 130, 131, 171
 - Labour Code, 3, 286
 - Law Concerning the Appointment of Temporary Managers: *see* Iran, law of, Bill for Appointment of Temporary Managers
 - Law for the Formation of the Social Security Organization (1979), 3, 103, 104
 - Law of Nationalization of Insurance Corporations (1979), 4, 117, 120
 - Law on Attraction and Protection of Foreign Investments, 2, 220, 337, 339, 340; 6, 54, 57, 62; 7, 40, 44
 - Law on Joint Stock Companies: *see* Iran, law of, Joint Stock Companies Act
 - Law on National Divisions and the Duties of Province Governors and District Governors (1937), 5, 3
 - Legal Act of Holding and Management of Stocks in Contracting and Consulting Engineering Firms and Institutes (1979), 3, 230
 - Legal Bill concerning the Articles of Association of the Foundation for the Oppressed, 5, 378
 - Legal Bill Establishing Islamic Workers' Councils for Manufacturing, Industrial, Agricultural and Service Units, 5, 379
 - Maritime Act, 5, 39
 - Mining Law of Iran (1957), 7, 4
 - Monetary and Banking Law (1972), 2, 220; 3, 13, 27
 - nationality, 2, 167, 168, 174, 218, 224; 5, 272, 334
 - Nationalization Act (1951), 3, 309
 - Protection and Development of Iranian Industries Act (1979), 2, 152 n. 1, 302, 349, 350; 5, 244; 6, 55, 58, 224, 241; 7, 50 n. 2
 - Protection of Industries and Prevention of the Closure of the Country's Factories (1964) (also referred to as Protection of Industry and Prevention of Shutdowns at the Nation's Factories, 1964), 4, 154; 7, 164
 - Regulation of the Ports and Shipping Organization (1970), 6, 195 n. 1
 - Single Article Act (1980), 1, 489, 495, 496; 3, 61, 201, 303-306, 308, 309, 313, 314, 323, 324; 4, 8; 5, 298, 333, 334
 - Social Insurance Act, 4, 227
 - State employment law (1967), 5, 4
 - statute of limitations, 3, 287; 5, 128
 - stay of proceedings, 2, 67; 3, 388; 4, 12, 15
 - taxation, 3, 115
 - Treaty of Amity as part of, 4, 114
 - unjust enrichment, 6, 168 n. 2
 - violation of, 5, 19, 21
 - wives, property rights of, 2, 85, 86
- Iranian Courts—
- bound by Tribunal orders, 4, 15
 - competence of, 5, 130
 - effect of forum selection clause: *see* Forum selection clause
 - inherent and general jurisdiction, 5, 128
 - jurisdiction of, 7, 130-132, 137
 - right of resort to, 5, 127-129
 - stay of proceedings, 1, 222, 225; 2, 57, 67, 98, 99, 281, 282, 311, 363,

INDEX

335

- 371; 3, 8, 9, 60, 61, 201, 298, 337, 349, 385-388; 4, 15, 55, 56, 72, 73; 5, 127-129; 7, 219
- Iran-United States Claims Tribunal Reports, 6, 108 n. 1
- Joint and several liability, 5, 220-222; 7, 82
- Joint Stock company: *see under* Controlled entity, Iran
- Judgment—
in absentia, 4, 15
 quashed, 5, 46
- Judicial proceeding—
de novo, 5, 183
 final and binding, 5, 183
- Jurisdiction of Tribunal, *see also* Nationality and Nationality of claim—
 admission, effect of, 1, 266, 318; 2, 144, 302
 availability of local remedy, 2, 10, 165, 320; 3, 151; 4, 102, 115 n. 2; 7, 10
 claims arising out of seizure of hostages, 2, 39, 40, 79, 80, 88
 consent of states, 2, 210, 213; 3, 298, 303, 304; 5, 287, 288; 7, 200
 counterclaims: *see* Counterclaim, jurisdiction of Tribunal
 enforcement of another tribunal's awards, 6, 131-133
 excluded issues, 6, 227, 228
 exclusion of claims, 1, 103, 489, 490, 495; 2, 56, 57, 62-64, 66, 67, 80, 81, 86, 88, 97-99, 105, 110, 120 n. 1, 338; 3, 60, 61, 99, 151, 198, 199, 201, 246, 260, 286, 313, 314, 321-325, 335, 348; 4, 8, 12, 16, 55, 75, 101, 102, 142, 220, 221, 225, 230-232, 244-246; 5, 1, 2, 15, 16, 47, 67, 96, 100, 101, 103, 116, 117, 119, 120, 126-130, 171, 182, 192-194, 196, 197, 268, 270, 388, 389; 6, 231, 250, 255, 263, 270; 7, 7, 33-35, 47, 124, 127, 131, 132, 135, 136, 153, 218; *see also* Iran, claims against U.S. nationals and Forum selection clause
 —wording of settlement agreement, 7, 33
ex officio determination of, 5, 99
 extension of, 5, 13, 16
 interpretation of declarations, 1, 101-110, 117, 189, 190, 509-518; 2, 19, 21, 22, 55-59, 62, 63, 65, 66, 80, 85-87; 5, 113; 7, 33
 —exclusive jurisdiction, 7, 275, 276
 over non-government party, 5, 66, 67
 parity between governments, 5, 15-17
 political claims, 2, 42, 43
proprio moto consideration, 3, 298
 restricted, 5, 6, 13, 70
 settlement: *see under* Settlement to grant interim measures, *see* Interim measures
- Language: *see* Evidence, translation
- Lease agreements, 1, 411-415; 2, 154, 250-259; *see also* Contract discharge, 2, 251, 254
 frustration, 2, 250-253, 256, 258
 —attributability, 2, 251, 253, 256, 258
 —foreseeability, 2, 251, 253
 impossibility: *see* frustration
- Legal presumption, 6, 72
- Lender, liability of, 5, 245 n. 1
- Letters of credit, 1, 507; 5, 28, 29, 31, 38-40, 58, 67, 68; 6, 288; *see also* Claims, based on standby letters of credit, jurisdiction of Tribunal
 creation of special account, 2, 127
- Letters of guarantee, 5, 96
- Licence, *see also* Contract—
 anticipatory breach, 2, 340, 341
 breach, 2, 340, 341
 ratification, 2, 339
 termination, 2, 341
 validity, 2, 339, 340
- Limitation of liability clause, 6, 90, 95-100
 enforceability, 6, 98
 exceptions to, 6, 97, 99, 100
 validity, 6, 97, 99
- Liquidation, 2, 10
- Locum tenens*, 6, 6, 72, 239, 240; 7, 172
- Locus standi*, 7, 120, 123, 124, 135, 198, 199
- Majlis position, 1, 236, 237, 242, 243, 246, 248, 252, 253, 255, 261, 262, 265, 268, 269, 271, 272, 274, 275, 280, 281, 284, 291, 296, 306 n. 3, 310, 488, 490, 491, 494, 496, 497; 3, 198, 304-309, 311, 313, 314; 5, 119, 182 n. 1, 298; 7, 153, 218

- Measures affecting property rights: *see* Property rights, measures affecting and Expropriation
- Military property, 4, 28
- Misrepresentation, 5, 247
- Municipal institutions, respect for, 7, 171
- Municipal law, 1, 108, 421, 422, 451, 464-466, 480, 481; 5, 16, 19-21, 269, 270, 286, 292, 294, 302; 7, 124, 160
analogy to, 1, 362, 374, 432
- Mutuality of commitments by Iran and U.S., 5, 16
- Mutually agreeable arbitration, principle of, 5, 49
- Nationality—
corporations, 1, 135-139, 223, 224, 384, 385, 392-402, 412, 417, 418, 455-482, 503; 2, 9, 10, 16, 17, 20, 21, 33, 143, 156, 248, 296, 304; 3, 46, 47, 63, 103, 113, 161, 202, 205 n. 2, 230, 245, 260, 272, 273; 4, 100, 273; 5, 2, 18, 23, 237, 342-344; 6, 57, 80, 93; 7, 20, 27-29, 124, 127-130, 185; *see also* Evidence of, nationality of corporation
- dual nationality, 2, 160-168, 173-175, 178-225; 5, 251-336
—citizenship, 5, 267, 269, 270, 283, 285
—dominant and effective, 2, 161-165, 168, 173, 174, 178-182, 185-191, 195, 198, 199, 201-205, 208, 211, 212, 214, 223-225; 5, 260, 262-266, 273-275, 283, 290, 291, 299, 304, 305, 310, 311, 315-317, 321-326, 331-333, 335
—fraudulent use of, 2, 166, 167, 225; 5, 272
—*jus sanguinis*, 2, 181, 184, 185; 5, 274, 305
—*jus soli*, 2, 181, 184; 5, 274, 305
—link theory, 5, 263
- natural persons, 1, 168, 479, 480; 2, 16, 17, 226, 227; 3, 286; 5, 92, 279, 282, 292; 6, 57; 7, 5
- non-responsibility, principle of, 2, 162-164, 178, 180, 181, 184, 187-191, 194-204, 207, 208, 212, 214, 215, 223; 5, 265, 266, 290, 291, 304, 305, 309 n. 1, 310, 311, 315-317, 321, 323, 324, 326-328, 331, 333; 7, 171
- partnership, 6, 221
- Nationality of claim—
beneficial ownership, 7, 29
continuity of ownership, 2, 227, 234, 235; 4, 101; 5, 92, 93, 377
corporations, 1, 135-139, 455-482; 2, 9, 10, 16, 17, 105, 301, 353, 395, 396; 3, 205; 4, 100, 101, 141, 142, 181, 216-218; 5, 21, 163, 210, 237, 341, 342, 348, 353, 364, 365, 388; 7, 5, 6, 9, 41, 66, 97, 122, 123, 127, 129, 134, 185, 206, 207; *see also* Corporations
—control of, 1, 384, 385; 2, 9, 10, 105, 297-300, 378; 4, 101, 142, 217, 218
—wholly-owned subsidiary, 1, 392-402; 3, 39, 245, 246, 272; 4, 101; 5, 209, 365; 6, 80, 285; 7, 97, 185, 206, 207
determination of, prerequisite for Decision, 5, 126
shareholder claims, 2, 297-300, 377, 378
see also Evidence of, nationality of claim
- Nationalization: *see* Expropriation
- Naturalization, 2, 192-194, 203
- Negligence, 3, 30; 5, 398; 6, 100; 7, 43
- Negotiable instruments, 1, 185-188, 445-447; 5, 373; 7, 115; *see also* Cheques
guarantor, 5, 373
- Netherlands, law of—
Code of Civil Procedure
—Article 642, 1, 331, 406
—Article 649, 5, 128
enforcement of arbitral award, 1, 331, 406
- Non-responsibility, principle of: *see under* Nationality
- Note en délibéré*, 4, 61
- November Resolution: *see* Majlis position
- Nullification of claims: *see* Settlement
- Nullified oil agreements, *see also* Iran, law of, Single Article Act—
jurisdiction of Tribunal, 1, 487-498; 2, 284-287; 3, 298-301, 303-305, 309, 313-315; 5, 51-53
- Nullus commodum capere de sua injuria propria*, 6, 228

- Offset, **2**, 324
- Order—
 by President distinguished, **3**, 316
 disregard of, **4**, 13-16, 73
 of *exequatur*, **6**, 133, 135, 138, 139
 validity of, **2**, 346
- Ordre public*, **2**, 221; **3**, 14
- Outstanding claims: *see* Claims, outstanding
- Pacta sunt servanda*: *see under* Treaties, interpretation of
- Partnership, **3**, 161, 208
- Patent rights, **2**, 339, 341; *see also* Licence
- Performance guarantee, **2**, 241-245; **3**, 267; **7**, 42, 53, 121
- Permanent Court of International Justice, **1**, 210, 212, 213, 312, 329 n. 1, 402, 405 n. 1; **2**, 61, 147, 149, 210, 354; **3**, 20, 21, 32 n. 1, 298 n. 1, 302 n. 4, 305 n. 1, 308 n. 2, 310 n. 1, 313 n. 1, 314 n. 1, 315 n. 3; **4**, 115, 118, 163; **5**, 261, 287, 292-295, 316, 342, 346 n. 1, 351; **6**, 126, 163, 166 n. 3; **7**, 135 n. 2, 152 n. 4
- Revised Rules (1936), Article 69, **1**, 233
- Persona standi*, **5**, 273, 274
- Political acts, as proximate cause, **2**, 39, 40, 253, 254, 256-258
- Post-hearing submissions: *see under* Procedure
- Postponement of hearing, **2**, 124; **3**, 209-211, 316-318, 362, 375, 377, 378
- Power of attorney: *see* Representation
- Precedent, **1**, 287; **2**, 185, 186, 189, 191, 301
- Prescription, **1**, 132
- Presidential Order—
 No. 1, **1**, 321, 398; **3**, 365; **7**, 205
 No. 9, **3**, 141
 No. 10, **3**, 126, 141
 No. 12, **3**, 175
 No. 17, **5**, 112
 No. 29, **7**, 226, 236, 240, 245, 248, 250
 No. 33, **7**, 259, 262, 269
 No. 36, **7**, 262
- Principles of law: *see* General principles of law
- Procedure—
 abuse of, **3**, 380
 acceleration of proceedings, **3**, 7
 case resolution techniques, **2**, 301, 302; **3**, 77; **5**, 298
 consolidation of cases, **2**, 379, 396; **3**, 213; **4**, 239-241
 consolidation of issues, **3**, 154, 155
 delays, **3**, 40, 41, 55, 77, 87-89, 129, 296, 317, 318, 376, 383; **4**, 3, 4, 46, 71, 72, 81; **5**, 140-143, 146; **7**, 203, 204
ex parte motion, **3**, 387
 fairness to parties, **2**, 9, 123, 284, 288, 289, 346, 356; **3**, 23, 31, 85, 88, 89, 129, 130, 257, 281, 296, 298, 301, 302, 362, 365, 374-376, 383, 388, 389; **4**, 58, 64, 65, 67, 70-72, 93-95, 214, 241, 242, 261, 279; **5**, 140; **7**, 70, 119, 120, 126, 137, 204
 joinder of claims, **3**, 99, 105, 112
 joinder of parties, **3**, 161
 joint filing of submissions, **3**, 373
 notice, **1**, 232, 233, 418, 421
 post-hearing submissions, **2**, 9, 122, 123, 139, 345; **3**, 39, 40, 76, 87-90, 99, 116, 226, 257, 281, 302, 303, 365, 380-383; **5**, 139; **7**, 70, 74, 88
 postponement of hearing: *see* Postponement of hearing
 pre-hearing conference, **2**, 327; **3**, 377, 378
 preliminary objection, **3**, 298
 procedural safeguards, **1**, 215
 proper party: *see* Proper claimant and Proper respondent
 reply and rejoinder, **3**, 98
 request for hearing, **3**, 387, 388
 request to submit further statement, **3**, 362, 363
 stay of proceedings: *see under* Interim measures
 stay of Tribunal proceedings, **7**, 237; *see also* Interim measures, stay of proceedings
 submission of Memorials, **5**, 144, 146, 147
 surprise submissions, **3**, 31, 365, 381
 suspension of proceedings, **3**, 298
 validity of, **2**, 345-347
 violation of, **5**, 2, 335
- Pro forma invoice: *see* Contract, pro forma invoice
- Promissory notes: *see* Negotiable instruments
- Proof, burden of, **1**, 420, 421, 428, 457, 458, 464, 467, 475-477, 481, 482; **2**, 108, 115, 119, 121, 153, 155,

- Proof, burden of (*cont.*)
 382, 389, 390, 399; 3, 16-18, 20, 29, 65, 66, 68, 71, 107, 108, 114, 115, 252, 294, 308 n. 2; 4, 80, 232, 251, 268, 276; 5, 22, 23, 36, 43, 47, 173, 176, 219, 229, 231, 368, 375, 376; 6, 66, 178, 210-212; 7, 28, 29, 68, 80, 88, 106, 107, 116, 117, 128, 129, 190-192
actori incumbit onus probandi, 1, 209, 420, 464
 allocation of, 3, 18, 20, 70, 71; 5, 245
prima facie case, 2, 238, 239, 382, 399; 3, 69, 71, 72, 288; 5, 245, 376; 7, 11
 to support defence, 3, 18, 20, 27 n. 2, 70, 71; 4, 80
- Proper claimant, 1, 176, 177; 2, 9, 82-85, 105; 3, 161, 246; 4, 101, 143, 181, 210, 211; 5, 70, 78, 79, 377; 6, 265; 7, 35, 120-124, 127, 129, 134-136, 171, 174, 199, 205-207; *see also* *Locus standi*
- Proper law of the contract, 1, 171, 377, 378 n. 16, 422; 3, 48, 56; 4, 267; 7, 131
- Proper respondent, 1, 134, 219, 389, 412, 413, 418, 427, 484, 503; 2, 24-26, 147 n. 1, 338; 3, 53, 103, 230, 250, 275, 286, 351; 4, 1, 75, 143; 5, 138; 6, 27-29, 70, 129, 174, 208 n. 1; 7, 121, 124-126; *see also* Corporations, succession and Controlled entity
- Property rights—
 in persons, 2, 80-86
 measures affecting, 2, 39-41, 79, 81-88, 207; 3, 65, 66; 4, 154-156, 162-165, 167-172; 6, 260
 —proximate cause, 2, 42
 —unlawful conduct, 2, 42
- Protection of parties, 6, 40, 41
- Public order, 5, 384; *see also* *Ordre public*
 protection of, 7, 165, 166, 169, 170
- Purchase order, as contract, 4, 266, 267, 276; 7, 108, 109, 113; *see also* Contract
- Quantum meruit*, 1, 287, 309 n. 9; 2, 111; 4, 220, 221, 228, 230-236; 5, 171; 6, 169; 7, 76
 distinguished from contract, 4, 232, 234
- Quantum valebat*, 4, 234
- Quasi-contract, 3, 278, 279; 4, 231, 235
- Ratione materiae*, 5, 278
Ratione personae, 5, 278
Ratione temporis, 5, 278
- Real estate—
 contracts relating to, 7, 131, 132
- Recognition of nationality, 5, 260, 334
- Regular course of dealing, 7, 113
- Rehearing, 3, 364, 365; 5, 74
- Representation, 1, 176, 177
 power of attorney, 1, 167, 388
 proof of authority, 2, 30, 35-37
- Representative case, 2, 285, 286, 301; 3, 300; *see also* Nationality of claim, shareholder claims
- Request, meaning of, 3, 175, 388, 389; 4, 15 n. 1
- Res derelicta*, 6, 173
- Res judicata*, 1, 170, 171, 287; 2, 56-59, 61, 63, 64 n. 2, 66, 98, 311, 371; 4, 16, 73 n. 1, 233 n. 1; 6, 227 n. 2
- Respondent: *see* Proper respondent
- Restitutio in integrum*, 6, 157, 170
- Restitution, 1, 287, 309 n. 9, 422, 423; 2, 236; 3, 57 n. 2, 293; 4, 231; 5, 112; 6, 294, 295; *see also* Damages
- Rights of parties, 3, 300-303, 387; 4, 115
 argument to Tribunal, 3, 19, 28, 29, 299-303, 315; 4, 242
 defence, right of, 2, 3, 288, 327, 330; 3, 87, 127, 128, 130, 315; 4, 70, 71, 241; 7, 124-126
 prejudice to, 6, 70
- Roman law, 6, 168
- Rules of international law: *see* General principles of, international law
- Rules of procedure: *see* Tribunal Rules
- Sales contract, 5, 38, 40
- Security Account—
 abuse of, 4, 207, 208
 disposition of interest, 1, 189-192, 197-214
 indemnification of depository, 1, 196, 197
 payment of bank fees, 1, 192-196
 payments from, 3, 128, 195, 196; 5, 49
 —deemed to be by principal debtor, 7, 115
 —unauthorized items, 3, 82, 358, 359; 4, 208
 repayment to, 7, 210, 211, 214
- Separate opinion—
 Aldrich, 1, 200

INDEX

339

- Ansari, 6, 66
 Holtzmann, 1, 200; 5, 82, 101, 138; 6, 175
 Kashani, 1, 115, 203, 329, 404; 4, 67
 Mosk, 1, 132, 200; 6, 95
 Sani, 1, 452
 Shafeiei, 1, 115, 203; 2, 356; 5, 175; 6, 288
see also Concurring opinion and Dissenting opinion
 Separation of issues, 2, 2, 146, 285, 287; 3, 297-301; 4, 82; 5, 54, 377
 Services, meaning of, 5, 101, 102
 Settlement, 1, 123-126, 140-143, 156, 157, 160-165, 181-184, 216, 217, 220-221, 327-333, 342-346, 403-410; 2, 44-50, 90-95, 126-131, 132-137, 228-231, 261-267, 269-277, 278-280, 291-293, 305-309, 332, 333, 348-361, 364, 365, 366, 367; 3, 34-35, 36-38, 73-75, 91-96, 119-123, 169-172, 176-180, 181-185, 186-197, 212-217, 218-224, 326-330, 338-348, 351-357, 366-371, 390-394; 4, 20-25, 29-32, 33-38, 39-46, 47-52, 83-88, 183-191, 192-196, 197-198, 199-204, 205-209, 280-285; 5, 76-77, 80-84, 88-89, 148-149, 150-151, 155-159, 249-250, 354-356; 6, 1-3, 4-11, 20-26, 33-37, 38-42, 118-119, 120-124, 147-148; 7, 209-216, 220-222, 223-224, 225-235, 236-238, 239-243, 244-246, 247-248, 249-257, 258-259, 260-268, 269-274
 agreement not to pursue claims, 6, 36
 amendment to, 7, 238
 applicable law, 7, 268
 approval of Iranian bank, 3, 193, 194, 213, 220, 359, 360; 4, 34
 assignment of rights, 6, 6
 authority of representative, 6, 39-41; 7, 221
 availability of, 3, 79
 breach of, 7, 215
 concurring opinion, 2, 357, 358; 3, 78, 358
 conditional agreement, 7, 213, 214, 237, 240-242, 263, 267
 conditional award, 3, 340, 352, 358
 conditions for recording, 1, 149-153; 3, 78, 82, 192-194, 358
 —jurisdiction, 1, 152
 —reasonableness, 1, 152, 153
 confidentiality of negotiations, 2, 356
 confidentiality of terms, 3, 37, 74, 79, 80, 83, 169, 212, 339; 4, 207, 209; 5, 81, 82, 84, 88; 6, 25, 34, 35; 7, 210, 211, 222, 237
 default, 7, 211
 delays in payment of award, 3, 196 n. 1
 dissent to, 3, 37, 38, 74, 78, 177, 182, 187, 192, 194, 327, 330, 352, 360; 4, 22, 34, 84, 198, 200, 206; 5, 77, 82, 355; 6, 3, 21, 121
 enforcement, 1, 330, 331, 406, 407; 3, 37, 38, 74, 177, 182, 187, 194, 195, 327, 330, 353, 360; 4, 22, 34, 41, 48, 84, 198, 200, 206; 5, 77, 82, 355; 6, 3, 21, 121
 escrow payment, 7, 210
 evidence of, 3, 358, 359
 exception to, 7, 220, 221, 226-228, 230
 form of award, 1, 329, 330, 405, 406
 from beginning to end of the world, 7, 252-254
 interdependence of terms, 6, 121
 invitation to negotiate, 7, 177-179
 jurisdiction of Tribunal, 1, 161; 5, 83, 353
 modified, 6, 120; 7, 261, 262
 null and void, 7, 210, 211, 213, 214
 parties bound by, 6, 122
 payment to Iranian bank, 3, 192-194
 performance of, 7, 213, 214
 precedential value, 6, 122, 124
 prejudicial to one party, 6, 40
 ratification of, 7, 222, 240
 reciprocal obligations of parties, 3, 75, 80, 177, 182, 187, 194, 195, 327, 330, 353, 360; 4, 22, 34, 84, 198, 200, 206; 5, 77, 82, 355; 6, 3, 21, 121; 7, 220
 revocation of, 7, 214
 signature of parties, 4, 22, 23, 39
 standards for acceptance by Tribunal, 3, 78, 82, 358, 359; 4, 208
 status of, 5, 353
 third party claims, 6, 24
 to suspend proceedings, 7, 237
 withdrawal of, 3, 99
 without payment from Security Account, 7, 236
 without prejudice, 1, 161; 5, 159
 Shareholder claims: *see under* Nationality of claim *and* Corporations

- Social Security payments, 3, 248, 249; 7, 69
 counterclaim for, 3, 116, 167, 236; 4, 246-248; 5, 233, 234; 6, 84, 85, 90, 91, 96, 174; 7, 87
 effect of contract on, 6, 91, 92
 Sole jurisdiction: *see* Forum selection clause, jurisdiction of Tribunal
 Sources of international law, 2, 84, 196; 4, 114; 5, 233, 332
 Sovereign equality of States, principle of, 5, 263, 266, 304, 311, 312, 327, 331
 Sovereign immunity, 1, 107, 207; 2, 144, 149, 212, 259; 4, 115 n. 2; 5, 6, 7, 10, 16, 117
 Sovereignty, 1, 105, 106, 192, 210, 212, 213, 516; 2, 183, 188, 205, 206, 210, 224, 353 n. 1; 3, 298, 308 n. 2, 312-314; 5, 11, 12, 19, 22, 49, 287, 314, 315, 330, 337; 7, 47, 170
 respect for, 7, 135
 Soviet Union, law of, 5, 19
 Speculative reasoning, 6, 71
 Statement of claim, 1, 134
 amendment of, 1, 173, 174 n. 2, 176, 177, 392-402; 2, 338; 3, 11, 30, 31, 81, 82, 358, 359; 4, 1, 101; 5, 30, 377; 6, 28, 29, 60, 63, 68
 —change of legal theory, 6, 60, 62, 70
 preparation of, 4, 26
 time limits: *see* Time limits
 video tapes, 4, 26
 Statement of counterclaim, 7, 88
 Statement of defence, 1, 166; 5, 138, 139
 amendment of, 3, 116
 failure to file, 2, 1-3; 3, 374, 375
 preparation of, 2, 288
 summary nature of, 3, 378
 time limits: *see* Time limits, statement of defence
 State responsibility, *see also* Aliens, protection of *and* Public order, protection of—
 abusive practice, 2, 188, 189; 6, 210
 acts of officials, 6, 202, 203
 due diligence, 2, 78, 79, 81, 84, 89
 enforcement of contracts, 2, 220, 221
 for nationals, 7, 124
 for objective effect of acts, 6, 207
 lawful measures, 2, 257, 258; 7, 166, 169
 protection of aliens, 7, 169
 protection of foreign investments, 7, 151, 152, 159, 160
 treatment of foreign nationals, 5, 293, 383, 384
 unjust enrichment, 2, 237
 violation of treaty obligations, 3, 388
 Statute of limitations, 7, 116
 Stay of proceedings: *see under* Procedure
Sua sponte, 5, 146; 6, 41, 177; 7, 116
 Subcontractor, 3, 273, 274, 278, 279; 5, 166
 Succession: *see under* Corporations
Sui generis, 4, 116 n. 1
 Summary enforcement procedures: *see*
 Arbitral award, basis for legal action
 Sweden, law of—
 Arbitration, 7, 204
 RB 13 5(2); Grade 139, 1, 233
 Switzerland, law of—
 Code of Obligations, 7, 191
 Taxes, 7, 69
 applicability of, 3, 115
 contract tax, 3, 114
 counterclaim for
 —jurisdiction of Tribunal, 3, 115, 167, 236, 252, 288; 4, 246-248; 5, 233, 234; 6, 84, 85, 90, 96
 deductibility of, 3, 114, 235, 262, 264, 288
 effect of contract on, 6, 91, 92
 enforcement of laws relating to, 5, 233, 234
 income tax, 3, 288
 production of receipts, 3, 368
 Technical Agreement with De Nederlandsche Bank N.V. (1981), 1, 192-199, 204-212
 Technical Agreement with N.V. Settlement Bank (1981), 1, 192-199, 204-212
 Appendix I, 1, 204, 207
 Paragraph 1, 1, 196, 198; 3, 196; 6, 66
 Paragraph 3, 1, 193, 194
 Technical Arrangement between Banque Centrale d'Algérie, Bank of England and Federal Reserve Bank of New York, 1, 192-199, 204-212; *see also* Dollar Account No. 2
 Paragraph 7, 5, 68, 69
 Paragraph 10, 1, 193

- Termination of claim: *see* Settlement
- Test case, 3, 375
- Time limits, *see also* Procedure—
- amendment of claim, 2, 338; 3, 11, 30, 31; 6, 60, 68
 - consolidation of cases, 4, 241
 - correction of award, 5, 73
 - counterclaims, 2, 113, 268, 283, 286-289, 347; 3, 116, 226, 253; 4, 182; 5, 400
 - enforcement of, 3, 85, 379
 - exceptions, 2, 315, 320
 - extension of, 1, 119, 120, 173-175, 230, 231, 320-325, 483; 2, 3, 125, 283-290, 311, 327-331, 345-347; 3, 41, 60, 85, 89, 90, 200, 301-303, 372-375, 377-379; 4, 13, 17, 59, 63-67, 71-73, 76; 5, 139, 140
 - justification for, 3, 84
 - failure to meet, 1, 132, 133, 171, 226-229, 334-336, 391, 485; 2, 3, 123, 312, 313, 317, 318, 320, 321; 3, 85, 90, 116, 226, 253, 380, 382; 4, 3, 4, 61, 64, 67, 73, 76, 143, 182, 214, 227; 5, 400; 7, 116, 117, 182
 - due to delay in mail, 1, 127, 129-131, 226-229
 - excused, 2, 317
 - failure of courier, 1, 128-131; 2, 313, 318; 3, 5; 4, 76
 - failure to set, 1, 158, 159, 178-180; 4, 66; 5, 141-143
 - statement of defence, 2, 283, 286-289; 3, 85, 89, 253, 374, 375
 - submission of evidence: *see* Procedure, post-hearing submissions
 - Undertakings: *see* Undertakings, time limits
- Trade law, 3, 54; 5, 394
- Trade practice, 5, 32, 33
- Transfer of cases, 7, 183, 200, 205
- Transfer of documents, 3, 108, 119, 120
- Translation: *see under* Evidence
- Treaties—
- Agreement between U.S. and Egypt Concerning Claims of Nationals of the United States (1976), 5, 283, 285, 329
 - Agreement Providing for Determination of Amount of Claims Against Germany, U.S.-Germany (1922), 2, 83
 - Amity, Economic Relations and Consular Rights, Iran-U.S. (1955), 1, 313, 365, 501; 2, 84, 161, 257, 353; 4, 103-105, 109, 112-117, 155, 156, 174, 179; 5, 381-383; 6, 151, 168, 178, 200, 201 n. 1, 208; 7, 41, 47, 50, 51
 - Article II, 4, 174 n. 2; 6, 168
 - Article IV, 2, 353, 388; 4, 102, 112, 114 n. 1, 116, 174 n. 2; 6, 168, 200 n. 2, 225 n. 1; 7, 40, 46, 51
 - Article V, 6, 183 n. 1
 - Article VII, 3, 28 n. 1; 5, 382; 6, 211, 212; 7, 40, 46, 47
 - Article XVII, 5, 270
 - Article XX, 4, 174 n. 2
 - Article XXIII, 4, 112, 113
 - termination or breach of, 4, 112-114; 5, 381, 383
 - whether binding, 5, 381
 - Charter of Economic Rights and Duties of States, 5, 11; 7, 170
 - Claims Settlement Declaration: *see* Claims Settlement Declaration
 - Convention on the Elimination of All Forms of Discrimination Against Women, 5, 273 n. 1
 - Convention on the Recognition and Enforcement of Foreign Arbitral Awards (1958), 2, 60; 6, 137 n. 2
 - Convention on the Recognition and Enforcement of Foreign Judgments (1983), 5, 233
 - Convention on the Settlement of Matters Arising out of the War and Occupation of 26 May 1952, 5, 272, 298
 - Draft Articles on Sovereign Immunity of States and State Properties, 5, 11 n. 1
 - Draft Articles on State Responsibility, 5, 12
 - Draft Convention on Arbitral Procedure, 3, 301 n. 1
 - Draft Convention on the Protection of Foreign Property (1967), 4, 118 n. 2, 174
 - General Declaration: *see* General Declaration
 - Geneva Convention on Bills of Exchange (1932), 2, 168, 235; 3, 19; *see also* European Convention on International Commercial Arbitration

- Treaties (*cont.*)
- Germany-U.S., Treaty of Peace of Berlin (1921), **2**, 80, 83, 84
 - Hague Conventions: *see* Hague Convention
 - Harvard Draft Convention on the International Responsibility of States for Injuries to Aliens (1961), **2**, 84, 89, 351, 352, 388; **4**, 115, 118 n. 2, 162, 166 n. 1, 173; **7**, 51
 - Harvard Draft Convention on the Responsibility of States (1929), **2**, 196, 197, 205; **5**, 326
 - International Monetary Fund Agreement: *see under* International Monetary Fund
 - Treaty of Neuilly, **3**, 311; **5**, 320
 - Treaty of Paris, France-Great Britain (1814), **2**, 181; **5**, 304, 312, 321
 - Treaty of Peace, United Nations and Italy, **2**, 206; **5**, 310, 326
 - Treaty of Versailles (1919), **2**, 80, 83, 84, 186
 - Treaty of Washington, Great Britain-U.S. (1871), **2**, 181, 190; **5**, 305
 - United Nations Charter, **3**, 24 n. 1
 - Article 51, **2**, 258 n. 1
 - United Nations Charter of Economic Rights and Duties of States, **4**, 105, 106, 114 n. 1
 - United Nations Convention on Contracts for the International Sale of Goods, **5**, 45
 - United Nations Declaration on Permanent Sovereignty over National Resources, **4**, 114 n. 1
 - Universal Declaration of Human Rights, **5**, 273 n. 1
 - U.S.-Mexican Claims Convention (1868), **2**, 83
 - U.S.-Mexican General Claims Convention (1923), **2**, 80, 83
 - U.S.-Mexican Special Claims Convention (1923), **2**, 80
 - U.S.-Poland Agreement (1960)
 - Article 3, **1**, 466 n. 1
 - Vienna Convention: *see* Vienna Convention on the Law of Treaties
- Treaties, interpretation of, **1**, 101-110, 190-192, 198-201, 205, 207-213, 288, 289, 292-295, 307, 308, 310; **2**, 55, 61-63, 82-87, 147, 148, 151, 160-168, 178-215, 311, 315, 320, 363, 371, 402; **3**, 305; **5**, 2, 67, 83, 253, 259, 271, 273, 277, 294, 329-333, 341-346, 351; **6**, 168; **7**, 33; *see also* Jurisdiction of Tribunal, interpretation of declarations
- aids to interpretation, **2**, 161-164, 179-215; **3**, 310; **5**, 262, 281, 290, 291, 329
- ambiguity, effect of, **2**, 317; **5**, 287, 289, 290
- contra proferentem* rule: *see verba ambigua accipiuntur contra proferentem*
- flexible, **1**, 199 n. 1, 309 n. 8
- good faith, principle of, **6**, 251, 270
- intention of parties, **1**, 103-105, 107-110, 190, 191, 198, 201, 205-207, 210, 211, 213, 245, 246, 255, 256, 265, 266, 276, 277, 284-286, 311, 312, 489, 491, 492, 495, 497, 498, 516; **2**, 56, 166, 210, 211, 213, 223, 315, 316, 320; **3**, 303-305, 307-310, 312-315; **5**, 14, 260, 267, 270, 272, 280, 281, 288, 329, 352; **6**, 270; **7**, 33
- judicial precedents, **5**, 262, 271, 304-328, 331, 332
- negotiating history, **2**, 161, 165, 196-198, 201, 202, 210, 212; **3**, 305-311, 313-315; **5**, 261, 300, 301, 304
- object and purpose of provisions, **5**, 261, 268, 270, 271, 281, 284, 285
- pacta sunt servanda*, **1**, 114, 210
- preparatory work, **1**, 245, 246, 255, 256, 265, 266, 276, 277, 284-286, 310-312, 477; **3**, 303, 304, 307, 308, 315
- procès-verbaux*, **2**, 198
- reciprocity, **1**, 106, 107
- restrictive, **1**, 192, 198, 211-213, 309 n. 8, 480; **2**, 80, 179, 211, 223; **3**, 309, 312, 313; **5**, 13, 93, 95, 99, 126, 281, 287, 288, 330, 351; **7**, 135
- specialia derogant generalibus*, **1**, 104
- subsequent practice, **2**, 149; **5**, 71, 268, 271, 289, 332, 346, 347, 353
- terms, meaning of, **3**, 311, 314, 315; **5**, 4, 260, 267, 268, 270, 280, 281, 284, 285, 289, 290
- useful effect, principle of, **6**, 251
- ut res magis valeat quam pereat*, **1**, 292 n. 25
- verba ambigua accipiuntur contra proferentem*, **2**, 211; **5**, 281, 286, 288, 330
- writings of scholars, **5**, 262, 264, 328

- Treaties, invalidity—
violation of internal laws, 3, 303-309
- Tribunal—
absence of arbitrator: *see* Arbitrator,
absence of
arbitrary action, 6, 232
assignment of cases to chamber, 3, 92,
126, 141, 237, 254, 268, 276, 292
authority of President, 5, 51, 52
Chambers
—authority of, 5, 47, 53
—independence of, 5, 52
competence, 5, 127; 6, 251
dicta, 4, 178, 180
discretion, 3, 192, 207, 212, 234, 316,
339, 362, 382 n. 1; 4, 12, 224; 5,
262; 7, 116
duty
—to clarify claim, 7, 121, 126
—to clarify requests, 5, 147
—to implement international law,
7, 171
—to respect laws of Iran, 7, 136
—to respect legal facts, 5, 12
—to respond to arguments, 5, 289
exceeding powers, 5, 335
expeditious conduct of business, 7,
204
expenses, 1, 107, 108
functus officio rule (*dessaisissement de
juge*), 3, 177, 182, 187, 195, 196,
330 n. 3
impartiality of, 5, 36, 41, 42, 49, 86;
6, 41, 251, 252, 270, 271
inherent power, 5, 129; 6, 108; 7, 219
international character of, 5, 261,
284, 294-297, 299
juge d'instruction, 2, 285, 286, 346; 3,
300; 5, 54
jurisdiction: *see* Jurisdiction of
Tribunal
majority decision, 2, 29, 113, 122,
146, 390; 3, 55, 199, 210, 211, 277,
293, 295, 325; 4, 111, 159; 5, 269,
277 n. 1
neutrality of, 5, 15, 16, 24, 49
power to investigate, 2, 115, 122 n. 1,
153 n. 1, 284, 285; 3, 88, 89
Procedural Guideline No. 1, 1, 285
quorum, 1, 117
statements contrary to fact, 5, 36, 37
ultra vires conduct, 3, 125-129,
140-144, 146, 297-301, 302 n. 2,
315, 324; 5, 335, 336; 6, 252, 271
workload, 4, 68, 69, 71; 7, 203
- Tribunal Rules—
Introductory Rules, Article 3, 1, 431
Article 2, 1, 127, 128, 130, 226, 228,
337, 398; 7, 275
Article 3, 2, 121
Article 4, 1, 167; 2, 36
Article 6, 1, 113, 511-514
Article 7, 1, 113
Article 8, 1, 113
Article 9, 1, 113, 114
Article 10, 1, 112-115, 509, 512, 514,
516-518; 3, 209
Article 11, 1, 112-115, 509, 512, 516,
517
Article 12, 1, 112-115, 509, 512-514,
516-518
Article 13, 3, 126, 139, 209 n. 4
—Amendment to, 7, 56, 92
Article 14, 3, 209 n. 4, 316 n. 3; 4,
214; 5, 362; 7, 56, 183
Article 15, 1, 167, 306; 2, 54, 59 n. 1,
122 n. 1; 3, 88, 362, 372, 387, 389;
4, 64, 70, 95; 7, 126
Article 17, 1, 234; 2, 368; 4, 206
Article 18, 1, 134, 167, 396; 3, 378; 4,
26; 7, 88
Article 19, 1, 120, 159, 167, 171, 175,
179, 231, 492, 498; 2, 36, 70, 113,
268, 289; 3, 116, 226, 253, 374,
377, 378; 4, 143, 182, 227; 5, 400;
6, 83, 101; 7, 88, 116
Article 20, 1, 309 n. 9, 393, 395,
399-401; 2, 338; 3, 11, 31; 4, 101;
5, 378; 6, 28, 60, 63, 68, 70, 102
Article 21, 1, 284, 285, 292, 294, 308,
320, 334, 335; 7, 136
Article 22, 3, 382 n. 1
Article 24, 1, 323, 464, 477; 2, 115,
121, 122, 300, 389; 3, 20, 294; 4,
58, 80, 268; 5, 22; 6, 210
Article 25, 1, 306, 458, 484, 485; 2,
122; 3, 381; 5, 59 n. 1
Article 26, 1, 154, 390; 2, 60, 61, 65,
370, 371, 402; 3, 60, 175; 4, 7, 58;
5, 128; 6, 140
Article 27, 1, 235; 4, 95, 158
Article 28, 1, 324; 3, 85, 363, 382 n. 2
Article 29, 2, 101, 122
Article 31, 1, 200 n. 2, 323, 424,
429-432, 449 n. 1; 2, 29; 3, 55; 4,
82, 159
Article 32, 1, 330, 331, 406, 420, 422,
449, 452, 454; 2, 101, 333, 365,

- Tribunal Rules (*cont.*)
 367; 3, 37, 74, 79, 83, 109, 118,
 155, 168, 169, 212, 238, 255, 269,
 293, 294, 339, 365; 4, 180, 198,
 206, 209; 5, 81, 84, 252; 6, 34, 109,
 268; 7, 183, 210, 222
- Article 34, 1, 140, 149, 150-153, 156,
 160, 161, 163, 182-184, 216, 220,
 221, 328-331, 342, 343, 404-406,
 409; 2, 45, 90, 126, 133, 134, 229,
 262, 269, 279, 292, 306, 333, 348,
 356, 357, 364, 367; 3, 35, 37, 38,
 74, 75, 78, 92, 119, 141, 169, 176,
 181, 182, 187, 192, 194-196, 213,
 219, 327, 328, 330, 338, 352, 353,
 360, 390-392; 4, 21, 22, 29, 30, 33,
 34, 42, 47, 49, 83, 85, 86, 183, 185,
 193, 194, 197-201, 205, 206, 282;
 5, 74, 76, 77, 80, 82, 149, 151, 156,
 250, 355; 6, 2, 3, 5, 21, 23, 34, 39,
 121, 147; 7, 210, 221, 224, 227,
 236, 237, 242, 245, 248, 250, 253,
 259, 262, 264, 269
- Article 35, 3, 364; 4, 60; 5, 74
- Article 36, 3, 364; 4, 60, 81, 82, 111;
 5, 73, 74; 6, 269
- Article 37, 3, 364; 4, 18; 5, 73, 74
- Article 38, 1, 414, 447, 451; 2, 12,
 113, 259, 385, 400; 3, 33, 58, 71,
 253, 275, 291; 4, 79; 5, 231; 7, 47,
 88, 197
- Article 40, 1, 414, 447, 451, 508; 2,
 12, 40, 113, 245, 259, 385, 400; 3,
 33, 58, 71, 253, 275, 391; 4, 79; 6,
 217; 7, 47, 197
- Article 41, 2, 75, 76; 3, 166; 4, 92, 93,
 158; 5, 186
- parties agreement on, 5, 268
- violation of, 4, 81; 6, 70
- UNCITRAL Rules: *see* Tribunal Rules
- Undertakings—
- Paragraph 2, 6, 66
- Paragraph 2(A), 5, 67
- Paragraph 2(B), 1, 137 n. 1; 2,
 312-321; 3, 3-6, 381; 5, 58, 61,
 67-70, 71
- procedural requirements, 2, 313-319;
 3, 5, 6
- time limits, 2, 313-319; 3, 5, 6
- Unequal bargaining power, 3, 320, 325
- United Kingdom, law of, 5, 7, 8, 19; 6,
 136
- interest on debt, 2, 12, 27
- Misrepresentation Act (1967), 3, 30
- Oil and Undersea Pipeline Act (1975),
 7, 168
- United Nations, 7, 170, 171
- United States—
- duty to examine validity of claims, 5,
 85
- Foreign Claims Settlement Com-
 mission, 5, 350
- nationality of corporation, proof of, 1,
 456-474
- United States Courts—
- injunction, 3, 267
- John Doe action, 3, 15, 25
- stay of proceedings, 5, 154, 344 n. 1
- termination of claims, 2, 56, 62
- United States, law of, 1, 459, 460, 464,
 467-474, 479-481
- Agricultural Foreign Investment Dis-
 closure Act (1978), 1, 472
- arbitration, 3, 210, 211, 295
- California
- Code of Civil Procedure, 6, 102
- Constitution, 7, 204
- citizenship, 5, 270
- Code of Ethics for Arbitrators in
 Commercial Disputes, 7, 180 n. 1,
 204
- Code of Federal Regulations, 7, 192
- Constitution, 5, 296
- Article II(2), 3, 307 n. 1
- Article VI, 4, 114
- contract, 3, 163; 6, 196, 274
- corporations, 7, 205
- Domestic International Sales Corpo-
 ration, 3, 40; 7, 186, 205
- Executive Order of 14 November
 1979 (freezing Iranian assets), 7,
 192
- Executive Orders Prohibiting Trans-
 actions with Iran, 2, 249, 251, 255
 n. 1; 5, 60, 61; 6, 28
- Federal Communications Act (1934),
 1, 468
- Federal Rules of Civil Procedure
- Rule 13(a), 6, 101
- Rule 41, 1, 233
- Foreign Sovereign Immunities Act
 (1976), 2, 148
- government agencies, 5, 8-11
- Immigration and Nationality Act, 2,
 222; 5, 100, 102
- International Claims Settlement Act,
 5, 346 n. 1

- International Investment Survey Act (1976), 1, 460
- Iranian Assets Control Regulations, 2, 248, 251, 252, 255 n. 1; 5, 14 n. 1, 60
- Merchant Marine Acts (1920 and 1936), 1, 471
- non-profit corporations, 5, 345
- partnership, 3, 161
- Restatement (Second) of Conflict of Laws, 7, 99 n. 1
- Restatement (Second) of Foreign Relations Law (1965), 2, 84; 5, 297; 7, 169
- Rules for the ICC Court of Arbitration, 7, 204
- Shipping Act (1916), 1, 471
- Securities Act (1933), 2, 148 n. 1
- Tax Reform Act (1984), 7, 205
- Treasury Regulations, 5, 14
- Uniform Commercial Code, 4, 268; 5, 45; 7, 99, 102, 109, 113, 114
- §1-106, 3, 57 n. 2
- §1-201, 3, 20 n. 2
- §2-204, 3, 48
- §2-206, 3, 50; 7, 109 n. 1
- §2-207, 3, 49
- §2-240, 7, 109 n. 2
- §2-319, 7, 100 n. 2
- §2-325, 7, 109
- §2-504, 7, 100 n. 2
- §2-509, 7, 100
- §2-602, 7, 101 n. 1
- §2-703, 7, 110 n. 1
- §2-706, 7, 110 n. 1, 111, 114 n. 1
- §2-708, 7, 111
- §2-709, 3, 52, 56
- §2-710, 3, 52, 56; 7, 111
- §3-122, 7, 115
- §3-302, 2, 235; 3, 20 n. 2; 7, 99
- §3-305, 3, 20 n. 2; 7, 99, 100 n. 1
- §3-307, 3, 20
- §3-309, 3, 51
- §3-413, 2, 168; 3, 19
- §3-506, 3, 20 n. 2
- §3-507, 2, 169
- Unjust enrichment, 1, 287, 309 n. 9; 2, 155, 234-239; 3, 30-32, 278, 279; 4, 231, 232, 278, 279; 5, 171, 172; 6, 168, 169, 172, 177, 213, 215
- Unlawful acts, 6, 169
- Video tapes: *see* Statement of claim, video tapes
- Vienna Convention on the Law of Treaties (1969), 1, 190, 205, 209, 289; 5, 281, 351, 353
- Article 12, 1, 200
- Article 26, 1, 109
- Article 27, 1, 490, 495; 3, 304, 305
- Article 31, 1, 109, 198, 200, 201, 211, 288, 307; 2, 82, 147, 149, 160, 161, 209, 210; 3, 305 n. 1, 310, 312 n. 1; 5, 83, 259, 260, 265, 273, 279, 281, 289, 290, 329-332, 341, 346
- Article 32, 1, 109, 211 n. 3, 288, 307; 2, 160; 3, 305 n. 1, 310; 5, 259, 279, 280
- Article 45, 4, 112 n. 3, 113
- Article 46, 1, 490, 495; 3, 304-306
- Article 47, 1, 489, 495; 3, 304, 306
- Article 54, 4, 112 n. 3
- Article 60, 2, 257
- Article 62, 1, 314; 4, 112 n. 3
- Article 65, 4, 112 n. 3
- Article 67, 4, 112 n. 3
- Waiver of rights, 6, 50
- Wholly-owned subsidiary, 7, 206; *see also under* Nationality of claim, corporations
- Withdrawal of action: *see* Claims, withdrawal of