

INDEX<sup>1</sup>

- Abuse of judicial authority, **5**, 128  
 Abuse of right, **29**, 57, 183-4; **32**, 40  
 Account stated, **4**, 220, 221, 228, 230-4, 236;  
**8**, 162-8  
 Acquiescence: Estoppel  
 Acquired rights, **6**, 163  
 Act of State, **4**, 102, 115 n. 2; **5**, 12; **16**, 99;  
**17**, 100-1; **19**, 285-9, 292; **24**, 11:  
     State responsibility  
     enquiry into by international tribunal, **25**,  
     157, 165  
 Admissibility: *u* Evidence  
     Jurisdiction of Tribunal  
 Admission, effect, **3**, 205 n. 2, 235, 288  
 Agency, **1**, 356-62, 376-81; **2**, 11, 23-4; **3**,  
     205; **4**, 278, 279; **6**, 159, 160, 193-5; **8**,  
     130, 140; **17**, 14-15, 25-30; **19**, 126,  
     129-32, 133-5, 138-9, 140, 152-3; **23**,  
     142-6, 299-300, 305-6: Evidence  
     of, agency  
     applicable law, **19**, 126  
     broker distinguished, **2**, 399  
     general principles of agency law, **19**, 126  
 Aggregation of cases: Procedure,  
     consolidation of cases  
 Airline practice, **9**, 360-75  
 Algeria, duties, **5**, 49  
 Algiers Declarations as changed  
     circumstances, **1**, 208: Claims  
     Settlement Declaration; General  
     Declaration  
 Aliens, treatment of, **4**, 166, 167; **5**, 293,  
     383-4; **17**, 147, 181:  
     Expropriation; Expulsion; State  
     responsibility  
     wrongful death, **2**, 81-9  
 Alternative forum, **6**, 49  
 Alternative pleading, **4**, 231, 233, 235, 236  
 American Arbitration Association: *u*  
     Arbitration rules  
 American law: United States, law of  
 Appeal, **3**, 128, 364; **5**, 74: Award,  
     correction; Award, reconsideration;  
     Rehearing  
 Applicable law, **3**, 8, 14, 19, 56, 58; **4**, 5,  
     113-16, 174, 234, 267, 270, 292, 293; **6**,  
     46, 97, 98; **7**, 99, 102, 109, 113, 115,  
     130, 191; **8**, 105; **10**, 239, 277; **12**, 143,  
     273; **13**, 88-9, 229-33; **14**, 138-40,  
     186-7, 229-30, 245; **15**, 29, 214-24,  
     236-9; **16**, 20-8, 194-6, 256; **17**, 132,  
     142, 230-1, 239-40; **18**, 119, 361 n. 10;  
     **19**, 29-31, 286; **21**, 68, 72; **23**, 357; **26**,  
     226: Choice of law  
 agency, **1**, 377, 379-80; **19**, 126  
 authenticity of document, **29**, 124  
 contracts, **1**, 422; **2**, 27; **3**, 48, 56; **4**, 267;  
     **6**, 236; **7**, 131; **8**, 162, 231, 232; **9**, 121,  
     124, 326; **10**, 216; **13**, 26; **17**, 230-1,  
     240; **21**, 103, 154; **22**, 243, 268-89,  
     324, 325; **24**, 170; **26**, 146: State  
     contracts *b*  
 corporations  
     —ownership, **17**, 328; **21**, 77 n. 30  
     —pre-incorporation agreements, **2**, 154  
     n. 1  
 date determining, **15**, 215  
 diplomatic protection, **19**, 31  
 disqualification of arbitrator, **20**, 203-4,  
     272-3  
 expropriation  
     —international law, **16**, 25; **29**, 27  
     —Treaty of Amity, **16**, 25, 194-5, 239;  
     **21**, 118, 121, 125; **30**, 255-7; **31**, 3-6,  
     119-20  
 expulsion, international law, **17**, 142  
 general principles of commercial and  
     international law, **16**, 21, 28, 104; **26**,  
     106  
 general principles of law, **19**, 30; **20**, 204  
 immovable property transactions, **2**, 250,  
     256  
 international law, **16**, 28; **19**, 30-1, 286;  
     **23**, 357

<sup>1</sup> This is a consolidated index identifying the contents of all previous volumes as well as the present volume. The figures in bold type refer to the volume number.

- Applicable law ( )  
 —displacement by Claims Settlement Declaration, **25**, 28  
 interpretation and substance, different systems to apply, **16**, 21  
 law of parties, **19**, 30; **28**, 209  
*x v u*, **21**, 63  
 marital rights, **30**, 49-56  
 nationality, **2**, 166, 183, 224; **32**, 85, 86-7, 88  
 payment of cheque, **1**, 171  
 pension rights, **30**, 42-3, 63  
 practice of parties, **17**, 231, 240  
 principles of mutual goodwill and good faith, **21**, 154  
 procedure, **8**, 161; **30**, 55  
 promissory notes, **21**, 44-5, 63-4  
 relevance, **12**, 214  
 share transfers, **19**, 272  
 State contracts, **16**, 27-8; **19**, 31; **22**, 287-9: contracts *b v*  
 —international law, **32**, 180  
 time limits, **17**, 190  
 Tribunal's  
 —failure to indicate, **1**, 422  
 —freedom to determine, **13**, 232; **30**, 49-50; **32**, 179-80
- Appointing authority  
 designation, **1**, 513-14  
 powers, **1**, 114-15, 117; **21**, 388, 390
- Arbitral tribunal: International tribunals;  
 Tribunal
- Arbitration  
 clause, jurisdiction, **25**, 26, 73-4, 141-2  
 failure to comply with, **7**, 202 n. 1  
 meaning, **5**, 183  
 nature, **7**, 78  
 objection to conduct of, **25**, 6  
 waiver of right to, **7**, 202 n. 1
- Arbitration rules: International Law  
 Commission; Tribunal Rules;  
 UNCITRAL Rules *u*  
 International Chamber of Commerce  
 American Arbitration Association, **20**,  
 206, 209, 245, 250, 310  
 American Code of Ethics for Arbitrators,  
**3**, 40, 296; **4**, 181; **20**, 205, 207, 208,  
 209, 212, 218-19, 251  
 Grain and Feed Trade Association, **3**, 323;  
**20**, 250
- Inter-American Commercial Arbitration  
 Commission, **20**, 206
- International Bar Association Guidelines,  
**20**, 211-12, 216, 251
- International Institute for the Unification  
 of Private Law, **20**, 205
- London Court of International  
 Arbitration, **20**, 206
- Netherlands Arbitration Institute, **20**, 250
- UN Economic Commission for Asia and  
 the Far East, **20**, 205
- UN Economic Commission for Europe,  
**20**, 205
- Uniform Arbitration Act, **3**, 210, 211, 295
- Arbitrator—  
 absence, **1**, 415-17, 425-8, 431-2, 433,  
 453-4; **2**, 14-16, 27-9, 343-4; **3**, 24-146,  
 155, 168, 209-11, 237, 238, 254, 255,  
 268, 269, 276, 277, 291-6, 316; **8**, 42;  
**19**, 116-17; **21**, 239-40; **29**, 364 n. 11  
 appointment, **5**, 277 n. 1:  
 Appointing authority  
 challenge, **1**, 111-18, 509-18; **5**, 277 n. 1;  
**20**, 177-330; **21**, 196, 279-82, 318-402;  
**24**, 309-24  
 —admissibility, **24**, 319, 324  
 —confidentiality, **20**, 233-4  
 —effect, **21**, 280, 351, 358-9  
 —failure to act, **27**, 293-336  
 —legal standard, **20**, 243-6, 271-82  
 —procedure, **20**, 184  
 —time limits: Time limits, arbitrator,  
 challenge to  
 currency offence, alleged, **21**, 380-3, 395,  
 396-8  
 disclosure obligation, **20**, 177-330 *p m*  
 disqualification, **1**, 111-18, 509-18; **2**, 346,  
 358; **5**, 266  
 —applicable law, **20**, 203-4  
 —effect, **20**, 239  
 —non-disclosure and, **20**, 214, 215-16,  
 257, 282-5; **21**, 195-6  
 exceeding power, **5**, 366 n. 1; **6**, 271; **21**,  
 400  
 failure to sign award, **1**, 204, 415-17,  
 424-41, 449, 452-4; **2**, 13-16, 27-8, 170,  
 177, 227, 343-4; **3**, 92, 108, 118, 124-9,  
 137, 141-6, 155, 168, 210, 211, 237,  
 238, 254, 255, 268, 269, 276, 277,  
 292-4; **4**, 111; **5**, 348; **6**, 39, 229, 230,  
 252; **7**, 222; **14**, 8, 10; **15**, 187-8; **16**,

- 112 n. 1, 237, 255-6, 282; **18**, 3-44; **19**, 107 n. 1, 161-71; **21**, 79 n. 1, 194-8, 295; **26**, 5-6, 189; **29**, 23  
 —effect on validity of award: Award, validity  
 impartiality, **1**, 115-18, 424, 427, 433, 514, 516, 518; **2**, 21, 346, 357-8; **3**, 129, 299, 303, 304, 315; **20**, 179-80, 182-3, 186; **21**, 349, 355-6, 387, 390, 398; **24**, 310-11, 316-18, 319-24  
 independence, **3**, 209; **20**, 179-80, 182-3, 186; **24**, 310-11, 316-18, 319-24  
 —European Court of Human Rights (ECHR), **20**, 218  
 resignation, **1**, 415-17, 426-7, 433-4, 436; **2**, 14-15; **3**, 41, 108, 117, 137-9, 144-6, 155, 168, 209-11, 237, 238, 254, 255, 268, 269, 276, 277, 291-3, 295, 375, 376; **5**, 362; **6**, 103; **7**, 56, 183; **14**, 271 n. 2; **16**, 284 n. 8; **19**, 117  
 rights, **19**, 167  
 substitute, **14**, 312, 353-4  
 withdrawal, **5**, 338; **20**, 329-30  
 witness, relationship with, **20**, 184, 185, 186, 242, 250-4, 266-7, 329  
 Attachment—  
 release, **4**, 277; **15**, 185  
 right of, **22**, 78  
 Attribution: Controlled entity; State responsibility  
 Award—  
 additional, **5**, 74; **14**, 258, 280-1; **16**, 110-11, 284; **18**, 76; **25**, 187, 273-4; **28**, 51-2, 195-7; **29**, 293-4; **31**, 289  
 on agreed terms: Settlement amendment, **6**, 30-2, 269, 270  
 arbitrary nature, alleged, **21**, 338-45  
 basis—  
 —contractual obligations, **10**, 256, 257  
 —legal principles, **5**, 42, 48; **21**, 338  
 —to be stated, **4**, 180; **5**, 129; **6**, 268-70; **21**, 215, 338  
 basis for legal action, **6**, 135-9; **18**, 118-19, 120-8, 130-1  
 bias, alleged, **21**, 332-8, 378-9  
 binding nature: final and binding *b* challenge to, **21**, 295-6  
 —withdrawal, **21**, 302  
 compliance, **23**, 208  
 contradictory, **5**, 130  
 contrary to fact, **5**, 46, 47  
 correction, **3**, 364; **4**, 111; **5**, 73, 74; **6**, 270; **8**, 133-4; **11**, 284, 286, 301; **13**, 93-4; **14**, 101, 173-4, 256; **18**, 76-8, 114; **19**, 172-5, 253-5; **20**, 171; **23**, 122-5, 230-2; **25**, 187, 188-9, 273, 274-6; **26**, 186-7; **27**, 264-8; **28**, 307-8; **30**, 19-21; **31**, 124-6, 288  
 credibility, **5**, 267  
 date of receipt, **8**, 53, 134; **9**, 405; **16**, 283  
 declaratory, **21**, 74-5  
 deferred implementation, **26**, 147  
 delay in making, **4**, 3; **21**, 261-2, 275-8  
 deviation from, **18**, 79  
 discriminatory, **6**, 269  
 duty to comply with, **7**, 219  
 error in, **16**, 284  
 Escrow Agent, effect in absence of notification, **21**, 286, 288, 293  
 exceeding remedy sought, **6**, 232; **17**, 30  
 final and binding, **3**, 365; **4**, 16; **5**, 74, 252; **6**, 109; **8**, 107-18; **11**, 274, 276 n. 3; **16**, 84; **20**, 209; **21**, 293-4, 295, 301, 349, 352, 375; **22**, 208; **26**, 258-61; **29**, 23, 387-92; **31**, 289, 290  
 —proceedings in another forum and, **2**, 63, 98; **29**, 220-1  
 financial position of respondent, relevance, **21**, 51  
 Full Tribunal, powers regarding, **21**, 283-4  
 grounds for setting aside, **5**, 128  
 illegal, **5**, 41, 49; **7**, 201  
 insufficient reason for, **19**, 16  
 interim: *T b f by y*  
 interlocutory: *T b f by y*  
 interpretation, **3**, 364; **5**, 74; **6**, 284; **8**, 116; **12**, 304-5; **13**, 328-30; **14**, 174, 257, 261-2; **18**, 113-14; **19**, 172-3, 317-19; **25**, 187; **26**, 188, 254-5; **27**, 194-5; **31**, 288-9  
 jurisprudential value, **6**, 115  
 language, **21**, 392-3  
 —authentic version, **21**, 293  
 —validity in absence of translation, **21**, 286, 288, 293-4, 295, 296-301; **27**, 267  
 length, **30**, 169  
 modification, **4**, 81; **29**, 260 n. 3  
 —of award in parallel case, **31**, 67-86  
 non-legalistic, **7**, 17  
 null compromise, **5**, 335; **6**, 271  
 null and void, **6**, 271; **7**, 201

## Award ( )

- deemed by Parties as, **21**, 290, 296
  - status of Award, **21**, 293-4
  - omission from, **16**, 284
  - partial, **1**, 185; **2**, 44, 100; **3**, 197, 319, 366; **4**, 20, 74; **5**, 76; **6**, 141; **7**, 90, 181, 220, 225; **8**, 15, 183; **9**, 10; **11**, 363, 372 n. 2; **13**, 370 n. ; **14**, 24, 311; **15**, 189; **16**, 3; **17**, 31, 92, 153; **19**, 3, 107, 200, 273; **21**, 20
  - postponement, **3**, 105
  - reasons for: basis *b v*
  - recognition, **7**, 219
  - recognition and enforcement, **5**, 130; **6**, 135-9; **14**, 331, 333-6; **18**, 131-46
  - reconsideration, **3**, 364, 365; **4**, 60; **5**, 74, 75; **6**, 46; **8**, 107-18; **14**, 101, 256; **18**, 76-7; **23**, 123; **25**, 186-7; **28**, 318-19
  - reinstatement of case, **28**, 216-24
  - rescission, **5**, 74, 75
  - review: reconsideration *b v*
  - revision, **29**, 387-92; **31**, 286-92
    - Tribunal's inherent power, **31**, 289-91
  - satisfaction of claim in another forum, **9**, 257
  - supplementary, **19**, 255-6, 318, 319-20
  - Tribunal's inherent power, **8**, 117, 118
  - unenforceable, **6**, 271
  - unjust, **7**, 17
  - validity, **1**, 417-24, 433; **2**, 14-16, 27, 170, 177, 286, 289, 290, 346; **3**, 54, 124-9, 140-4, 210, 211, 295, 297-9, 302, 315, 324; **6**, 115; **7**, 162, 198; **29**, 23
  - violation, **4**, 73
  - void, **5**, 336
    - *b* , **5**, 335
  - without prejudice, **5**, 72
- Bad faith, **5**, 266, 300
- Bailee, **6**, 279; **8**, 270
- Balance sheet, preparation of, **6**, 244
- Bank guarantee: Performance guarantee
- Banking institutions: Undertakings
- Banking obligations, breach, **7**, 48
- Banking practices, **1**, 170, 191, 198, 201-2, 205, 207, 210, 505-6; **2**, 168; **3**, 19, 21, 25, 27, 30; **5**, 29, 38; **6**, 167; **7**, 43; **17**, 284-5: Cheque
- waiver of defect, **17**, 285, 291-2

- Bankruptcy, **2**, 151; **8**, 257-9; **9**, 15; **27**, 21-2, 34-6, 38-9
  - liquidation distinguished, **2**, 10
- Bill of exchange: Negotiable instruments
- Bill of lading, **5**, 31, 32, 39; **6**, 291
- Burden of proof, **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, 210-12; **7**, 28, 29, 68, 80, 88, 106, 107, 116, 117, 128, 129, 190-2; **9**, 42, 57, 119, 244, 355; **10**, 216, 217, 221, 344; **11**, 275, 278, 281-2, 336-7; **12**, 153, 224, 297, 314; **13**, 23, 54-5, 58-9, 72, 112, 136, 139, 141, 153, 197; **15**, 87; **16**, 101, 106-7; **17**, 57, 68, 75, 104, 112, 142, 151, 191, 193, 204, 222, 257, 263, 285; **18**, 14, 68, 102, 105, 160, 161, 193-4, 196, 221, 228, 237, 238, 241, 263 n. 22, 264, 270-1, 324, 325, 329, 362, 369; **19**, 14, 124, 210, 220, 269, 270; **20**, 14-323, 325-7; **21**, 16, 18, 27, 29; **22**, 54, 56, 59, 88, 99, 110, 133, 171, 242, 251, 355; **23**, 168, 173, 191-3, 195, 225, 226-7, 266, 284, 293-4, 335, 337, 368; **24**, 23-4, 112, 114, 133, 152, 225, 245, 251, 258; **25**, 116, 120-1, 202, 232, 244; **27**, 52, 80; **28**, 11-12, 139, 267-8
  - umb u p b* , **1**, 209, 420, 464; **18**, 216; **29**, 92-3
- allocation, **3**, 18, 20, 70, 71; **5**, 245; **9**, 172
- authenticity of document, **2**, 119; **31**, 161-2, 181-2, 246-56
- contract
  - amendment, **2**, 389, 390, 399
  - breach, **2**, 382
  - existence, **30**, 106
- controlled entity status, **1**, 420-1
- dominant and effective nationality, **26**, 7 n. 1
  - qu ffi m* , *qu* , *umb p b* , **20**, 266; **29**, 123-4
- expropriation, **28**, 71; **30**, 41, 154, 160, 163; **31**, 109
  - by legislation, **32**, 151-2
- implementation of contract, **2**, 153
- invoice or work performed, **2**, 108, 115
- modification of previous valuation, **29**, 279

- nationality of corporation, **1**, 457-8, 464, 475-7, 481-2
- ownership, **32**, 202
- payment of account, **2**, 121
- prevention of export, **28**, 9
- p b umb qu*, **18**, 325
- shift, **28**, 291-2; **29**, 123-4
- to support defence, **3**, 18, 20, 27 n. 2, 70, 71; **4**, 80
- Calvo Clause, **18**, 246 n. 5
- Canada, law of, **7**, 167
- Causation
- foreseeability, **3**, 266: Frustration proximate cause, **2**, 42; **3**, 249, 266
- Chambers: *u* Tribunal
- Changed circumstances, **3**, 52, 68, 198, 199, 309, 322, 324; **4**, 260, 268; **5**, 211; **8**, 441-4; **9**, 38-147; **11**, 33; **15**, 214, 217-19; **16**, 39; **21**, 341; **23**, 171-2, 218 n. 5
- Algiers Declarations as, **1**, 208, 241
- Claims Settlement Declaration provisions, **1**, 311
- forum selection clause and, **1**, 287-94, 308, 311-14
- in Iran, **1**, 245-6, 251, 256, 264-6, 277
- political changes, **16**, 39-40; **21**, 111-12
- Charitable institutions: Corporations, non-profit
- Cheque, **1**, 169-72; **3**, 10-21, 24-7, 30-3, 235
- bank as drawer, **2**, 235-8
  - beneficiary of, **3**, 12
  - burden of proof, **3**, 19, 20
  - holder in due course, **3**, 20 n. 2
  - right to payment, **2**, 168-9
  - signature, **3**, 20 n. 1
- Choice of forum: Forum selection clause
- Choice of law, **4**, 234; **6**, 98
- general principles of law, **7**, 99; **8**, 140, 141; **16**, 25
- Choice of law clause, **4**, 267, 268; **5**, 293; **7**, 107; **8**, 156; **10**, 63; **11**, 26; **16**, 20, 25, 26-8: Forum selection clause
- forum selection clause distinguished, **1**, 236-41, 251, 262-4, 281-2, 286-7, 299-302, 377
  - interpretation and implementation distinguished, **16**, 26-8
  - procedure, applicability to, **13**, 68
- Civil action, alternative forum, **4**, 60
- Civil Code of Iran: *u* Iran, law of
- Claimant: Proper claimant
- Claims: Statement of Claim
- abandonment, **5**, 171
  - ambiguity, **9**, 296; **11**, 90
  - amendment: Statement of Claim, amendment
  - for amounts larger than claims in US courts, **4**, 143
  - assignment, **11**, 84; **13**, 19; **15**, 183-4, 285; **16**, 301-2, 310-12; **26**, 154
  - barred, **7**, 116; **10**, 218
  - basis—
    - absence of, **22**, 353
    - alternative, **26**, 217 n. 2, 251
    - anticipatory breach of contract, **29**, 232
    - arbitration contract, **18**, 118-19
    - award of International Chamber of Commerce, **6**, 130, 131; **18**, 118-19, 120-8
    - bank account, **10**, 98, 342; **13**, 336; **26**, 251-2; **31**, 106
    - beneficial ownership, **12**, 275-84; **29**, 25-8; **32**, 67-70
    - binding contract, **4**, 230, 231; **10**, 257, 325; **22**, 115
    - confiscated equipment, **25**, 67-9
    - contractual arrangements for the purchase and sale of goods and services, **32**, 103-14, 173-4
    - movable/immovable property distinguished, **32**, 173-4
    - contractual basis, need for, **27**, 138 n. 6
    - customs charges, **13**, 157, 160, 163, 166
    - debt, **21**, 45, 75; **27**, 137
    - decline in value of dollar, **6**, 287
    - demand for payment, **24**, 219-20, 243-5, 247, 248-9; **28**, 42-3
    - different causes of action, **13**, 115-17
    - equity, **16**, 48
    - expropriation: Expropriation
    - failure to establish, **6**, 127, 129
    - failure to re-export, **27**, 92-8
    - failure to secure customs clearance, **29**, 327-30
    - government interference with

## Claims ( )

- contractual relations, **12**, 351; **29**, 229
- inadequacy, **29**, 350-64
- insurance contract, **23**, 65-8, 110-22
- intentional tort, **12**, 261-3
- invoice, **23**, 173-89; **24**, 149-51; **25**, 39-42, 53-7, 98; **26**, 74-6, 87, 88-94, 115-18, 119-20, 132-7; **27**, 76-7, 82-5; **29**, 231, 323-7
- latent defect, **19**, 15, 38-46
- letter of guarantee, **13**, 157, 160, 163, 166, 167-72
- loss of property, **24**, 151-2, 222-6; **26**, 81
- payments made, **16**, 19, 72
- performance guarantee
  - demand for payment, **25**, 100-1
  - return, **19**, 212-13, 239-40; **25**, 53, 62-7, 98, 126-9
- personal injury, **17**, 140
- promissory notes, **13**, 21-7; **21**, 44-5, 46-52, 63-7
- property right, **16**, 195-6, 230-1, 238, 239; **17**, 99, 139-40, 169, 174 n. 8; **24**, 110-11; **29**, 308-9; **32**, 32-6, 141-2
- putative damages, **27**, 230
- relocation costs, **30**, 153
- retained monies, **27**, 76-7, 86-7, 112-15
- salary, **30**, 153
- settlement agreement, **8**, 264; **24**, 133, 153
- social security payments: Social security payments
- standby letter of credit, **5**, 57-61, 66-72; **6**, 222
- statement of account, **12**, 155
- storage costs, **27**, 226-8; **29**, 343-4
- termination of contract, **26**, 76-7
- tort, **17**, 99, 139-40
- Tribunal not limited to parties' theories, **9**, 56; **12**, 184
- trust account, **27**, 228-30
- unjust enrichment, **23**, 146
- work performed, **23**, 189-200, 218-28; **25**, 57-8, 90-4; **26**, 106-8; **27**, 189, 193
- between government entities, **3**, 348; **5**, 113:
  - Claims, official
    - by banking institutions: Undertakings
    - by corporation indivisible, **11**, 87
    - by Domestic International Sales Corporations, **7**, 186, 188, 200
    - by individuals, **4**, 115; **7**, 121
    - by Iran against US nationals, **3**, 152; **4**, 1, 75, 101-10; **5**, 15, 66, 127; **8**, 364, 366, 368, 373; **23**, 245, 248, 251, 254, 257
    - by Iranian banks against US banks, **8**, 362, 364, 366, 371; **9**, 36, 97-106; **16**, 293 n. 4; **17**, 253: Undertakings
    - by Iranian nationals against Iran, **7**, 123, 132, 171; **26**, 131
    - by non-profit institutions, **3**, 317 n. 1
  - collective, **11**, 88
  - continuity, **16**, 15, 104; **17**, 267; **18**, 261; **21**, 42; **22**, 10; **23**, 301; **24**, 270; **25**, 58, 138; **26**, 154; **27**, 70 n. 4; **28**, 17-19, 62, 66, 380-1; **29**, 227, 266, 306; **30**, 185; **31**, 149-50; **32**, 57:
    - assignment *b v* ; Claims Settlement Declaration, Article VII, Paragraph 2; Nationality of claim, continuity
  - contract, arising out of, **16**, 18
  - courts, **4**, 142
  - critical date, **29**, 232-3, 378-9; **32**, 189
  - damage, need for, **22**, 57-8, 182-3, 212
  - date arising, **10**, 48; **19**, 53, 55, 60-1, 211-12, 240; **25**, 58-9
  - declaratory relief, **22**, 60-1, 252-3, 335-6; **26**, 170-1
  - derivative, **4**, 276
  - direct, **5**, 297, 298, 300; **8**, 368-70; **12**, 261-4; **15**, 101; **26**, 206-12, 216-26
  - dismissal, **7**, 123; **9**, 344
  - effect of amendment to contract, **11**, 233-6, 250-5
  - equitable, **8**, 263
  - frivolous, **4**, 19; **6**, 129
  - indirect, **4**, 243, 244; **5**, 379; **6**, 28, 65 n. 3; **7**, 6, 7, 183, 185-7, 199, 200, 206, 207; **8**, 368-70; **9**, 233, 254-66; **10**, 61-4, 279-81; **11**, 84-9, 212-14, 311-13, 347; **12**, 251-61, 272-87; **13**, 18-19, 298-9; **14**, 179-92, 199; **15**, 195-6, 221-2; **16**, 14, 195-6, 239, 258; **17**, 115, 116, 297-8; **18**, 101, 103; **19**, 105 n. 12, 118; **22**, 10, 215; **23**, 270; **25**, 138, 175-6; **26**, 65-6, 130, 212-16; **28**, 204-5; **30**, 150-1
  - on behalf of Iranian companies

- against Iran, **10**, 85, 279-80; **11**, 311-12, 347
- effect of expropriation, **9**, 265
  - entitlement to full recovery, **10**, 63-4, 82-4
  - financial losses, relevance, **30**, 160
  - loss of shareholder status, **9**, 265 n. 17
  - requirements, **7**, 186
  - Treaty of Amity and, **15**, 34 n. 14
- insurance compensation, effect, **10**, 239
- insurance contract, relevance, **10**, 258; **14**, 292
- interest as part of, **16**, 289-90
- interest-only, **13**, 95-6
- interstate nature, **5**, 291, 294-8, 334; **18**, 385-7: Diplomatic protection
- joinder: Procedure, consolidation of cases
- joint, **16**, 13-14; **24**, 245-7
- commingled, **24**, 247
- judgment of municipal court as, **8**, 294-6; **11**, 196
- larger embraces smaller, **10**, 252; **17**, 169; **22**, 42
- of less than \$250,000, **3**, 77; **4**, 211; **5**, 83 n. 1; **9**, 16; **16**, 104, 261-2; **18**, 24, 66, 109 n. 15, 245, 275, 383, 393-6; **19**, 345, 352, 360; **22**, 112, 213, 216-17
- as claim of owner, **11**, 284, 286, 301
  - need for request for espousal, **18**, 245-6
- liquidated, **8**, 263
- malicious, **5**, 86, 87
- multiple causes of action, **7**, 126
- new, **16**, 259; **27**, 69-70
- not previously filed with US courts, **4**, 143
- official, **5**, 96, 99-104; **6**, 13; **12**, 36-7; **14**, 278; **17**, 183-5, 216, 229-30; **18**, 66-7, 74-5, 86; **19**, 11, 346; **23**, 337
- outstanding, **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; **8**, 261; **10**, 98-101, 104-7, 325, 353; **11**, 315, 357; **12**, 122, 162; **13**, 21-7, 46, 337, 345, 347-9; **14**, 47-8, 272 n. 3; **15**, 6, 197; **16**, 16-17; **18**, 152, 166, 290, 372; **19**, 68, 138, 151; **21**, 44-5, 63-6, 152; **22**, 352; **23**, 213; **24**, 110, 243, 281-2; **26**, 110-11, 125-6; **27**, 43, 47-8, 137; **28**, 19-20, 30-4, 66-7, 197, 228, 262-5, 275-302; **29**, 265-6; **30**, 64, 96
- appointment of temporary managers, relevance, **32**, 46-55
  - standing of claimant distinguished, **31**, 104
  - termination of contract, **28**, 30-3
  - “whether or not filed with any court”, **1**, 491-2, 497-8; **16**, 17; **30**, 98, 151
- p* , **5**, 113
- perfected, **8**, 261
- proper claimant: Proper claimant
- proper respondent: Proper respondent
- property, interest in, **16**, 195-6
- reclassification, **18**, 66-7; **19**, 346
- refusal to accept, **7**, 275, 276
- authority for, **19**, 177-8, 180, 183, 187, 190, 193, 195, 199
- release from, **14**, 317, 320
- shareholder: Corporations, shareholders
- subrogation, **23**, 300-1
- termination, **3**, 375
- third party, on behalf of, **16**, 303; **20**, 35, 39, 81, 115, 119, 136, 137
- third party equipment, **27**, 98-9
- time-barred, **12**, 143-5; **17**, 189-91, 202, 232, 239-42; **24**, 258; **28**, 56-8; **32**, 177-81
- effect of arbitration agreement, **12**, 145
  - purpose, **12**, 144
- validity, duty to examine, **5**, 85
- waiver, **8**, 67, 81-2; **20**, 112, 167, 168; **23**, 39, 40, 42; **24**, 154
- failure to resubmit claim, **28**, 39-40
  - refusal to accept satisfaction, **28**, 19
  - settlement agreement as, **28**, 67-70
  - silence regarding, **28**, 122
  - tacit, **11**, 251-5, 330-1, 345-6
- withdrawal, **1**, 232-3, 385, 391, 486; **2**, 36-7, 246, 260; **3**, 205, 332, 333; **4**, 98 n. 1; **6**, 5, 7, 8, 11; **7**, 262; **8**, 67, 184, 186, 187, 265, 349, 353; **9**, 9, 38, 43-4; **16**, 296; **18**, 63; **28**, 376-7
- Claims of nationals: Nationality of Claim Claims Settlement Declaration
- Article I, **11**, 290; **12**, 69 n. 9; **18**, 86; **25**, 259
  - Article II, **1**, 149, 245-6, 255, 264-6,

## Claims Settlement Declaration ( )

276-7, 288-90, 295, 349, 494, 497, 504;  
**2**, 199, 208-10, 212, 315; **3**, 5, 102, 151,  
 152, 167, 310, 312, 324; **5**, 295, 344 n.  
 1; **6**, 103; **10**, 35; **11**, 7, 8, 36, 215, 279,  
 311; **12**, 82; **13**, 180-2, 223, 224, 227,  
 300-1; **15**, 242; **16**, 307; **19**, 335; **25**,  
 259; **28**, 48, 211  
 —Paragraph 1, **1**, 103, 106-10, 136,  
 138, 168, 171, 225, 236-40, 242-7,  
 248, 250, 252-60, 261-7, 268-70,  
 271-3, 274-9, 280-3, 284-303,  
 305-19, 320-2, 372, 394, 395, 412,  
 455, 490-2, 496, 497, 503, 507-8; **2**,  
 9, 39-42, 55, 62-3, 66, 79-80, 82,  
 85-6, 88, 97, 105-6, 109-10, 112, 120  
 n. 1, 120 n. 2, 138, 143, 160, 296,  
 300-1, 312-13, 318, 320-1, 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, 219-21, 224, 225, 229-33,  
 243, 247; **5**, 2, 14, 15, 69, 82, 92,  
 119, 120, 125, 126, 171, 173, 181,  
 182, 184, 194, 195, 233, 253, 268-70,  
 274, 278, 279, 284, 298, 342, 371,  
 373, 378, 388; **6**, 5, 27, 77, 79, 80,  
 83, 93, 100-2, 109, 112-14, 132, 135,  
 139, 158, 221-3, 231, 232, 235, 236,  
 250, 251, 255, 263, 264, 268, 270; **7**,  
 21, 33-5, 42, 47, 53, 66, 82, 107, 122,  
 132, 134, 188, 195, 218, 275; **8**, 5,  
 22, 27, 45-6, 51, 77, 86, 221, 224-5,  
 229-31, 261, 262, 264, 268, 293-7,  
 306, 405-6; **9**, 31-5, 36, 38 n. 18, 40,  
 50, 51, 88, 115-16, 135, 195, 211-12,  
 223, 225-6, 245, 252, 257, 293,  
 333-4, 400, 401; **10**, 44-5, 54, 62-3,  
 98, 104, 168, 233, 243, 251, 308,  
 311, 316, 325; **11**, 36, 55, 67, 74,  
 85-6, 92, 109, 151, 170-2, 188-9,  
 228, 241, 248, 294, 315, 317, 350,  
 355, 357; **12**, 100, 142-3, 150, 162,  
 174, 262, 273, 275, 287 n. 49, 291;  
**13**, 21, 27, 46, 101, 102, 132, 168-72,  
 203, 225, 263, 307, 322, 337, 345;  
**14**, 33, 48, 51, 105, 118-19, 127-8,  
 131, 179, 253, 272 n. 3, 277-8, 292;

**15**, 198, 272, 296; **16**, 78-9, 87 n. 2,  
 259, 289-90; **17**, 64, 83, 98-100, 115,  
 119, 139, 140, 169, 184, 185, 255,  
 259, 260, 262; **18**, 86, 99, 100, 101,  
 119, 123, 128, 147, 152, 158, 166,  
 167, 189, 196, 208-9, 222 n. 35, 227,  
 282 n. 5, 290, 291, 298, 334, 355,  
 356, 360, 372; **19**, 30 n. 13, 203, 249,  
 251; **20**, 8, 9, 78; **21**, 8, 23, 29, 42,  
 45, 100, 102, 148, 152, 343; **22**, 187,  
 253, 290, 297, 351-2; **23**, 7, 128, 129,  
 131-2, 135, 213, 215, 237, 240, 241,  
 266, 369, 385; **24**, 4, 47 n. 2, 83,  
 110-11, 119, 220, 243; **25**, 10, 11, 17,  
 29, 70, 138, 142, 195, 268 n. 3, 272,  
 288, 297, 300; **26**, 81, 119, 125, 223;  
**27**, 18, 27, 58, 136, 141, 156, 235;  
**28**, 30, 67, 122-3, 243, 258, 262,  
 325-6, 354; **29**, 13, 27, 41, 65, 75,  
 187, 188, 191-2, 195-6; **30**, 12,  
 17-18, 36, 59, 64, 74, 80, 150, 183,  
 185, 186, 280; **31**, 33, 42-3, 66-7,  
 103-6, 149, 153; **32**, 26, 32-3, 75  
 —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; **8**, 77,  
 91, 95, 329 n. 3; **9**, 136-7; **10**, 83-4,  
 85, 139-40, 309, 342, 346; **12**, 25, 36,  
 37; **13**, 156, 159, 162, 165, 168-72,  
 197, 273, 279, 284; **14**, 271 n. 2; **16**,  
 17; **17**, 184, 189, 201, 229-30, 239;  
**18**, 66, 75, 86; **19**, 11, 285, 346; **27**,  
 322; **32**, 109, 173-4  
 —Paragraph 3, **1**, 102, 103; **5**, 14, 15,  
 58; **8**, 91, 95, 204, 209; **10**, 46, 126,  
 325; **12**, 60; **13**, 180; **21**, 100; **28**,  
 123; **29**, 29, 217; **31**, 150  
 Article III, **1**, 112, 149; **2**, 314; **14**, 353,  
 354; **19**, 285; **21**, 309  
 —Paragraph 1, **1**, 117, 431-3, 436; **2**,  
 301; **3**, 40, 77, 126, 139, 211, 296,  
 364; **7**, 204; **9**, 409; **21**, 160, 201,  
 203, 310, 313; **26**, 14  
 —Paragraph 2, **1**, 114, 130, 451 n. 4,  
 458, 476, 511, 516; **2**, 209, 301; **3**,  
 211, 296; **6**, 100; **7**, 21, 316; **8**, 275  
 n. 48; **11**, 84, 274, 279; **16**, 307; **26**,  
 258 n. 4; **27**, 317  
 —Paragraph 3, **1**, 2, 176, 177, 209, 230  
 n. 2; **2**, 301; **3**, 77; **4**, 115, 210, 211;  
**5**, 83 n. 1, 297; **7**, 203 n. 3, 277; **11**,



- 283, 285, 301; **12**, 132, 307; **13**, 263; **16**, 261; **18**, 66, 245, 383-7, 389-90  
 —Paragraph 4, **1**, 127-30, 176, 226-9, 394, 396; **2**, 178, 312-13, 315-16, 317-21, 338; **3**, 3, 287; **4**, 99; **5**, 79; **6**, 29, 68, 102; **8**, 369; **9**, 4; **12**, 289; **13**, 278; **16**, 304, 306-8; **21**, 3, 7, 10; **25**, 259; **27**, 69; **28**, 378-9; **29**, 116  
 Article IV, **8**, 266 n. 39; **18**, 148  
 —Paragraph 1, **2**, 56, 63; **3**, 365; **4**, 16; **5**, 74, 252; **6**, 109; **8**, 114; **9**, 406; **11**, 88; **12**, 285 n. 45; **14**, 10, 174, 317-18, 328, 333; **20**, 209; **21**, 293, 349, 352; **26**, 258; **29**, 220-1, 387  
 —Paragraph 2, **8**, 379; **23**, 334  
 —Paragraph 3, **1**, 331, 406, 465; **2**, 56, 63, 94  
 —Paragraph 4, **14**, 332  
 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, 292-4; **6**, 97, 140, 161, 268, 442-3; **8**, 132 n. 10; **9**, 122, 146, 169, 177, 330; **10**, 143, 147, 192, 312; **11**, 26, 30, 32, 50, 142, 351, 358; **12**, 21, 82; **13**, 119, 230; **14**, 9, 138-40, 186; **15**, 214, 218-20, 294 n. 12; **16**, 24-5, 39, 287-90; **18**, 119; **19**, 30; **21**, 68, 72, 104, 111, 154; **23**, 357; **26**, 106; **28**, 209; **29**, 388  
 Article VI, **1**, 198  
 —Paragraph 2, **2**, 37; **5**, 291; **7**, 221; **8**, 37, 185, 186; **9**, 62; **21**, 379  
 —Paragraph 3, **1**, 106, 195; **5**, 291; **6**, 68; **10**, 35  
 —Paragraph 4, **1**, 102, 103, 294; **2**, 59, 315, 320; **5**, 58, 252; **8**, 91, 95, 204, 209, 210; **10**, 85; **11**, 274, 275, 277; **14**, 327, 332; **16**, 289-90; **21**, 100  
 Article VII, **1**, 123, 137, 149, 166, 397, 503; **2**, 19, 32, 156, 208, 211, 377, 395; **3**, 2, 160; **4**, 142; **5**, 78, 268, 283, 284, 353; **7**, 221; **11**, 170, 181, 274, 276; **13**, 180, 263; **14**, 118; **18**, 208, 297; **21**, 68  
 —Paragraph 1, **1**, 136, 139, 223, 392, 417, 455, 456, 458, 463, 477-9, 481; **2**, 16-17, 19, 33, 105-6, 160, 209-12, 248, 301, 303, 304, 335; **3**, 46, 102, 103, 113, 161, 245, 259, 260; **4**, 1, 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, 27-9, 41, 97, 121-3, 127-9, 185; **8**, 128, 154, 234, 261, 294, 307, 326, 370; **9**, 15, 70, 88, 116, 156, 194, 252, 291, 400; **10**, 126, 166, 238, 263 n. 9, 278-9; **11**, 86, 151, 188, 212, 271; **12**, 100, 132, 142, 162, 251, 275, 345; **13**, 18, 101, 131, 202, 306, 336; **14**, 6-8, 34, 72, 156, 179, 199, 226, 268; **15**, 5; **17**, 5, 64, 115, 162, 255; **18**, 166, 189, 237, 261, 355; **19**, 202, 203; **20**, 7; **21**, 16, 18, 22, 24, 29, 51 n. 16, 102, 103; **22**, 235; **23**, 135, 168, 262, 263, 266, 273, 283, 284; **24**, 44-5, 50, 110, 133, 218, 245-6, 255, 267, 281; **25**, 10, 28, 138, 175, 195, 200, 229, 231, 232, 235, 237, 238, 239, 241, 244, 245, 268 n. 3, 272, 281, 297; **26**, 14, 17, 18, 65, 130, 199-200, 207; **27**, 58, 70, 71, 136; **28**, 169-243, 315-16; **29**, 13, 23, 27, 65, 75, 227, 241-3, 313, 315-16, 381; **30**, 36, 280; **31**, 33  
 —Paragraph 2, **1**, 136, 139, 381 n. 20, 385, 388, 392, 394, 395, 399, 456, 477, 479; **2**, 9, 55-6, 63-4, 98-9, 148, 226-7, 248, 282, 295-300, 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, 185-8, 199, 206, 218, 219; **8**, 77, 128, 159, 232-3, 261, 265 n. 38, 294, 368; **9**, 38, 132, 253, 254-66, 281, 293, 324, 325, 329 n. 12, 379; **10**, 61-3, 178, 279-81; **11**, 84, 86-9, 109, 138-41, 151, 213, 215, 246, 298-9, 311-12; **12**, 162, 174, 251, 257, 262, 273, 275, 276, 278, 283, 285 n. 45, 291, 322; **13**, 18, 193 n. 1, 300-1, 320, 323; **14**, 49, 93, 110, 179, 192, 199, 226, 244, 292; **15**, 196, 221; **16**, 13, 104, 259; **17**, 81, 139, 166, 180, 267, 297, 298; **18**, 89, 91, 95, 101, 103, 152, 158, 227, 261 n. 20; **19**, 68, 105 n. 12, 118, 269, 271; **21**, 42-3, 68; **22**, 175, 215, 351, 370 n. 1; **23**, 299, 355, 362; **24**, 255, 270, 271; **25**, 10, 28, 58, 138, 175, 201, 233, 238, 245, 268 n. 3, 283

- Claims Settlement Declaration ( )  
n. 4; **26**, 56, 65, 130, 154, 200, 206,  
212, 223; **27**, 70 n. 4, 71, 137, 155, 213,  
216-17, 254; **28**, 62, 66, 190, 228,  
371-2, 380-1; **29**, 25, 27, 227, 266, 306,  
315-16; **30**, 57, 150, 160, 185, 273; **31**,  
66-7; **32**, 75  
—Paragraph 3, **1**, 349, 350, 356, 372,  
381, 412, 413, 419, 427, 504; **2**, 20,  
21, 105, 142, 143-4, 146-8, 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; **8**, 11, 13, 79, 83, 154, 221,  
351, 360; **9**, 166-7, 238 n. 35, 257,  
277, 306, 344, 400; **10**, 240, 242,  
280-1, 341; **11**, 6, 75, 90, 151, 170,  
189, 215, 294; **12**, 6, 142, 149, 162,  
174, 291, 345, 346, 350 n. 13, 352,  
358, 370, 372; **13**, 21, 131, 272, 278,  
302, 326; **14**, 105, 129, 156-8, 167,  
179, 199, 269, 292; **15**, 5; **17**, 116,  
163, 166, 167, 168, 180, 184, 188,  
215, 229, 272; **18**, 86, 111, 152, 166,  
177, 276, 297, 382; **19**, 68, 119, 203,  
325, 335, 350; **21**, 43, 67, 69-70; **22**,  
175, 178, 183, 193; **23**, 135-7, 278,  
281, 292, 334, 362, 363; **24**, 51, 255,  
281; **26**, 13, 18, 27, 66-7, 71-2, 141,  
155, 206; **28**, 61-2; **29**, 23, 25-6, 41,  
91-2, 229  
—Paragraph 4, **1**, 381; **2**, 302; **5**, 2, 6,  
15, 16, 18; **6**, 27; **8**, 351; **9**, 93-4, 156,  
231, 233 n. 30, 266, 400; **13**, 272,  
278; **14**, 105; **16**, 18, 78, 105; **17**, 5,  
180, 188, 215, 229; **18**, 382; **19**, 350;  
**23**, 334, 383, 384; **25**, 10, 28, 138,  
140, 141, 216; **27**, 141  
Article VIII, **1**, 138  
interpretation: Jurisdiction of Tribunal,  
interpretation of Declarations  
status, **21**, 309  
Class action, **2**, 300-1: Nationality of  
claim, shareholder claims  
Co-Registrar, exceeding powers, **7**, 275, 276  
Commercial law, **1**, 374, 377 n. 15, 378,  
445-7; **3**, 19, 20; **4**, 101, 268, 270, 276;  
**5**, 394: General principles of,  
commercial law; International  
Chamber of Commerce; Iran, law of,  
Commercial Code; United States of  
America, law of, Uniform Commercial  
Code  
Compensation: Damages; Expropriation,  
compensation  
Concurrent jurisdiction, **1**, 489, 495; **2**,  
310-11, 371: Forum selection  
clause, jurisdiction of Tribunal  
Concurring opinion: Concurring and  
dissenting opinion; Declaration;  
Dissenting opinion; Explanatory  
remarks; Separate opinion; Separate  
statement; Supplemental opinion  
Aghahosseini, **30**, 105  
Aldrich, **2**, 349; **3**, 348; **5**, 267; **11**, 268,  
345; **14**, 320; **18**, 323; **21**, 162; **29**, 56  
Allison, **23**, 130; **27**, 306  
Ameli, **12**, 364; **26**, 37 n. 1  
Ansari, **10**, 35; **13**, 121; **19**, 73; **24**, 47  
n. 2  
Bahrami, **10**, 177 n. 1  
Bellet, **2**, 316  
Brower, **6**, 32, 110; **8**, 5, 22, 40, 206; **9**,  
280-3; **10**, 34, 363; **11**, 150 n. 1, 276;  
**12**, 233; **15**, 289; **16**, 60; **17**, 19, 294 n.  
1; **19**, 332  
Holtzmann, **1**, 227, 229, 284; **2**, 57; **3**, 55,  
78, 192, 199, 325, 330; **4**, 159; **5**, 111,  
144, 267; **6**, 40, 47, 133; **8**, 206; **9**, 284  
n. 2, 313 n. 2, 360 n. 2; **10**, 37 n. 2, 269  
n. 2; **12**, 146 n. 2; **13**, 3, 124 n. 2, 331  
n. 2; **14**, 320; **16**, 237; **22**, 215; **26**, 148  
n. 2  
Kashani, **2**, 65; **3**, 323  
Khalilian, **24**, 116 n. 1  
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; **10**, 81; **12**,  
108, 126 n. 2  
Mostafavi, **8**, 203; **10**, 103; **12**, 30; **13**,  
280 n. 1  
Noori, **30**, 123 n. 1  
Riphagen, **5**, 273  
Salans, **14**, 320  
Sani, **2**, 65  
Shafeiei, **2**, 65  
Concurring and dissenting opinion:  
Concurring opinion; Declaration;  
Dissenting opinion; Explanatory

- remarks; Separate opinion; Separate statement; Supplemental opinion  
 Allison, **27**, 187; **28**, 292; **29**, 117  
 Ameli, **10**, 229 n. 1; **28**, 255 n. 21; **30**, 76 n. 1  
 Ansari, **8**, 203; **11**, 45, 180 n. 1, 184 n. 2; **23**, 351 n. 1; **26**, 31; **28**, 307 n. 1  
 Bahrami, **8**, 203; **11**, 168 n. 1; **12**, 82  
 Böckstiegel, **8**, 203  
 Brower, **9**, 241; **11**, 35, 53 n. 1, 184 n. 1; **16**, 277, 304; **17**, 173, 288; **19**, 93, 231, 304; **20**, 132; **22**, 86; **23**, 78; **24**, 85; **27**, 24  
 Holtzmann, **9**, 107 n. 2; **10**, 229 n. 1, 333 n. 2; **14**, 24 n. 2, 65 n. 2, 191 n. 2; **17**, 31 n. 2; **19**, 298; **23**, 217; **24**, 121 n. 2  
 Khalilian, **18**, 324; **21**, 62; **26**, 129; **28**, 3  
 Mostafavi, **9**, 107 n. 1; **10**, 269 n. 1; **13**, 329 n. 1; **14**, 86 n. 1; **17**, 31 n. 1  
 Noori, **18**, 128, 198, 244; **24**, 162  
 Confidentiality of proceedings: Tribunal, confidentiality of proceedings  
 Confiscation: Expropriation  
 Conflict of laws, **3**, 48; **6**, 99 n. 1; **8**, 136, 140-1; **9**, 178; **14**, 186; **19**, 126; **21**, 63  
 Consolidation of cases: *u* Procedure  
 Consumer law, **6**, 99  
 Continuity of claim: Claims, continuity; Nationality of claim  
 Contract, **8**, 164; **19**, 15, 38-46; **29**, 321-3:  
     Applicable Law; *F m j u* ;  
     Forum selection clause; Lease agreements; Licence; Limitation of liability clause; Negotiable instruments; Purchase order as contract  
 acceleration clause, **13**, 21-7, 46-7  
 adhesion, **7**, 192  
 airline tickets as, **17**, 230  
 alleged bribery, **12**, 270-1, 314-15, 326  
 ambiguous terms, **5**, 180, 184, 192, 195; **8**, 229-30, 306-7; **9**, 31-5, 215-17, 323-4, 367, 373; **11**, 36, 45; **13**, 235  
 amendment, **11**, 166; **12**, 109-13, 116-18; **13**, 188; **16**, 37, 54, 272, 279; **18**, 195, 202-7; **19**, 226; **21**, 154  
     — *h* , **16**, 37  
     —conduct of parties, **18**, 195-6  
     —de facto, **16**, 37, 41, 54  
     —implicit acceptance, **1**, 37  
     —Tribunal award as, **20**, 133  
     —unilateral, **22**, 46, 97-8:  
        Stabilization clause  
 annulment, **21**, 154  
 anticipatory breach, **3**, 151; **7**, 42, 53, 107, 115  
 applicable law, **1**, 422; **2**, 27; **3**, 48, 56; **4**, 267; **6**, 236; **7**, 131; **8**, 162, 231, 232; **9**, 121, 124, 326; **10**, 216; **13**, 26; **17**, 230-1, 240; **21**, 103, 154; **22**, 243, 268-89, 324, 325; **24**, 170; **26**, 146  
     —applicable law clause, **5**, 366  
 assignment, **6**, 233; **8**, 155-60  
 breach, **2**, 116-18, 382, 386-7, 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, 105-7, 109, 110, 113, 114, 202 n. 1, 215; **8**, 168-71, 310-12; **9**, 112-18, 157-60; **10**, 254; **12**, 151, 294, 351; **13**, 46-50, 113, 121-3, 133-4, 142, 143, 303; **14**, 200-3; **15**, 31, 234-44; **16**, 28-43, 47, 59, 64-8, 72; **17**, 77; **18**, 96, 328-31; **19**, 14-15; **22**, 56-7, 99-100, 299-310; **24**, 73-80; **31**, 194-9  
     —applicable law, **16**, 26  
     —damage, need for, **22**, 57-8  
     —justifying  
     —repudiation of contract, **24**, 74  
     —suspension of work, **12**, 294; **22**, 309-10  
     —nationalization as, **15**, 243  
     —notice of, **22**, 102  
     —termination for: termination, for breach *b*  
     —timeliness of complaint, **25**, 98  
 cancellation, **14**, 269-70  
 collateral, **23**, 145  
 collateral promises, **6**, 197  
 condition precedent, **7**, 109, 114  
     *p f m* rule: *v b m b u*  
     *p u u p f m b*  
 counter offer, **7**, 113  
 creation of new agreement, **4**, 221; **5**, 395  
 cross-termination clause, **10**, 175  
 date, **23**, 42  
 discharge, **2**, 251, 254  
 dispute settlement provisions, **8**, 223; **21**, 105; **29**, 351-2

## Contract ( )

disputes relating to, **19**, 341-2  
 duty of reasonable efforts: good faith,  
 duty of *b*  
 election, **3**, 289  
 enforceability, **2**, 221, 381, 398; **3**, 13, 14,  
 16, 18, 27-9, 287; **6**, 62, 162; **7**, 192; **8**,  
 160-2, 223  
 error, **8**, 133  
 escalation clause, **16**, 247-9  
 evidence of: Evidence of, contract  
 excessively onerous, **9**, 122 n. 14  
 excuse, **3**, 153, 154, 264; **7**, 67, 75, 110,  
 193; **9**, 196-7; **18**, 302-3; **19**, 69-70  
 exercise of rights under, **7**, 157, 158  
 extension, **6**, 145; **13**, 338-9  
 fixed-price, **24**, 172-3  
*f m j u* : *F m j u*  
 formation, **3**, 47, 55, 162; **6**, 162, 176,  
 189, 191-3, 196, 197; **7**, 107, 109; **9**, 56;  
**13**, 273-5, 279-81; **17**, 126, 131, 197;  
**18**, 159; **19**, 69; **22**, 306-9; **23**, 340, 347  
 n. 5  
 —by conduct of parties, **3**, 48, 49; **6**, 17,  
 145, 191, 192, 197; **7**, 103, 113, 114;  
**8**, 130-1; **13**, 111-13; **22**, 307-8; **32**,  
 111-13  
 good faith, duty of, **6**, 197, 198; **7**, 160; **8**,  
 133, 141-3; **9**, 122 n. 13; **14**, 140-1:  
 Good faith  
 guarantee, **8**, 91-2, 95-6; **13**, 157, 160,  
 163, 166  
 illegal, **4**, 249, 250  
 implied terms, **9**, 147-9, 216-17  
 impossibility: Frustration  
 independence, **7**, 66  
 inequality of parties, **13**, 245  
 interpretation, **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; **8**, 225, 231, 306-7; **9**,  
 148-9, 323-4, 327-9, 367-73; **10**, 222-3,  
 329; **11**, 8-11; **12**, 109-13; **13**, 214-15,  
 235-6; **14**, 54, 273-5; **15**, 148, 236; **17**,  
 64, 315; **18**, 312; **22**, 42, 237-9, 292-8;  
**28**, 43-4  
 —applicable law, relevance, **22**, 293  
 —circumstances at time of conclusion,  
**22**, 292

—conduct of parties, **2**, 118; **3**, 288; **5**,  
 232; **6**, 227, 262; **7**, 193; **12**, 103,  
 200, 212; **16**, 54; **22**, 238-9  
 —context, **22**, 292  
 —*xp u u x u* , **16**, 87  
 —intention of parties, **7**, 73, 75, 79, 83;  
**9**, 392; **15**, 148, 152  
 —preparatory works, **11**, 9-11, 45-6  
 —trade usage, **9**, 367, 380-1  
 legal relationship between parties, **5**, 173;  
**7**, 82; **8**, 130-3, 142; **9**, 326-7  
 letter of credit distinguished, **13**, 102  
 liability under collateral contracts, **12**, 37  
 limitation of liability clause: Limitation  
 of liability clause  
 merger of rights under separate, **7**, 34, 35  
 obligations of parties in absence of, **12**,  
 134  
 obligations under, attempt to discharge,  
**19**, 80-1  
 oral, **8**, 160-1; **22**, 20-1, 115  
 for ownership of land, **7**, 131  
 part performance, **8**, 160-1  
 performance, **5**, 393, 398; **6**, 85-9, 94,  
 274, 290, 292-4; **7**, 110, 161; **9**, 117-18;  
**12**, 150-1; **18**, 302-3  
 —interpretation and, **22**, 298  
 —prevention, **28**, 96-103  
 —progress reports, responsibility for, **9**,  
 218  
 —standard, **11**, 110, 114-16  
 —time of the essence, **22**, 300-2  
 —waiver of defects in, **6**, 87, 88  
 principals bound by, **6**, 72, 159  
 privity of, **18**, 210  
 pro forma invoice, **3**, 41, 49, 54; **5**, 25, 38,  
 43, 46; **7**, 25  
 progress payments, **24**, 29-30  
 proper law of: applicable law *b v*  
*qu um m u* : *Qu um m u*  
 ratification by conduct of parties, **1**, 413,  
 414; **2**, 145-6, 154, 380, 397; **3**, 163,  
 164, 247, 248; **4**, 249, 250; **5**, 395  
 recovery under, **5**, 172  
 reformation or rectification, **2**, 117  
 renegotiation clause, **15**, 297; **16**, 63  
 repudiation, **7**, 107; **16**, 40-1, 64  
 required to be in writing, **7**, 13  
 , **13**, 122  
 revenue actually earned, **9**, 372-5  
 rights under, export of property, **22**, 79

- sales of goods and services between Iran and US, **5**, 96, 99-101, 103, 104; **13**, 156-7, 162-3  
 —educational instruction a service, **13**, 273  
 scope, **19**, 70  
 severability of provisions, **8**, 223; **31**, 154  
 stabilization clause: Stabilization clause  
 standard inspection clause, **19**, 13-14  
 standby arrangement: suspension *b*  
 State's duty to respect, **15**, 242, 294-8  
 sub-contractors, authorization, **24**, 30-2  
 —liability for, **19**, 46-7  
 sub-licence, **6**, 163  
 subject of, **7**, 25  
 substitution, **3**, 274  
 succession to, **1**, 359-60; **15**, 60-1; **17**, 15, 17; **20**, 7-8  
 superseded by Settlement Agreement, **10**, 282-4  
 suspension, **10**, 168-70; **16**, 37-40, 54; **22**, 30-2, 46, 47, 236-7; **23**, 171; **25**, 36  
 tax withheld, **22**, 19-20  
 termination, **2**, 388; **3**, 154, 155, 232, 265, 266, 289, 294; **4**, 235, 259, 260; **5**, 210, 317-19; **6**, 274; **7**, 15, 107; **8**, 313-14, 338-40; **9**, 118-20, 147-50, 196; **10**, 290; **12**, 182-5, 234-6; **13**, 187-8, 213-16, 245-52, 302; **14**, 35-9, 54, 60-1, 119-21, 140-1; **16**, 20-45, 62-3, 272; **17**, 65-8; **18**, 159-60, 331-2; **19**, 70-1, 330-1, 340-2; **20**, 49; **22**, 32-3, 46-7, 237, 298-9; **23**, 90-6; **25**, 36; **27**, 165-7:  
*F m j u*; Frustration  
 —for breach, **26**, 160-1  
 —burden of proof, **22**, 54, 56, 99  
 —by agreement, **2**, 116-18  
 —for cause, **23**, 25, 90  
 —compensation for, **2**, 117  
 —for convenience, **23**, 26, 69, 79, 91; **25**, 96  
 —date, **9**, 196; **17**, 68; **19**, 70; **22**, 53, 100; **27**, 167  
 —for delay, **25**, 97  
 —invalidity distinguished, **8**, 222  
 —legal consequences, **9**, 120-33, 196-7; **20**, 74-5  
 —matter of election, **12**, 185  
 —non-performance, **22**, 30  
 —notice of, need for, **22**, 56-7; **23**, 223-4; **28**, 40  
 —past obligations unaffected, **9**, 201  
 —protection of property, **23**, 27  
 —right of, **22**, 21-2, 41-2, 46, 96, 248  
 —suspension, whether, **22**, 30-1; **25**, 39-40  
 —timeliness, **25**, 97, 98  
 —waiver of right, **13**, 251-2  
 third party beneficiary, **3**, 274, 278; **4**, 276; **6**, 160, 161, 193, 195, 196; **8**, 271; **9**, 401; **23**, 144, 301; **24**, 11  
 third party rights, **28**, 79  
 trade usage, **9**, 367  
 translation of, **1**, 317, 318; **9**, 31-5, 212-14; **13**, 181-2  
*u v*, **2**, 24  
 unilateral changes, **15**, 240  
 unjust enrichment: Unjust enrichment  
 validity, **1**, 413, 414; **2**, 116-17, 119, 145, 155, 380-2, 397-9; **3**, 48, 162-4, 231, 245, 246, 251, 252, 278, 286-9; **4**, 249, 250; **6**, 176, 189, 192, 196; **7**, 113; **8**, 160-1, 222-3; **9**, 195, 392-4; **12**, 150, 315; **28**, 95-6; **29**, 232; **31**, 151-2, 163-5  
 value of rights under, **4**, 156  
*v b m b u p u u p f m*, **9**, 371, 393-4  
 waiver of rights, **7**, 23; **13**, 251-2; **16**, 62-3, 274; **20**, 90; **29**, 327  
 —evidence of, **9**, 162; **11**, 233-8, 250-4, 330-1, 345-6  
 warranty: Warranty  
 Contradictory assertions, **7**, 123-6, 135  
 Controlled entity: Evidence of,  
 controlled entity status  
 Government agency carrying out acts of  
 State and commercial acts  
 distinguished, **1**, 421-2  
 independence, **21**, 71 n. 17, 72-3  
 Iran, **1**, 372, 389, 412, 413, 418-23, 427, 445, 475, 503; **2**, 9-10, 17-23, 26, 105, 143-4, 146-52, 165, 258-9, 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, 237-9, 242-5, 370, 371, 378-80; **6**, 58, 59, 221, 285; **7**, 5, 10, 20, 42, 97, 188; **8**, 154-5; **9**, 15, 51, 88-96, 324-6, 343, 400; **10**, 24, 46, 62, 142-7, 166, 240-2, 281-2, 341; **11**, 55, 151, 215, 294-5; **12**, 149, 348, 372; **13**, 19, 102, 131-2, 202; **14**, 157, 179, 269;

## Controlled entity ( )

- 15**, 5-6, 33, 198, 237-9; **17**, 6, 116, 119, 130, 163, 169, 174-8, 184-5, 188, 225, 298-300; **18**, 111, 158, 177; **19**, 118-19, 183, 184, 186, 187, 189, 190, 192, 193, 195, 196, 198, 199, 203, 325-9, 335-40; **21**, 43, 67-70; **22**, 178-82, 183-93; **23**, 135-7, 278-81, 333-4, 363; **24**, 281; **25**, 138-41; **26**, 153-4; **27**, 24, 71-2; **28**, 61-2
- Council for the Protection of Industries, **10**, 138-9
- critical date, **17**, 165; **22**, 171, 187; **29**, 229
- joint-stock company, **5**, 2-23
- Mostazafan Foundation, **9**, 88-96; **31**, 114
- NIOC, **1**, 356
- private structure of organization, relevance, **6**, 58-9; **22**, 186
- Social Services Organization, **14**, 129
- subsidiary of, **19**, 119
- test for control, **5**, 6-11; **10**, 241-2; **13**, 19-21; **17**, 166-7, 299-300; **23**, 136, 279; **25**, 140-1
- TRC, **8**, 154-5; **9**, 325
- responsibility for obligations of, bankruptcy risk, relevance, **25**, 144
- substitution of State for, **17**, 167, 179; **22**, 182
- United States, **1**, 106; **2**, 165; **5**, 71; **13**, 273, 278; **23**, 383-4; **27**, 141
- fiduciary responsibilities, **10**, 84
- Cooperatives, **5**, 238, 239, 244 n. 1
- Corporate veil, **7**, 205; **12**, 360-1, 365; **21**, 72
- Corporations: Cooperatives; Evidence of, corporation
- agency: Agency
- applicable law: Applicable law, corporations
- continuity of ownership: Nationality of claim, continuity of ownership
- control, **1**, 358, 359, 363, 381, 382, 384, 385; **4**, 101; **7**, 5, 6, 123, 134, 135, 200, 206, 207; **9**, 258-64, 281; **11**, 214; **28**, 62-5; **30**, 150-1: Controlled entity; Nationality of claim, corporations
- independence, **6**, 70; **7**, 121, 130, 131; **9**, 378-9

- legal personality, **6**, 70; **7**, 120, 133; **9**, 378; **28**, 65-6
- nationality: Nationality of claim, corporations; Nationality, corporations
- non-profit, **3**, 317 n. 1; **5**, 345, 348, 350, 352; **6**, 250; **7**, 180 n. 1; **17**, 254 n. 4
- control, **5**, 349, 350
- interest of directors, **5**, 350
- jurisdiction of Tribunal, **5**, 338, 341, 343-7, 349, 351
- ownership, **6**, 127; **11**, 214, 312-13; **16**, 259-60; **17**, 297-8, 325-8; **18**, 100-1, 103-9; **19**, 269; **21**, 77-8; **23**, 383
- nominal, **7**, 186
- shareholders: *u* Nationality of claim—
- assignment of shares, **15**, 101
- duties, **30**, 165-7
- rights, **2**, 352; **4**, 242, 243; **7**, 120, 122, 130-4
- to bring claim, **11**, 87
- succession, **1**, 359-63, 373-6, 382, 387, 389; **13**, 334
- wholly-owned subsidiary: Wholly-owned subsidiary
- Costs, **1**, 171, 414, 415, 447, 448, 451, 508; **2**, 12-13, 40, 146, 169, 177, 239, 244, 245, 254, 342, 385, 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; **8**, 61, 92, 96, 134, 177, 323-4, 329-36, 384, 403; **9**, 59-60, 150-1, 168, 199, 301, 345, 377; **10**, 33, 34, 35-6, 55, 80, 103, 134, 175, 179, 256, 316, 347; **11**, 33, 34, 43-5, 52, 68, 69, 136, 137, 165, 167, 178, 179, 181, 184 n. 1, 206-7, 208, 222, 249, 250, 255, 267, 295, 344; **12**, 16, 30, 36, 38, 107, 137, 138, 145, 158, 159, 169, 231, 264, 297, 322-3, 356, 362; **13**, 35, 117, 145, 157, 160, 163, 166, 191, 269, 276, 281, 285, 309, 323, 344; **14**, 26, 49-50, 52, 80, 81-2, 93, 132, 168, 184, 211, 242, 270, 278, 279, 281, 300; **15**, 21, 184, 289; **16**, 86, 103 n. 1, 109, 235,

- 236, 254-5, 275, 281, 303; **17**, 18, 19, 30, 31 n. 1, 86, 113, 129, 133, 152, 172, 199, 212, 227, 237, 244, 265, 268, 290, 294 n. 1, 323-4; **18**, 87, 89, 91, 96, 102, 119, 153, 163, 173, 179, 197, 230, 243, 277, 291, 320, 372; **19**, 72, 92, 160, 229-30, 270, 331; **20**, 150-1; **21**, 19, 27, 30, 60, 61, 161; **22**, 85, 86, 116, 122, 183, 199, 255, 336, 354, 355; **23**, 74, 121, 149, 215-16, 228-30, 238, 267, 274, 284, 294, 306, 338, 389; **24**, 84, 114, 119, 201-2, 226, 247, 259, 271, 288; **25**, 13-14, 19, 109-10, 129, 150, 176, 200, 232-3, 239-40, 245-6, 288, 297; **26**, 30, 43, 127, 183, 252; **27**, 23, 31, 62, 119, 120, 121, 144, 185-6, 217, 245-6; **28**, 49, 50, 110, 215, 317, 381, 385; **29**, 55, 56, 65, 116, 117, 120-2, 240, 293, 309, 348; **30**, 162; **31**, 204-6:
- Damages, expenses
    - in 'A' Cases, **27**, 257-63
    - auditors' fees, **9**, 133; **14**, 50
    - in 'B' Cases, **27**, 257-63
    - in claims of less than US \$250,000, **10**, 327; **11**, 167; **13**, 309, 323; **14**, 93
    - conduct of parties and, **31**, 205
    - damages distinguished, **23**, 228
    - for defending malicious claims, **5**, 86, 87
    - determination deferred, **9**, 44
    - evidence of: Evidence of, costs experts', **2**, 75, 76-7; **11**, 136, 137, 267; **16**, 236, 255; **30**, 234-5
    - frivolous claim, **2**, 245
    - lack of jurisdiction and, **2**, 43, 227, 343; **12**, 39
    - legal fees, **3**, 53, 58; **8**, 177, 331-5; **9**, 133, 150-1, 242, 355, 403; **10**, 316; **14**, 49; **17**, 19; **20**, 128; **23**, 228-30, 302, 337; **24**, 155; **26**, 183; **27**, 31, 186-7
    - non-legal fees, **8**, 330-1, 334; **9**, 150; **20**, 128
    - in official claims, **12**, 30
    - out-of-pocket expenses, **17**, 19
    - parties to pay own, **30**, 43, 44-5, 101; **31**, 33, 43, 123, 206; **32**, 40, 72, 91, 114, 182, 203
    - principle underlying, **16**, 254-5, 281
    - private attorney, **8**, 13, 309, 323
    - reasonable, **9**, 150-1, 202, 338, 377; **10**, 81; **12**, 36, 137; **28**, 368-9
      - failure to provide information and, **2**, 113
      - result of delays in proceedings, **4**, 81; **8**, 39
      - translation, **18**, 197
      - travel expenses, **14**, 50
      - unsuccessful party, **32**, 159-60
      - withdrawal of claim, **2**, 260
  - Counterclaims, **1**, 171, 218, 232, 233, 336, 384, 385, 390, 485, 507, 508; **2**, 338, 384, 400; **4**, 143, 177, 178, 214, 243; **8**, 45-6, 383-4; **10**, 287-8; **11**, 48-50, 108-35, 317, 341-2; **12**, 215-29, 321-2; **16**, 231-2, 303; **18**, 101, 116-20, 128-31, 195-7, 207-8, 219-23, 304-5, 313, 314-15, 316-17, 320, 348-51, 356, 362; **19**, 153-4, 212-13, 249, 251-3; **21**, 145-52; **22**, 81-3; **25**, 10-11, 12-13, 59-61, 69-90, 149-59
  - admissibility, **2**, 324-6; **8**, 384; **9**, 223-4; **13**, 227, 229; **15**, 272; **21**, 146-8; **30**, 6-7, 11-12
    - against indirect claimant, **11**, 110
    - against third party, **11**, 109
  - amendment, **7**, 182; **11**, 108; **13**, 228-9; **17**, 253-4; **23**, 167-8
  - arising out of same contract, transaction or occurrence, **2**, 51, 55, 63, 324-6, 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, 100-3, 109; **7**, 21, 82-4, 195, 196, 207, 208; **8**, 267-9; **9**, 36-7, 135-6, 167, 225; **10**, 53-4, 168; **11**, 315, 316; **12**, 6-7, 291; **13**, 134-5, 284-5, 306-7; **14**, 105-10, 118, 119, 127; **15**, 18, 19, 100, 284-5; **16**, 293; **17**, 259; **18**, 123, 298, 356, 360-1; **19**, 68, 78, 153, 223, 228, 249, 251, 270; **20**, 35, 37-8; **21**, 148-9, 150; **22**, 82, 210, 254-5, 337; **24**, 47 n. 2, 83; **25**, 70-1, 106; **26**, 28, 81, 99-101, 215; **27**, 141, 235-6, 239, 244-5; **28**, 325-6; **29**, 187-8, 191-2, 200, 204, 208, 212, 237-9; **30**, 12, 17-18
    - bank claims, application to, **16**, 294; **29**, 187-8, 191-2, 204, 212
    - series of contracts, **25**, 71
  - as defence, **4**, 246; **5**, 173, 233, 400
  - based on
    - invalid claim, **12**, 36
    - tort, **6**, 46
    - violation of Iranian law, **6**, 84

- Counterclaims ( )
- characterization of, **6**, 46
  - conditional, **8**, 226
  - contractual waiver, **13**, 221-3, 240-4
  - damage, need for, **25**, 93
  - delay in presenting, **7**, 116; **9**, 22; **11**, 135, 137; **17**, 57-61; **21**, 146-8
  - entitlement to file, **10**, 168
  - in excess of claim, **3**, 152
  - for—
    - advance payment, **15**, 94-5
    - audit, **25**, 90
    - bad oil field practices, **21**, 153-9
    - balance of down payment, **8**, 325; **17**, 82-3
    - bank guarantees
      - cancellation, **9**, 229-30
      - collection, **8**, 327-8; **9**, 29; **20**, 39-41
    - bonus payments, **15**, 87-91
    - breach of contract, **9**, 41-2, 58; **10**, 174; **11**, 22-6, 38-9; **12**, 156-7; **13**, 144; **14**, 50, 167; **15**, 18, 279-82, 285-8; **18**, 305; **27**, 103; **29**, 334-45
    - breach of duty to protect goods, **8**, 271; **27**, 241-5
    - cost of replacing goods, **13**, 142
    - costs incurred, **16**, 232
    - customs duty, **15**, 99-100; **20**, 35; **22**, 81-2
    - damaged property, **11**, 19; **13**, 143
    - damages and interest, **27**, 140-1
    - debts, **15**, 97-8
    - default, **20**, 81
    - defective equipment, **24**, 153, 197-9, 287-8
    - defective performance, **8**, 173-7; **9**, 133, 299; **10**, 305-6; **11**, 18-19, 121-35, 142-3, 145-9, 247-8, 342; **12**, 220-4; **13**, 143-4, 306; **15**, 85-7; **18**, 196, 220, 313; **19**, 81; **20**, 30-1, 33-5, 134-7; **21**, 159-60; **23**, 58-62, 214; **26**, 103, 118-19; **27**, 236-41; **28**, 338-87
      - damage, need for, **25**, 93
      - defective supervision, **12**, 224
      - failure to complain, **28**, 338-87
      - inadequate qualifications, **12**, 220-1
      - unsatisfactory documents, **8**, 12, 221-3
    - defective supervision, **12**, 224
    - delay, **13**, 143; **18**, 219-20; **20**, 117; **23**, 54-8; **29**, 332-3
    - deliverables, **8**, 325-6, 344-7
    - double payment, **25**, 81-5
    - due to excess vacations and unauthorized absences, **12**, 226
    - education of Iranian children, **14**, 79
    - equipment held by claimant, **14**, 52; **19**, 216-18, 223-4
    - expenses, **11**, 192-3; **17**, 287; **18**, 220-1; **20**, 79-81, 82
    - expired guarantees, **11**, 316-17, 341-2
    - failure to deliver, **17**, 319
    - goods supplied, **20**, 115-16, 169-70; **27**, 119
    - improper estimates, **11**, 120-1
    - improper payments, **12**, 215-18; **25**, 70-2, 78-81, 85-7
    - inadequate qualifications, **12**, 220-1
    - inflation-related damages, **8**, 23, 62-3; **23**, 62-3
    - judgment award, **22**, 82
    - legal expenses, **3**, 261, 267; **8**, 268; **9**, 230; **22**, 254-5
    - liquidated damages, **8**, 177
    - liquidation fees, **27**, 144
    - loss of—
      - operating capacity, **12**, 137
      - use of land, **14**, 210
    - losses—
      - arising out of failure to return items sent for repair, **12**, 137
      - to employees, **19**, 154
    - medical insurance, **25**, 89
    - non-performance, **11**, 67; **19**, 70-1; **20**, 119
    - overcharges, **7**, 191
      - due to excess vacations and unauthorized absences, **12**, 226
    - overpayments, **10**, 304-5; **12**, 218-20, 321; **15**, 16-17; **20**, 77-8; **23**, 52-4, 116-19; **25**, 87
    - payment of good performance bond, **8**, 177; **20**, 78-9, 116; **22**, 83
    - performance guarantees, **24**, 275; **26**, 81: for bank guarantees *b v*
    - reduction of fee, **25**, 76-8
    - reimbursement of



- down payment, **14**, 50; **20**, 117-18; **26**, 171-2
- escalation payments, **9**, 227
- fees, **8**, 172; **10**, 326-7
- overcharges, **13**, 35, 72-7
- overpayment, **19**, 224-5
- payments to contractors, **8**, 172-3; **9**, 26-8, 166-7; **11**, 19, 192; **20**, 33-5; **27**, 103, 140
- relief from bank guarantee, **11**, 193-4; **17**, 170-2
- rent, **16**, 232
- repayment of
  - social security payments, **17**, 262-3
  - tax costs, **12**, 224-6
- return of—
  - documents, **8**, 177; **11**, 19-20; **17**, 83-5
  - materials, **20**, 80
  - property, **14**, 126; **26**, 176-7
  - unliquidated down-payment, **19**, 212-13
- salary arrears, **25**, 88; **27**, 104-5
- services, **15**, 95-6; **17**, 262; **20**, 39, 81; **22**, 82; **25**, 72-6; **26**, 82; **27**, 119
- severance pay, **15**, 87-91; **26**, 82; **27**, 104-5
- Social Security payments: Social Security payments, counterclaim for
  - specific performance, **7**, 159; **9**, 26; **16**, 231-2
- standby letter of credit, **17**, 253; **24**, 275
- taxes: Taxes, counterclaim for
  - termination of staff contracts, **2**, 112-13
- testing costs, **20**, 32-3
- unjustifiable collection of funds in Trust Account, **8**, 272-3
- unpaid sums, **25**, 88-9; **27**, 116-18, 233-5
- unpaid taxes, **25**, 89-90
- unsatisfactory documents, **12**, 221-3
- value of—
  - leased goods, **19**, 153, 154
  - missing property, **12**, 226; **27**, 118
  - spare parts, **9**, 28-9
  - withdrawal of suit, **12**, 321-2
  - withheld documents, **26**, 103-4
  - wrongful expulsion, **9**, 16-18
- implied withdrawal, **30**, 6
- interest, **17**, 82-3
- invalid claim as basis for, **12**, 36
- jurisdiction of Tribunal, **2**, 54-60, 62-4, 65-7, 97-9, 311, 363, 371; **3**, 60, 61, 151, 152, 201, 235, 251, 261, 322, 335, 386; **4**, 7, 55, 242-5, 246 n. 1, 261; **5**, 129, 227, 229; **6**, 82-4, 93, 100-3, 108-10, 115, 116; **7**, 20, 21, 82, 84, 201, 219; **8**, 76-8, 203, 232-3, 265, 364, 366, 368, 371; **9**, 223; **10**, 287-8, 306; **11**, 109; **12**, 6-7, 106, 218, 291; **13**, 67-4, 78-83, 132-3, 144, 221-9, 284, 306-7, 342-3; **14**, 105-10; **15**, 90, 96, 272, 283-5, 288, 309; **16**, 293, 294-5, 313; **18**, 102, 116-20, 128-31, 167, 360-1, 372; **19**, 228, 249, 251-3, 310; **20**, 78; **21**, 148-52, 343-5; **25**, 70-1
  - dependence on jurisdiction over main claim, **9**, 38, 87; **17**, 264; **18**, 102, 119; **21**, 18-19; **26**, 126, 215-16, 251; **28**, 314-16; **32**, 91
  - exclusive, **2**, 98; **8**, 77
  - failure to prove, **9**, 223
  - previous settlement, **24**, 114, 196-7, 199-200
  - withdrawal of main claim, effect, **10**, 312; **12**, 264; **18**, 117
- limitation on, **6**, 102; **13**, 226-7
- municipal courts, **8**, 77
- offset and, **10**, 309; **16**, 293; **19**, 310-16; **21**, 55, 74, 344-5; **26**, 144, 169-70; **29**, 191, 195, 199, 207, 211; **30**, 16
- outstanding, **3**, 115; **10**, 102; **20**, 118; **27**, 104, 143-4; **28**, 46-7
- possibility of separate pursuit, **13**, 244
- preparation of, **2**, 288
- proper claimant, **15**, 90, 96, 98; **19**, 153, 154; **25**, 149; **27**, 104
- proper respondent, **6**, 82, 83; **7**, 126; **11**, 315; **15**, 19
- relation to claim, **4**, 243, 244; **7**, 82; **9**, 312
- right of, **1**, 103, 108, 219
- same party, **2**, 324-6, 378; **4**, 75; **5**, 173; **7**, 21
- termination of proceedings and, **30**, 6
- third party, **8**, 270-1; **9**, 36-7; **15**, 98-9
- time limits: Time limits, counterclaims validity, **7**, 202; **9**, 58-9
- Course of dealing, **5**, 45, 46
- Criminal action, alternative forum, **4**, 60
- Currency, **10**, 91-4; **11**, 40-2, 50-1, 164, 184

- Currency ( )  
 n. 1, 206, 230; **13**, 265-6; **15**, 62-4; **16**, 274-5; **24**, 187-90  
 conversion, **2**, 13; **3**, 233, 250 n. 1, 288; **4**, 104 n. 1; **5**, 168, 169, 175, 214; **6**, 171; **7**, 73, 74; **8**, 17, 98, 165, 291-2, 403, 420-7; **9**, 163 n. 7, 227-8, 247, 336; **10**, 54, 78-9, 91, 345-6, 352-3; **11**, 16-17, 31-3, 35, 93 n. 8, 141, 164, 176 n. 5, 199, 206, 208, 230-1, 240-2, 340-1, 357-8; **12**, 106, 124; **13**, 190, 304, 343-4; **14**, 183, 189-90; **15**, 63-4; **16**, 223, 256, 274; **17**, 225 n. 14, 301; **18**, 162, 277, 285-6; **20**, 128-33; **24**, 180; **27**, 105; **31**, 87-8, 122  
 —contract provision, **11**, 32, 358; **13**, 192; **16**, 274; **17**, 319  
 —exchange rate changes, **5**, 11, 32-3, 41, 50, 206, 208; **11**, 32-3, 41, 50, 206, 208; **12**, 304-5; **16**, 274; **20**, 22-5, 95; **23**, 70
- Currency exchange controls: Foreign exchange controls
- Customary international law, **2**, 179, 188, 196, 197, 210; **4**, 105, 116-18, 268; **5**, 269, 279-81, 286, 294, 300; **6**, 177, 178, 208, 209; **8**, 395-403; **9**, 273; **10**, 185, 189; **11**, 358; **14**, 330; **15**, 222-4, 231, 246, 290; **16**, 230
- act of State, **19**, 292
- evidence of, agreed settlements, whether, **21**, 121
- export control, **28**, 144
- expropriation, **21**, 120-2, 198, 330-1; **30**, 197-8, 200, 238-44; **31**, 4-6
- expulsion of aliens, **16**, 88-9; **17**, 107, 142-4; **18**, 161
- interest on damages, **17**, 22 n. 4
- ju* , **15**, 266  
*p ju* , **21**, 121
- protection of aliens, **17**, 147
- sovereign immunity, **28**, 133, 156, 158
- treaties and, **10**, 192, 202; **15**, 34-5; **16**, 69, 88; **17**, 264; **21**, 120-2, 330-1
- Customary international practice, **3**, 19; **4**, 67, 68
- Customs dues, **15**, 99-100; **20**, 35, 91-2
- Damages, **1**, 387, 388, 445, 448, 452-4; **4**, 108-9; **5**, 248; **10**, 309; **12**, 22-3, 319, 333-4; **15**, 39-40, 105-7, 111, 124, 255-6, 265-9, 308; **16**, 293; **18**, 7-9, 18-19, 23, 25-6; **19**, 88, 224-5, 330-1; **21**, 55, 70, 75, 143-5, 163-4; **25**, 148; **27**, 99-101; **28**, 13-14; **29**, 279, 280-3:
- Expropriation, compensation  
 additional costs, **11**, 231-8, 250-5  
 admitted liability, **28**, 44-5  
 advance payments, **2**, 107  
 advertising, **14**, 204  
 assigned debts, **21**, 52  
 bank charges, **14**, 208; **22**, 250-1, 334-5; **23**, 205-8  
 bank guarantees, **11**, 99, 175-6; **12**, 162-5  
 bonds, **19**, 151-2  
 breach of contract, **12**, 134-5; **15**, 73; **17**, 127-9; **31**, 199-200  
 breach of General Declaration, **25**, 260-2  
 calculation: computation *b*  
 capital advances, **16**, 19, 55, 72; **19**, 127  
 capital contribution, **14**, 166-7  
 cargo damage settlements, **19**, 128-9  
 carrying costs, **7**, 111, 112, 114  
 causal link, need for, **27**, 15-17, 25  
 collection expenses, **3**, 249, 253; **5**, 400  
 computation, **2**, 107-11: measure  
 valuation *b*  
 —error in, **19**, 173-4  
 —need for precise criteria, **12**, 20-4; **28**, 213  
 conditional on return of goods, **12**, 135  
 consequential, **4**, 240, 277; **5**, 400; **6**, 204-6; **7**, 75; **24**, 288  
 consultancy fees, **16**, 312 n. 23; **19**, 71; **25**, 51-2  
 contract labour, **15**, 151-2  
 contractual obligations, **16**, 54  
 —foreseeable circumstances, **16**, 54-5  
 contractually determined, **24**, 197  
 conversion of currency: Currency, conversion  
 cost adjustments, **20**, 157-9  
 costs of arbitration: Costs  
 costs arising from unforeseen anomaly, **11**, 111-14  
 costs of delay, **9**, 160-3, 174-7; **10**, 72-4, 89-91; **20**, 56-65, 67-70, 113-14; **29**, 330  
 costs incurred, **19**, 134-5, 152-3; **23**, 203; **28**, 108-9; **29**, 29, 235, 430  
 —date, **19**, 134  
 customs dues, **5**, 96; **20**, 91-2

- damage to financial health, **11**, 18  
 damaged effects, **10**, 171-2  
 on damages, **12**, 24  
 deduction for, **7**, 114, 115; **10**, 77-8, 309;  
**12**, 105; **15**, 84; **16**, 293; **17**, 8, 124-5;  
**18**, 304, 350-1; **19**, 218, 220, 221; **21**,  
 74-8; **22**, 39, 337; **23**, 64, 208-10; **26**,  
 162; **29**, 345, 348: valuation,  
 discounts *b*  
 —corrected invoice, **15**, 130, 131  
 —credit for work performed, **10**, 70  
 —debts, **12**, 23-4; **21**, 53, 61  
 —depreciation, **17**, 109; **28**, 3, 12-17,  
 107-8  
 —downpayment, **13**, 188; **15**, 107-8,  
 132-3, 149  
 —excess man-hours, **20**, 64, 139-41  
 —materials, **20**, 63  
 —overpayment, **15**, 63-4, 129  
 —payments made, **15**, 140, 144, 155  
 —profits from resale, **4**, 270; **19**, 145,  
 154, 158  
 —shipping costs, **17**, 109  
 —social security payments, **20**, 74, 87  
 —taxes, **2**, 324; **13**, 304; **15**, 64; **16**,  
 274, 276, 280; **25**, 52, 53-4, 74, 87;  
**30**, 228-30; **31**, 21-5  
 —unauthorized work, **11**, 104-5  
 —uncompleted work, **11**, 229-30  
 —undelivered equipment, **11**, 192  
 —unliquidated advance payment, **9**,  
 164  
 —unsatisfactory performance, **18**,  
 335-8  
 —waived charges, **17**, 224-5  
 delivered goods, **11**, 202-4; **12**, 136; **19**,  
 219-20  
 destroyed leased equipment, **12**, 316  
 dispatched goods, **18**, 316  
 double recovery avoidance, **28**, 172, 214  
 escalation payments, **10**, 72-7; **22**, 15-20,  
 91-2  
 evidence of: Evidence of, damages  
 excess taxes, **10**, 290-8  
 exchange losses, **10**, 174; **11**, 33, 201-2,  
 339; **12**, 16, 29-30; **20**, 22-5  
 exchange rate: Currency, conversion  
 exemplary, **10**, 205; **11**, 44  
 expenses, **9**, 35, 198-9, 298; **14**, 123-4,  
 204, 206-7; **19**, 124-5; **27**, 183:  
 legal fees *b*  
 —additional, **18**, 192-3, 214-15; **20**,  
 60-1, 65, 67-9, 112-14  
 —need for notification, **18**, 192-3,  
 215  
 —maintenance and repair, **1**, 19, 136;  
**19**, 136  
 —rental payments, **19**, 135-6  
 —voyage, **19**, 123-4  
 expropriated bank account, **12**, 213-15  
 expropriation: Expropriation,  
 compensation  
 extended overhead costs, **10**, 72, 77  
 facilities expenditures, **11**, 334  
 failure to return leased property, **10**, 254,  
 258; **19**, 132-5  
 foreseeable consequences: Causation  
 guarantee costs, **19**, 150-1  
 guarding costs, **22**, 38-9, 81, 95  
 handling and storage, **3**, 52, 53, 56, 57  
 housing costs, **25**, 444-6  
 improper charges, **17**, 110-11  
 improper deductions, **15**, 83, 132  
 increased costs, **15**, 78-81, 129-30,  
 145-50; **22**, 20-1  
 inflation, **4**, 270; **8**, 168; **29**, 53, 277-8  
 injunction bond, **22**, 252; **23**, 204-5; **24**,  
 38-9  
 interim fee, **13**, 183  
 inventory costs, **14**, 123; **26**, 168-9  
 invoice claim, **9**, 19-20; **10**, 70-1, 170-4;  
**11**, 12-14, 20-1, 228-9, 320-30; **12**,  
 168, 198-213, 295; **13**, 264-6, 303-4;  
**14**, 39; **15**, 56-85; **17**, 15, 124-7, 188,  
 193-8, 201-2, 204-12, 222-7, 235-7,  
 242-3; **18**, 364, 367; **22**, 37-9, 59-60,  
 237-42, 245-7, 331-4; **26**, 162-4, 173-4,  
 178-9; **27**, 107-12; **28**, 36, 39-42:  
 Claim, basis, invoice  
 —corrections, **15**, 62  
 late payments, **12**, 165-8  
 lease payments due, **1**, 414, 415; **2**, 259  
 legal basis, **18**, 332-5  
 legal fees, **11**, 238-42, 255-8; **14**, 205; **17**,  
 76-8, 91 n. 9; **19**, 125-7; **22**, 37-8,  
 251-2; **23**, 203-4; **24**, 37-9; **27**, 183-4;  
**29**, 29, 209  
 legitimate expectations, **16**, 54-9, 73; **17**,  
 76  
 letter of credit underfunding, **9**, 20-1  
 limited by amount of claim, **3**, 251; **12**,  
 106

## Damages ( )

liquidated, **5**, 103 n. 1; **15**, 131; **23**, 55-8, 85-6

loans, **16**, 226-31; **19**, 136-50; **27**, 18-20, 27-8, 31, 33

—equitable subrogation, **19**, 137, 143, 145, 147, 149-50, 151

—interest, **2**, 111

—interest on, **16**, 229; **19**, 140

loss of enjoyment of property, **10**, 251; **22**, 103-4

loss suffered by third party, **28**, 12

loss of use of money, **12**, 167

losses on assets, **12**, 193-4; **17**, 107

losses on discounted goods, **26**, 165-7

losses prior to settlement, **28**, 139

lost capital transfers, **24**, 113

lost deposit, **17**, 111-12

lost earnings, **16**, 101-2; **17**, 109-10

lost fees, **8**, 170

lost opportunities, **18**, 193-4, 216

lost profits, **2**, 383-4, 387-90, 399; **3**, 233, 234; **4**, 107, 108, 118 n. 1, 260 n. 1, 268, 270; **6**, 170, 203, 204, 215, 216, 294, 295; **8**, 169-71, 319; **9**, 23-6, 123-4, 127-8, 149-50, 160, 199; **12**, 23; **14**, 45, 122-3, 142-3, 209-10; **15**, 299-304; **16**, 19, 55-8, 74, 238, 240, 276, 277; **17**, 76; **18**, 13-15; **21**, 346 n. 36; **22**, 40-2, 49, 60, 80-1, 95 n. 97, 99, 102-3, 104; **23**, 202-3; **26**, 165; **27**, 25, 36, 101; **30**, 201, 258-62

—breach of contract, relevance, **28**, 84-5

—contract as measure, **16**, 74

—contract terminated by agreement, **2**, 110-11

—costs and overheads distinguished, **22**, 96-7

— *m um m* and, **28**, 9 n. 17, 17, 84-5

—evidence of, **31**, 200-4

—“reasonable”, **22**, 40-1, 95-7

lost property, **9**, 166, 179-80; **12**, 16; **16**, 102 n. 16; **17**, 108-9; **18**, 194-5, 216

lost revenue, **15**, 51-3; **26**, 169

lost volume seller, **26**, 165

materials, **20**, 27

measure, **1**, 446, 447, 450, 451, 453, 454; **3**, 56-8, 106, 154, 233; **4**, 105-9, 111, 112, 116-20, 157, 173-7, 269, 271; **5**,

227; **6**, 65, 169, 170, 177, 204, 206, 213-16, 244, 245, 250, 266, 268, 269, 274, 275, 281, 285-7, 294; **7**, 162-71, 172-5, 177; **8**, 162-71, 380-3, 387-92; **9**, 123, 128-30, 163-4, 197-9, 247, 336-8; **10**, 64-78, 132-3, 268; **11**, 89-108, 157-63, 174-8, 198-9, 319-41; **12**, 12-16, 104-6; **13**, 18; **14**, 78, 126, 203-10, 238-42; **15**, 13-14, 34-56, 102-55, 159-82, 248-52, 300; **16**, 54-8, 194-235, 249 n. 15, 272-3; **17**, 108-9; **18**, 3-44, 303-4; **19**, 88-92, 100-5, 297; **20**, 75-6, 141-2, 145; **21**, 22, 47, 57-60, 122-45, 164-94, 203-38; **22**, 47; **23**, 27-31, 79-85, 100-6, 371-4; **24**, 100-1; **25**, 147-8; **27**, 15, 17-23;

computation *b v*; valuation *b*

—absence of evidence, **22**, 78 n. 30

—actual benefit, **6**, 213, 215

—actual damage, **22**, 79-80

—actual use, **6**, 177, 213, 215, 216

—contract provision, **2**, 106-7, 110-11, 116-19, 399; **3**, 56, 164, 232-4, 289, 293, 294; **4**, 234-6, 251, 260, 270-8; **5**, 110, 111, 234, 359, 360; **6**, 63, 227, 275; **7**, 24, 192; **8**, 164; **9**, 124, 147-50, 160; **10**, 64-9, 326; **11**, 177; **12**, 188, 238; **13**, 138-9; **28**, 88

—contract terminated by agreement, **2**, 106-11, 117-18

— *m um m*, **2**, 387 n. 1; **10**, 189; **15**, 248, 268; **30**, 201

—equitable determination, **27**, 21

—fair market value, **8**, 380; **12**, 22-3; **15**, 34; **16**, 201, 238, 240-1, 244-7; **19**, 102; **21**, 57, 58, 119-20, 329-30; **25**, 147; **27**, 99-101; **28**, 12-14, 16-17; **29**, 46; **30**, 89, 93-4, 206-7; **31**, 19-20

—fair and reasonable, **20**, 114

—*f m ju* and breach of contract distinguished, **12**, 120-5, 187, 193, 194; **15**, 13

—going concern, **2**, 354-5; **4**, 106-8, 118-20; **8**, 382; **12**, 21-2; **15**, 270-1; **19**, 88, 100-5; **29**, 271-3; **30**, 91-4, 258

—hypothetical settlement, **16**, 54

— *u um*, **2**, 387 n. 1; **15**, 249-51, 258-9, 270, 305; **21**, 330

— *Sh p* ’ *m*, **30**, 238

- reasonable and equitable, **9**, 162; **22**, 34, 80; **32**, 157
- *u* *um*, **2**, 386-7
- service companies, **12**, 21-3
- settling of accounts, **6**, 294
- unpaid royalties, **2**, 340, 342
- Up* case, **30**, 238-9
- work performed, **24**, 15
- mental anguish, grief and suffering, **2**, 78-9, 87
- method of payment, **19**, 296, 301-2
- mitigation, **3**, 52, 56, 289, 293, 294; **7**, 108, 110, 111; **14**, 43; **17**, 128, 132; **18**, 160; **20**, 160; **22**, 34, 36, 47, 93, 94, 212, 243-5, 310; **23**, 207, 214; **24**, 38; **26**, 161-2; **28**, 8-9
- international law, **22**, 244
- Iranian law, **22**, 243-4, 324-31
- US law, **22**, 244
- nominal, **9**, 42
- office costs, **11**, 99; **12**, 211-13
- offset: deduction for *b v*
- out of pocket loss, **12**, 16
- overhead costs, **14**, 124, 205-6, 219-20; **25**, 42, 118-19
- partial to avoid double recovery, **11**, 88-9, 138-41, 313-14
- payment for equipment, **19**, 205
- payments due, **20**, 13-14, 19, 27-9
- performance costs, **9**, 124-7, 163-4, 201; **14**, 208-9, 218-19, 220-2; **28**, 103-8
- performance withhold, **2**, 108-9; **8**, 315-17; **9**, 22, 24, 125-7, 164, 221; **11**, 14-17, 37, 174, 334; **12**, 151-3; **13**, 134-5, 183-4, 305-6; **14**, 41-2; **18**, 191-2, 211-14; **20**, 74-6, 85-7, 97-100, 145; **23**, 45-8, 49-52, 106-16; **28**, 90-1
- post-contract expenses, **11**, 17-18, 38
- pre-incorporation costs, **14**, 165-6
- principle underlying, **16**, 254-5, 281
- private attorney, **8**, 13, 309, 323
- progress payment, **20**, 13-14; **23**, 31-3
- provisional acceptance, **28**, 36-8
- punitive, **2**, 78, 87; **10**, 205; **15**, 248
- qu um m u*: *Qu um m u*
- quasi-contract: Quasi-contract
- reasonable, **9**, 150-1, 202, 338, 377; **10**, 81; **12**, 36, 137; **28**, 368-9
- recalculation of, **3**, 57, 114, 250, 257, 262, 264, 265, 290
- reduction of, **5**, 220, 232, 234; **11**, 66-7
- relocation costs, **12**, 191-3; **18**, 312; **22**, 248
- rentals, **10**, 254, 258; **15**, 144-5
- repair charges, **12**, 320-1; **19**, 47
- undeliverable goods, on, **19**, 213-15
- repayment of loan, **13**, 21-7, 30-3
- repudiation of contract, **18**, 369
- restitution: Restitution
- result of delays in proceedings, **4**, 81; **8**, 39
- return of goods, **17**, 286-7; **19**, 286-93
- salaries, **11**, 96-8; **12**, 16, 190-1; **18**, 310-11; **24**, 220-1, 259-64
- definition, **25**, 79
- salaries and allowances, **10**, 256, 343-5; **11**, 157-60, 166; **13**, 218-19; **14**, 77; **25**, 40-2
- sales commission, **28**, 89-90
- seconded staff costs, **14**, 163-5
- security costs, **2**, 109-10
- seizure of money, **17**, 110
- services, **10**, 172, 284-8; **11**, 330-4; **12**, 168, 197-206; **15**, 151; **19**, 220-1, 225-7; **20**, 25-6; **22**, 34-7, 48, 58-9, 94, 98-9, 102, 115-16; **25**, 98; **26**, 174-6, 179
- set-off: deduction for *b v*
- Settlement Agreement, **10**, 282-3
- severance pay, **24**, 221
- social security premiums, **13**, 340, 342; **22**, 42-3, 50, 60; **23**, 39-42, 89 n. 13, 90
- standby fee, **22**, 33-4, 92-4, 98
- stock dividend, **10**, 265 n. 12
- storage costs, **19**, 209-10, 215-16, 222; **26**, 168-9, 176
- between 14 November 1979 and 19 January 1981, **28**, 138-9
- supplies, **10**, 172, 255
- tax liability: Taxes
- technical service fee, **13**, 219
- termination costs, **10**, 290; **11**, 160-3; **12**, 153-5, 176-97, 236-7; **13**, 189-90, 219-20, 305, 321-2, 338-9; **14**, 82-5; **17**, 31 n. 2; **19**, 210-11, 221-2; **23**, 201-2; **25**, 47-50
- in absence of contractual provision, **14**, 42-5
- accomplishment fee, **12**, 197, 237-8
- contractual profit, **14**, 53, 121-5; **22**, 60
- cost of residual office, **12**, 194-6
- demobilization expenses, **11**, 336-40

## Damages ( . )

- *f m j u* and, **17**, 74-5, 87-91
- miscellaneous expenditure, **12**, 196
- overhead costs, **14**, 44-5; **25**, 50
- repatriation expenses, **10**, 172-4, 256, 288-90; **11**, 176; **13**, 190, 216-18; **14**, 77; **26**, 179-80
- security and lease of building, **17**, 75
- termination of apartment leases, **12**, 194
- termination of contract and, **8**, 164-265
- termination payments, **15**, 141-3; **22**, 60
- unamortized expenses, **22**, 39-40, 48, 60
- termination of pension, **30**, 65-6
- trade debts, **27**, 18
- trademark fees, **10**, 255-6
- translation, **18**, 197
- travel expenses, **11**, 98-9; **14**, 50; **18**, 161; **19**, 71; **25**, 46-7, 117
- unbilled items, **13**, 139-40
- unjust enrichment: Unjust enrichment
- unjustified attachment, **4**, 277
- unpaid rental payments, **12**, 320
- unreleased deposit, **11**, 196
- unsold items, **26**, 167-8
- valuation, **2**, 353-4; **4**, 116-18, 175; **10**, 132, 192-5; **12**, 11-13; **14**, 234-7; **15**, 34-5, 246-52; **16**, 69, 194-5, 238-44:
  - computation measure *b v*
  - adjusted net asset value:
    - dissolution value *b*
    - assets, **15**, 155-9; **18**, 7-15, 18-20
    - book value, **16**, 243; **19**, 105; **21**, 57
    - adjustment, **30**, 220-5
    - capitalization factor, **19**, 103
    - *h z' F y*, **2**, 354; **15**, 246-7, 260, 299-304; **21**, 122, 198-9; **30**, 238, 251
    - current net book value, **21**, 57
    - customary international law, **21**, 120-2, 330-1
    - date for, **15**, 244; **16**, 201, 244; **19**, 297, 298, 299-301, 304-6; **27**, 16; **29**, 49
    - Discounted Cash Flow (DCF), **4**, 157, 176-7, 241-4; **15**, 256-65, 308; **16**, 126, 201-20; **21**, 123-4, 162-4, 199-200, 222-5, 328-30, 345-7
    - lost profits and, **21**, 123, 199, 222-38, 246-61, 271-5, 346 n. 36, 356-8; **28**, 17 n. 31; **30**, 258-62
    - discounts, **30**, 231-3; **31**, 15-21:
      - deduction for *b v*
      - dissolution value, **6**, 226; **21**, 57; **29**, 271-2
      - effect of change in political, economic and social circumstances, **29**, 53, 277-8; **30**, 89, 100-1, 206-7; **31**, 11-15
      - effect of expropriating act on value, relevance, **15**, 46; **29**, 46, 53, 273; **30**, 213-14
      - expert evidence: Experts, evidence of
        - goodwill, **12**, 23; **19**, 105; **30**, 225-6, 262-3
        - historical book value, **15**, 115
        - inaccurate data, **18**, 20-1
        - insured value, **15**, 39, 105, 110-11; **18**, 7, 9-10, 11, 22-3
        - international arbitral tribunals, **15**, 258
        - just, **15**, 252, 292; **16**, 195, 239; **21**, 119, 122
        - lawful expropriation, **15**, 252
        - lawfulness of taking, relevance, **15**, 246, 248-52; **16**, 69, 240; **21**, 70-2, 121-2, 198-9, 330-1; **29**, 270; **30**, 202
        - liabilities, **15**, 159-82; **18**, 16-18; **29**, 284-93
        - lost profits: lost profits *b v*
        - price adjustment receivables (PARs), **30**, 207-17, 220, 263-4
        - State practice, **15**, 266
        - unjust enrichment, **15**, 268-9, 308; **21**, 70-1, 73
      - value of goods, **10**, 254, 258
      - waiver, **8**, 60-1; **12**, 167, 317; **13**, 185
      - “warehouseman’s lien”, **8**, 278-80
      - withdrawal of claim, **16**, 296
      - withheld dividends, **10**, 252, 257
      - withheld taxes, **12**, 296
      - work performed, **10**, 70-2; **11**, 101-3, 174-5, 190-2, 199-200, 268-70; **13**, 135-9, 267, 304; **16**, 272-4, 276, 277-80; **20**, 54-9, 61-4, 66, 69-72, 100-5, 159-61; **23**, 33-9; **28**, 42, 89
      - as measure when damages inappropriate, **12**, 134

- work permits, **11**, 99
- work-in-progress inventory, **19**, 209, 215, 221
- wrongful call on bank guarantee, **11**, 196
- wrongful death, **2**, 82-6
- wrongful expulsion, **9**, 43-4
- Debt, **1**, 169-72, 185-8, 411-15, 442-8; **3**, 35, 53, 65, 72, 113, 114, 119, 169, 235, 246, 247, 249, 250; **4**, 221, 228, 231; **7**, 14, 15, 190, 191; **21**, 52, 75-6
- allocation of payments, **22**, 13, 86-90
- assignment, **3**, 274, 275; **21**, 52
- controlled entity: Controlled entity, responsibility for obligations of evidence of, **21**, 49
- government's responsibility for predecessor government's debts, **32**, 175-7
- legislation providing for compensation for expropriation as basis, **28**, 260-2
- limitation period, **32**, 177-8
- "odious", **32**, 175-7
- outstanding, date of becoming, **9**, 40; **21**, 44-5
- waiver of, **5**, 373
- Decision: Award
- Declaration: Concurring and dissenting opinion; Concurring opinion; Dissenting opinion; Explanatory remarks; Separate opinion; Separate statement; Supplemental opinion
- Ameli, **13**, 40
- Bahrami, **13**, 192; **14**, 8
- Declaration of the Government of Algeria Concerning the Settlement of Claims by the United States and Iran (1981): Claims Settlement Declaration
- Declarations of Algiers: Claims Settlement Declaration; General Declaration
- Declaratory relief: Claims, declaratory relief
- Demurrage, responsibility for, **26**, 24-30, 33-6
- Denial of justice, **1**, 396-402; **3**, 297
- Deprivation of property, **6**, 225, 245, 256; **15**, 29-56; **26**, 108-9
- Diplomatic protection, **1**, 465-7, 478-80; **2**, 161-6, 180, 196-209, 224-5; **5**, 260-3, 273, 274, 299, 302, 303, 324, 326, 331-4; **9**, 255, 256; **10**, 85; **16**, 7; **18**, 246 n. 5, 262, 279, 383-90; **19**, 31
- applicable law, **19**, 31
- dual nationals, **31**, 46-54
- national, by, **22**, 168
- nationality and, **12**, 284-6; **18**, 261 n. 20; **22**, 136; **23**, 289
- nature of relationship between State and individual, **18**, 387-8
- Discontinuance: Claims, withdrawal
- Discount, **7**, 197
- Discounted Cash Flow method: *u*
- Damages, valuation
- Discovery, **4**, 28, 58, 94, 95
- Dispute settlement provisions: Contract, dispute settlement provisions
- Dissenting opinion: Concurring and dissenting opinion; Concurring opinion; Declaration; Explanatory remarks; Separate opinion; Separate statement; Supplemental opinion
- admissibility, **16**, 333
- Aghahosseini, **27**, 297; **29**, 349; **30**, 19 n. 1; **31**, 206; **32**, 207 n. 1
- Aldrich, **1**, 320, 396; **3**, 380; **4**, 279; **9**, 356; **12**, 64; **14**, 300; **27**, 258
- Allison, **22**, 183, 200; **27**, 259; **30**, 112
- Ameli, **8**, 403; **9**, 187 n. 1; **10**, 110; **13**, 45, 351; **16**, 327; **18**, 47; **32**, 207 n. 1
- Ansari, **5**, 193, 275; **8**, 228; **10**, 5; **12**, 306 n. 1; **13**, 176; **19**, 16, 56, 333; **22**, 127, 135, 145, 160; **23**, 90, 288, 315; **25**, 112; **27**, 32
- Bahrami, **9**, 169-81; **10**, 134; **11**, 137, 300 n. 1, 346; **12**, 17, 299; **13**, 167, 177; **14**, 134, 185; **16**, 294; **19**, 16
- Brower, **8**, 284; **9**, 410-13; **10**, 224; **12**, 64, 265; **13**, 118; **16**, 86; **18**, 102
- Enavat, **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; **9**, 187 n. 2; **10**, 219, 259, 351; **11**, 250; **12**, 64, 356; **13**, 345; **14**, 94, 271; **26**, 216; **27**, 259
- Kashani, **1**, 104, 241, 250, 463; **2**, 317; **5**, 1, 85, 115, 121, 275; **7**, 119
- Khalilian, **18**, 79; **24**, 40; **25**, 131 n. 1; **27**, 265
- Lagergren, **1**, 197, 241, 250; **5**, 348
- Mosk, **1**, 119, 158, 230, 232, 305, 320, 396; **2**, 124, 139, 146; **3**, 40, 41, 76, 77, 209, 318, 374, 377; **4**, 3, 28, 58, 76, 80,

- Dissenting opinion ( )  
 93, 229; **5**, 181, 242, 374; **7**, 48; **8**, 134;  
**10**, 103; **30**, 45  
 Mostafavi, **8**, 336; **9**, 204 n. 1, 377-96; **10**,  
 16, 85, 108, 328, 348; **12**, 38, 108, 324;  
**13**, 177, 193 n. 1, 310; **14**, 53, 212, 243,  
 258  
 Noori, **19**, 16, 356, 370 n. 1; **22**, 257; **23**,  
 150 n. 1; **24**, 3; **25**, 190 n. 1, 264 n. 1,  
 278 n. 1; **30**, 44; **32**, 207 n. 1  
 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  
 Dollar Account No. 1, **8**, 198; **12**, 40-93; **14**,  
 316-20, 323  
 Dollar Account No. 2, **5**, 67-9; **8**, 197-206;  
**12**, 51, 54-63; **13**, 95; **16**, 293 n. 4; **30**,  
 16-17  
 Domestic International Sales Corporation,  
 character of, **7**, 186, 187, 200, 205  
 Domicile, **22**, 143, 147  
 Drafts: Negotiable instruments  
 Dual nationality: *u* Nationality  
 Due process, **3**, 365; **30**, 156  
 Duress, **16**, 43; **21**, 52  
  
 Earnest money, **5**, 359, 360  
 Election of remedies, **4**, 233, 235, 236  
 Embassy, competence, **5**, 241  
 Enforcement: Award, recognition and  
 enforcement; Settlement, enforcement;  
 Time limits  
 England, law of: United Kingdom, law of  
 Equality: Sovereign equality of States  
 Equity, **6**, 169, 170, 274, 294; **8**, 105, 262-3;  
**9**, 4-5, 197, 199, 332, 402; **10**, 173, 240;  
**11**, 41, 111; **12**, 197; **13**, 119-21; **14**,  
 188; **15**, 251, 268; **16**, 48, 221, 254,  
 262; **18**, 332, 348; **21**, 56, 58, 61, 105,  
 123, 142-3, 296, 339  
 Escrow Agreement (1981), **1**, 189-214; **8**,  
 209  
 Paragraph 2, **1**, 147  
 Paragraph 3, **1**, 147  
 Paragraph 4, **1**, 147, 148, 206, 209, 211,  
 212, 214; **12**, 44, 60, 84  
 Paragraph 5, **1**, 192  
 purpose, **12**, 61  
 Technical Clarifications, **12**, 56-7, 60,  
 75-6  
 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**,  
 47-51; **7**, 47, 103, 135, 143, 162, 201; **9**,  
 100; **10**, 287; **11**, 229, 236; **12**, 104,  
 150-1, 174-5, 208-9, 228, 378; **13**, 33,  
 229, 253, 339; **14**, 143, 230; **15**, 196;  
**16**, 47, 71-2, 266; **19**, 77; **20**, 90, 153-6;  
**21**, 154-9, 160-1; **22**, 57, 73, 74-5, 77,  
 83, 99, 101, 115, 246; **25**, 99; **26**, 36;  
**28**, 208-10; **29**, 87-92, 176-7, 228, 232;  
**32**, 37-8  
 European Community, **13**, 91-2  
 European Court of Human Rights, **8**, 419,  
 449; **10**, 251, 267; **29**, 389  
 Evidence, **1**, 155, 215, 226-9, 260, 306, 318,  
 334-6, 340, 341, 369 n. 8, 420, 421,  
 455-82; **10**, 87-9, 348-50:  
 Evidence of; Procedure  
 absence of challenge, **8**, 261-2; **9**, 20, 21,  
 126, 198, 218; **28**, 39  
 adequacy, **12**, 132-3; **17**, 192-8, 202-3,  
 220-1, 233-4, 242-3  
 admissibility, **2**, 121-3; **3**, 67, 68 n. 1, 164,  
 350; **4**, 70, 78, 245; **7**, 70; **14**, 20, 259;  
**16**, 190-1; **17**, 296-7; **19**, 113-16; **27**,  
 153  
 affidavits, **1**, 202, 423, 462, 463, 503; **3**,  
 247; **5**, 245; **9**, 21; **17**, 52; **28**, 74-7; **29**,  
 30-3  
 applicable law, **11**, 279-80  
 assessment: evaluation *b*  
 authenticity, **2**, 35-7, 106, 118-21; **3**, 206;  
**4**, 80; **6**, 71; **8**, 107-18; **19**, 163-7; **31**,  
 162, 165-94, 206-46  
 availability to other parties, **3**, 350  
 burden of proof: Burden of proof  
 claimant's statement as, **18**, 282  
 computer program as, **19**, 132  
 conduct of parties, **22**, 30-1, 32-3; **25**, 7;  
**26**, 115; **28**, 31-3  
 conflicting, **6**, 280; **28**, 76  
*p f m*, **1**, 214  
 contradictory statements, **3**, 26, 69 n. 1,  
 249, 358, 359; **5**, 240  
 costs, **22**, 34; **28**, 103-8  
 credibility, **6**, 200; **18**, 247-60; **19**, 170,  
 227, 269  
 documents, unexplained, **3**, 251  
 duty to consider, **5**, 196  
 duty to submit, **3**, 66, 69-71; **4**, 58; **9**,  
 110-11



- evaluation, **3**, 381; **4**, 60, 107-9, 119, 120, 245; **11**, 276, 277; **13**, 58; **15**, 45-51; **16**, 264; **18**, 338-47; **28**, 275-88, 290-2, 293-302, 303-6
- exclusion, **13**, 70-1
- expert: Experts, evidence of
- 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, 247-9, 252, 382 n. 2; **4**, 70, 78, 79, 110, 225, 255, 261; **5**, 23, 33-6, 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; **8**, 52, 202; **9**, 29, 37, 40-2, 95, 125, 166, 180, 198 n. 13, 217, 227, 230; **10**, 175, 285; **11**, 18, 19, 26, 58, 71, 130, 156, 160, 175, 177, 178, 181, 205, 295, 327, 333, 342; **12**, 136, 137, 167, 209, 219-20, 223, 224, 226, 227, 351, 352; **13**, 154, 189, 266, 269, 302, 322; **14**, 18, 205, 206; **15**, 14; **16**, 18, 94, 247 n. 13, 272, 313; **17**, 17, 24, 263, 315-16, 319, 333, 336, 339, 342, 345, 348; **18**, 160, 297, 306, 308, 371, 372; **19**, 154, 178, 181, 184, 187, 190, 193, 196, 199, 209, 210-11, 226; **20**, 23, 62, 89, 101, 103, 105, 110, 117, 118, 119, 157, 160, 166; **21**, 26, 29; **22**, 40, 47, 60, 82, 180, 183, 211-12; **23**, 266; **25**, 13, 105, 106, 117-18, 146, 149-50; **27**, 138, 162-5, 187-93, 234; **28**, 45, 214, 228-9, 231, 315-16, 384; **29**, 231, 233, 234, 236, 242-3, 246-59
- false, **22**, 43-8; **29**, 93-116, 117-20, 123-84  
 —duty of party to check authenticity, **27**, 45-6
- form, **20**, 148
- hearsay, **3**, 68 n. 1; **12**, 371-2
- inconsistent, **6**, 71; **19**, 268-9
- 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
- insufficient, **2**, 108; **8**, 163-74; **9**, 44, 58, 343, 403; **10**, 49, 50, 53, 54; **11**, 88-9; **12**, 16, 315, 316; **13**, 28-9, 33, 144, 189-90, 197, 214, 216, 217, 267, 307, 342; **14**, 130, 132; **15**, 31, 91, 150, 160, 164, 276, 279, 285; **16**, 107-9, 232; **17**, 113, 257; **18**, 96, 153, 161, 166-7 n. 5, 170, 172-3, 178-9, 194-5, 228-30, 239, 240, 241, 304, 311, 312, 313, 314, 316-17, 319, 357-8, 362, 369; **19**, 127, 148, 215, 216, 220, 221, 222, 223, 232-8; **20**, 25, 59, 61, 66, 71, 73, 78, 80, 81, 82, 104, 108, 135, 141, 147, 165; **21**, 53, 61, 152; **22**, 81, 182; **24**, 215-18, 221, 224-5, 258; **25**, 113-18, 232-3, 238-9, 244-5; **26**, 239-43; **27**, 61-2, 138-40; **28**, 169-75; **29**, 327, 342-3
- interested parties, **24**, 178-81; **28**, 5-6
- interpretation, **17**, 119
- judicial notice: Judicial notice
- late submission, **10**, 101, 106, 128; **11**, 304-5; **13**, 131; **27**, 212-13; **29**, 297 n. 4, 313; **30**, 25-6, 45-6, 129; **31**, 136-7; **32**, 164-5
- minutes, **20**, 34, 72, 125, 136-7
- newspaper articles, **19**, 328, 337-9; **32**, 34, 143-4
- participation in elections, **22**, 148-50
- passport, **18**, 237, 260-2, 273 n. 46; **22**, 143; **23**, 135
- performance of contract, **22**, 115
- photocopy, **28**, 4
- post-hearing submission: Procedure, post-hearing submissions
- presumption, **1**, 480; **5**, 196; **6**, 173, 231; **16**, 266, 279; **17**, 193, 209-10, 221-2; **18**, 308, 318; **20**, 24-5, 69
- prima facie case, **2**, 238-9, 382, 399; **3**, 69, 71, 72, 288; **5**, 245, 376; **7**, 11; **9**, 28-9; **29**, 93-116, 117-20, 123-84, 235
- rebuttal, right of, **29**, 5, 68
- relevance, **3**, 252, 381; **4**, 95 n. 3
- reliability, **20**, 19
- request for, **15**, 271
- return of, **4**, 60
- shareholder agreements, **29**, 29-30
- standard, **10**, 34; **14**, 203; **17**, 108, 191, 257; **20**, 132; **23**, 188; **29**, 117, 124; **31**, 162, 246-56, 283-4
- submission of invoices, **16**, 279-80
- subsequent events, **10**, 263 n. 9
- subsequent to decision of Tribunal, **29**, 29
- tape-recorded, **8**, 38
- timesheets, **20**, 59, 62, 63-4, 65, 66, 67, 72, 143-5
- translation, **1**, 234, 326, 336-8, 341, 484; **2**, 139 n. 4, 368; **9**, 31-5; **13**, 54; **14**, 18; **18**, 62; **29**, 308-9

## Evidence ( )

- unchallenged, **12**, 168; **16**, 278
- uncontroverted, **10**, 255; **12**, 295
- unsigned draft, **19**, 208
- validity, **12**, 380; **19**, 123-4, 243; **22**, 161
- weight of, **2**, 115, 121-2, 139-40; **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
  - compulsory attendance, **19**, 269
  - credibility, **3**, 23, 24, 68; **31**, 169-79, 262-73
  - notification, **14**, 292; **17**, 62-3
  - relationship with arbitrator, **20**, 184, 185, 186, 242, 250-4, 266-7, 329

## Evidence of—

- acceptance of
  - letters, **20**, 17
  - services, **9**, 40
  - Settlement Agreement, **19**, 366; **22**, 152
- advance of funds, **30**, 152-3
- agency, **1**, 357, 358, 378-80; **2**, 11, 325-6; **9**, 57, 343-4; **13**, 111; **17**, 14-15; **18**, 178-9; **28**, 77-9
- amendment of Settlement Agreement, **9**, 62
- amounts claimed, **13**, 27
- approval of plans, **9**, 335
- attributability, **17**, 101-5, 144-8, 287
- authenticity of document, **29**, 93-116; **31**, 165-94, 206-32
- authority, **15**, 63, 66-9
- bribery, **12**, 270-2, 314-15
- capital transfer, **3**, 15, 16
- claims, interrelationship, **16**, 293
- continuity of ownership, **11**, 7
- contract, **1**, 413, 414; **3**, 48, 162, 231, 289; **5**, 43; **6**, 193, 292; **7**, 13; **8**, 160-1; **10**, 26-33; **11**, 56-7; **12**, 102; **13**, 112-13, 138-9; **22**, 115; **24**, 74-80, 87-97; **26**, 115, 135; **28**, 170-1, 172-3; **32**, 174
  - amendment, **12**, 102-3; **15**, 120-1; **16**, 272, 277-8; **20**, 26, 34
  - authenticity, **15**, 134-6; **31**, 169-94, 232-46
  - breach, **13**, 22-5; **22**, 100-1; **23**, 292-4; **26**, 159, 160
  - intention to amend, **19**, 226
  - letter of credit, **13**, 111-12
  - liability, **15**, 6

- non-operativeness, **16**, 37
- notice under, **13**, 25-7
- oral evidence, **9**, 368-71, 382-7; **11**, 237
- performance, **14**, 35; **16**, 265-70; **19**, 80; **26**, 106
- ratification, **2**, 145-6; **3**, 163, 164
- State responsibility for, **21**, 154
- terms, **18**, 311
- contractor relationship, **13**, 121-2
- contractual practice, **13**, 305-6
- control of corporation, **1**, 359-61; **7**, **6**; **11**, 312-13; **30**, 159, 188-91
- controlled entity status, **1**, 413, 419-21; **2**, 150-2, 302; **3**, 47, 160, 230, 231, 286; **5**, 135, 242-5; **6**, 59; **7**, 10; **8**, 155; **9**, 400; **10**, 167; **11**, 215; **12**, 373-5; **14**, 157-8; **17**, 130 n. 2, 165-8, 174-8, 298-300, 333, 336, 339, 342, 345, 348; **19**, 326-7, 328-9, 337-9; **22**, 179-82, 185-93; **25**, 139-40; **29**, 41, 45: nationality of corporation *b*
  - appointment and dismissal of managers, **2**, 17-23
- corporation, **26**, 31; **27**, 213-15
- costs, **4**, 81; **10**, 34
  - absence of, **9**, 60, 133, 242; **10**, 102
- custom and usage, **6**, 97
- customary international law, **21**, 121
- damages, **2**, 384, 388-90; **3**, 56, 57, 164, 231, 233, 234, 250; **4**, 269, 271; **6**, 172, 173, 205, 213, 214; **14**, 206-7
- debt, **18**, 276-7; **21**, 49
- delay, **20**, 64, 146
- delivery of goods, **17**, 322; **18**, 228-30, 363, 367
- escalation formula, **22**, 15
- excess freight charges, **2**, 11-12, 25
- existence of goods, **17**, 127, 131
- expenses, **19**, 123-5, 140-1, 144; **20**, 39
- expropriation, **1**, 420, 428 n. 6, 504-7; **4**, 105, 154, 167-9, 222, 223; **6**, 164-6, 238, 240; **10**, 303; **11**, 178, 221-2; **12**, 345-51; **13**, 302, 337-8; **14**, 298-306; **18**, 95-6; **20**, 123, 124-5; **21**, 112-16; **22**, 71-3; **27**, 60-2; **28**, 169-70, 171-2, 173-5, 212; **30**, 37-8, 39-40, 58-9, 74-5, 86-7, 154-60, 188-93; **31**, 107-13; **32**, 30-1, 32, 151-3
- expulsion, **17**, 105-7, 144-52, 257-8
- f m j u*, **15**, 6-11; **17**, 286

- interference with property rights, **32**, 33-5  
Iran's exclusive jurisdiction, **5**, 116  
liabilities, **19**, 212-13, 214-15, 219-21; **22**, 16, 39  
loss of property, **24**, 227-34  
lost profits, **31**, 200-4  
mailing, **17**, 278-9, 284  
marriage settlement, **30**, 53-6  
mitigation of damages, **3**, 56, 294  
nationality of claim, **1**, 389, 455-82; **5**, 22; **11**, 151, 188-9  
nationality of corporation, **1**, 223, 224, 334, 335, 384, 385, 418, 427, 428, 455-82, 503; **2**, 9, 16-17, 31-2, 33-4, 395-6; **3**, 1; **4**, 141, 142, 216, 217, 273; **5**, 22, 23, 209, 237, 343; **6**, 127; **7**, 27-9, 65, 66, 97; **8**, 234; **9**, 13-15, 87-8, 116, 252-3, 292; **10**, 23-4, 60-1, 278-9; **11**, 7, 212, 227, 274-6, 277-82; **12**, 132, 142, 149, 161, 251, 290; **13**, 180, 202, 336; **14**, 155-6, 227-8; **15**, 4-5, 195; **16**, 15, 16; **17**, 4-5, 162; **18**, 99-101, 177-8, 208-9, 355; **19**, 202; **20**, 6-7; **21**, 16-19, 42; **22**, 174-5; **24**, 50; **25**, 25, 26, 138; **26**, 17-18, 41-3; **29**, 225-6, 244-6, 315-16  
—absence of challenge, **8**, 262; **18**, 177  
nationality of person, **3**, 23 n. 1; **9**, 14-15, 353-5, 356; **12**, 6; **13**, 300; **14**, 6, 198; **18**, 236-7, 260-2; **19**, 51-2, 54-5, 57-8, 324; **21**, 21-3, 29; **22**, 42-3, 134-5, 242, 246, 262, 267-8, 272; **25**, 175, 202, 203; **26**, 38-40, 192; **28**, 62; **29**, 10-13, 14-15, 16-19, 64-5; **31**, 40-1; **32**, 55-6  
—dominant nationality, **25**, 203-10; **26**, 7-14; **28**, 185-91; **29**, 10-13, 14-15, 16-19, 73-4, 76-7, 379-81; **30**, 274-80; **31**, 10, 31-3, 41-3, 65-6, 146-8; **32**, 26, 57, 59-60, 76-90, 128-31  
—imprisonment as obstacle to leaving country, relevance, **31**, 31, 34-5  
—minor claimant, **29**, 12-13, 16-19  
—renunciation, **31**, 40, 44  
naturalization, **32**, 56, 76  
nature of loan, **13**, 31-2, 86-8  
ordering of goods, **17**, 321-2  
ownership, **9**, 233; **13**, 320; **17**, 297-8, 325-8; **18**, 100-1, 103-9; **32**, 71-2, 198-9, 202-3  
—beneficial, **29**, 28-41; **32**, 67-70, 199-202  
payment, **8**, 19; **12**, 296-7; **17**, 193; **19**, 128, 146-7; **20**, 35; **22**, 15-16, 18-19, 86-8; **24**, 185; **28**, 38; **30**, 98  
payment due, **20**, 13, 18, 20-1; **22**, 92  
performance, **25**, 36-8  
permanent residence, **31**, 54-5  
receipt of  
—documents, **17**, 288-90  
—goods, **17**, 119-24  
request for transfer of funds, **10**, 100, 104-6, 342; **13**, 346-9  
rescission of contract, **14**, 72-3  
satisfactory performance, **9**, 221, 375, 403; **11**, 62-7, 198, 199, 204, 247; **12**, 105, 150-1, 294-5; **13**, 136-7, 303; **14**, 40-1; **16**, 268, 270, 271, 278; **17**, 6-7, 8, 68-74, 315; **18**, 169-73, 313, 320, 357-8; **29**, 345-6  
service of notice, **13**, 64-7  
services rendered, **19**, 221; **20**, 116; **26**, 175  
settlement, **3**, 358, 359; **24**, 133-43, 175-82  
shareholder status, **30**, 161-2, 184, 185-6, 223-6  
shipment, **10**, 216-17, 221; **13**, 114; **18**, 311; **19**, 206-8; **28**, 41  
social security payments, **20**, 14-15; **28**, 161, 163  
—liability for, **2**, 112  
subcontractor relationship, **3**, 273  
succession, **1**, 360-3, 373-5  
sums expended, **13**, 267  
taking, **15**, 29-33, 54-5; **19**, 86-7; **27**, 60-1  
tax liability, **3**, 107, 236; **15**, 273-5  
title to property, **32**, 29-30  
undertaking to refund unincurred costs, **12**, 225  
unlawful expulsion, **16**, 100-1, 125-6  
unpaid invoices, **25**, 144-5  
validity of promissory notes, **21**, 47-50  
valuation, **20**, 89; **30**, 91-4; **31**, 120-2; **32**, 155-7  
value, **19**, 88, 91, 100; **20**, 27; **29**, 46-55, 274-93  
waiver of contractual entitlement, **9**, 162; **11**, 233-8, 250-4, 330-1, 345-6  
work performed, **1**, 107; **20**, 59, 62, 142-3; **22**, 242-3; **28**, 88

- Exchange controls: Foreign exchange controls; International Monetary Fund
- Exchange rates: Currency, exchange rate changes
- Exclusive jurisdiction: Counterclaims, jurisdiction of Tribunal; Forum selection clause, jurisdiction of Tribunal
- Exhaustion of local remedies, **15**, 196-7; **30**, 62-3, 97-8
- Experts—  
 appointment, **1**, 235, 390; **2**, 70-5, 76, 355; **3**, 107, 164, 167; **4**, 91-5, 157; **5**, 185; **8**, 272 n. 45, 276 n. 51; **12**, 228; **13**, 16, 40, 142, 149-50, 175; **14**, 155; **15**, 288-9; **23**, 68; **24**, 24-8  
 —prerequisites, **4**, 94; **24**, 26-7
- costs: Costs, experts'  
 evidence, **1**, 202, 423, 462; **3**, 165-7; **4**, 60, 119, 120, 261; **8**, 45, 272; **11**, 5, 111-35, 264-6; **13**, 351, 354; **16**, 122-92, 196-232, 244-9, 252-3, 256; **19**, 43-244; **31**, 281-2
- evidence of—  
 —fair market value, **16**, 122-92; **30**, 206-17, 218-35, 257-8; **32**, 155-7  
 —impartiality, **19**, 244  
 —inconsistency, **31**, 179-82  
 —need for adversary proceeding, **9**, 34  
 —opportunity for parties to comment, **9**, 35; **16**, 190-2  
 —Tribunal's obligations in respect of, **11**, 141-2; **16**, 196-200, 256
- need for, **6**, 267, 269; **14**, 28
- payment, **3**, 166, 167; **4**, 59, 92, 93, 95, 158; **5**, 186; **8**, 41; **10**, 21; **11**, 136, 137
- qualifications, **32**, 156
- terms of reference, **4**, 95, 159, 173, 175-8; **6**, 30-2; **7**, 172-7  
 —amendment, **6**, 31
- timetable, **10**, 110-20
- Tribunal's responsibility, **10**, 117
- Tribunal's right to appoint, **2**, 122 n. 1
- Explanatory remarks: Concurring and dissenting opinion; Concurring opinion; Declaration; Dissenting opinion; Separate opinion; Separate statement; Supplemental opinion
- Aldrich, **14**, 3 n. 1, 9
- Ameli, **16**, 103 n. 1, 255
- Ansari, **8**, 30; **15**, 187; **18**, 3
- Briner, **14**, 3 n. 1, 9
- Brower, **15**, 187; **16**, 282 n. 1
- Holtzmann, **16**, 237
- Mangård, **15**, 187; **16**, 282 n. 1
- Mostafavi, **14**, 65 n. 1, 100 n. 1, 279 n. 1
- Noori, **26**, 7 n. 1
- Export licence, **7**, 213; **17**, 85-6
- Expropriation, **1**, 287, 375 n. 14, 387, 389, 422, 504-7; **2**, 175-7, 207, 350; **3**, 290; **4**, 105-12, 115-18, 143, 154-6, 159, 162-79, 223; **5**, 227, 371; **6**, 164-8, 178, 189, 200-3, 206, 207, 209, 215 n. 6, 216, 225, 231, 241, 250, 256, 257, 260, 268; **7**, 6, 7, 47, 48, 50, 51, 123, 125, 126, 129, 133, 134, 146, 152, 153-5, 164, 165, 168-70, 173, 256; **8**, 380-4, 385-90, 391-450; **9**, 230-41, 266-83; **10**, 130-1, 136, 170, 259-68, 302-4; **12**, 7-16, 214-15, 346-51, 370-5; **14**, 230-4; **15**, 101-87, 213-34, 297-300; **16**, 43-5, 64-9, 193-6, 237-47; **17**, 258-9; **18**, 95-6, 238; **19**, 81-7, 94-9; **20**, 123; **21**, 106, 111-22, 341; **23**, 69, 96-100, 294, 366-70; **24**, 215-18; **25**, 147-9; **27**, 91-2, 141-3: Damages;  
 Deprivation of property; Evidence of, expropriation  
 accordance with domestic law, relevance, **30**, 86  
 action against specific individual, **28**, 11, 71-4  
 appointment of temporary managers, **2**, 21; **14**, 297-300; **30**, 38-9, 58-9, 191-2; **32**, 51-5  
 appropriation of property distinguished, **23**, 25  
 bankrupt company, **21**, 56-60  
 breach of contract: lawfulness, breach of contract *b*  
 by decision of court, **12**, 318  
 coercion and duress, **4**, 171  
 compensation: Expropriation, compensation  
 conformity with domestic law, relevance, **7**, 15, 225; **32**, 51  
 constructive, **12**, 261-4, 287 n. 49; **17**, 152 n. 22  
 contract rights, **4**, 163; **6**, 237, 243, 250; **15**, 220-1, 267, 269-70, 299; **16**, 231, 234-8; **21**, 106, 111-12, 119, 123-4; **24**, 82-3; **28**, 211-12, 215

- lawfulness, determined by international law, **16**, 25
- control of corporation, **2**, 176, 349, 351, 352; **7**, 154, 159, 162; **9**, 257; **17**, 168-9; **30**, 158
- creeping, **10**, 206; **28**, 296 n. 2; **29**, 44-5; **30**, 160; **31**, 107
- critical date, **32**, 137-8, 154-5, 160-1
- date of taking, **4**, 156, 159, 164, 165, 171, 173; **9**, 240-1, 246, 265 n. 18, 278; **10**, 249-50; **12**, 11; **15**, 225-9, 290; **21**, 116-18; **28**, 259-64, 266-302; **30**, 192-3
- decision reserved, **9**, 42-3
- denial of access to funds, **4**, 172
- deprivation of rights, **17**, 181; **22**, 71, 77-9, 103-4
- discrimination, **15**, 231-2; **28**, 211
- effective taking, **10**, 131, 147-52; **12**, 11
- elements of, **6**, 256; **9**, 238-9, 275-9; **10**, 261-2; **15**, 223
  - insurance company's assessment, **10**, 264
  - substantive value of property, **25**, 149
  - treaty determined, **15**, 246
- evidence of: Evidence of, expropriation
- exchange controls as, **24**, 110-11
- expulsion as, **17**, 139-40
- failure to protect property rights as, **2**, 79-80, 86-7
- f m j u* and, **21**, 107; **31**, 8-9:
  - F m j u*
- forced sale, **9**, 240
- formal act not required, **9**, 224-7; **10**, 259, 267
- government involvement, need for, **9**, 238-9; **12**, 349; **15**, 35; **18**, 242-3; **30**, 40-1
- indirect claim, effect on, **9**, 265
- intent of government, **6**, 225, 256; **21**, 115; **30**, 86, 157, 190; **32**, 51
- interference with internal management, **6**, 165, 166, 199, 201, 238, 240; **7**, 162-7, 179 n. 1, 180 n. 1; **21**, 70
- interference with use or enjoyment of property, **6**, 225; **10**, 243-52; **12**, 9, 319; **18**, 239-40; **19**, 85-7, 94-9; **27**, 96; **28**, 71-3, 210-11, 288, 296; **29**, 41-6; **30**, 38-9, 84-6, 157-60, 163-8; **31**, 107-14; **32**, 51
  - car parking, **28**, 290, 293
  - permanent, **28**, 288, 296 n. 2; **29**, 44, 267-70
  - taking of shares distinguished, **30**, 160, 165-6
- jurisdiction of Tribunal, **4**, 101, 115; **5**, 210; **6**, 223
- lawfulness, **16**, 65, 241; **27**, 143
  - breach of contract, **15**, 232, 242-6
  - criteria, **10**, 204-5
  - determination by international law, **16**, 25; **29**, 270
- lawfulness, relevance: Damages, valuation, lawfulness of taking, relevance
- legislation as, **24**, 215-17; **28**, 267-8; **32**, 28-9, 31-2, 135-41
- loss, need for, **21**, 56, 60
- nationalization as basis of jurisdiction, **28**, 258
- non-contractual, **22**, 71
- pension rights, **30**, 41-3, 46-9, 59-66
- public purpose, **15**, 233-4; **21**, 122
- repudiation of contract as, **16**, 43-5
- shares, **30**, 154-62
- survival of rights and contract obligations, **6**, 242
- taking of corporation and assets distinguished, **15**, 112
- unlimited responsibility, **6**, 265
- valuation: Damages, valuation
- Expropriation, compensation, **1**, 141, 171, 415, 422, 450, 451; **2**, 353-5, 383, 399; **3**, 53, 54, 106, 232-5, 264-6, 278, 279, 288-90, 293, 294; **4**, 105-9, 111, 112, 116-18, 156-7, 173-7, 223, 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; **8**, 162, 314-24, 340-2, 378-80, 393-405; **9**, 273; **10**, 4, 133-4, 184-206; **15**, 33, 34-56, 223-4, 244-71, 298-308; **16**, 33, 34-56, 68-9; **17**, 98; **21**, 70-7:
  - Damages, valuation
  - agreed settlements, **21**, 121
  - applicable law, **8**, 415-19
  - basis, **19**, 302-4
  - BITs, **30**, 245
  - currency, **8**, 425-6
  - customary international law, **10**, 195-203, 267-8; **14**, 234; **15**, 223-4, 231; **21**, 198; **30**, 197-8, 200, 238-44; **31**, 4-6

- Expropriation, compensation ( )  
 —developments, **30**, 237-54  
 duty, **6**, 169; **9**, 219-20  
 failure to attempt to exercise rights,  
 relevance, **2**, 269-70  
 for failure to return goods, **19**, 293-7  
 interest, **8**, 384, 402  
 interference less than expropriation, **27**,  
 15; **32**, 35-6, 141-6, 157-9, 160-1  
 liability for, **1**, 21, 106-7  
 measure: standard *b*  
 request for, need for, **28**, 266-8  
 standard, **30**, 196-202  
 —adequate, **15**, 230-1  
 —appropriate, **8**, 386-90; **14**, 234, 237;  
**30**, 197-9, 201, 236-7, 247; **31**, 3-4  
 —full equivalent, **6**, 265, 266; **10**, 184,  
 187-206, 267-8; **15**, 34 n. 14, 35,  
 269; **16**, 195, 239; **21**, 119; **29**, 46,  
 271-3; **30**, 88-9, 100, 199-201,  
 248-52; **31**, 3-6, 120  
 —Hull doctrine, **8**, 385-90; **30**, 239; **31**,  
 6-7  
 —negotiated settlements as precedent,  
**8**, 399-400; **10**, 185, 196; **21**, 121  
 —prompt, **10**, 203 n. 36  
 —“prompt, adequate and effective”,  
**30**, 197-8, 246; **31**, 3-4  
 —UNGA Resolution 1803, **30**, 197  
 n. 13, 240, 242-3, 249  
 termination of contract by agreement, **2**,  
 117-18  
 Treaty of Amity provisions, **16**, 195, 239,  
 243; **21**, 120-2, 125, 329-31; **30**, 3-6,  
 88, 100, 196, 255-7; **31**, 85, 119-20  
 Tribunal practice, **30**, 247-53  
 World Bank Guidelines (1992), **30**,  
 245-6  
 Expulsion, **16**, 78, 83-102; **17**, 97-113,  
 139-51; **18**, 161-2; **23**, 233-8, 239-43;  
**24**, 264  
 in cases involving claims of less than  
 \$250,000, **9**, 18 n. 8  
 constructive, **16**, 87-9, 94-7  
 criteria, **9**, 16-18; **17**, 106-7, 142-3  
 global adjudication not appropriate, **17**,  
 97-8  
 juridical person, **16**, 97-8; **17**, 258  
 property rights affected, **17**, 99-100,  
 139-40  
 State responsibility, **17**, 100-7, 256-8  
 Extraterritorial effect of legislation, **8**, 258-9;  
**30**, 64  
 Fair trial, **20**, 218  
 Filing of claims: Time limits, filing of  
 claims  
 meaning, **1**, 127, 128, 130, 132, 226, 228  
 FMS Trust Fund, **19**, 296, 300, 301-32  
 FOB (free on board), **7**, 103  
*F m j u*, **1**, 452; **2**, 116, 310, 369, 386,  
 388, 389; **3**, 52, 106, 152-4, 231; **4**, 13,  
 161, 165, 174, 179, 253 n. 2, 259 n. 5;  
**5**, 210; **7**, 13; **8**, 306-10, 312; **9**, 22-6,  
 27, 116-25, 149-50, 157-60, 171-4, 196,  
 201, 294-8; **10**, 74-5, 82, 173, 174, 289;  
**11**, 126, 149, 338-9; **12**, 103-6, 112-15,  
 119, 120-5, 184-6, 205, 210-11, 235,  
 237; **13**, 92, 133-4, 142, 143, 147, 150,  
 153-4, 211-16, 245-50, 363; **14**, 35-7,  
 72-9, 217; **15**, 11-14, 70-3, 110, 122-3,  
 136-51, 211-14; **16**, 37-40, 54, 84, 269;  
**17**, 24, 65-8, 74, 75, 76, 77, 79, 87,  
 89-91, 285-6, 319; **18**, 160, 203-4,  
 326-31, 371, 372; **19**, 80, 85, 86, 94,  
 162, 224, 247; **20**, 23, 48, 75, 117, 124;  
**21**, 107-11, 329; **22**, 56, 116, 242, 247,  
 312-16, 328, 331-2, 354, 355; **23**, 47,  
 50, 53, 57, 58, 72 n. 44, 85-6, 89, 91-2,  
 95, 169-73, 185, 188-9, 190, 191-3,  
 196-7, 219-22, 225-6; **24**, 11-14, 60;  
**25**, 34-6, 115, 124-6; **27**, 79-82, 85,  
 115; **28**, 96-9; **29**, 221 n. 10, 225 n. 23;  
**32**, 30-1: Frustration  
 act of State as, **24**, 11  
 continuing obligations, **9**, 298; **12**, 205,  
 211; **15**, 11-12  
 contract, effect on, **21**, 107; **25**, 39-40, 99,  
 124-6; **27**, 167-8; **28**, 196-7  
 —notice, need for, **28**, 34-5  
 —provision for, **13**, 211-12, 246-8; **15**,  
 212; **16**, 38-9; **17**, 65-8; **29**, 336,  
 342-3  
 —suspension, **23**, 171; **25**, 36  
 —termination, **14**, 73; **23**, 25-6; **26**, 77,  
 80, 144-5; **28**, 31-3; **29**, 336, 342-5  
 duration, **16**, 38-9  
 general principle of law, **16**, 39  
 liability for, **28**, 103 n. 17  
 —costs incurred before *f m j u*  
 occurred, **29**, 344-5  
 —losses arising, **24**, 36, 171-2; **26**, 77,

- 144-5, 164; **27**, 167-8, 183, 185;  
**28**, 43-4, 87; **29**, 327, 342-3;  
**31**, 200
- 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, 208-11; **7**,  
 44-53; **10**, 106-7, 298-302; **16**, 106,  
 107-9; **17**, 112; **18**, 228:  
 International Monetary Fund,  
 Agreement  
 capital transfers, **3**, 13, 15-18, 28 n. 1, 29;  
**7**, 45, 46, 51, 52; **24**, 111-13  
 —duty to seek approval, **24**, 111-13  
 current transactions, **7**, 45, 46, 51, 52  
 effect on contract, **3**, 13; **14**, 16, 18, 27-9  
 as expropriation, **24**, 110-11  
 justification, **5**, 382  
 validity, **3**, 13; **5**, 383; **7**, 49, 50, 52; **28**,  
 29, 32  
 in violation of treaty, **5**, 381, 383; **7**, 51, 53
- Form of award: *u* Settlement
- Forum selection clause  
 binding, whether, **1**, 241, 245-7, 251,  
 254-7, 263-7, 270, 276, 277, 285-97,  
 302, 305-15; **3**, 160, 198; **5**, 120; **26**,  
 18-19, 33, 36, 249-51  
 changed circumstances and, **1**, 287-94,  
 308  
 clear provision, need for, **9**, 216-17; **28**, 67  
 jurisdiction of Tribunal, **1**, 236-319, 490,  
 491, 496, 497; **2**, 4, 5, 54-6, 66-7,  
 105-6, 138, 370, 378, 396; **3**, 61, 98, 99,  
 104, 113, 161, 198, 199, 246, 260,  
 321-5, 335, 384, 386, 387, 388 n. 2; **4**,  
 7, 8, 55, 143, 181, 220, 225, 230; **5**,  
 115-17, 119, 120, 126, 127, 130, 171,  
 180-4, 191-7, 210, 365, 388, 389; **6**, 5,  
 80-2, 93, 109, 112, 113, 115-17, 221,  
 222, 236, 250, 251, 255, 263, 268, 270;  
**7**, 33-5, 188, 218, 219; **8**, 3 n. 2, 51-2,  
 220-5, 228-31, 264-5, 306-7, 405-7; **9**,  
 31-5, 88, 115-16, 156, 170-1, 211, 293,  
 333; **10**, 44-5, 242-3, 277-8; **11**, 7, 35-7,  
 45-7, 151, 170-1, 197; **12**, 100-1, 142-3,  
 149-50; **13**, 21, 44, 180-2, 192, 225; **14**,  
 33-4, 199-200; **17**, 17, 63-4, 259-60,  
 300; **18**, 110, 189; **20**, 8-9; **22**, 236; **23**,  
 127-9, 130-2, 168-9, 371; **24**, 51-2; **25**,  
 17-18; **27**, 156-7; **28**, 29-30; **29**, 141,  
 316-17; **31**, 152-3  
 nullification, **21**, 105-6
- separability, **1**, 292, 308, 309; **8**, 432; **9**,  
 170-1
- Forum shopping, **12**, 285
- France, law of, **5**, 19; **7**, 166; **21**, 69 n. 12  
 arbitration law, **20**, 206-7, 214-15  
 —Civil Code—  
 —Article 524, **7**, 175 n. 1  
 —Article 1131, **11**, 356  
 —Article 1134, **24**, 191 n. 38  
 —Article 1135, **1**, 108  
 —Article 1156, **1**, 108  
 —Article 1157, **1**, 107 n. 1  
 —Article 1162, **1**, 213 n. 7, 214 n. 8  
 —Article 1184, **8**, 165  
 —Article 1290, **21**, 74 n. 25  
 —Article 1315, **1**, 209  
 —Articles 1372-5, **7**, 164 n. 1  
 —Article 1643, **19**, 38 nn. 30, 31  
 —Article 1644, **19**, 39  
 —Article 1655, **19**, 40  
 —Code of Civil Procedure  
 —Article 341, **20**, 206-7  
 —Article 384, **1**, 233  
 —Article 385, **1**, 233  
 —Article 394, **1**, 233  
 —Article 395, **1**, 233
- Fraud, **3**, 30; **7**, 25
- Frustration, **2**, 250-3; **3**, 153, 155; **6**, 176,  
 177, 274, 281; **7**, 17; **8**, 340, 383; **9**, 122  
 n. 13, 196; **13**, 250-1; **15**, 211-13; **16**,  
 39; **18**, 191-2; **19**, 70, 216, 246; **22**,  
 299, 310-16; **24**, 14: *F m j u*  
 fault of claimant, effect, **17**, 256-8  
 foreseeability and, **2**, 251, 253  
 requirements, **2**, 250-1
- Full Tribunal: Tribunal
- General Assembly Resolutions  
 2625 (XXVIII), **8**, 445  
 3171 (XXVIII), **8**, 445  
 as source of law, **8**, 408-13
- General Declaration  
 breach, remedies, **25**, 260-2  
 compliance, tribunal's powers respecting,  
**25**, 261  
 effect, **25**, 258  
 equitable claims, **8**, 263  
 General Principle A, **5**, 61, 130; **8**, 211;  
**12**, 45-52, 62, 64-73, 87, 89-93; **19**,  
 294, 303; **25**, 253, 254, 256-62, 264;  
**28**, 114-15

## General Declaration ( )

- aid to interpretation, **28**, 138
- requirement to negotiate, **12**, 62-3

General Principle **B**, **1**, 101, 103, 105, 106, 108, 293, 294, 309, 310, 386, 399; **2**, 55, 56, 61-2, 160, 401; **3**, 304, 305, 307, 310-13, 315; **4**, 115 n. 2, 142; **5**, 61, 153, 154, 268, 271, 284, 295, 343; **6**, 45; **7**, 122; **8**, 211, 263, 295; **9**, 137, 255; **12**, 67-70, 274-5, 322; **13**, 223, 225; **14**, 333; **16**, 310; **17**, 178, 184, 185; **18**, 86, 106, 111, 147; **21**, 68, 69 n. 12; **25**, 253, 254, 262-3; **28**, 129-32, 152-3; **29**, 27

interpretation: Jurisdiction of Tribunal, interpretation of Declarations

object and purpose, **19**, 294; **28**, 149-50  
 Paragraph 1, **5**, 14

Paragraph 2, **2**, 147 n. 1, 209; **12**, 50

Paragraph 3, **12**, 49-50

Paragraph 4, **1**, 208; **5**, 61; **12**, 64 n. 4

Paragraphs 4-9, **12**, 48, 70-1, 73 n. 14

Paragraph 5, **1**, 208; **5**, 61-8, 206; **12**, 64 n. 4

Paragraph 6, **1**, 146, 203, 208; **5**, 61, 68; **8**, 206; **12**, 50, 55, 64 n. 4, 71 n. 12

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, 440; **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; **8**, 3, 14, 16, 43, 62, 74, 80, 84, 98, 178, 188, 215, 237, 279, 328, 354, 361, 384, 425; **30**, 295; **31**, 88, 123; **32**, 183, 223

Paragraph 8, **1**, 208; **5**, 61, 65 n. 4, 212; **9**, 8, 45, 60, 63, 71, 137, 168, 186, 200,

243, 301, 307, 309, 312, 339, 348, 358, 377; **10**, 55, 81, 134, 176, 258, 318, 328, 347, 358, 361, 363, 365, 366; **11**, 30, 34-5, 69, 75, 137, 165, 179, 208, 250, 267, 345, 365; **12**, 17, 38, 50, 55, 64 n. 4, 71, 77, 107, 138, 159, 169, 233, 285, 298, 324, 389, 392; **13**, 39, 40, 43, 45, 118, 146, 191, 276, 310, 345, 361; **14**, 52, 81, 168, 169, 170, 184, 212, 243, 282, 342; **15**, 22, 187; **16**, 276, 319, 322; **17**, 19, 113, 130, 288, 325, 355, 358, 363

Paragraph 9, **1**, 208; **5**, 61; **12**, 50, 65 n. 4; **18**, 147, 174, 244, 278, 322, 374, 378; **19**, 72, 93, 161, 231, 286-8, 290-7, 303-4, 331, 346, 353, 362, 367, 368; **20**, 131; **21**, 51, 61, 161, 287, 289; **22**, 85, 117, 256, 356; **23**, 216, 377; **24**, 85, 115, 156; **25**, 111-12, 151; **26**, 128; **27**, 186; **28**, 50, 111, 130-1, 144, 370, 391, 393, 395, 397; **29**, 241, 293, 349, 397, 404, 413

Paragraph 10, **2**, 208

Paragraph 11, **1**, 136, 305, 490, 496; **2**, 39, 40, 79, 88, 109-10, 120 n. 1, 208; **5**, 47, 268; **7**, 153, 276; **8**, 27, 432; **9**, 195, 201 n. 2; **10**, 144, 168; **16**, 78-9, 87 n. 2; **17**, 98, 99 n. 3, 101, 256; **21**, 8, 9; **23**, 257, 361-2; **27**, 58

Paragraph 16, **2**, 313, 315, 318, 320; **13**, 177; **14**, 329

Paragraph 17, **1**, 102, 117, 190; **2**, 59, 313, 315, 318, 320; **5**, 58, 61, 112, 204, 209, 210; **12**, 43-5, 60, 66, 82; **14**, 329; **28**, 123; **29**, 217

peace treaties distinguished, **5**, 284

Point IV, **8**, 269 n. 42

Preamble, **19**, 288

as Treaty, **5**, 259; **19**, 286-8; **28**, 149

## General principles of

accounting, **6**, 244, 251, 269

adjudication, **7**, 125, 126

agency law, **19**, 126

commercial arbitration, **6**, 135

commercial law, **5**, 233, 394; **6**, 98; **11**, 30; **13**, 239; **15**, 29; **16**, 28; **21**, 104; **26**, 106

common law, **23**, 144, 145

constitutional law, **1**, 423

contract law, **7**, 192; **15**, 81; **19**, 295; **23**, 191, 224, 225, 340; **26**, 165



- equity, **1**, 130, 133, 232, 233; **2**, 237, 254; **3**, 58, 279; **4**, 259, 268; **5**, 248, 293; **6**, 294; **11**, 41
- evidence, **13**, 71-2
- experts, use of, **16**, 199
- fairness, **3**, 30
- international arbitration practice, **11**, 274; **18**, 119, 131; **24**, 27
- international law, **1**, 109, 114, 180, 207, 212, 213, 232, 233, 289, 290-2, 294, 361, 374, 376, 377 n. 15, 402, 450, 458, 464, 475, 476, 478, 482; **2**, 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, 292-4, 300-4, 310, 313, 321, 322, 325, 331-5, 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; **8**, 393-403; **10**, 155; **11**, 30; **12**, 273; **13**, 239; **14**, 9, 185, 245, 327; **16**, 25, 27, 28, 247; **17**, 142, 189, 218, 231-2, 240, 241; **18**, 246 n. 5; **19**, 295, 304; **21**, 120, 198; **22**, 80; **23**, 289; **28**, 208, 209; **29**, 14; **30**, 43, 63
- implementation of, **10**, 149
- prescription, **32**, 180-1
- stay of proceedings, **2**, 59-61
- Vienna Convention on the Law of  
 Treaties, codification, **12**, 61
- 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; **17**, 23
- law, **1**, 209, 212, 232, 233, 361, 362, 374, 415, 416, 420, 421, 464, 475; **2**, 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; **8**, 140, 161, 162, 427; **9**, 122, 176, 402; **10**, 308; **11**, 32; **13**, 33, 211; **16**, 26-7, 66; **17**, 23; **19**, 30-1; **20**, 204, 206-8; **21**, 70, 154, 345; **22**, 297 n. 50; **23**, 86, 171, 370; **28**, 208, 209
- absence of arbitrator, **2**, 14
- municipal law, **5**, 3, 21, 48, 261; **6**, 228, 243; **7**, 130; **10**, 143; **11**, 139
- private international law, **2**, 185, 186, 205; **3**, 47; **5**, 292, 325
- synthesis of civil and common law, **13**, 59
- trusteeship, **6**, 293
- Germany, Federal Republic  
 Constitutional Court, **7**, 168
- law of, **7**, 167
- Civil Code, **8**, 141; **19**, 33
- Rules of Civil Procedure, **8**, 134
- 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; **8**, 141; **11**, 11; **15**, 233; **16**, 48, 54, 63, 72, 296, 310; **18**, 262 n. 22; **21**, 154, 155; **22**, 297; **24**, 80-2, 86-7, 96:
- Bad faith
- Governing law: Applicable law
- Government, meaning, **23**, 136-7
- 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; **31**, 48-9
- Article 2, **5**, 302
- Article 3, **5**, 302
- Article 4, **2**, 161, 162, 189, 194-9, 201, 202, 205, 207, 214, 223, 224; **5**, 260, 261, 299, 300-4, 322, 323, 325-7, 331
- Article 5, **2**, 162, 189, 195, 198, 199, 203, 205; **5**, 262, 299, 322, 325, 326
- Law Applicable to Trusts and Their Recognition, **12**, 274
- Pacific Settlement of International Disputes (1899), **29**, 388
- Pacific Settlement of International Disputes (1907), **5**, 293
- Hardship, **1**, 127, 128, 130, 132, 133, 175, 300, 399; **3**, 209, 375
- Hearing, postponement: Postponement of hearing
- Holder in due course, **7**, 99, 100, 102
- Hostages, relevance, **14**, 315

- Immovable property transactions, **2**, 250, 256; **7**, 131, 132: Iran, law of, immovable property
- Indemnity, **13**, 120
- India, arbitrator's alleged breach of currency laws, **21**, 380-3, 395, 396-8
- Institute of International Law, **2**, 162, 163, 187, 199; **5**, 326, 328, 335
- Resolution of 10 September 1965, **2**, 196, 197, 200-2, 204, 207, 208, 214, 223; **5**, 266, 301, 303, 322, 324, 328, 331, 333
- Interest, **1**, 170-2, 414, 415, 446-8, 450, 451, 453, 454; **2**, 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, 62-5, 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; **8**, 60-1, 168, 171, 178, 320-2, 342-4, 384; **9**, 44, 59, 198; **10**, 54, 80, 175, 189 n. 29, 252, 255, 256, 257, 264, 304, 316-18, 327, 346-7; **11**, 26-31, 34, 41-5, 52, 67-8, 69, 75, 105-7, 136, 137, 164, 165, 178, 179, 205-6, 207, 208, 242-4, 250, 254, 266, 267, 343-4; **12**, 16, 28-9, 30-2, 138, 155-7, 168-9, 229-31, 297, 298, 321, 362; **13**, 29-30, 33-5, 89-90, 95-6, 145, 191, 192, 233-8, 252-3, 268-9, 275, 308-9, 344; **14**, 46, 78, 124-6, 184; **15**, 20-1, 152, 184, 289; **16**, 48-58, 69-75, 101-2, 233-4, 236, 249-54, 275, 276, 280; **17**, 17, 20-2, 23-4, 30, 31, 79, 133-4, 199, 212, 227, 237, 244, 287-8, 322-3; **18**, 163, 173, 195, 216-19, 243, 277, 285, 304, 306, 308, 318, 319, 320, 321, 364, 367, 372; **19**, 72, 73, 92, 155-8, 172, 228-9, 238-9, 246-9; **20**, 126-8; **21**, 52, 53, 60, 161; **22**, 83-4, 116-17, 242, 251, 253-4, 255, 336, 355, 361-2; **23**, 33, 63, 64, 71-4, 121, 148, 208, 210-11, 337, 366; **24**, 113, 154-5, 201; **25**, 108-9, 110, 111, 129, 150; **26**, 36, 80, 126-7, 182-3; **27**, 22, 23, 31, 87, 105, 115, 119, 185; **29**, 55, 239, 293: Damages, interest on money borrowed
- accrued, **10**, 345
- applicable law, **11**, 27
- relevance, **12**, 28; **13**, 269
- bad faith not precondition, **13**, 269
- calculation, **6**, 217; **7**, 193, 194; **11**, 28-30; **13**, 34
- compound, **7**, 191, 192; **8**, 320; **13**, 234-5; **16**, 234-5, 251-4; **24**, 83-4; **25**, 109
- international law, under, **16**, 253-4
- contract-based, **7**, 192; **11**, 105-7, 136, 178, 343-4; **12**, 31-2, 106; **13**, 34, 234-7, 252, 308; **14**, 160-5; **15**, 152; **21**, 76-7; **24**, 47 n. 2, 74, 83-4; **25**, 150; **32**, 181
- on damages, **2**, 259; **31**, 200
- date of commencement, **9**, 44, 59, 129, 338, 377; **10**, 331; **11**, 27-31, 68; **12**, 29, 106, 108, 124, 133, 135, 169, 229-31, 233 n. 4, 297, 303, 321; **13**, 34, 145, 191, 237, 248, 269, 308-9; **15**, 20-1, 53; **16**, 234 n. 63, 280; **17**, 17-18, 20, 134, 322-3; **18**, 195, 372; **19**, 72, 92, 155-8, 228-9, 238-9, 246-9; **20**, 126; **21**, 52; **22**, 84, 252, 361-2; **23**, 86-9; **25**, 109; **26**, 164; **27**, 31, 87; **28**, 48-9; **30**, 101, 234; **31**, 123; **32**, 182
- on debt, **2**, 12, 27; **32**, 181-2
- double recovery, avoidance, **19**, 158-9
- effect of Security Account, **8**, 321, 343-4; **11**, 30
- general principle of law, **23**, 86
- generally admitted usage, **5**, 17, 20, 128; **17**, 17, 20, 128
- lawfulness of conduct and, **11**, 150 n. 1, 164, 167
- need for consistency, **8**, 320-2; **10**, 80, 304; **11**, 31; **12**, 28, 32, 156; **31**, 124-6
- non-contractual basis, **12**, 28; **13**, 237-8, 252; **14**, 78, 211, 242; **28**, 48
- principles governing, **11**, 29-31
- purpose, **11**, 29, 42; **12**, 28, 229; **13**, 269; **30**, 101, 234; **31**, 88, 125-6
- rate, **5**, 111; **8**, 61, 320-2; **9**, 129-30, 167, 202, 243, 300, 376-7; **10**, 80, 304; **11**, 27-31, 164, 206, 243; **12**, 28, 31, 137, 155-6, 229, 321; **13**, 236, 269; **16**, 234; **17**, 112, 287; **18**, 173, 195; **19**, 155, 228; **21**, 76-7; **25**, 85, 150; **26**, 182; **28**, 48-9, 88, 368; **29**, 55, 56, 239-41, 293, 330; **30**, 1, 234, 264-5; **31**, 88, 123
- in official claims, **12**, 29, 31

- terminal date, **17**, 20-2  
 —customary international law, **17**, 22  
 n. 4  
 uniform rules, desirability, **16**, 292  
 waiver, **28**, 48
- Interim measures  
 aggravation of dispute, avoidance, **8**, 277  
 applicability, **8**, 182, 220  
 attachment of goods, withdrawal, **3**, 7  
 certificate of insurance, **8**, 281  
 conservation of—  
 —goods, **3**, 173-5, 331; **5**, 128; **8**, 46,  
 275-82; **13**, 257-8  
 —rights of parties, **6**, 50; **8**, 46, 77, 227;  
**9**, 304; **13**, 258  
 expert's expenses, **8**, 46-8  
 expiry, **11**, 246  
 export licence, **13**, 259-60  
 full relief, **8**, 46  
 ICJ and, **8**, 7 n. 4; **13**, 258  
 indemnity against third party vendor  
 claims, **8**, 280-1  
 inherent power of international tribunal,  
**2**, 59-62; **8**, 275 n. 49  
 justification for, **5**, 113; **6**, 51; **8**, 6-7,  
 109  
 —irreparable damage, **8**, 7, 22, 108,  
 110, 276 n. 50; **29**, 218  
 legal standards, **6**, 134, 135  
 obligation to comply, **8**, 78, 87, 227  
 payment of fees, **1**, 154; **21**, 4  
 protection of property, **5**, 112-14, 131-3  
 re-exportation of goods, **1**, 121  
 rendered inapplicable, **8**, 64  
 restraint of misuse of trademark, **1**, 122  
 return of goods, **13**, 173-5  
 revision, **8**, 48  
 stay of attachment, **6**, 131-3, 140  
 stay of proceedings, **1**, 222, 225; **2**, 55-7,  
 65-7, 98-9, 281, 282, 311, 363, 371,  
 402; **3**, 8, 9, 60, 61, 201, 298, 336, 337,  
 349, 385-8; **4**, 7, 8, 12-14, 15, 17, 55,  
 56, 72, 73; **5**, 121, 126-9, 130, 154; **6**,  
 46-51, 108-11, 115-17; **7**, 219, 277,  
 278; **8**, 3 n. 2, 5, 74-7, 78, 85-8, 225-7,  
 232-4; **9**, 131-2, 152, 304, 305; **11**,  
 297-9; **13**, 194-8; **14**, 48-9; **17**, 80-1,  
 87; **18**, 59, 288; **21**, 11; **23**, 7, 212-13;  
**32**, 115-23: Procedure, stay of  
 proceedings  
 storage costs, **13**, 259
- substantive jurisdiction, in advance of  
 decision on, **6**, 131; **8**, 45, 77  
 withdrawal of bank guarantee, **13**, 197-8
- Interlocutory Award, revision, **14**, 70-1
- International Air Transport Association  
 (IATA), **17**, 230
- International Chamber of Commerce, **2**,  
 401, 402; **5**, 388; **6**, 130, 138; **13**, 52 n.  
 8; **18**, 118-19
- arbitrators, independence, **20**, 249  
 confidentiality, **20**, 234
- Court of Arbitration, **6**, 135, 137  
 —Internal Rules, **20**, 208, 316  
 —2(2), **1**, 449 n. 2  
 —6, **1**, 130
- joinder of cases, **27**, 300 n. 5
- Rules of Conciliation and Arbitration, **1**,  
 278; **18**, 120-5
- Statute—  
 —Article 37, **5**, 274  
 —Article 38, **8**, 407-8  
 —Article 54(3), **1**, 424  
 —Article 62, **3**, 298  
 —Article 75, **5**, 111; **6**, 46  
 —Article 89, **1**, 233
- Uniform Customs and Practice for  
 Documentary Credits, **1**, 170; **5**, 28, 29,  
 39, 46  
 —Article 3, **5**, 28  
 —Article 7, **17**, 291 n. 3  
 —Article 8, **17**, 284  
 —Article 11, **1**, 170; **17**, 286  
 —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 (ICJ), **1**, 104,  
 110 n. 5, 290, 293, 307, 308, 313, 374,  
 402, 449 n. 2, 450, 457, 458, 466, 467,  
 475; **2**, 162, 163, 189, 196, 202-4, 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, 322-4, 329, 331-3; **6**, 108,  
 131, 134, 135, 211; **7**, 51 n. 3, 122, 133,  
 135 n. 1, 151, 152, 203; **8**, 213 n. 21,  
 405, 434, 449; **9**, 353; **10**, 132 n. 7, 143,

- International Court of Justice ( )  
 185, 191; **11**, 144; **12**, 366; **14**, 104 n. 4,  
 321; **15**, 216, 218; **16**, 85, 92 n. 29, 94,  
 196; **18**, 261 n. 20, 268, 271 n. 41, 282;  
**21**, 118 n. 33, 155 n. 45; **22**, 288 n. 34;  
**24**, 179 n. 20, 180 n. 23; **25**, 271 n. 8  
 stay of proceedings, **2**, 61  
*US v. S. S. Th.*, **2**,  
 84, 89 n. 1
- International law: Customary  
 international law; General principles  
 of, international law; Sources of  
 international law; Subjects of  
 international law
- International Law Commission, **2**, 206  
 Draft Articles on State responsibility:  
 State responsibility, ILC Draft Articles  
 on
- International Monetary Fund, **2**, 220; **3**, 12  
 n. 1, 13, 14; **5**, 376 n. 1, 382, 383; **6**,  
 178, 211; **7**, 52, 73; **10**, 353 n. 4; **16**,  
 106; **24**, 111
- Agreement, **3**, 14, 16, 18, 19, 28, 29; **5**,  
 381, 383; **6**, 178 n. 1, 208, 210; **7**, 40,  
 51; **10**, 106  
 —Article VI, **2**, 221; **3**, 13; **7**, 40, 51;  
**15**, 29  
 —Article VII, **3**, 13 n. 1; **7**, 45  
 —Article VIII, **2**, 220-1; **3**, 13, 14, 16,  
 28-30, 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, **5**, 383
- International responsibility, extension, **6**, 168
- International tribunals, **1**, 310; **7**, 307; **12**,  
 318; **16**, 198-9; **18**, 271 n. 39  
*GI*, **15**, 251  
*M. O.*, **18**, 217 n. 28; **30**, 253
- American-British Claims Commission, **1**,  
 132  
*m.*, **8**, 386; **12**, 187 n. 7, 234; **14**,  
 236-7; **15**, 232, 233, 243, 246, 251-2,  
 259, 270, 292, 297 n. 16, 305, 306 n.  
 31; **16**, 28, 65-7, 242 n. 10, 252; **18**,  
 223 n. 38; **21**, 121, 123, 140-1; **22**, 288  
 n. 34; **30**, 199, 241, 243-4
- Anglo-German Commission, **2**, 185-6; **5**,  
 308, 318
- Anglo-Greek Commission of Arbitration,  
**1**, 202
- Anglo-Iranian Oil Company, **22**, 288 n.  
 34
- Anglo-Italian Conciliation Commission  
 (1952), **3**, 70; **16**, 247 n. 14
- Anglo-Mexican Arbitral Commission, **2**,  
 194; **18**, 282  
*m.*, **22**, 288 n. 34
- 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
- Austro-Romanian Mixed Arbitration  
 Tribunal, **21**, 363 n. 44
- B. v. U. & B. f. v.*, **22**, 288 n. 34  
*B. (L. by) v. L. by*, **15**, 251
- British-American Civil War Commission  
 (1872), **2**, 181, 190; **5**, 305
- British-Mexican Commission, **2**, 187, 188;  
**5**, 302, 308, 309; **9**, 331; **24**, 178 n. 20,  
 179 n. 21
- British-US Claims Commission, **5**, 309  
 n. 1; **24**, 180 n. 24
- British-Venezuelan Commission, **5**, 307,  
 313
- Central American Court of Justice, **5**, 298  
*h. /S 1984 v.*, **22**,  
 301 n. 53
- Colombia-United States Mixed  
 Commission, **7**, 135 n. 2
- Ecuador-United States Court of  
 Arbitration (*Th. M. h.*), **21**, 155  
 n. 46
- European Commission of Human Rights,  
**5**, 298
- European Court of Human Rights, **5**, 298  
*F. h. m.*, **31**, 51-2; **32**, 86-7
- France-US Arbitral Tribunal, **2**, 257
- Franco-German Mixed Arbitral Tribunal,  
**2**, 148; **3**, 70; **16**, 247
- Franco-Italian Conciliation Commission  
 (1948), **2**, 59-60; **5**, 263
- French-German Commission, **2**, 185-7; **5**,  
 308, 319
- French-Mexican Claims Commission  
 (1928), **2**, 188; **3**, 210, 294; **5**, 316; **18**,  
 105
- French-Turkish Commission, **5**, 319, 320
- French-US Commission, **5**, 300 n. 1

- French-Venezuelan Mixed Commission (1902-5), **2**, 184
- German-Mexican Claims Commission, **2**, 82; **5**, 349
- German-Polish Mixed Arbitral Tribunal, **10**, 251; **21**, 155 n. 44
- German-US Mixed Claims Commission, **17**, 22 n. 4; **18**, 265 n. 28; **19**, 31 n. 14; **24**, 180 n. 23; **30**, 239
- Great Britain/Spain, Spanish Moroccan Claim, **9**, 331
- Greco-Bulgarian Commission, **5**, 308, 319
- Greco-Bulgarian Mixed Arbitral Tribunal, **3**, 311
- Hungarian-Belgian Mixed Arbitral Tribunal, **6**, 214
- Hungarian/Serbo-Croatian-Slovene Commission, **2**, 185; **5**, 308
- Imb*, **2**, 85-6
- International Chamber of Commerce: International Chamber of Commerce
- International Court of Justice: International Court of Justice (ICJ)
- Italian-Mexican Claims Commission, **18**, 246 n. 5, 262
- Italian-US Conciliation Commissions, **2**, 163, 189, 197; **5**, 263, 272, 300, 303, 310, 321, 322, 324, 325, 327; **25**, 163, 165-6, 200, 206
- Italian-Venezuelan Commission, **5**, 307, 315
- L G fi*, **15**, 299
- LET O*, **30**, 253-4
- LI M O*, **15**, 251, 293 n. 8, 296 n. 15, 305, 306 n. 31; **16**, 28, 65 n. 9; **17**, 22 n. 4; **18**, 217 nn. 28, 29, 283 n. 38; **21**, 346 n. 36; **30**, 199, 241, 242, 244
- Lighthouses Arbitration between France and Greece, **15**, 251
- London Court of Arbitration, International Arbitration Rules, **1**, 130
- Lu* cases, **2**, 82-3
- M*, **31**, 52
- M*; **22**, 146
- 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-US Claims Commission, **5**, 309 n. 1; **6**, 257; **16**, 246, 247; **17**, 104 n. 9; **18**, 105, 246 n. 5; **24**, 179 n. 23, 180 nn. 24, 25, 182 n. 6
- Mexico City Bombardment Claims, **18**, 271; **24**, 182 n. 26
- mixed arbitral tribunals, **2**, 163, 185, 189, 191, 194, 209, 214; **5**, 298, 308, 318, 321; **29**, 388-9
- h F h*, **21**, 155 n. 45
- Shp*, *m*, **15**, 262 n. 15, 299; **19**, 30 n. 12; **30**, 238
- O I*, **18**, 223 n. 68
- Permanent Court of Arbitration, **1**, 117, 509-11, 513, 518; **2**, 184, 190; **3**, 70; **5**, 307, 332; **7**, 135 n. 2; **10**, 197; **16**, 247 n. 14
- *u Fu* Case, **2**, 64 n. 2
- Permanent Court of International Justice: Permanent Court of International Justice (PCIJ)
- Peru-US Arbitral Commission, **6**, 169
- practice, **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; **10**, 149, 185; **11**, 27-30, 32, 43, 50; **12**, 275-7; **13**, 58-9; **14**, 105; **16**, 17, 27, 55, 199, 246-7, 290; **17**, 22 n. 4, 190, 218; **18**, 79, 80, 278-9, 281 n. 4; **19**, 30, 31, 171; **20**, 305; **21**, 104, 239
- acts of State, enquiry into, **25**, 157, 165
- jurisdiction, consent of parties, **22**, 296
- v pp*, **22**, 288 n. 34
- S m*, **31**, 52
- S pp*, *I um L v. IO*, **15**, 251
- Shuf m*, **21**, 155 n. 47
- Sp h z M*, **21**, 155 n. 47
- S (M E) b*, **15**, 262 n. 15, 306 n. 31
- T -* Case, **18**, 271 n. 40
- TO O*, **8**, 386; **15**, 251, 293 n. 8, 296; **30**, 198-9, 241, 242, 244
- Tripartite Claims Commission (US, Austria, Hungary, 1928), **5**, 307
- Upper Silesian Arbitral Tribunal, **5**, 272; **23**, 387
- US-Venezuelan Mixed Claims Commission, **2**, 184, 215; **5**, 306, 317; **16**, 99; **30**, 238-9

- International tribunals ( )  
 Venezuelan Arbitral Commissions (1903-5), **2**, 162, 182, 189, 190; **3**, 70, 311 n. 1; **5**, 307; **18**, 217 n. 28
- Iran:  
 claims against US nationals, **1**, 101-10, 475; **4**, 75; **8**, 364, 366, 368; **14**, 278  
 controlled entity: Controlled entity, Iran  
 courts—  
 —enforcement of judgments, **9**, 152  
 —jurisdiction, **5**, 130; **7**, 130-2, 137; **9**, 132, 293-4; **11**, 246, 250; **22**, 253, 256, 290; **30**, 42-3  
 —forum selection clause and, **9**, 194-5: Forum selection clause  
 —inherent and general, **5**, 128  
 —right to resort to, **5**, 127-9  
 —stay of proceedings: Interim measures, stay of proceedings  
 —Tribunal orders and, **4**, 15  
 duties under international law, **6**, 111; **9**, 151-2  
 Foundation for the Oppressed, **9**, 88-96  
 French nationals in, **22**, 56  
 individuals' right to bring claims, **9**, 128, 383  
 liability for controlled entity, **2**, 26, 147 nn. 1, 2, 165, 258, 259; **4**, 72 n. 4, 248, 249; **5**, 227, 368, 371; **6**, 66; **10**, 258, 303; **21**, 67  
 —*p p m u* measures, **5**, 371  
 Majlis' position, **1**, 236, 237, 242, 243, 246, 248, 252, 253, 255, 261, 265, 268, 269, 271, 272, 274, 275, 280, 281, 284, 291, 296, 306 n. 3, 310, 488, 490, 491, 494, 496, 497; **3**, 198, 304-9, 311, 313, 314; **5**, 119, 182 n. 1, 298; **7**, 153, 218; **19**, 288-90  
 misappropriation of assets, **6**, 252  
 railways  
 —control and operation, **32**, 98-100  
 —financial claims relating to, **32**, 100-2  
 —“purchase and sale of goods and services” under CSD, whether, **32**, 103-14  
 responsibility for compliance with treaty obligations, **4**, 15  
 Workers' Councils, **5**, 369, 370, 379, 380  
 Iran, law of, **1**, 108, 266, 282, 291, 293, 294, 314, 315, 362, 374, 419-21, 489, 490, 495; **4**, 247; **5**, 126, 127, 333, 334, 367, 384; **6**, 160  
 Administration of Bank Affairs, Legal Bill concerning (1980), **28**, 259  
 Administrative Justice Tribunal Act (1982), **30**, 43  
 Administrative Regulations Pertaining to the Registration of Companies Act, Article 1, **3**, 22  
 agency, **1**, 266, 378-80  
 Apartment Purchasers Bill (1980), **4**, 146, 152  
 Appointment of Temporary Managers, Act for (1979), **2**, 150-2, 350, 351; **4**, 147, 153, 154; **7**, 162-5; **11**, 215; **12**, 7 n. 5; **14**, 305 n. 3; **16**, 240 n. 9; **29**, 266-70; **30**, 85-6  
 —Article 1, **2**, 150, 151, 350; **7**, 162; **21**, 69; **30**, 186, 189  
 —Article 2, **2**, 151, 350; **4**, 147; **30**, 85, 186  
 —Article 3, **2**, 151, 152, 350; **4**, 147; **30**, 85, 186; **32**, 4, 52-3  
 —Article 4, **2**, 152  
 —Article 5, **2**, 151, 350; **4**, 147  
 —Article 6, **2**, 152, 350; **4**, 147  
 arbitration, **3**, 210, 295; **18**, 125  
 Articles of Association of the Foundation for the Oppressed, Law on, **5**, 378; **9**, 88-9  
 authorizing Claims Settlement Declaration, **6**, 236  
 Banking and Monetary Law (1972), Article II(c), **7**, 44  
 Bankruptcy, **7**, 131, 132  
 Banks Nationalization Law (1979), **4**, 151; **8**, 378; **10**, 241; **19**, 53; **28**, 250-60, 264; **30**, 97-8  
 By-law Concerning Landed Property Ownership by Foreign Nationals (1949), **4**, 160; **6**, 183 n. 1  
 Civil Code, **5**, 147; **9**, 329  
 —Article 5, **1**, 249, 250; **5**, 182  
 —Article 9, **3**, 388; **4**, 114  
 —Article 10, **6**, 98  
 —Article 18, **7**, 175 n. 1  
 —Article 27, **32**, 30  
 —Article 138, **9**, 393 n. 6  
 —Articles 141-5, **32**, 30  
 —Article 183, **22**, 307 n. 62  
 —Articles 191-4, **22**, 306 n. 61

- Article 193, **3**, 163; **8**, 161; **23**, 340
- Article 196, **6**, 72, 159, 160, 195 n. 3, 196; **24**, 11
- Article 198, **6**, 194
- Article 219, **22**, 300 n. 53
- Article 220, **6**, 99; **22**, 300 n. 53
- Article 221, **24**, 71
- Article 223, **2**, 119
- Article 224, **16**, 26
- Article 225, **16**, 26
- Article 227, **9**, 119 n. 11; **24**, 71, 171 n. 12
- Article 229, **24**, 71, 171 n. 12
- Article 230, **6**, 99; **14**, 142; **24**, 197
- Article 231, **1**, 375 n. 13; **6**, 72, 159; **18**, 210 n. 6
- Article 234, **24**, 11, 71
- Article 237, **24**, 66
- Article 239, **8**, 223
- Article 240, **8**, 223
- Article 247, **2**, 154, 380; **13**, 33; **22**, 324
- Article 248, **2**, 154, 380; **13**, 33
- Article 259, **22**, 326
- Article 261, **22**, 326
- Article 263, **22**, 326
- Article 292, **2**, 116; **4**, 232; **8**, 157
- Article 294, **21**, 74 n. 25
- Article 295, **18**, 351
- Article 301, **2**, 236
- Articles 301-6, **2**, 155; **4**, 231
- Articles 301-37, **14**, 186
- Article 303, **2**, 236, 237; **22**, 326
- Article 306, **7**, 163
- Article 308, **22**, 326
- Article 317, **22**, 326
- Articles 328-31, **6**, 99 n. 2
- Article 336, **4**, 231; **7**, 76; **9**, 402; **18**, 347
- Articles 336-7, **2**, 155; **9**, 402; **12**, 375
- Article 338, **14**, 143
- Article 340, **22**, 306 n. 61
- Article 377, **5**, 40; **22**, 317 n. 92
- Article 387, **22**, 301 n. 53
- Articles 416-21, **13**, 74-5
- Article 422, **19**, 40
- Articles 422-9, **19**, 40
- Article 424, **19**, 40
- Articles 571-606, **5**, 147; **9**, 327
- Article 575, **3**, 161
- Article 656, **1**, 379
- Article 658, **1**, 378; **6**, 194
- Article 662, **6**, 159, 160
- Article 684, **9**, 223, 224
- Article 685, **26**, 22
- Article 709, **26**, 22
- Article 744, **13**, 75
- Article 867, **31**, 105
- Article 868, **31**, 104-5
- Articles 875-85, **31**, 116-17
- Article 961, **31**, 117
- Article 968, **1**, 378 n. 16; **22**, 289
- Article 969, **22**, 161 n. 3
- Article 976, **5**, 272 n. 1; **22**, 158; **24**, 44; **26**, 12; **29**, 57 n. 21
- Articles 976-91, **9**, 354
- Article 988, **5**, 272 n. 1, 334; **9**, 354; **31**, 44, 117; **32**, 38, 153-5
- Article 989, **5**, 334; **9**, 354; **28**, 266-7, 274; **31**, 44; **32**, 38, 153-5
- Article 990, **14**, 7
- Article 998, **9**, 223, 224
- Article 1005, **22**, 150
- Article 1006, **22**, 150
- Article 1061, **30**, 66-7
- Articles 1106-7, **2**, 85
- Article 1111, **2**, 85
- Article 1127, **2**, 85
- Article 1287, **14**, 245
- Article 1306, **5**, 43; **6**, 192, 196; **8**, 161
- Article 1310, **8**, 161; **9**, 6, 192
- Article 1324, **6**, 196
- Civil Procedure Code, **8**, 77-8
- Article 3, **16**, 26
- Article 23, **7**, 131
- Article 30, **21**, 74 n. 25
- 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 133, **27**, 300 n. 5
- Article 146, **2**, 64
- Article 147, **2**, 64
- Article 225, **1**, 390
- Article 284, **6**, 102 n. 1
- Articles 290-8, **2**, 67; **6**, 116; **8**, 233
- Article 298, **1**, 233; **2**, 64; **3**, 388
- Article 322, **8**, 174

## Iran, law of, ( )

- Article 356, **1**, 209
  - Article 508, **21**, 74 n. 25
  - Article 564, **5**, 46
  - Article 629, **1**, 329 n. 2, 405 n. 2
  - Article 630, **1**, 329 n. 2, 405 n. 2
  - Articles 632-7, **23**, 128
  - Articles 632-76, **23**, 132
  - 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 713, **12**, 24; **13**, 252
  - Article 719, **14**, 162; **26**, 146
  - Article 728, **14**, 142
  - Article 740, **3**, 287
  - Articles 971-5, **18**, 145-6
  - Article 988, **2**, 218, 224; **31**, 115, 117
  - Article 989, **2**, 218, 224; **31**, 115
- Civil Responsibility Law, **6**, 99; **26**, 22
- Civil Service Act
- Article 70, **30**, 41-2
  - Article 74, **30**, 41
  - Article 82, **30**, 41-2
  - Article 86, **30**, 42
- Commercial Code, **5**, 17, 147; **7**, 171; **9**, 327; **10**, 136; **21**, 44
- Article 6, **3**, 22
  - Article 16, **30**, 144, 147
  - Article 17, **30**, 144, 147
  - Article 20, **5**, 237; **28**, 64
  - Articles 20-194, **5**, 147
  - Article 40, **10**, 239; **21**, 77; **26**, 226; **29**, 27, 137-8
  - Article 45, **2**, 176
  - Article 74, **2**, 176
  - Article 94, **5**, 18
  - Article 103, **11**, 347-8; **14**, 229, 243
  - Article 118, **2**, 154 n. 2; **3**, 287
  - Article 119, **3**, 161
  - Article 126, **2**, 23 n. 1; **13**, 69
  - Article 129, **2**, 24 n. 1; **21**, 47, 51
  - Article 131, **21**, 51
  - Article 134, **13**, 68
  - Article 135, **2**, 154 n. 2; **3**, 287
  - Article 136, **14**, 297
  - Article 141, **25**, 149

- Article 142, **30**, 166 n. 6
  - Articles 199-231, **2**, 150
  - Article 258, **30**, 166 n. 6
  - Article 269, **30**, 166 n. 6
  - Article 313, **3**, 19
  - Article 357, **2**, 24 n. 2
  - Article 371, **22**, 317 n. 92
  - Article 382, **5**, 39
  - Article 383, **5**, 39
  - Articles 412-550, **2**, 150
  - Article 413, **14**, 302
  - Article 583, **5**, 237
  - Article 584, **28**, 64
  - Article 585, **28**, 64
  - 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; **8**, 77-8
- Articles 1-5, **5**, 378
  - Article 31, **5**, 243
  - Article 44, **2**, 144, 150
  - Article 80, **5**, 243
  - Article 94, **5**, 378; **9**, 94
  - Article 96, **5**, 378; **9**, 94
  - Article 104, **5**, 379
  - Article 107, **5**, 378; **9**, 93
  - Article 139, **5**, 334 n. 1
  - Article 143, **5**, 245
  - Article 150, **17**, 102 n. 8
  - Article 166, **5**, 129
  - Principle 104, **5**, 369
  - Principle 139, **3**, 305-9; **8**, 222-3
- Construction Completion Bill, **4**, 146-7, 153
- Article 2, **4**, 146-7
- contract, **3**, 163, 286, 287; **5**, 43; **6**, 192, 195, 196; **8**, 161; **24**, 11
- Cooperative Companies Act, **22**, 184
- corporations, **7**, 132, 136
- Development of Petrochemical Industries Act (1965), **15**, 224, 238, 243; **21**, 154
- Article 1, **15**, 154
  - Article 3, **15**, 238
- Direct Taxation Act (Esfand 1345), **3**, 241; **29**, 281-91; **31**, 122
- Article 76, **9**, 179; **10**, 283, 287; **11**, 349



- Article 174, **31**, 122
- Article 177, **31**, 122
- Article 178, **31**, 122
- Article 184, **31**, 118
- Article 193, **31**, 118
- Article 194, **31**, 117
- Article 283, **11**, 354 n. 12
- Direct Taxation Act (Esfand 2525), **21**, 151; **25**, 106, 108
  - Article 44, **21**, 73
  - Article 75, **16**, 280
- Duties and Authority of Temporary Managers Act (1980), **18**, 96
  - enforcement, **5**, 234; **9**, 177-8
- Enforcement of Civil Awards Law (1977), Article 169, **18**, 145-6
  - foreign currency regulations, **5**, 375 n. 1; **7**, 45, 46, 52
- Foreign Investments, Law on Attraction and Protection of (1955), **2**, 220, 337, 339, 340; **6**, 54, 57, 62; **7**, 40, 44; **10**, 141 n. 8, 243; **15**, 238, 243
  - Article III, **10**, 243
- Foreign Nationals Immovable Properties Act (1931), **4**, 160; **6**, 183 n. 1; **32**, 39
- Foreign Nationals Ownership of Landed Property Decree (1963), **32**, 39
- Foreign Nationals Ownership of Property Decree (1948), **32**, 39
- Foreign Technical Experts Employment Law (1970), **3**, 287
- General Public Code, **7**, 161
  - government agencies, **5**, 4, 5, 12
- Government Transaction Regulations, **9**, 103 n. 8
- Holding and Management of Stocks in Contracting and Consulting Engineering Firms and Institutes, Law on (1980), **3**, 230; **18**, 96; **31**, 10-11
  - immovable property, **7**, 131, 132, 175:
    - v*
- Income Tax Act, **30**, 87
- inheritance, **31**, 105, 115-19
- Insurance Law, **23**, 67, 120, 122
  - interpretation, burden of proof, **32**, 151-2
- Islamic Land Reform Act (Amendment) (1986), **28**, 267-8
- Islamic Workers' Councils for Manufacturing, Industrial, Agricultural and Service Units, Law Establishing, **5**, 379
- Issuance of Cheques Act (Tir, 2535), Article 2, **3**, 19
- Joint Stock Companies Act (1969), **5**, 12, 18, 19, 21; **7**, 130
  - Article 1, **5**, 17; **7**, 131
  - Article 2, **5**, 18
  - Article 94, **7**, 130
  - Articles 199-231, **7**, 171
- Labour Code, **3**, 286; **24**, 192, 193 n. 42
  - Article 33, **15**, 162; **18**, 17
  - Article 38, **30**, 140
- Lands Grant Act (1979), **32**, 13-14, 147, 148
  - amendments, **32**, 13-14, 148-9
  - Implementing Regulations (12 May 1980), **32**, 14, 149
  - purpose, **32**, 148
- Law 7/2571 (1979): Appointment of Temporary Managers, Act for (1979)
  - b v*
- Law 6738 (1979): Appointment of Temporary Managers, Act for (1979)
  - b v*
- Management of the Non-Governmental Education Units Bill, **27**, 60
- Maritime Act, **5**, 39
  - Article 1(a), **21**, 78
  - Article 52, **5**, 39 n. 1
  - Article 54(6), **12**, 145 n. 8
  - Article 65, **5**, 39
- Mining Law of Iran (1957), Article 10, **7**, 4 n. 1
- Monetary and Banking Law (1972), **29**, 138
  - Article 11(c), **2**, 220; **3**, 13
  - Article 42(a), **3**, 27; **13**, 88
- Municipalities Act (1955), **29**, 140-1
- National Divisions and the Duties of Province Governors and District Governors, Law on (1937), **5**, 3
  - nationality, **2**, 167, 168, 174, 218, 224; **5**, 272, 334; **9**, 354; **24**, 44; **31**, 43-7
- Nationality Law (1906), **32**, 38-9
- Nationalization of Insurance Corporations
  - Law of (1979), **8**, 378, 417; **9**, 265 n. 17; **10**, 241
  - Paragraphs 1-2, **4**, 117, 120
- Nationalization of the Iranian Oil

- Iran, law of, ( )
- Industry Act (1951), **3**, 309; **15**, 228, 233
  - Nationalization of Nation's Forests Law (1963), **32**, 150-1
  - Organization of Guilds Act (1971), **13**, 76 n. 26
  - Organizing the Distribution of Public Necessity Goods and Punishment of Hoarders and Overchargers Act and Executive Regulation (1973), **13**, 76 n. 26
  - Pahlavi Properties, Decree of Imam Concerning Confiscation of (1979), **4**, 168
  - partnership, **21**, 105 n. 21; **31**, 87
  - Penal Code, **12**, 218; **13**, 76; **22**, 325
  - Petroleum Law (1974), **27**, 96 n. 11
  - Ports and Shipping Organization, Act on Permission to Establish (1960), **5**, 3
  - Ports and Shipping Organization, Regulation of (1970), Article 3, **6**, 195 n. 1
  - Prevention of Hoarding Act (1942), **13**, 76 n. 26
  - Protection and Development of Iranian Industries Act (1979), **2**, 152 n. 1, 302, 349, 350; **6**, 241; **7**, 50 n. 2; **9**, 273-4; **21**, 114; **24**, 206, 215-17; **29**, 140-1
    - Article 1(a), **2**, 302 n. 2; **9**, 273
    - Article 1(b), **9**, 273
    - Article 1(c), **2**, 350; **5**, 244; **6**, 55, 58; **9**, 265, 273-4; **10**, 205-6
    - Article 1(d), **9**, 274
    - Article 2, **6**, 58
    - Article 3, **6**, 58
    - Article 15, **6**, 224
  - Protection and Exploitation of Forests and Pastures (1967), **32**, 150
  - 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; **10**, 129-30, 144-6
    - Article 2, **10**, 130
    - Article 7, **10**, 130
    - Article 10, **10**, 130
  - Protection of Iranian Small Shareholders in Nationalized Banks and Credit Institutions (1980), **28**, 259-64
  - Provision of Capital for the Continuation of the Activities of Nationalized Banks and Credit Institutions (1980), Legal Bill concerning, **28**, 259
  - Public Accounting Law, Articles 71-9, **9**, 103 n. 8
  - Punishment of Merchants and Sellers Hoarding or Overcharging Act (1943), **13**, 76 n. 26
  - Punishment of Violators of the Organization of Guilds Act (1973), **13**, 76 n. 26
  - Purging the Ministries and State Institutions, Legal Bill on (1979), **30**, 42, 48, 65-6
  - Reconstruction of Ministries, State Agencies and Government-affiliated Institutions (1981), **30**, 42 nn. 9, 10
  - Registration of Deeds and Realty Act, **9**, 237-41; **29**, 131, 136, 170-1
    - Article 34, **9**, 237-8, 240, 241, 245 n. 5
  - Registration of Property Act
    - Article 22, **7**, 164
    - Article 41, **32**, 30
  - Retirement and Pension Law, **30**, 48, 61 retroactivity, **22**, 20
  - Single Article Act (1980), **1**, 489, 495, 496; **3**, 61, 201, 303-6, 308, 309, 313, 314, 323, 324; **4**, 8; **5**, 298, 333, 334; **13**, 168, 170; **15**, 224, 228-9, 230-1, 233-4, 261, 290, 292-3; **16**, 17, 25, 43-4, 62 n. 4; **21**, 105, 114
  - Social Insurance Act (1960), **24**, 192, 193 n. 42
    - Article 28, **17**, 261
    - Article 38, **4**, 227; **10**, 313, 315
  - Social Security Act (1975), **24**, 192 n. 40
  - Social Security Law (1976), **23**, 39, 40-1; **24**, 192
  - Social Security Law (1978), **22**, 20-1
  - Social Security Organization, Law for the Formation of (1979), Article 7, **3**, 103-4
  - State Employment Law (1967), Article 1, **5**, 4
  - Statute of Limitations, **3**, 287; **5**, 128; **7**, 116; **8**, 136; **17**, 189, 216; **19**, 329-30, 340-1; **30**, 157
  - stay of proceedings, **3**, 388; **4**, 12, 15
  - Stock Companies Act, Article 40, **17**, 327-8

- Tax Law, Article 85, **18**, 15  
 taxation, **3**, 115  
 Temporary Director or Directors for the Supervision of Manufacturing, Industrial, Commercial, Agricultural and Service Units Whether in the Public or the Private Sectors, Law for the Determination of the Limits of the Duties and Authority of (1980), **12**, 9  
 Treaty of Amity as part of, **4**, 114  
 unjust enrichment, **6**, 168 n. 2  
 Unused Urban Lands, Law for the Abolition of Ownership of (1979), **19**, 60; **23**, 313; **32**, 28-9, 31-2, 139-41, 160-1  
 —Amendment (27 August 1979), **32**, 12  
 —Preamble, **32**, 135-6  
 —Article 1, **32**, 10-11, 136  
 —Article 3, **32**, 11, 136-7  
 —Article 4, **32**, 11  
 —Implementing Regulations, **32**, 11-12, 137-8  
 —Urban Lands Extension Act (1979), **32**, 11, 138-9  
 Urban Lands Act (1982), Article 5, **32**, 12-13, 31-2  
 violation of, **5**, 19, 21  
 Wider Share Ownership, Law on, **10**, 242  
 wife's property right in husband, **2**, 85-6  
 Iran-United States Claims Tribunal Reports, **6**, 108 n. 1
- Joint and several liability, **5**, 220-2; **7**, 82  
 Judgment  
   *b*, **4**, 15  
   quashed, **5**, 46  
 Judicial independence, **8**, 78  
 Judicial notice, **1**, 459, 460, 480, 481; **2**, 122 n. 1, 300; **5**, 244 n. 1; **24**, 14  
   in international law, **1**, 481  
 Judicial proceeding  
   *v*, **5**, 183  
   final and binding, **5**, 183  
 Jurisdiction of Tribunal  
   in absence of agreement on implementation of General Declaration, **12**, 63  
   absence of objection, **13**, 263  
   account stated, **23**, 137  
   act of State, review, **19**, 286, 292  
   action in response to seizure of US embassy, **28**, 230-1  
   admissibility, **16**, 300-3; **18**, 86  
     —distinguished, **16**, 306-9  
   admission, effect, **1**, 266, 318; **2**, 302  
   advisory opinions, **12**, 82  
   alternative, **16**, 312-13  
   applicable law, **9**, 330; **11**, 30, 142; **15**, 100; **26**, 226  
   assets in domestic branches of US banks, **8**, 201-2, 205-6  
   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  
   Claims Settlement Declaration as basis, **9**, 157; **10**, 62, 142, 281; **12**, 273, 275; **13**, 223-6; **15**, 196, 197, 215; **16**, 289; **19**, 11; **21**, 104: Claims Settlement Declaration, Article VII  
   compliance with award, **23**, 208  
   consent of States, **2**, 210, 213; **3**, 298, 303, 304; **5**, 287, 288; **7**, 200  
   contested by claimant, **8**, 259-66  
   continuous, **14**, 332-3  
   contract, breach of, **23**, 137  
   counterclaims: Counterclaim, jurisdiction of Tribunal  
   determined by Tribunal, **8**, 6, 265; **9**, 4; **12**, 66; **17**, 333, 336, 338, 342, 345, 348  
   enforcement of another tribunal's awards, **6**, 131-3; **8**, 296; **11**, 195, 197; **18**, 118, 146  
   equitable discretion, **12**, 186-7, 196; **28**, 14-16  
   *x qu b*, **12**, 82  
   *x ffi* determination, **5**, 99  
   exceeded, **13**, 145-7  
   excluded issues, **6**, 227, 228  
   exclusion of claims, **1**, 103, 237, 239-40, 489, 490, 495; **2**, 56-7, 62-4, 66-7, 88, 97-9, 110, 338; **3**, 60, 61, 99, 151, 198, 199, 201, 246, 260, 286, 313, 314, 321-5, 335, 348; **4**, 8, 12, 16, 55, 75, 101, 102, 142, 220, 221, 225, 230-2, 244-6; **5**, 1, 2, 15, 16, 47, 67, 96, 100, 101, 103, 116, 117, 119, 120, 126-30, 171, 182, 192-4, 196, 197, 268, 270, 388, 389; **6**, 231, 250, 255, 263, 270; **7**, 7, 33-5, 47, 124, 127, 131, 132, 135, 136, 153, 218; **8**, 224-5, 229-33, 264-6; **9**, 355; **10**, 179; **11**, 197, 201; **12**, 16, 35-6, 100-1, 142-3, 149-50, 263; **13**,

- Jurisdiction of Tribunal ( )
- 157, 160, 163, 182, 183; **16**, 17-18; **18**, 89, 91, 111, 290; **19**, 177, 180; **26**, 73-4:
    - Claims, by Iranian banks against US banks; Forum selection clause
    - tortious character of act and, **16**, 79
  - exclusive, **8**, 266; **11**, 47; **12**, 322; **13**, 306; **22**, 253
  - existing contract, **22**, 115
  - extension of, **5**, 13, 16
  - generalized decision contrary to, **16**, 82
  - IMF Agreement, alleged violation, **16**, 106
  - immigration restrictions, **28**, 230-1
  - insurance payment, relevance, **14**, 292
  - interest, authority to award, **16**, 289-90
    - inherent, **16**, 290
    - uniform rules, desirability, **16**, 290
  - interim measures: Interim measures
  - interpretation of Declarations, **1**, 101-10, 117, 189, 190, 509-18; **2**, 85-7; **5**, 113; **7**, 33; **9**, 253-7; **11**, 274; **12**, 43-5, 65-70, 83; **13**, 78; **16**, 289; **18**, 12
    - Co-Registrars and, **3**, 8-9, 21; **17**, 332, 335, 338, 341, 344, 348; **19**, 177, 180, 183, 186, 189, 192, 195, 198
    - exclusive jurisdiction, **7**, 275, 276
    - Undertakings as aid, **12**, 51
  - interpretation of Undertakings, **8**, 206-13; **9**, 104-6; **12**, 74 n. 15
  - Iranian nationality of respondent, relevance, **9**, 40
  - liquidation proceedings not a bar, **14**, 158
  - matters of Iranian domestic law, **30**, 42-3, 62, 63
  - mediation not authorized, **12**, 82
  - military articles, whether covered, **19**, 290
  - municipal law, **8**, 258-9, 280
  - nationality, determination, **22**, 161
  - over non-government party, **5**, 66, 67; **12**, 35-6
  - over partnership, **9**, 292; **10**, 43
  - over United States nationals, **23**, 383
  - parity between governments, **5**, 15-17
  - parties' power to amend, **8**, 212-13, 297
  - performance guarantees, **9**, 222
  - political claims, **2**, 42-3
  - primacy, **2**, 58-9
  - procedural discretion, **16**, 314
  - p p m u* consideration, **3**, 298; **9**, 333; **14**, 61; **25**, 17; **28**, 314 n. 3
    - m*, **21**, 68; **26**, 126, 145
    - p*, **21**, 67, 68; **26**, 126, 130
  - restricted, **5**, 6, 13, 70; **8**, 3 n. 2, 231; **9**, 378; **10**, 139; **11**, 47, 281, 349; **13**, 168-9; **22**, 296-7
  - settlement: Settlement
  - Social Security payments: Social Security payments
  - State responsibility: State responsibility
  - taxes: Taxes
  - threat to from parallel proceedings, **29**, 218-20
  - tortious acts, **23**, 237, 240 n. 2
  - unjust enrichment, **23**, 137
- Laches, **9**, 176
- Lease, **2**, 251, 254: Contract; Contract, discharge
- frustration, **2**, 250-3, 256, 258
    - attributality, **2**, 251, 253, 256, 258
    - foreseeability, **2**, 251, 253
- Lease agreements, **1**, 411-15; **2**, 250-9
- Legal presumption, **6**, 72
- Lender, liability, **5**, 245 n. 1
- Letters of credit, **1**, 507; **5**, 28, 29, 31, 38-40, 58, 67, 68; **6**, 288; **9**, 298-9; **13**, 111-12; **17**, 31 n. 1: Claims, based on standby letters of credit Jurisdiction of Tribunal
- creation of special account, **2**, 127
- Letters of guarantee, **5**, 96
- Licence: 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**, 89, 90, 94, 95-100
- enforceability, **6**, 98
  - exceptions to, **6**, 97, 99, 100
  - validity, **6**, 97, 99
- Liquidation: Bankruptcy
- Luxembourg Declaration, **13**, 91-2
- Majlis position: Iran, Majlis' position
- Margin of appreciation, **16**, 222
- Marital rights, **30**, 49-57
- applicable law, **30**, 49-56
  - as property rights, **30**, 68-9
- Materials guarantee, **17**, 316

- Measures affecting property rights:  
 Expropriation; Property rights,  
 measures affecting
- Military property, **4**, 28
- Minors  
 as claimants, **30**, 79-80, 185-6  
 nationality, **28**, 242; **29**, 12-13, 16-19
- Misrepresentation, **5**, 247
- Most favoured nation treatment (MFN), **17**,  
 143
- Municipal institutions, respect for, **7**, 171
- Municipal law, **1**, 108, 421, 422, 451, 464-6,  
 480, 481; **5**, 16, 19-21, 269, 270, 286,  
 292, 294, 302; **7**, 124, 160; **8**, 8-10,  
 258-9, 281-2; **14**, 331  
 analogy to, **1**, 362, 374, 432  
 effect of bribery on contract in, **12**, 270 n.  
 18  
 incorporation of Treaty provisions in, **12**,  
 144-5; **15**, 219-20  
 non-compliance with international  
 obligations and, **13**, 177; **29**, 43  
 obligations under, Tribunal and, **8**, 281-2;  
**16**, 302-3
- Mutuality of commitments by Iran and US,  
**5**, 16
- Mutually agreeable arbitration principle, **5**,  
 49
- Naples Declaration, **13**, 92
- Nationality:       Naturalization  
 applicable law:   Applicable law,  
 nationality
- B*       *T*       , **1**, 466-7
- corporations, **1**, 135-9, 223, 224, 384, 385,  
 392-402, 412, 417, 418, 455-82, 503; **2**,  
 9, 16; **3**, 46, 47, 63, 103, 113, 161, 202,  
 205 n. 2, 230, 245, 260, 272, 273; **4**,  
 100, 273; **5**, 2, 18, 23, 237, 342-4; **6**, 57,  
 80, 93; **7**, 20, 27-9, 124, 127-30, 185; **8**,  
 156, 220-1 n. 4, 234, 307; **9**, 194, 252-4,  
 258-64, 291-2, 366-7; **10**, 166; **11**,  
 83-4; **12**, 251; **13**, 17-18; **14**, 226-8; **16**,  
 15-16, 104, 259-60; **17**, 20, 21, 33, 143,  
 156, 248, 255, 296, 297, 304; **18**, 102,  
 189, 227; **20**, 6; **25**, 25-8; **29**, 225-7,  
 315-16; **31**, 149: Evidence of,  
 nationality of corporation  
 —       *L*       , **1**, 457-8  
 critical date, **28**, 239-40, 253-4; **30**, 27-34;  
**32**, 26
- date of acquisition, **25**, 59, 176, 202  
 determination of as preliminary matter,  
**18**, 70, 80-3; **25**, 271
- diplomatic protection and, **12**, 284-6; **18**,  
 261 n. 20; **22**, 136; **23**, 289
- domicile, **22**, 143, 147
- dual nationality, **2**, 160-8, 173-5, 178-225;  
**5**, 251-336; **9**, 354, 356; **13**, 300; **18**,  
 70-1, 260-2; **24**, 42-6; **25**, 157; **26**, 7-14  
 —A18 caveat, **29**, 33-41, 56-8, 63-4,  
 65-6, 75-7, 382; **30**, 66-8, 73-4, 87-8,  
 98-100, 193-6; **31**, 30-3, 47-9, 62, 66,  
 86-7, 115-19; **32**, 36-40, 153-5:  
       fraudulent use *b*  
 —citizenship, **5**, 267, 269, 270, 283,  
 285  
 —dominant and effective, **2**, 161-5,  
 168, 173, 174, 178-82, 185-91, 195,  
 198, 199, 201-5, 208, 211, 212, 214,  
 223-5; **5**, 260, 262-6, 273-5, 283,  
 290, 291, 299, 304, 305, 310, 311,  
 315-17, 321-6, 331-3, 335; **14**, 7-8;  
**18**, 96; **19**, 51-61, 118; **21**, 23-4; **22**,  
 120-2, 125-6, 127-8, 132-4, 135-7,  
 142-5, 158-60, 163-8, 197-9, 200-3;  
**23**, 261-3, 271-3, 282-4, 285-9,  
 308-14, 315-17; **24**, 44-5, 218; **25**,  
 158-71, 182-5, 190-211, 264-72,  
 278-88, 289-97; **26**, 7 n. 1, 9-14,  
 41-3, 45-59; **28**, 185-91, 238-45; **29**,  
 3-41, 63-5, 72-5; **30**, 73-5, 274-80  
 —equality of States and, **26**, 7 n. 1; **29**,  
 14, 65, 383 n. 1  
 —fraudulent use, **2**, 166, 167, 225; **5**,  
 272; **12**, 136; **30**, 88, 98-100, 194-6;  
**31**, 10-11, 119:       A18 caveat  
       *b v*  
 —Hague Convention on the Conflict of  
       Nationality Laws (1930), **31**, 48-9  
 —ICSID Convention (1965), **31**, 48  
 —link theory, **5**, 263  
 —*M*       , **25**, 163, 200, 206  
 —pension rights, **30**, 66-8  
 —       *p*       Case, **31**, 48  
 —rights under Treaty of Amity, **30**, 256
- F h m* , **25**, 165-6; **31**, 51-2; **32**, 86-7
- ju u* , **2**, 181, 184, 185; **5**, 274, 305;  
**22**, 120, 125, 131-2, 143, 158
- ju* , **2**, 181, 184; **5**, 274, 305; **22**, 131,  
 143, 158
- loss of, **22**, 149; **25**, 170-1

- Nationality ( )
- marriage, **14**, 56-7; **22**, 146, 150, 197; **24**, 44; **29**, 10
  - minor, **28**, 242; **29**, 12-13, 16-19
  - natural persons, **1**, 168, 479, 480; **2**, 16, 17, 226, 227; **3**, 286; **5**, 92, 279, 282, 292; **6**, 57; **7**, 5; **19**, 324; **21**, 25-6
    - uncertainty over, **9**, 3-5
  - non-responsibility principle, **2**, 162-4, 178, 180, 181, 184, 187-91, 194-204, 207, 208, 212, 214, 215, 223; **5**, 265, 266, 290, 291, 304, 305, 309 n. 1, 310, 311, 315-17, 321, 323, 324, 326-8, 331, 333; **7**, 171
    - b hm*, **25**, 166, 206; **31**, 48, 49-51; **32**, 85, 87
  - partnership, **6**, 221; **10**, 43-4
  - recognition, **5**, 260, 334
  - religion, **22**, 165
  - return of passport, effect, **18**, 237, 261
- Nationality of claim, **1**, 384, 385, 392-402; **2**, 105, 297-300, 378; **3**, 39, 245, 246, 272; **4**, 101, 142, 217, 218; **5**, 209, 365; **6**, 80, 285; **7**, 97, 185, 206, 207; **9**, 255-6, 366-7; **10**, 126; **12**, 259, 272-84; **16**, 239; **19**, 118: Corporations; Evidence of, nationality of claim
- beneficial ownership, **7**, 29; **11**, 85-9; **29**, 27-8, 242-6
- continuity of nationality, **11**, 84
- continuity of ownership, **2**, 227, 234, 235; **4**, 101; **5**, 92, 93, 377; **8**, 262, 293-4; **9**, 38, 264-6; **10**, 126-7, 140-1, 239, 325, 342; **11**, 55, 188-9, 220; **12**, 100, 257-61, 313-14; **13**, 18, 180, 202; **14**, 228-30, 243-4; **15**, 196; **16**, 259-60, 302; **17**, 115, 255; **18**, 95, 96, 158, 166; **19**, 68; **22**, 132; **25**, 28; **27**, 216-17, 254
- corporations, **1**, 135-9, 455-82; **2**, 9, 10, 16; **3**, 205; **4**, 100, 101, 141, 142, 181, 216-18; **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; **8**, 156; **9**, 194, 252-4, 366-7; **10**, 126; **13**, 101; **17**, 105, 272, 301, 353, 395, 396; **19**, 75-6, 117-18, 202-3; **22**, 174-5; **26**, 152-3
- determination as prerequisite for Award, **5**, 126
- shareholder claims, **2**, 297-300, 377, 378
- transfer of claim to non-US nationals, **11**, 138
- Nationalization: Expropriation
- Natural resources, **24**, 97-9
- Naturalization, **2**, 192-4, 203; **9**, 353-5, 356; **26**, 41, 49, 50, 51, 56; **31**, 44-7, 64-5; **32**, 56-7, 85-7: Nationality
- M*, **31**, 52-4
- S m*, **31**, 52
- Negligence, **3**, 30; **5**, 398; **6**, 100; **7**, 43
- Negotiable instruments, **1**, 185-8, 445-7; **5**, 373; **7**, 115; **13**, 21-7: Cheque
- applicable law, **21**, 44-5, 63-4
  - cause of action, **21**, 44-5, 62, 63-7
  - common law and, **21**, 44
  - as contract, **21**, 77
  - evidence of debt, **21**, 49
  - guarantor, **5**, 373
  - loans, **21**, 50, 65-6
  - validity, **21**, 51-2, 66-7
- Negotiated settlement: Settlement
- Netherlands, law of
- application to Tribunal, **8**, 335 n. 8
  - arbitration, **20**, 207, 210, 217, 250, 274
- Code of Civil Procedure
- Article 642, **1**, 331, 406
  - Article 649, **5**, 128
  - Articles 1029-76, **20**, 207
  - Article 1033, **20**, 210, 217, 274
- enforcement of arbitral award, **1**, 331, 406
- Nominalism, **8**, 421, 426
- Non-responsibility principle: *u*
- Nationality
- November Resolution: Iran, Majlis' position
- Nullification of claims: Settlement
- Nullified oil agreements, jurisdiction of Tribunal, **1**, 487-98; **2**, 284-7; **3**, 298-301, 303-5, 309, 313-15; **5**, 51-3: Iran, law of, Single Article Act
- Odious debt, **8**, 446-7
- Offset: Counterclaims, offset and; Damages, deduction for
- Order
- by President, distinguished, **3**, 316
  - disregard, **4**, 13-16, 73
  - of exequatur, **6**, 133, 135, 138, 139
  - reasons not normally given, **14**, 21-2
  - validity, **2**, 346
- Outstanding claims: Claims, outstanding

- Partnership, **3**, 161, 208; **9**, 327-33; **21**, 102-5  
 nationality and, **31**, 87  
 right of partner to bring suit, **9**, 332; **16**, 13, 15; **21**, 102-5
- Passports  
 nationality and—  
 —evidence of, **18**, 237, 260-2, 273 n. 46; **23**, 135  
 —return of passport, effect, **18**, 237, 261
- Patent rights, **2**, 339, 341: Licence
- Pension rights  
 applicable law, **30**, 42-3, 63  
 dual nationality, relevance, **30**, 66-8  
 expropriation, **30**, 41-3, 46-9, 59-66
- Performance guarantee, **2**, 241-5; **3**, 267; **7**, 42, 53, 121; **8**, 327-8; **9**, 22, 26, 29, 35; **12**, 151-3; **23**, 363-6: Damages, performance withheld; Materials guarantee  
 cancellation, **8**, 322; **9**, 130-1, 164-5, 220-2, 242-3, 299; **12**, 106-7; **14**, 46-7, 125; **17**, 31 n. 1, 79-80, 316; **22**, 57-8, 84-5, 256, 335-6; **23**, 211-12, 217  
 counterclaim for, **24**, 275; **26**, 81  
 demand for payment, **19**, 212-13, 239-40; **25**, 53, 62-7, 98, 100-1, 126-9  
 purpose, **22**, 57-8  
 reduction, **28**, 45-6, 50
- Permanent Court of International Justice (PCIJ), **1**, 210, 212, 213, 312, 329 n. 1, 402, 405 n. 1; **2**, 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, 292-5, 316, 342, 346 n. 1, 351; **6**, 126, 163, 166 n. 3; **7**, 135 n. 2, 152 n. 4; **8**, 207 n. 8, 208 n. 9, 211 n. 19, 213, 278 n. 54, 449; **10**, 197; **11**, 27 n. 14; **14**, 234, 321-2; **15**, 222, 246-7, 300-4; **18**, 217, 223, 262 n. 22, 264 n. 27, 385-6; **21**, 155 n. 46, 198; **22**, 288 n. 34, 296 n. 43, 297 nn.46, 47, 48  
*G m I Upp S*, **2**, 147  
*M v mm*, **2**, 149  
 Revised Rules (1936), Article 69, **1**, 233  
 stay of proceedings, **2**, 61
- Political acts, as proximate cause, **2**, 253, 254, 256-8
- Post-hearing submissions: Procedure, post-hearing submissions
- Postponement of hearing, **2**, 124-5; **3**, 209-11, 316-18, 362, 375, 377, 378; **8**, 30, 284-9; **11**, 227, 289-91
- Power of attorney: Representation
- Precedent, **1**, 287; **2**, 185, 186, 189, 191, 301; **9**, 169, 216; **12**, 233 n. 5; **16**, 82; **18**, 271-2, 349; **22**, 216-17, 289 n. 40; **23**, 130; **27**, 263; **31**, 67-8
- Preclusion, **21**, 155 n. 46, 198  
 general principle of law, **21**, 154-5
- Prescription, **1**, 132; **17**, 189-90, 216, 218, 231-2  
 general principle of international law, **32**, 180-1
- Presidential direction, **9**, 409-13
- Presidential Order  
 No. 1, **1**, 321, 398; **3**, 365; **7**, 205; **16**, 251, 286-90; **21**, 312  
 No. 8, **21**, 100  
 No. 9, **3**, 141  
 No. 10, **3**, 126, 141  
 No. 12, **3**, 175  
 No. 17, **5**, 112  
 No. 19, **21**, 221  
 No. 21, **20**, 221  
 No. 27, **8**, 64  
 No. 28, **8**, 64  
 No. 29, **7**, 226, 236, 240, 245, 248, 250; **8**, 64  
 No. 33, **7**, 259, 262, 269; **8**, 2, 14, 16  
 No. 36, **7**, 262  
 No. 49, **12**, 389  
 No. 50, **12**, 389  
 No. 51, **14**, 174, 341, 353  
 No. 52, **16**, 287  
 No. 53, **14**, 354
- Principles of law: General principles of, law
- Pro forma invoice: Contract, pro forma invoice
- Procedure: Time Limits; Tribunal Rules  
 abuse, **3**, 380; **16**, 329-34  
 acceleration of proceedings, **3**, 7  
 agent, role, **21**, 370-1, 376, 392  
 alteration of captions, **11**, 165; **18**, 279  
 applicable law, **8**, 161; **30**, 55  
 arbitrator, challenge to, **20**, 184, 188

## Procedure ( )

case resolution techniques, **2**, 301, 302; **3**, 77; **5**, 298  
 consolidation of cases, **2**, 379, 396; **3**, 99, 105, 112, 213; **4**, 239-41; **12**, 99, 109, 132, 345, 366-7; **13**, 335-6; **16**, 261-2; **18**, 58; **21**, 5; **26**, 147; **27**, 296-310; **32**, 94-5, 164  
 —time limits, **4**, 241  
 consolidation of issues, **3**, 154, 155; **17**, 97-8  
 date of receipt of documents, **8**, 53-4; **21**, 361-3, 376, 379, 391  
 delays, **3**, 40, 41, 55, 77, 87-9, 129, 296, 317, 318, 376, 383; **4**, 3, 4, 46, 71, 72, 81; **5**, 140-3, 146; **7**, 203, 204; **8**, 30-40, 134, 284-9; **9**, 167; **10**, 15, 210; **17**, 56, 189-91, 202, 219  
 dissipation of judicial resources, **10**, 227  
 duplicate proceedings, need to avoid, **8**, 363, 365, 367, 372  
 duty to abide by commitments, **8**, 29-30  
 equality of parties, **9**, 172; **17**, 49; **18**, 187, 283, 325; **20**, 6; **21**, 16; **28**, 6; **29**, 377-8; **30**, 121-2  
 error in description of party, **9**, 50  
*x p* motion, **3**, 387  
 excessive formality, **8**, 139  
 failure to appear, **8**, 40; **27**, 222  
 failure to provide translation, **10**, 272  
 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, 374-6, 383, 388, 389; **4**, 58, 64, 65, 67, 70-2, 93-5, 214, 241, 242, 261, 279; **5**, 140; **7**, 70, 119, 120, 126, 137, 204; **9**, 322, 342, 344; **10**, 4, 5, 108, 128, 210, 324, 341; **12**, 6, 131, 225, 228, 345; **13**, 16, 101, 189, 228, 298, 317; **14**, 155, 226; **16**, 222, 258, 259; **17**, 45-52, 56-7, 59, 82, 139, 219, 296; **19**, 112-13, 238; **21**, 16; **24**, 131; **29**, 377-8  
 joinder of merits and  
 —determination of date claim arose, **19**, 53  
 —interim measures, **18**, 130 n. 3  
 —jurisdictional issues, **29**, 10, 14, 56-7  
 joinder of parties, **3**, 161  
 joint filing of submissions, **3**, 373  
 judicial notice, **10**, 106

late submissions, **9**, 343; **10**, 5, 128, 272-3, 324-5, 341; **12**, 324; **13**, 101, 131; **14**, 225-6, 291; **16**, 258; **17**, 45-52; **18**, 187-8, 207-8, 226-7, 231; **19**, 112-13, 238; **21**, 15-16, 101-2; **23**, 163-5, 353-5; **24**, 131; **25**, 113; **27**, 135; **29**, 29, 60, 376-8; **30**, 25-6: Evidence, late submission  
 —counterclaim, **17**, 57-61; **18**, 188; **24**, 131  
 minutes, **13**, 326 n. 4  
 need for—  
 —adversary process, **10**, 224-5  
 —simplification of proceedings, **10**, 219-22  
 notice, **1**, 232, 233, 418, 421  
 post-Award review, **8**, 116  
 post-Award submissions, **8**, 115  
 post-hearing submissions, **2**, 9, 122, 123, 139, 345; **3**, 39, 40, 76, 87-90, 99, 116, 226, 257, 281, 302, 303, 365, 380-3; **5**, 139; **7**, 70, 74, 88; **9**, 300; **10**, 272-3; **15**, 271; **17**, 49; **28**, 324-5; **30**, 26; **31**, 135-40  
 postponement of hearing:  
 Postponement of hearing  
 pre-hearing conference, **2**, 125, 327; **3**, 377, 378; **8**, 5, 133; **18**, 54-5  
 preliminary issues and merits, joinder, **10**, 15  
 —separation, **18**, 79-83  
 preliminary objection, **3**, 298  
 Procedural Guideline No. 1, **1**, 285  
 procedural safeguards, **1**, 215  
 proper party: Proper claimant; Proper respondent  
 reliance on defence not included in Statement of Defence, **10**, 210  
 reliance on written record, **11**, 73  
 reopening of hearing, **30**, 104-22; **31**, 140-5: Rehearing  
 reply and rejoinder, **3**, 98; **9**, 322  
 request for—  
 —further hearing, **9**, 300  
 —hearing, **3**, 387, 388; **25**, 276  
 —information, **18**, 45-7, 48-54  
 —production of documents, **12**, 345, 367; **13**, 17; **18**, 68-9  
 —rehearing, **27**, 210-13  
 request to—  
 —stay decisions, **13**, 16



- submit further statement, **3**, 362, 363  
*ju*, **12**, 174, 367
- stay of proceedings, **7**, 237; **9**, 254:
  - Interim measures, stay of proceedings
- submission of—
  - evidence, **9**, 109-11
  - Memorials, **5**, 144, 146, 147
- surprise submissions, **3**, 31, 365, 381; **8**, 341
- suspension of proceedings, **3**, 298; **18**, 72-3
- technical imperfections, **14**, 99
- third parties, absence, **28**, 326-7
- translation, **19**, 169
- validity, **2**, 345-7
- violation of, **5**, 2, 335
- Promissory notes: Negotiable instruments
  - Proper claimant, **1**, 176, 177; **2**, 82-5, 105; **3**, 161, 246; **4**, 101, 143, 181, 210, 211; **5**, 70, 78, 79, 377; **6**, 265; **7**, 35, 120-4, 127, 129, 134-6, 171, 174, 199, 205-7; **8**, 21-2, 23; **9**, 378-9; **10**, 127; **13**, 96; **16**, 13, 15, 194, 226, 302; **17**, 5, 271; **18**, 166-7, 190-1, 209-11; **19**, 77-8; **21**, 102-6; **23**, 7-8, 142-6; **26**, 19, 130-2; **27**, 67-9, 136-7, 141: Words and phrases, *u*
  - beneficial owner: Claim, basis, beneficial ownership
  - claim on behalf of Iranian people, **28**, 228
  - existence of counterclaim, **9**, 87
  - identity, certainty, **31**, 145-6
  - joint claim, **16**, 13-14, 194
  - minor, **30**, 79-80, 185-6
  - percentage of share ownership, relevance, **27**, 58, 59
- Proper law: Applicable law
- Proper respondent, **1**, 134, 219, 389, 412, 413, 418, 427, 484, 503; **2**, 24-6, 147 n. 1, 338; **3**, 53, 103, 230, 250, 275, 286, 351; **4**, 1, 75, 143; **5**, 138; **6**, 27-9, 70, 129, 174, 208 n. 1; **7**, 121, 124-6; **8**, 133-8; **9**, 244 n. 2, 323-6, 367; **10**, 242, 281; **11**, 55, 215, 247; **12**, 290; **13**, 35, 42-3, 97-8, 101, 121-2, 130, 326, 341; **14**, 26, 71, 197, 292; **15**, 197-8; **16**, 17-18, 78, 194; **17**, 5-6, 30, 52-3, 163-8, 255, 272; **18**, 230 n. 7; **19**, 77-118; **20**, 7-8; **22**, 10, 254; **23**, 362-3; **24**, 132; **27**, 156; **29**, 227-8; **31**, 151-2
- Controlled entity; Corporations, succession
- Property rights: Iran, law of, immovable property
  - beneficial ownership, **9**, 230-3; **29**, 25-8; **30**, 56-7, 66
  - foreign nationals' rights, **32**, 36-40
  - inheritance rights, **31**, 105-6, 115-23
  - loans as, **27**, 28
  - marital rights, **30**, 68-9
  - measures affecting, **2**, 41-3, 79-80, 81-8, 207; **3**, 65, 66; **4**, 154-6, 162-5, 167-72; **6**, 260; **17**, 99-100, 139-40, 169, 174 n. 8; **23**, 369; **27**, 13, 18, 32, 61-2; **32**, 32-6, 141-53, 157-8
    - immigration restrictions, **28**, 230-1
    - interference with contractual right, **22**, 79
    - obligation to protect, **23**, 369-71, 385-6
    - unlawful conduct, **2**, 42
  - pension as, **30**, 63: pension rights in persons, **8**, 22, 23
  - right in person, **2**, 79-80, 81-8
- Proportionality, **22**, 78
- Protection of goods, claimant's duty, **8**, 271
- Protection of parties, **6**, 40, 41
  - of claimants' own position, **9**, 5
- Public order, **5**, 384; **17**, 143
- Public order, protection, **7**, 165, 166, 169, 170
- Purchase order as contract, **4**, 266, 267, 276; **7**, 108, 109, 113: Contract
- Qu um u*, **1**, 287, 309 n. 9; **2**, 111; **4**, 220, 221, 228, 230-6; **5**, 171; **6**, 169; **7**, 76; **8**, 162; **9**, 218, 402; **11**, 17-18; **16**, 272; **18**, 179, 348; **19**, 142, 148; **23**, 200; **26**, 201; **28**, 79-80
  - contract distinguished, **4**, 232, 234; **8**, 224, 234
- Quasi-contract, **3**, 278; **4**, 231, 235
- Real property: Immovable property transactions
  - bu bu*: Changed circumstances
- Regular course of dealing, **7**, 113
- Rehearing, **3**, 364, 365; **5**, 74: Award, reconsideration; Procedure, reopening of hearing
- Representation, **1**, 176, 177

- Representation ( )  
 power of attorney, **1**, 167-388  
 —whether needed, **9**, 15  
 proof of authority, **2**, 30, 35-7  
 Representative case, **2**, 285, 286, 301; **3**, 300  
 Request, meaning, **3**, 175, 388, 389; **4**, 15 n. 1  
 Respondent: Proper respondent  
 Restitution, **1**, 287, 309 n. 9, 422, 423; **2**,  
 236; **3**, 57 n. 2, 293; **4**, 231; **5**, 112; **6**,  
 294, 295; **9**, 402; **10**, 204-5; **12**, 138,  
 379; **21**, 198  
 Rial Account, **8**, 188, 350  
 Rights of parties, **3**, 300-3, 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**, 124-6  
 prejudice to, **6**, 70  
 Roman law, **6**, 168  
 Rules of international law: General  
 principles of, international law  
 Rules of procedure: Tribunal Rules  
  
 Sales contract, **5**, 38, 40  
 Security Account, **12**, 50, 54-5; **13**, 118,  
 119-20, 276, 345, 360, 361; **22**, 336,  
 356  
 abuse of, **4**, 207, 208; **13**, 116-17  
 currency of, **8**, 425-6; **11**, 32, 340; **16**,  
 274, 275-6  
 disposition of interest, **1**, 189-92, 197-214  
 effect on  
 —costs, **8**, 334 n. 7  
 —liability, **9**, 367; **17**, 178-80  
 —rate of interest, **8**, 321, 343-4  
 indemnification of depositary, **1**, 196, 197;  
**8**, 279 n. 56  
 nature of, **12**, 285  
 payment of bank fees, **1**, 192-6  
 payments from, **3**, 128, 195, 196; **5**, 49; **8**,  
 14, 16, 43, 62, 98, 178, 188, 237, 327,  
 354, 361; **9**, 8, 45, 60, 63, 71, 137, 168,  
 186, 200, 243, 301, 307, 309, 312, 339,  
 348, 358, 377; **10**, 55, 81, 134, 175,  
 257, 258, 317-18, 328, 347, 358, 359,  
 361; **11**, 30, 34-5, 69, 137, 179, 207,  
 250, 267, 344, 365; **12**, 16, 17, 38, 72,  
 107, 138, 159, 169, 231, 232, 233, 298,  
 323, 389, 392; **13**, 36, 37, 38, 39, 40,  
 41, 44, 145, 191, 310; **14**, 16, 52, 81,  
 168, 169, 170, 184, 212, 243, 283, 342;  
**15**, 22, 186, 187; **16**, 235, 236, 274,  
 276, 319, 320; **17**, 19, 22, 113, 130,  
 288, 324, 355, 358, 363; **18**, 148, 174,  
 244, 278, 322, 373, 374; **19**, 72, 93,  
 161, 231, 255, 331, 346, 347, 353, 355,  
 362, 367, 368; **20**, 129; **21**, 61, 161,  
 287, 289; **22**, 85, 116, 256; **23**, 74-8,  
 148, 149, 216, 377; **24**, 84, 85, 115,  
 156; **25**, 110, 111, 151; **26**, 5, 31, 127,  
 128, 184; **27**, 23, 120, 121, 186; **28**, 50,  
 111, 369, 370, 391, 393, 401; **29**, 56,  
 240-1, 293, 349, 397, 404, 413; **30**, 295;  
**31**, 88, 123; **32**, 183, 223  
 —basis for, **17**, 173  
 —deduction from, **14**, 16-17  
 —deemed to be by principal debtor, **7**,  
 115  
 —deferment, **13**, 242  
 —unauthorized items, **3**, 82, 358, 359;  
**4**, 208  
 possible dissipation, **10**, 363  
 purpose, **17**, 167, 179; **18**, 147; **21**, 51;  
**25**, 144  
 repayment to, **7**, 210, 211, 214; **9**, 9  
 Separate opinion: Concurring and  
 dissenting opinion; Concurring opinion;  
 Declaration; Dissenting opinion;  
 Explanatory remarks; Separate  
 statement; Supplementary opinion  
 Aghahosseini, **28**, 303; **29**, 122; **31**, 3  
 Aldrich, **1**, 200; **21**, 61; **26**, 58; **28**, 142  
 Allison, **28**, 142; **30**, 160, 236  
 Ameli, **16**, 330; **29**, 241  
 Ansari, **6**, 66; **8**, 65; **11**, 45, 165, 277; **13**,  
 244; **14**, 332; **17**, 23, 130, 290, 325; **19**,  
 243; **20**, 151; **22**, 109; **25**, 162  
 Bahrami, **8**, 65; **11**, 277; **14**, 334  
 Böckstiegel, **16**, 329, 333  
 Brower, **8**, 29; **10**, 189; **11**, 289; **13**,  
 240  
 Holtzmann, **1**, 200; **5**, 82, 101, 138; **6**,  
 175; **8**, 329, 391; **9**, 138-52, 200-2; **13**,  
 319; **14**, 82, 149 n. 2; **16**, 329; **17**, 87;  
**23**, 338; **24**, 156, 227, 248, 259; **25**,  
 201; **29**, 16; **30**, 163  
 Kashani, **1**, 115, 203, 329, 404; **4**, 67  
 Khalilian, **18**, 278; **19**, 310; **22**, 109; **23**,  
 389  
 Lagergren, **8**, 385  
 Mosk, **1**, 132, 200; **6**, 95

- Mostafavi, **8**, 65; **11**, 255, 277, 283 n. 1, 298; **12**, 80; **14**, 81, 334
- Noori, **22**, 109; **23**, 239
- Sani, **1**, 452
- Shafeiei, **1**, 115, 203; **2**, 356; **5**, 175; **6**, 288
- Separate statement: Concurring and dissenting opinion; Concurring opinion; Declaration; Dissenting opinion; Explanatory remarks; Separate opinion; Supplementary opinion
- Aldrich, **21**, 256
- Ameli, **31**, 34
- Böckstiegel, **26**, 5
- Briner, **21**, 240
- Holtzmann, **22**, 218 n. 2; **26**, 5; **29**, 221, 383 n. 2
- Khalilian, **21**, 194, 245, 263
- Noori, **28**, 189, 243; **29**, 14, 65, 383 n. 1
- Separation of issues, **2**, 146, 285, 287; **3**, 297-301; **4**, 82; **5**, 54, 377
- Services, meaning, **5**, 101, 102
- Settlement, **1**, 123-6, 140-3, 156, 157, 160-5, 181-4, 216, 217, 220-1, 327-33, 342-6, 403-10; **2**, 44-50, 90-5, 126-31, 132-7, 228-31, 261-7, 269-77, 278-80, 291-3, 305-9, 332, 333, 348-61, 364, 365, 366, 367; **3**, 34-5, 36-8, 73-5, 91-6, 119-23, 169-72, 176-80, 181-5, 186-97, 212-17, 218-24, 326-30, 338-48, 351-7, 366-71, 390-4; **4**, 20-5, 29-32, 33-8, 39-46, 47-52, 83-8, 183-91, 192-6, 197-8, 199-204, 205-9, 280-5; **5**, 76-7, 80-4, 88-9, 148-9, 150-1, 155-9, 249-50, 354-6; **6**, 1-3, 4-11, 20-6, 33-7, 38-42, 118-19, 120-4, 147-8; **7**, 209-16, 220-2, 223-4, 225-35, 236-8, 239-43, 244-6, 247-8, 249-57, 258-9, 260-8, 269-74; **8**, 11-12, 13-14, 18-19, 42-3, 66-71, 72-4, 79-80, 81-2, 83-4, 97-8, 183-8, 236-7, 249-352, 353-9; **9**, 6-9, 306-7, 308-9, 310-12, 347-9, 357-9; **10**, 357-65; **11**, 363-72; **12**, 385-404; **13**, 359-70; **14**, 339-49; **16**, 54-5, 317-35; **17**, 353-68; **18**, 377-82, 390; **19**, 345-74; **21**, 285-93; **22**, 365-79; **23**, 401-13; **24**, 291-305; **25**, 4-5, 301-39; **26**, 265-75; **27**, 275-81, 282-8; **28**, 389-91, 392-3, 394-400, 401-2; **29**, 395-400, 401-10, 411-19
- absence of financial obligations noted, **8**, 82
- agreement not to pursue claims, **6**, 36; **8**, 67
- amendment, **7**, 238; **8**, 214-15; **9**, 348; **12**, 388
- applicable law, **7**, 268
- approval of Iranian bank, **3**, 193, 194, 213, 220, 359, 360; **4**, 34
- assignment of rights, **6**, 6; **12**, 394
- authority of representative, **6**, 39-41; **7**, 221; **12**, 395; **28**, 67-70
- availability, **3**, 79
- binding nature, **6**, 22
- concurring opinion, **2**, 357, 358; **3**, 78, 358; **10**, 363-5
- conditional agreement, **7**, 213, 214, 237, 240-2, 263, 267
- conditional award, **3**, 340, 352, 358
- conditions for recording, **1**, 149-53; **3**, 78, 82, 192-4, 358
- jurisdiction, **1**, 152
- reasonableness, **1**, 152, 153
- confidentiality of
- negotiations, **2**, 356
- 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; **8**, 185; **10**, 128, 358, 359; **12**, 388
- correction, request for, **22**, 151-4
- costs, waiver, **18**, 381
- currency of payment, **24**, 187-90
- default, **7**, 211
- delays in payment of award, **3**, 196
- 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; **16**, 327; **22**, 370 n. 1
- documents, conformity, **16**, 327
- effect on contract, **10**, 13-14, 17-19; **25**, 227
- 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; **10**, 18
- Security Account, **17**, 167
- escrow payment, **7**, 210
- exception to, **7**, 220, 226-8, 230
- extinction of claims, **8**, 264
- failure to

## Settlement ( )

- agree, **16**, 54-5; **29**, 465 n. 2
- implement, **10**, 13-14; **16**, 328
- form of award, **1**, 329, 330, 405
- formation of agreement, **25**, 222-7
- indemnity from costs and taxes, **12**, 392-3
- interdependence of terms, **6**, 121
- interpretation, **10**, 283; **16**, 328; **18**, 382
  - “upon execution”, **8**, 105
- invitation to negotiate, **7**, 177-9
- joint request for award on agreed terms as basis, **19**, 366; **22**, 152
- jurisdiction of Tribunal, **1**, 161; **5**, 83, 353
- modified, **6**, 120; **7**, 261; **9**, 358
- null and void, **7**, 210, 211, 213, 214
- payment to Iranian bank, **3**, 192
- performance, **7**, 213, 214
- precedential value, **6**, 122, 124
- prejudicial to one party, **6**, 40
- ratification, **7**, 222, 240; **8**, 19, 185, 186
- reach, **7**, 215; **8**, 105, 270-1, 282; **10**, 46-53, 282-3
  - damages for, **8**, 105-6
- reasons omitted, **17**, 259
- reciprocal obligations of parties, **3**, 75, 80, 177, 182, 194, 195, 327, 330, 353, 360; **4**, 22, 34, 84, 198, 200, 206; **5**, 77, 82, 355; **6**, 3, 21, 121; **7**, 220; **8**, 66, 97
- release from liability, **8**, 214; **12**, 387, 388, 392, 393; **18**, 380-1
- request for, need for agreement, **25**, 5
- revocation, **7**, 214
- separate opinion, **18**, 382-90; **21**, 293, 294
- signature of parties, **4**, 22, 23, 39; **29**, 397
- simultaneous settlement of ICJ case, **32**, 207-20
- standards for acceptance by Tribunal, **3**, 78, 82, 358; **4**, 208
- status, **5**, 353
- suspension of
  - contract rights, **8**, 105; **10**, 13-14
  - proceedings, **7**, 237; **18**, 380
- terms of attempted settlement not admission, **14**, 77
- third party claims, **6**, 24
- waiver of claims, **8**, 81-2
- withdrawal, **3**, 99
- withdrawal of claims, **9**, 9; **14**, 343
- without payment from Security Account, **7**, 236
- without prejudice, **1**, 161; **5**, 159

- Shareholder claims: Corporations, shareholders; Nationality of claims, shareholder claims
- Social security payments, **3**, 248, 249; **7**, 69; **9**, 132; **10**, 54, 78, 313-16; **13**, 340-3; **17**, 31 n. 1, 259-64; **20**, 28; **24**, 156-61, 190-6, 200-1, 287; **25**, 42-4; **28**, 48
- clearance certificate, **20**, 13-14, 15, 28, 85, 95-7, 99, 156-8; **24**, 144-8, 157-8, 159
- contractual obligation, whether, **9**, 167, 177, 225-6; **15**, 18, 93-4, 221-3; **24**, 157, 159; **26**, 181
- counterclaim for, **3**, 116, 167, 236; **4**, 246-8; **5**, 233, 234; **6**, 84, 85, 90, 91, 96, 174; **7**, 87; **8**, 326, 347-8; **9**, 135-6, 167, 177, 299-300; **10**, 313-16; **11**, 26, 39, 51-2, 67, 172, 184 n. 1, 204-5, 248-9, 317-19, 349-55; **12**, 157, 233 n. 5; **13**, 182-3, 307, 342-3; **14**, 79-80, 168, 281; **15**, 19-20, 91-4; **17**, 83, 262-3; **18**, 167, 197, 221-3, 297-8, 349-50; **20**, 35-6, 82, 118-19; **22**, 254, 337; **23**, 62, 215; **25**, 90, 94, 101; **26**, 83-4, 97-8, 99, 143-4, 180; **27**, 103-4, 119; **29**, 348
- effect of contract on, **6**, 91, 92; **12**, 157
- indemnity, request for, **23**, 213
- payment, evidence of, **20**, 14-15, 28, 161, 163
- withhold, liability for, **22**, 20; **26**, 77-80, 88, 94-7, 137-43
- Sole jurisdiction: Forum selection clause, jurisdiction of Tribunal
- Sources of international law, **2**, 84, 196; **4**, 114; **5**, 233, 332; **8**, 397-401, 407-9; Customary international law; General principles of, international law; Treaties
- international tribunals, **15**, 223; **17**, 142; **18**, 216
- State practice, **15**, 223; **16**, 310-12; **17**, 142
- UN General Assembly Resolutions and Declarations, **10**, 185-6, 198-200; **15**, 223
- writings of scholars, **17**, 142; **18**, 216
- Sovereign equality of States, **5**, 263, 266, 304, 311, 312, 327, 331
  - dual nationality and, **26**, 7 n. 1; **29**, 14, 65, 383 n. 1
- Sovereign immunity, **1**, 107, 207; **2**, 149, 212, 259; **4**, 115 n. 2; **5**, 6, 7, 10, 16, 117

- customary international law confirming  
US law, **28**, 133, 156, 158
- lien on property of foreign government  
and, **28**, 130, 154-8
- restrictive theory, **28**, 155-6
- waiver, **28**, 156-7
- Sovereignty, **1**, 105, 106, 192, 210, 212, 213,  
516; **2**, 183, 188, 205, 206, 210, 224,  
353 n. 1; **3**, 298, 308 n. 2, 312-14; **5**, 11;  
**7**, 47, 135, 170; **8**, 340; **12**, 19, 22, 49,  
287, 314, 315, 330, 337
- Soviet Union, law of, **5**, 19
- Speculative reasoning, **6**, 71
- Stabilization clause, **9**, 178; **15**, 239-41, 243,  
294, 297; **16**, 27, 64-8; **21**, 140-1,  
162-3: State contracts  
whether binding on government, **15**,  
240-1; **16**, 65-8  
—conditions, **16**, 66-7
- State  
government as synonym, **23**, 136-7  
“political subdivision”, **23**, 384
- State contracts: Stabilization clause  
applicable law, **16**, 27-8; **19**, 30-1; **22**,  
287-9  
—evidence of, **21**, 154  
limitation period, **32**, 177-8
- State organ, **9**, 238-9
- State practice, **15**, 223; **16**, 310-12; **17**,  
142  
arbitral award, enforcement, **18**, 124-7,  
131-46  
expropriation, compensation, **15**, 266  
limitation period for settlement of  
contractual debt, **32**, 177-8
- State responsibility: Act of State;  
Aliens, treatment of; Expulsion; Public  
order; protection  
abusive practice, **2**, 188, 189; **6**, 210  
acts and omissions of  
—bank, **9**, 238-9  
—controlled entity, **1**, 421-2; **12**, 352,  
364, 366; **15**, 237-9; **17**, 178-9; **21**,  
67-73; **25**, 144; **27**, 96 n. 11  
—judiciary, **2**, 64  
—officials, **6**, 202, 203; **27**, 13-14  
—overthrown government, **16**, 84-5  
—predecessor, **32**, 175-7  
—revolutionary movement and, **2**,  
88-9; **17**, 102-5; **23**, 361-2; **24**, 119,  
152, 234-6  
—individuals, **18**, 266-73  
—organ not formally recognised, **17**,  
103-5  
—which becomes government, **16**,  
84-5, 98-100; **17**, 101-3, 143-4,  
147  
—Revolutionary Prosecutor, **31**, 114-15
- attribution, **3**, 153; **4**, 143, 165-7, 171,  
173; **5**, 12; **6**, 79, 83-6, 94-5, 99-102,  
166, 201, 203; **7**, 152, 173; **10**, 75; **17**,  
100-5, 110-11, 141, 147, 256-7; **18**,  
162, 178-9; **21**, 110-11, 112 n. 26; **23**,  
387, 396; **26**, 108-9; **27**, 92; **31**, 113-15
- due diligence, **2**, 78-9, 81, 84, 89
- duty to act, need for, **30**, 158-9
- for effect of acts, **6**, 207; **17**, 147; **23**, 387
- enforcement of contracts, **2**, 220, 221
- expropriation, **15**, 246-7; **16**, 43; **21**, 70-3
- expulsion, **17**, 100-7, 256-8
- fault, need for, **31**, 7-11
- ILC Draft Articles on, **9**, 238; **16**, 83, 99,  
100, 141, 143, 147-8; **17**, 100-1, 111,  
141, 143, 147-8; **20**, 205 n. 4; **21**, 112  
n. 26; **23**, 386; **24**, 234; **31**, 7
- international obligations, **8**, 8-9; **9**, 142 n.  
7; **18**, 288
- lawful measures, **2**, 257, 258; **7**, 166, 169
- legal obligations of previous government,  
**21**, 111
- minimum standard, **23**, 386
- for nationals, **7**, 124
- non-discrimination, **23**, 387, 388
- omission, **30**, 168
- protection of—  
—aliens, **7**, 169; **17**, 111, 143  
—foreign investments, **7**, 151, 152, 159,  
160  
—property, **23**, 385-6, 392-6
- reach of contract, **22**, 288 n. 34
- termination of contract, **17**, 148
- treaty obligations, **3**, 388; **6**, 111; **8**, 78
- unjust enrichment, **2**, 237; **8**, 390
- visa acknowledgment, **23**, 382
- State-controlled entity: Controlled entity
- Statement of claim, **1**, 134; **6**, 60, 62, 70; **8**,  
136; **9**, 401; **10**, 12; **17**, 183 n. 3, 253-4;  
**19**, 53; **24**, 271; **28**, 193-4, 378-80  
amendment, **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; **8**, 126, 134-40, 297; **9**,

- Statement of claim ( )  
 127; **10**, 12, 14-15, 16-17; **11**, 17; **12**, 6,  
 18-21, 131, 289-90, 346 n. 9; **13**, 17,  
 97-8; **14**, 26, 90-3, 94-9, 148, 310; **16**,  
 304, 312; **17**, 53-7, 138-9, 253-4; **18**,  
 64-5; **19**, 53; **23**, 165-7, 382, 397; **24**,  
 270-1; **26**, 150-1, 239; **28**, 58-60, 169,  
 377-9; **29**, 264-5  
 —time limits: Time limits,  
 amendment of claim  
 failure to include specific plea, **13**, 142,  
 148-50  
 preparation, **4**, 26  
 specificity, need for, **19**, 76-7  
 time limits: Time limits  
 video tapes, **4**, 26  
 Statement of counterclaim, **7**, 88  
 Statement of defence, **1**, 166; **5**, 138, 139  
 act of State, whether, **17**, 172  
 amendment, **3**, 116  
 clarification, **8**, 269 n. 41  
 failure to file, **2**, 1-3; **3**, 374, 375  
 preparation, **2**, 288  
 summary nature, **3**, 378  
 time limits: Time limits, statement of  
 defence  
 Stay of proceedings: Interim measures,  
 stay of proceedings; Procedure, stay of  
 proceedings  
 Stock certificates, to be delivered, **10**, 253  
 Subcontractor, **3**, 273, 274, 278, 279; **5**, 166  
 Subjects of international law, individuals,  
 right to bring claims, **18**, 283  
 Subrogation, **10**, 133  
 Succession: Contract; Corporations  
 Summary enforcement procedures:  
 Arbitral award, basis for legal action  
 Supplemental opinion  
 Allison, **29**, 364  
 Arangio-Ruiz, **29**, 364  
 Sweden  
 arbitration, **7**, 204  
 law of, RB 13:5(2), Grade 139, **1**, 233  
 Switzerland  
 law of—  
 —Code of Obligations, **7**, 191; **20**, 228;  
**21**, 75 n. 25, 103  
 —company law, **20**, 242  
 —resignation of director, **8**, 20, 230  
 Taking: Expropriation  
 Taxes, **2**, 324; **7**, 69; **10**, 290-8; **13**, 304; **15**,  
 64; **16**, 274, 276, 280; **21**, 733-75; **24**,  
 200-1; **25**, 52, 53-4, 74, 87, 99; **29**,  
 284-93; **30**, 228-30; **31**, 21-5:  
 Customs dues; Social Security  
 payments  
 applicability, **3**, 115  
 contract liability, **10**, 294-8; **11**, 94-6,  
 244-5; **18**, 221-3; **28**, 47-8  
 contract tax, **3**, 114  
 counterclaim for, **15**, 272-9; **23**, 62, 68,  
 69; **25**, 89-90  
 —jurisdiction of Tribunal, **2**, 113; **3**,  
 115, 167, 236, 252, 288; **4**, 246-8; **5**,  
 233, 234; **6**, 84, 85, 90, 96; **9**, 37-8,  
 134, 167, 177, 225-6; **10**, 54, 102,  
 287, 306-13, 346; **11**, 26, 39, 51-2,  
 172, 245, 248, 317-19, 349-56; **12**,  
 157-8, 233 n. 5; **13**, 182, 192, 307,  
 343; **14**, 50-1, 168, 210; **15**, 279; **17**,  
 263, 319; **18**, 196-7, 221-3, 349-50;  
**19**, 154; **20**, 36-8, 119; **21**, 45-6,  
 150-2; **22**, 254, 337; **25**, 89-90, 94;  
**26**, 97-8, 99, 180-1; **27**, 103-4, 119;  
**28**, 48  
 —taxes outstanding on expropriated  
 property, **11**, 318  
 deductibility, **3**, 114, 235, 262, 264, 288;  
**15**, 14; **22**, 19-20  
 effect of contract on, **6**, 91, 92  
 enforcement of laws relating to, **5**, 233,  
 234; **9**, 152 n. 21; **10**, 312-13, 346  
 income tax, **3**, 288  
 indemnity, request for, **23**, 213  
 production of receipts, **3**, 368  
 reimbursement, **11**, 95-6; **20**, 90-1, 114-15  
 release from liability, **14**, 47-8  
 Technical Agreement with De  
 Nederlandsche Bank NV (1981), **1**,  
 192-9, 204-12; **12**, 55; **13**, 43-4, 59 n.  
 14  
 Appendix I, **1**, 204, 207  
 Paragraph 1, **1**, 196, 198; **3**, 196; **6**, 66; **8**,  
 279 n. 56  
 Paragraph 3, **1**, 193, 194  
 Technical Arrangement between Banque  
 Centrale d'Algérie, Bank of England  
 and Federal Reserve Bank of New York,  
**8**, 209 n. 2; **12**, 53, 78 n. 16, 192-9,  
 204-12: Dollar Account No. 1;  
 Dollar Account No. 2

- Paragraph 7, **5**, 68, 69  
 Paragraph 10, **1**, 193  
 Time limits: Procedure  
 amendment of claim, **2**, 338; **3**, 11, 30, 31;  
**6**, 60, 68; **8**, 134-40; **12**, 20; **14**, 93; **16**,  
 303, 304, 306-9; **17**, 53-7, 296; **22**, 215,  
 216-17, 234; **28**, 378-9  
 arbitrator, challenge to, **20**, 234, 237; **21**,  
 348, 349, 352, 355, 360-4, 375-7, 379,  
 391-4, 399-402  
 consolidation of cases, **4**, 241  
 contractual, **17**, 189-90, 217, 232, 240-1  
 correction of award, **5**, 73; **30**, 19; **31**,  
 288  
 counterclaims, **2**, 113, 268, 283, 286-9,  
 347; **3**, 116, 226, 253; **4**, 182; **5**, 400; **9**,  
 37-8, 227; **11**, 205; **12**, 100, 123, 225,  
 227-9; **17**, 57-61, 252-3, 296; **18**, 188;  
**20**, 6; **22**, 234-5; **24**, 131, 275; **26**,  
 102-3, 151-2; **27**, 154-5; **30**, 6, 11, 16  
 enforcement, **3**, 85, 379  
 exceptions, **2**, 315, 320  
 extension, **1**, 119, 120, 173-5, 230, 231,  
 320-5, 483; **2**, 3, 125, 283-90, 311,  
 327-31, 345-7; **3**, 41, 60, 85, 89, 90,  
 200, 301-3, 372-5, 377-9; **4**, 13, 17, 59,  
 63-7, 71-3, 76; **5**, 139, 140; **8**, 28, 39,  
 361; **9**, 348; **13**, 310-17; **18**, 56-7, 60-1,  
 73; **21**, 12  
 —justification for, **3**, 84; **18**, 56-7  
 —when imposed by Award, **2**, 283  
 failure to meet, **1**, 132, 133, 171, 226-9,  
 334-6, 391, 485; **2**, 3, 123, 312, 313,  
 317, 318, 320, 321; **3**, 85, 90, 116, 226,  
 253, 380, 382; **4**, 3, 61, 64, 67, 73, 76,  
 143, 182, 214, 227; **5**, 400; **7**, 116, 117,  
 182; **11**, 181, 182, 287; **15**, 20; **21**, 7  
 —delay by Registrar, **28**, 57  
 —delay in mail, **1**, 127, 129-31, 226-9  
 —excused, **2**, 317  
 —failure of courier, **1**, 128-31; **2**, 313,  
 318; **3**, 5; **4**, 76; **21**, 3  
 failure to set, **1**, 158, 159, 178-80; **4**, 66; **5**,  
 141-3  
 fairness to parties, **28**, 61, 379  
 filing of claim, **8**, 369; **9**, 4; **28**, 56-7  
 filing of documents, **12**, 131-2; **17**, 98; **22**,  
 234  
 filing of Settlement Agreement,  
 amendment, **9**, 62, 71, 348  
 implied modification, **8**, 185, 186  
 interest, claim for, **17**, 50-1  
 new claim, **16**, 259  
 notification of costs, **13**, 299; **16**, 258; **17**,  
 50-1  
 payments from Security Account, effect  
 on, **17**, 367  
 request for hearing, **22**, 208-9  
 request for interpretation and correction  
 of Award, **9**, 405  
 request for revision of Award, **4**, 11, 182;  
**22**, 208  
 statement of defence, **2**, 283, 286-9; **3**, 85,  
 89, 253, 374, 375  
 statutes of limitations and, **3**, 287; **5**, 128;  
**7**, 116; **8**, 136; **16**, 306; **17**, 189-90,  
 216, 231, 240; **19**, 329-30, 340-1; **30**,  
 157  
 submission of evidence, **17**, 52; **28**, 249-50  
 Undertakings: Undertakings, time  
 limits  
 Trade law, **3**, 54; **5**, 394  
 Trade practice, **5**, 32, 33; **13**, 232-3; **16**, 25,  
 48  
 applicable law, **16**, 27  
 Transfer of cases, **7**, 183, 200, 205  
 Transfer of documents, **3**, 108, 119, 120  
 Translation: Award, language; Evidence,  
 translation  
 Treaties: Treaties (and analogous  
 instruments)  
 customary international law and, **10**, 192,  
 202; **15**, 34-5; **16**, 69, 88; **17**, 264; **21**,  
 120-2, 330-1  
 form, **32**, 110-11  
 interpretation: Treaty interpretation  
 obligations. municipal law and, **19**,  
 287-8  
 pre-existing obligations, effect on, **19**,  
 286-7  
 reservations, **19**, 287-8  
 right to invoke, **10**, 148, 150, 192  
 termination  
 —evidence of, **15**, 218  
 —parties' rights and, **10**, 191 n. 9; **15**,  
 218  
 validity  
 —duress or fraud, **15**, 214-15  
 —*ju*, **15**, 216  
 —violation of internal laws, **3**, 303-9  
 Treaties (and analogous instruments)  
 Agreement between US and Egypt

- Treaties (and analogous instruments) ( . )
- Concerning Claims of Nationals of the United States (1976), **5**, 283, 285, 329
  - Agreement Providing for Determination of Amount of Claims Against Germany, US-Germany (1922), **2**, 83
  - Amity, Economic Relations and Consular Rights, Iran-US (1955), **1**, 313, 365, 501; **2**, 84, 161, 257, 353; **4**, 103-5, 109, 112-17, 155, 156, 174, 179; **5**, 381-3; **6**, 151, 168, 178, 200, 201 n. 1, 208; **7**, 41, 47, 50, 51; **8**, 378-9, 428-50; **9**, 272-3; **10**, 106, 267; **15**, 29, 34-5, 214; **16**, 249; **17**, 143, 147; **18**, 161; **23**, 395; **26**, 227
    - applicability
    - dual nationals, **31**, 120
    - indirect claim, **15**, 34 n. 14
    - Article II, **4**, 174 n. 2; **6**, 168; **16**, 88, 89; **17**, 107
    - Article III(1), **21**, 71 n. 17
    - Article IV, **2**, 353, 388; **4**, 102, 112, 114 n. 1, 116, 174 n. 2, 234 n. 10; **6**, 168, 200 n. 2, 225 n. 1; **7**, 40, 46, 51; **8**, 379, 404; **10**, 131-3, 148, 184, 192-6, 203, 204 n. 38; **12**, 12; **15**, 34 n. 14, 219-22, 230, 231, 246, 252, 290, 292, 298; **16**, 88 n. 5, 195 n. 29, 239, 241; **17**, 107; **21**, 118, 161; **29**, 271; **30**, 196; **31**, 5
    - Article V, **6**, 183 n. 1; **16**, 88 n. 5
    - 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 XXI, **8**, 405
    - Article XXIII, **4**, 112, 113; **10**, 131, 190; **15**, 218
    - and customary international law, **9**, 273; **10**, 151, 184, 192; **14**, 234; **15**, 214, 300; **16**, 69 n. 19, 88-9, 238 n. 5; **21**, 125; **31**, 5-6
    - expropriation, applicable law, **16**, 25, 68-9, 194-5, 239; **21**, 118-19, 121, 125; **30**, 255-7; **31**, 3-6, 85
    - expulsion and, **16**, 88; **17**, 107, 143
    - “interests in property”, **16**, 195-6; **21**, 118-19
    - source of law, **10**, 132, 150, 184; **17**, 143
    - termination or breach, **4**, 112-14; **5**, 381, 383; **15**, 218
    - validity, **7**, 8, 379, 431-51; **10**, 149, 190-1; **17**, 143
    - whether binding, **5**, 381
  - Claims Settlement Declaration: 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) (New York), **2**, 60; **6**, 137 n. 2; **18**, 138-9
  - Convention on the Recognition and Enforcement of Foreign Judgments (1983), **5**, 233; **18**, 138-9
  - Convention on the Settlement of Matters Arising out of the War and Occupation (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; **12**, 318 n. 4; **16**, 83, 84, 99, 100
  - Draft Code of Conduct for Transnational Corporations, **10**, 204 n. 39
  - Draft Convention on Arbitral Procedure, **3**, 301 n. 1
  - Draft Convention on the International Responsibility of States for Injuries to Aliens, **10**, 259 n. 6
  - Draft Convention on the Protection of Foreign Property (1967), **4**, 118 n. 2, 174
  - Draft Convention on Recognition and Enforcement of Foreign Judgments in Civil and Commercial Matters, **9**, 152 n. 21
  - European Convention on Foreign Money Liabilities (1967), **8**, 424
  - European Convention on International Commercial Arbitration (1961), **1**, 292 n. 24
  - Federal Republic of Germany-Iran, Double Taxation Agreement, **16**, 223
  - General Convention providing a Uniform Law for Bills of Exchange (1930), **13**, 32-3, 69; **21**, 63 n. 2
  - General Declaration: General Declaration
  - Geneva Convention providing a Uniform Law for Cheques (1931), **2**, 168, 235; **3**, 19: European Convention on



- International Commercial Arbitration  
*b v*
- Germany-US, Treaty of Peace of Berlin (1921), **2**, 80, 83, 84
- Hague Conventions: Hague Conventions on
- Hague Rules: International Convention for the Unification of Certain Rules Relating to Bills of Lading (1924) (amended 1968 and 1979) *b*
- 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
- Human Rights of Individuals who are not Citizens of the Country in which they live, Draft Declaration, **16**, 88-9
- International Convention for the Unification of Certain Rules Relating to Bills of Lading (1924) (amended 1968 and 1979), **12**, 143-5
- International Monetary Fund Agreement: International Monetary Fund, Agreement
- New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards, **18**, 136 n. 21, 138-9
- Seoul Declaration on the Progressive Development of Principles of Public International Law Relating to a New International Economic Order, **14**, 235
- Treaty of Neuilly, **3**, 311; **5**, 320
- Treaty of Paris, France-Great Britain (1814), **2**, 181; **5**, 304, 312
- Treaty of Peace, UN and Italy, **2**, 206; **5**, 310, 326
- Treaty of Rome, **13**, 92
- Treaty of Versailles (1919), **2**, 80, 83, 84, 186
- Treaty of Washington, Great Britain-US (1871), **2**, 181, 190; **5**, 305
- Tripartite Treaty of Alliance (Iran, United Kingdom, USSR) (1942), **32**, 96-7
- UN Charter, **3**, 24 n. 1  
—Article 51, **2**, 258 n. 1
- UN Charter of Economic Rights and Duties of States, **4**, 105, 106, 114 n. 1; **5**, 11; **7**, 170; **10**, 185, 198; **15**, 223
- UN Convention on Contracts for the International Sale of Goods, **5**, 45; **13**, 50; **19**, 34; **22**, 244, 245 n. 18, 318 n. 92, 329
- UN Convention on the Limitation Period in the International Sale of Goods (1974), **32**, 177-8
- UN Convention on the Recognition and Enforcement of Foreign Arbitral Awards, **14**, 327 n. 8
- UN Declaration on the Establishment of a New Economic Order, **10**, 185, 198
- UN Declaration on the Human Rights of Individuals who are not Nationals of the Country in which they live, **14**, 20
- UN Declaration on Inadmissibility of Intervention into Domestic Affairs of States, **8**, 445
- UN Declaration on Permanent Sovereignty over Natural Resources (1962), **4**, 114 n. 1; **10**, 186, 198, 204 n. 38; **14**, 235; **15**, 242, 294 n. 12
- UN Declaration on Principles of Friendly Relations, **3**, 8, 445
- Universal Declaration of Human Rights, **5**, 273 n. 1
- US-Iran Guaranty of Private Investments (1957), **10**, 141, 148, 151-2
- US-Mexican Claims Convention (1868), **2**, 83
- US-Mexican General Claims Convention (1923), **2**, 80, 83
- US-Mexican Special Claims Convention (1923), **2**, 80
- US-Poland Agreement (1960), Article 3, **1**, 466 n. 1
- Vienna Convention: Vienna Convention on the Law of Treaties
- Warsaw Convention for the Unification of Certain Rules Relating to International Carriage by Air, **17**, 230 n. 5
- Treaty interpretation, **1**, 101-10, 190-2, 198-201, 205, 207-13, 288, 289, 292-5, 307, 308, 310; **2**, 160-8, 178-215, 311, 315, 320, 363, 371, 402; **3**, 305; **5**, 2, 67, 83, 253, 259, 271, 273, 277, 294, 329-33, 341-6, 351; **6**, 168; **7**, 33; **8**, 92, 95, 207-13, 295; **10**, 140; **14**, 328-30; **18**, 123: Contract, interpretation;

- Treaty interpretation ( )
- Jurisdiction of Tribunal, interpretation of Declarations; Vienna Convention on the Law of Treaties (1969)
    - aids, **2**, 161-4, 179-215; **3**, 310; **5**, 262, 281, 290, 291, 329; **8**, 211; **19**, 288; **28**, 138
    - context, **17**, 166; **28**, 151
    - judicial precedents, **5**, 262, 271, 304-28, 331, 332
    - negotiating history, **1**, 245, 246, 255, 256, 265, 266, 276, 277, 284-6, 310-12, 477; **2**, 161, 165, 196-8, 201, 202, 210, 212; **3**, 303, 304, 305-11, 313-15; **5**, 261, 300, 301, 304; **10**, 193; **12**, 75-6; **13**, 168, 329; **16**, 239; **19**, 288-90; **21**, 118
    - subsequent practice, **2**, 149; **5**, 71, 268, 271, 289, 332, 346, 347, 353; **8**, 201, 407, 440, 447-50; **9**, 104-5, 411-13; **18**, 384; **19**, 294, 304; **21**, 28, 120-1, 129, 151
    - writings of scholars, **5**, 262, 264, 328
  - ambiguity, effect, **2**, 317; **5**, 287, 289, 290; **11**, 87
  - applicable law, **12**, 82
  - associated agreements, **12**, 51
  - good faith, **6**, 251, 270; **12**, 60-1; **14**, 330; **16**, 310
  - guidelines
    - clear language required to vary existing rule, **10**, 313
    - *p f m* rule: *v b m b u p u p f m b*
      - effectiveness, **6**, 251; **12**, 46, 68 n. 7; **14**, 330-1; **25**, 258
      - *u m*, **2**, 79, 86-7
      - equilibrium to be maintained, **12**, 54-5, 79-80
      - *x p u u x u u*, **8**, 264; **12**, 59, 78; **13**, 252; **16**, 307
      - flexible, **1**, 199 n. 1, 309 n. 8
      - *p bu*, **13**, 88; **14**, 329
      - intention of parties, **1**, 103-5, 107-10, 190, 191, 198, 201, 205-7, 210, 211, 213, 245, 246, 255, 256, 265, 266, 276, 277, 284-6, 311, 312, 489, 491, 492, 495, 497, 498, 516; **2**, 166, 210, 211, 213, 223, 315, 316, 320; **3**, 303-5, 307-10, 312-15; **5**, 14, 260, 267, 270, 272, 280, 281, 288, 329, 352; **6**, 270; **7**, 33
      - language, structure and purpose, **12**, 74
      - object and purpose, **5**, 261, 268, 270, 271, 281, 284, 285; **8**, 200-1; **18**, 387; **19**, 287, 294; **28**, 149-50
      - *b h u*, **13**, 43
      - ordinary meaning, **2**, 55, 63; **8**, 207-8; **10**, 193-5; **12**, 46; **14**, 329; **18**, 123-4; **19**, 287; **25**, 258; **28**, 150
      - *p p u*, **13**, 43
      - plain language, **28**, 152
      - reasonableness, **10**, 83
      - relevant rules of international law, **31**, 6
      - restrictive, **1**, 192, 198, 211-13, 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; **11**, 87; **13**, 168-9
      - *p bu*, **1**, 104, 410 n. 3; **15**, 222; **21**, 121, 125
      - *u m v q u m p*, **1**, 292 n. 25; **12**, 46, 68 n. 7, 89; **25**, 258
      - *v b m b u p u u p f m*, **2**, 211; **5**, 281, 286, 288, 330; **9**, 255; **10**, 329, 331
    - international claims practice, **10**, 83
    - u*, **12**, 54, 58-60; **21**, 330
    - p u v*, **1**, 114, 210; **9**, 140; **13**, 231-3; **15**, 294 n. 10
    - State's duty to respect contracts distinguished, **15**, 242-3
    - phrases—
      - “control”, **2**, 16-22, 147-52; **17**, 166-7, 178-9
      - “property rights”, **2**, 82-5
    - preamble, status, **12**, 46-8, 67-8
    - p`-v b ux*, **2**, 198
    - bu bu*: Changed circumstances
    - reciprocity, **1**, 106, 107; **8**, 432-41
    - terms, meaning, **3**, 311, 314, 315; **5**, 4, 260, 267, 268, 270, 280, 281, 284, 285, 289, 290
    - Tribunal: International tribunals
      - absence of arbitrator: Arbitrator, absence
      - applicable law, **20**, 204
      - arbitrary action, **6**, 232

- authority of President, **5**, 51, 52; **9**, 409-13
- Chambers: Full Tribunal *b*
- assignment of cases to, **3**, 92, 126, 141, 237, 254, 268, 276, 292
  - authority, **5**, 47, 53
  - composition, **9**, 409-13
  - independence, **5**, 251; **16**, 290
- claims: Claims
- competence, **5**, 127; **6**, 52
- confidentiality of proceedings, **1**, 424, 428-31, 441, 449; **2**, 29, 343, 357; **19**, 106, 167, 170; **21**, 365-6, 387, 394; **29**, 364-6, **4**, 178, 180
- disclosure of documents, **21**, 354, 372-4, 389
- discretion, **3**, 192, 207, 212, 234, 316, 339, 362, 382 n. 1; **4**, 12, 224; **5**, 262; **7**, 116; **15**, 148
- duty to—
- act in informed way, **18**, 111
  - apply principles of law, **9**, 146
  - avoid entering into execution of Award, **13**, 40
  - avoid excessive technicality, **8**, 139
  - avoid unjust enrichment, **15**, 257
  - clarify aim, **7**, 121, 126
  - clarify requests, **5**, 147
  - determine legitimate expectation, **16**, 54
  - enforce law of Iran, **9**, 177
  - examine jurisdiction, **9**, 34, 332
  - execute Algiers Declarations, **8**, 65
  - exercise equitable discretion, **16**, 221
  - fill omissions in UNCITRAL rules, **11**, 278
  - give reasoned decision, **10**, 330
  - implement international law, **7**, 171
  - respect laws of Iran, **7**, 136
  - respect legal facts, **5**, 12
  - respond to arguments, **5**, 289
  - settle disputes, **14**, 64; **18**, 106, 146-7
- equity and, **18**, 334
- exceeding powers, **5**, 335
- expeditious conduct of business, **7**, 204; **8**, 288
- expenses, **1**, 107, 108
- Full Tribunal: Chambers *b v*
- binding nature of finding, **11**, 197
  - preemption by Chamber, **10**, 85-6
  - relinquishment of cases to, **21**, 98, 100-2
  - residual authority, **21**, 283-4
- fu u ffi* rule ( *m ju* ), **3**, 177, 182, 187, 195, 196, 330 n. 3
- impartiality, **5**, 36, 41, 42, 49, 86; **6**, 41, 251, 252, 270, 271; **31**, 246-85
- inherent powers, **5**, 129; **6**, 108; **7**, 219; **8**, 117, 118; **25**, 187; **28**, 221-3; **29**, 383, 387-90
- interim measures, **2**, 59-62
  - revision of award, **31**, 289-90
- international character, **5**, 261, 284, 294-7, 299; **9**, 177, 330
- interstate nature, **18**, 385
- ju ' u* , **2**, 285, 286, 346; **3**, 300; **5**, 54
- jurisdiction: Jurisdiction of Tribunal
- majority decision, **2**, 29, 114, 123, 146, 390; **3**, 55, 199, 210, 211, 277, 293, 295, 325; **4**, 82, 111, 159; **5**, 269, 277 n. 1; **8**, 143; **9**, 140, 409-13; **10**, 96; **18**, 47-8
- moral issues, **13**, 117, 119 n. 3
- neutrality, **5**, 15, 16, 24, 49
- not bound by parties' legal theories, **13**, 101; **17**, 50
- obligation to comply with decisions of, **9**, 394
- powers—
- to investigate, **2**, 115, 122 n. 1, 284, 285; **3**, 88, 89
  - to secure compliance with General Declaration, **25**, 261
- precedent, effect: Precedent
- President—
- absence, **21**, 282
  - appointment, **21**, 201-3, 309-17
  - powers, **21**, 311-12
- quorum, **1**, 117
- refusal of claims, responsibility for, **19**, 178, 181, 183, 184, 185, 193, 195, 199
- statements contrary to fact, **5**, 36, 37
- suspension of proceedings, **7**, 281, 289, 301-2; **8**, 64
- u p* , **13**, 41, 43
- u v* conduct, **3**, 125-9, 140-4, 146, 297-301, 302 n. 2, 315, 324; **5**, 335, 336; **6**, 252, 271; **13**, 41, 43; **18**, 48
- workload, **4**, 68, 69, 71; **7**, 203; **8**, 415 n. 23

## Tribunal Rules

- Article 1, **19**, 314  
 Article 2, **1**, 127, 128, 130, 226, 228, 337, 398; **7**, 275; **8**, 54 n. 4, 134, 361, 370, 376, 379, 391; **11**, 183, 287; **13**, 54; **17**, 332, 335, 338, 341, 344, 347; **19**, 180, 183, 186, 189, 192, 195, 198; **21**, 3; **23**, 245, 248, 251, 254, 257; **25**, 237, 274; **28**, 57  
 Article 4, **1**, 167; **2**, 36; **28**, 219-20, 223-4; **32**, 154  
 Article 5, **9**, 407  
 Article 6, **1**, 113, 511-14  
 Article 7, **1**, 113  
 Article 8, **1**, 113  
 Article 9, **1**, 113, 114; **20**, 179, 203, 204-6, 220, 221, 222, 273, 276, 278-9, 282-3, 285, 324; **21**, 391; **24**, 310, 312, 314, 316, 317, 318  
 Articles 9-12, **21**, 312; **24**, 309, 311, 312, 316, 323, 324  
 Article 10, **1**, 112-15, 509, 512, 514, 516-18; **3**, 209; **20**, 183, 184, 220, 233, 241, 273, 278-9, 282, 315; **21**, 318, 355, 390, 391, 395; **24**, 324  
 Articles 10-12, **20**, 206-8  
 Article 11, **1**, 112-15, 509, 512, 516, 517; **20**, 183, 184, 187, 188, 234, 266, 315; **21**, 318, 348, 350, 352, 360, 375, 379, 391, 392, 393, 395, 399; **24**, 319, 320; **27**, 297, 312  
 Article 12, **1**, 112-15, 509, 512-14, 516-18; **20**, 181, 183; **27**, 297  
 Article 13, **3**, 126, 139, 209 n. 4, 215; **9**, 409-13; **10**, 96; **14**, 271 n. 2, 312, 353, 354; **16**, 284; **19**, 106, 117, 162, 164, 167-9, 170; **21**, 282, 393; **23**, 234; **26**, 5, 150, 189; **27**, 293-336; **30**, 22 n. 2  
 —Amendment to, **7**, 56, 92; **14**, 271 n. 2  
 Article 14, **3**, 209 n. 4, 316 n. 3; **4**, 214; **5**, 362; **7**, 56, 183; **20**, 238  
 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; **8**, 115-16; **10**, 109; **13**, 130; **14**, 71; **17**, 45; **18**, 111, 283; **21**, 282, 393; **22**, 209; **25**, 187, 276; **27**, 308 n. 5; **28**, 6, 380; **29**, 370  
 Article 15(1), **30**, 105, 112, 121-2; **31**, 135, 142, 143-4  
 Article 15(2), **30**, 109-11, 120-1; **31**, 142-3

- Article 17, **1**, 234; **2**, 368; **4**, 206; **8**, 54; **10**, 272; **13**, 54; **17**, 62; **21**, 10, 293; **28**, 384  
 Article 18, **1**, 134, 167, 396; **3**, 378; **4**, 26; **7**, 88; **9**, 109; **17**, 254; **19**, 313, 314; **21**, 6, 10  
 —advisory, **9**, 109  
 Article 19, **1**, 120, 159, 167, 171, 175, 179, 498; **2**, 268, 289; **3**, 116, 226, 253, 374, 377, 378; **4**, 143, 182, 227; **5**, 400; **6**, 83, 101; **7**, 88, 116; **8**, 428-9; **9**, 38, 167, 168, 227; **10**, 108, 308, 310; **11**, 135; **12**, 100; **13**, 83 n. 31, 225, 228; **14**, 281; **15**, 20; **17**, 57, 60-1, 254; **19**, 313, 314; **21**, 146, 147; **23**, 188, 353, 354; **24**, 131; **25**, 13; **26**, 151-2; **27**, 154  
 Article 19(2), **2**, 36  
 Article 19(3), **2**, 70-1, 113  
 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; **8**, 137, 297 n. 16; **9**, 127; **10**, 12, 16-17; **11**, 17, 108; **12**, 6, 20, 100, 131, 289; **13**, 97, 228; **14**, 26, 90, 95, 148, 308, 310; **16**, 302, 306, 310; **17**, 55, 138, 254; **18**, 64; **19**, 53, 60, 76; **22**, 216, 234; **23**, 166, 382, 397; **24**, 131, 270-1; **26**, 150, 239; **28**, 58-60, 169, 192-4, 377, 379; **29**, 269  
 Article 21, **1**, 284, 285, 292, 294, 308, 320, 334, 335; **7**, 136; **8**, 44; **13**, 162; **17**, 184; **18**, 80-1, 231  
 Article 22, **3**, 382 n. 1; **17**, 45; **18**, 187; **29**, 377; **31**, 135  
 Article 23, **17**, 45  
 Article 24, **1**, 323, 464, 477; **2**, 300, 389; **3**, 20, 294; **4**, 58, 80, 268; **5**, 22; **6**, 210; **9**, 244; **11**, 274, 327; **13**, 54-5; **16**, 106-7; **17**, 47, 263, 285; **18**, 105, 111, 325; **20**, 87; **24**, 23; **25**, 275 n. 6; **27**, 52; **28**, 249, 287-8  
 Article 24(1), **2**, 115, 121  
 Article 24(3), **2**, 122; **30**, 58 n. 8  
 Article 25, **1**, 306, 458, 484, 485; **2**, 122; **3**, 381; **5**, 59 n. 1; **11**, 274, 276, 278, 281; **13**, 326 n. 4; **14**, 197-8, 200, 291; **17**, 52, 62-3; **19**, 113-15; **23**, 342; **25**, 7; **27**, 153; **29**, 245, 259, 313  
 —note 6, **31**, 144-5  
 Article 25(2), **30**, 180, 181  
 Article 25(6), **2**, 122; **31**, 135  
 Article 26, **1**, 154, 390; **2**, 65-6, 370, 371,

- 402; **3**, 60, 175; **4**, 7, 58; **5**, 128; **6**, 140; **8**, 47, 65, 218, 275, 278 n. 55, 280; **13**, 176, 177, 196, 257, 258-9; **16**, 197 n. 37; **18**, 122 n. 3; **21**, 4
- Article 26(1), **2**, 60-1
- Article 27, **1**, 235; **4**, 95, 158; **8**, 276 n. 31; **9**, 34-5; **13**, 351; **16**, 190, 198, 245; **24**, 24, 26
- Article 28, **1**, 324; **3**, 85, 363, 382 n. 2; **8**, 40; **10**, 179; **11**, 181; **17**, 46, 254; **18**, 89, 187; **23**, 265, 283, 286; **25**, 230, 236; **26**, 191; **29**, 377
- Article 29, **2**, 101, 122; **8**, 115-16; **27**, 52, 210-13
- Article 29(2), **30**, 104-5, 108-11, 112, 116-22; **31**, 135, 141-2, 145
- Article 30, **9**, 410, 412; **25**, 6
- Article 31, **1**, 200 n. 2, 323, 424, 429, 449 n. 1; **2**, 29, 121; **3**, 55; **4**, 82, 159; **9**, 410; **12**, 233 n. 2, 268 n. 9; **16**, 238 n. 4, 334; **18**, 47; **19**, 106, 167, 170; **21**, 256, 349, 366, 367-8, 387, 394; **23**, 218 n. 4; **29**, 364
- Article 32, **1**, 330, 331, 406, 420, 422, 449, 452, 454; **2**, 333, 365, 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; **8**, 114, 185; **9**, 400; **10**, 152, 358; **12**, 21, 119 n. 4, 388, 394; **14**, 10, 174; **15**, 187; **16**, 256; **19**, 163; **21**, 338, 349, 352, 375; **26**, 6, 189, 259, 260; **29**, 23, 387, 397, 402, 413
- Article 32(1), **2**, 101
- Article 32(3), **30**, 169
- Article 33, **16**, 256; **18**, 334
- Article 34, **1**, 140, 149, 150-3, 156, 160, 161, 163, 182-4, 216, 220, 221, 328-31, 342, 343, 404-6, 409; **2**, 45, 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, 194-6, 213, 219, 327, 328, 330, 338, 352, 353, 360, 390-2; **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; **8**, 12, 14, 16, 18, 43, 67, 73, 80, 82, 84, 97, 184, 186, 187, 215, 237, 349, 354, 361; **9**, 8, 63, 71, 185, 204, 205, 307, 309, 312, 348, 358; **10**, 358, 359; **11**, 365; **12**, 394; **13**, 361; **14**, 342; **16**, 294, 317, 319, 320; **17**, 61, 355, 362, 363; **18**, 63, 93-4, 377, 378; **19**, 310, 345, 346, 352, 353, 354, 361, 362, 367; **21**, 296-9, 302; **22**, 208, 365, 366, 372, 373; **23**, 403, 407, 409; **25**, 5; **26**, 252; **27**, 275, 282, 284; **28**, 222, 316-17, 376, 381, 389, 390, 393, 394, 401, 402; **29**, 188, 192, 196, 200, 204, 208, 213; **30**, 284, 295, 302; **32**, 208, 212, 221, 224
- Article 34(1), **2**, 90; **30**, 8-9, 10, 14, 15, 284, 292
- Article 34(2), **30**, 7, 10, 12, 18, 173 n. 4
- Article 35, **3**, 364; **4**, 60; **5**, 74; **8**, 115; **9**, 405, 406; **11**, 182-3, 274, 287; **12**, 305, 307, 388; **13**, 327-8; **14**, 70 n. 6, 101-2, 173-5, 256-7, 261-2; **16**, 282-4; **19**, 171-3, 318; **22**, 208; **25**, 187; **26**, 186-7, 188, 258, 260; **27**, 195, 270-1; **31**, 288-9
- Article 36, **3**, 364; **4**, 60, 81, 82, 111; **5**, 73, 74; **6**, 269; **8**, 117 n. 11, 133; **9**, 405, 406; **11**, 182-3, 274, 283-4, 285-6, 300; **12**, 306; **13**, 93-4; **14**, 70 n. 6, 101, 173-5, 256; **16**, 282-4; **18**, 76-7, 114; **19**, 171-5, 253, 255; **20**, 171; **21**, 293; **22**, 153, 208; **23**, 122-5, 230, 231; **25**, 187, 188, 275; **26**, 186-7, 258, 261; **27**, 195, 264-5, 268, 271; **28**, 308; **29**, 387; **30**, 19, 20; **31**, 288
- Article 36(1), **31**, 125
- Article 37, **3**, 364; **4**, 18; **5**, 73, 74; **8**, 53, 116-17; **9**, 406; **11**, 182-3; **13**, 324, 327; **14**, 70 n. 6, 257-8, 280-1; **16**, 110, 282-4; **18**, 76-7; **19**, 253, 256, 318, 319-20; **22**, 208; **25**, 187, 274; **26**, 258, 267; **27**, 195, 271; **28**, 51, 196; **29**, 294, 387; **30**, 19, 20-1; **31**, 289
- Article 38, **1**, 414, 447, 451; **2**, 113, 259, 385, 400; **3**, 33, 58, 71, 253, 275, 291; **4**, 79; **5**, 231; **7**, 47, 88, 197; **8**, 330; **9**, 60, 242; **10**, 34, 35, 316; **11**, 43; **14**, 282; **16**, 111; **25**, 109, 176; **26**, 183, 260; **27**, 260, 263
- Article 38(1), **2**, 12
- Article 40, **1**, 414, 447, 451, 508; **2**, 113,

- Tribunal Rules ( )  
245, 259, 385, 400; **3**, 33, 58, 71, 253,  
275, 391; **4**, 79; **6**, 217; **7**, 47, 197; **8**,  
330, 331; **9**, 60; **10**, 34, 35, 103; **11**, 43;  
**12**, 38-9; **16**, 254, 281; **21**, 19; **23**, 229;  
**25**, 109, 176; **26**, 183, 260; **27**, 260; **29**,  
120; **30**, 234  
Article 40(1), **2**, 40; **30**, 168 n. 8  
Article 40(2), **2**, 12  
Article 41(2), **2**, 75, 76; **3**, 166; **4**, 92, 93,  
158; **5**, 186; **8**, 41, 47, 331; **10**, 21, 35  
interpretation, **16**, 295  
— *v ux p 'p* , **27**, 317-22, 324,  
332  
Introductory Rules, Article 3, **1**, 431  
parties' agreement on, **5**, 268  
Section II, **21**, 309  
violation, **4**, 81; **6**, 70  
Tribunal Staff Rules  
Article 1, **16**, 331, 332  
Article 9, **16**, 331
- UNCITRAL Rules, **20**, 210, 235 n. 4, 247-8;  
**27**, 293-336; Tribunal Rules  
*v ux p 'p* , **20**, 247, 315  
UNCTAD, **8**, 409  
Undertakings, **12**, 50-2  
interpretation, Tribunal's jurisdiction, **8**,  
206-13; **9**, 104-6  
object and purpose, **12**, 50, 73 n. 4  
Paragraph 1, **12**, 50  
Paragraph 2, **6**, 66  
Paragraph 2(A), **5**, 67; **10**, 83; **12**, 55, 72  
Paragraph 2(B), **1**, 137 n. 1; **2**, 312-21; **3**,  
3-6, 381; **5**, 58, 61, 67-70, 71; **8**,  
197-206; **9**, 97-106; **12**, 55, 72, 77; **16**,  
293 n. 4, 294; **29**, 187, 191, 195,  
199-200, 203-4, 207-8, 212; **30**, 16-17;  
**32**, 213, 217  
—ambiguity, **8**, 198-200, 205  
procedural requirements, **2**, 313, 319; **3**,  
5, 6  
time limits, **2**, 313-19; **3**, 5, 6  
Undue influence, **21**, 52  
Unequal bargaining power, **3**, 320, 325  
Unilateral commitments, binding nature, **14**,  
321-3  
United Kingdom  
arbitration law, **20**, 213-14, 242 n. 18  
interest on debt, **2**, 12, 27  
United Kingdom, law of  
Misrepresentation Act 1967, **3**, 30  
—Oil and Undersea Pipeline Act 1975,  
**7**, 168  
—Sale of Goods Act 1979, **19**, 32 n. 16,  
33  
United Nations, **7**, 170, 171  
Charter, Article 11, **10**, 186 n. 19  
resolutions, effect, **30**, 240-1  
Security Council Resolution 598 of 20 July  
1987, **19**, 293  
United States  
courts—  
—expropriation, **14**, 236  
—injunction, **3**, 267  
—John Doe action, **3**, 15, 25  
—jurisdiction, **9**, 136-7  
—stay of proceedings, **5**, 154, 344 n. 1;  
**32**, 115-23  
—termination of claims, **2**, 62; **9**, 136-7  
—need to contest lien and, **28**, 129-  
30, 152-3  
duty to examine validity of claims, **5**, 85  
Foreign Claims Settlement Commission,  
**5**, 350; **10**, 140; **12**, 23; **18**, 273 n. 46;  
**31**, 59  
nationality of corporation, proof, **1**,  
456-74  
United States, law of, **1**, 459, 460, 464,  
467-74, 479-81  
Agricultural Foreign Investment  
Disclosure Act (1978), **1**, 472  
antitrust, **13**, 83-6  
arbitration, **3**, 210, 211, 295; **20**, 207, 215,  
216, 243-4, 253-4, 274-5, 278, 305-14  
Arbitration Act, **20**, 309, 310-11, 312-13  
Arms Export Control Act, **19**, 289-93  
Atomic Energy Act 1954, **28**, 134  
Bankruptcy Act, **8**, 257-9; **19**, 118  
California  
—Civil Code, **14**, 229; **30**, 50-2  
—Code of Civil Procedure, **6**, 102  
—Constitution, **7**, 204  
—marital rights, **30**, 49-56  
Carriage of Goods by Sea Act, **12**, 145  
citizenship, **5**, 270  
Code of Ethics for Arbitrators in  
Commercial Disputes, **7**, 180 n. 1, 204  
Code of Federal Regulations, **7**, 192; **11**,  
176; **17**, 217  
Code of Judicial Conduct, **20**, 275, 278,  
310

- Code (USC), **7**, 10, 122; **17**, 22 n. 4, 217-18; **25**, 204 n. 11
- Constitution, **5**, 296  
—Article II(2), **3**, 307 n. 1  
—Article VI, **4**, 114
- contract, **3**, 163; **6**, 196, 274
- corporations, **7**, 205; **21**, 77
- Domestic International Sales Corporation, **3**, 40; **7**, 186, 205
- Executive Order of 14 November 1979 (freezing Iranian assets), **7**, 192; **13**, 52 n. 7; **19**, 288, 289-93; **23**, 206-7
- Executive Order 12205 of 7 April 1980, **29**, 340
- Executive Order 12211 of 17 April 1980, **17**, 190-1, 233; **23**, 391
- Executive Order 12281, **28**, 125, 126-7, 129, 151
- Executive Order 12294 of 24 February 1981, **12**, 287
- Executive Orders Prohibiting Transactions with Iran, **2**, 249, 251, 255 n. 1; **5**, 60, 61; **6**, 28; **13**, 28; **19**, 216-17, 247; **29**, 340-2  
—disposal of blocked property, **19**, 217-18
- Export on Administration Act 1979, **28**, 134
- extraterritorial effect, **8**, 258-9
- Federal Communications Act (1934), **1**, 468
- Federal Rules of Civil Procedure  
—Rule 13(a), **6**, 101; **13**, 78-83  
—Rule 15, **8**, 136 n. 3; **16**, 311 n. 19  
—Rule 17, **16**, 310-11  
—Rule 41, **1**, 233
- Foreign Corrupt Practices Act, **12**, 218
- Foreign Sovereign Immunities Act (1976), **2**, 148-9; **10**, 205 n. 40; **28**, 130, 157-8  
government agencies, **5**, 8-11
- Immigration and Nationality Acts, **2**, 222; **5**, 100, 102; **22**, 149; **25**, 64 n. 5, 169-71; **26**, 41, 49, 50, 51; **31**, 45-7, 54-9
- 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; **13**, 52 n. 7, 90; **24**, 39
- Merchant Marine Acts (1920 and 1936), **1**, 471
- military equipment, export, **19**, 289-93
- naturalization, **32**, 85-6
- non-profit corporations, **5**, 345; **10**, 325
- Nuclear Non-Proliferation Act 1978, **28**, 134
- offset, **21**, 74 n. 25
- partnership, **3**, 161
- receivership, **21**, 69
- Restatement of Agency (Second), **19**, 126, 135 n. 14; **23**, 146 n. 9
- Restatement of Conflict of Laws (Second), **7**, 99 n. 1; **30**, 53
- Restatement of Foreign Relations Law (Revised) (Draft) (1986), **10**, 202 n. 35
- Restatement of Foreign Relations Law (Second) (1965), **2**, 84; **5**, 297; **7**, 169; **8**, 135, 397-9; **9**, 142 n. 7; **18**, 388
- Restatement of Foreign Relations Law (Second) (Revised) (Tentative Final Draft) (1985), **8**, 11, 40
- Restatement of Foreign Relations Law (Third), **19**, 56 n. 6; **23**, 387
- Restatement of the Law of Contracts, **13**, 50-1; **24**, 86
- Restatement of the Law of Contracts (Second), 3-56; **28**, 209; **30**, 54, 55
- Restatement of the Law of Restitution, **12**, 379
- Restatement of Trusts (Second), **10**, 239 n. 6
- Rules for the ICC Court of Arbitration, **7**, 204
- Securities Act (1933), **2**, 148 n. 1
- Shipping Act (1916), **1**, 471
- Statute of Limitations, **17**, 216-19, 231, 240
- Tax Reform Act (1984), **7**, 205
- Tentative Final Draft Restatement, Foreign Relations Law (Revised) (1985), **9**, 275
- Treasury Regulations, **5**, 14; **25**, 256-62, 263; **28**, 124-5, 127-37
- Uniform Commercial Code, **4**, 268; **5**, 45; **7**, 99, 102, 109, 113, 114; **8**, 140  
—§1-105, **22**, 287 n. 33  
—§1-106, **3**, 57 n. 2  
—§1-201, **3**, 20 n. 2  
—§2-204, **3**, 48  
—§2-206, **3**, 50

## United States, law of ( . )

- §2-207, **3**, 49
- §2-208, **13**, 51-2
- §2-235, **13**, 51
- §2-240, **7**, 109 n. 2
- §2-301(a), **12**, 300 n. 4
- §2-313, **19**, 31, 32
- §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
- §2-609, **22**, 318 n. 92
- §2-612, **13**, 50 n. 4
- §2-703, **7**, 110 n. 1; **13**, 50 n. 4
- §2-706, **7**, 110 n. 1, 111, 114 n. 1; **22**, 245 n. 18
- §2-708, **7**, 111; **26**, 165
- §2-709, **3**, 52, 56
- §2-710, **3**, 52, 56; **7**, 111
- §2-714, **19**, 33, 39 n. 35
- §3-122, **7**, 115; **21**, 44
- §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

Uniform Partnership Act, **11**, 313, 348

- Unjust enrichment, **1**, 287, 309 n. 9; **2**, 155, 234-9; **3**, 30-2, 278, 279; **4**, 231, 232, 278, 279; **5**, 171, 172; **6**, 168, 169, 172, 177, 213, 215; **8**, 60, 390; **9**, 56-8, 401, 402-3; **10**, 107, 171; **11**, 238, 335-6, 351; **12**, 352-6, 363, 375-80; **13**, 101, 115, 116, 117, 119 n. 3, 120; **14**, 180-9; **15**, 257, 268-9, 308; **16**, 19; **18**, 222, 309-10, 323-4, 347; **19**, 139, 142, 146, 148, 150, 152, 295; **21**, 70-1, 73; **22**, 354; **23**, 146; **26**, 26-7, 251; **28**, 16, 85-7, 205-8, 215

Unlawful acts, **6**, 169

## Valuation: Damages, valuation

## Video tapes: Statement of claim, video tapes

- Vienna Convention on the Law of Treaties (1969), **1**, 190, 205, 209, 289; **5**, 281, 351, 353; **8**, 443; **9**, 256; **12**, 68 n. 7, 82

- Article 2, **19**, 287  
 Article 12, **1**, 200  
 Article 19, **19**, 287-8  
 Article 26, **1**, 109; **12**, 61; **13**, 231  
 Article 27, **1**, 490, 495; **3**, 304, 305  
 Article 31, **1**, 109, 198, 200, 211, 288, 307; **2**, 160, 161, 209, 210; **3**, 305 n. 1, 310, 312 n. 1; **5**, 83, 259, 260, 265, 273, 279, 281, 289, 290, 329-32, 341, 346; **8**, 92, 95, 201 n. 12, 207, 295, 440, 447; **10**, 193 n. 12; **11**, 87; **12**, 46, 51, 74, 89, 273; **13**, 168; **14**, 328; **16**, 310; **18**, 123, 385; **19**, 287, 294, 304; **25**, 258, 259; **28**, 129, 151 n. 7; **31**, 197  
 Article 31(1), **2**, 82, 147  
 Article 31(3), **2**, 149  
 Article 32, **1**, 109, 211 n. 3, 288, 307; **2**, 160; **3**, 305 n. 1, 310; **5**, 259, 279, 280; **11**, 46; **13**, 168; **15**, 221; **19**, 288  
 Article 33, **11**, 8, 9, 36, 46; **12**, 82; **22**, 295  
 Article 34, **13**, 43-4  
 Article 45, **4**, 112 n. 3, 113  
 Article 46, **1**, 490, 495; **3**, 304-6  
 Article 47, **1**, 489, 495; **3**, 304, 306  
 Article 49, **15**, 215  
 Article 51, **15**, 215  
 Article 52, **15**, 215  
 Article 53, **15**, 216  
 Article 54, **4**, 112 n. 3; **10**, 191  
 Article 60, **2**, 257  
 Article 62, **1**, 314; **4**, 112 n. 3; **8**, 443-4; **9**, 122; **15**, 217  
 Article 65, **4**, 112 n. 3; **8**, 444; **10**, 191  
 Article 67, **4**, 112 n. 3; **10**, 191  
 Article 70, **10**, 191 n. 9  
 Visa, suspension, **23**, 382, 385, 390-2

## Warranty

- breach, **19**, 12-14, 31-8
- implied, **19**, 31 n. 16
- testing to confirm specifications distinguished, **19**, 14

Wholly-owned subsidiary, **7**, 206:

- u* Nationality of claim, corporations

## Withdrawal of action: Claims, withdrawal

## Witnesses: Evidence, witnesses

## Words and phrases

- ub* *um*, **8**, 231
- ju* *,* **1**, 419
- x* *u*, **18**, 139
- u* *m fi* *,* **13**, 116



- “actions in response to”, **28**, 122-3  
*umb u p b* , **1**, 209, 420, 464;  
**18**, 216  
*u u* , **1**, 318 n.  
 17: Estoppel  
*v p u* , **6**, 70  
*m b mp u* , **21**, 368  
*u p xm m p u* , **3**, 249  
*mmu p ju* , **2**, 197; **5**, 300; **8**, 387;  
**10**, 185, 200; **14**, 236  
*mp* , **21**, 74 n. 25  
*u m* , **24**, 182  
*p f m* , **1**, 214  
*u p h* , **3**, 30; **5**, 248  
*m um m* , **2**, 387 n. 1; **10**, 189; **15**,  
 248, 268; **21**, 330  
*p p* , **27**, 325  
*m ju* , **3**, 177, 182, 187, 195,  
 196, 330 n. 3  
**4**, 178, 180  
*u qu* , **21**, 64 n. 3  
*u qu* , **21**, 64 n. 3  
*qu ffi m* , *qu* , *umb*  
*p b* , **20**, 266  
*u m* , **5**, 3; **23**, 240  
*x qu b* , **12**, 82; **21**, 368  
*xm ju u* , **8**, 444-7  
*x p* , **3**, 387  
*x p p m u* , **24**, 27  
*x p mp u* , **22**, 304,  
 317-23  
*x qu u* , **6**, 133, 135, 138, 139; **18**, 118,  
 122, 127, 137, 139, 140, 141, 142, 143,  
 149 n. 66  
*xp u u x u u* , **5**, 268; **8**,  
 264; **12**, 59, 78; **13**, 252; **16**, 27, 307  
*f u qu - u* , **3**, 30  
*f m ju : F m ju*  
*f um v* , **7**, 137; **8**, 266  
*fu u ffi* , **3**, 177, 182, 187, 195, 196,  
 330 n. 3  
*p bu* , **13**, 88; **14**,  
 329  
*ff* , **7**, 164  
*b* , **22**, 253  
*ju* , *m u* , *p xm p u* ,  
**11**, 48  
 “Iranian properties”, **28**, 125-41  
*ju u* , **2**, 285, 286, 346; **3**, 300; **5**,  
 54  
*ju* , **15**, 216  
*ju mp* , **10**, 313; **17**, 264  
*ju u* , **2**, 181, 184, 185; **5**, 274,  
 305  
*ju* , **2**, 181, 184; **5**, 274, 305  
*u* , **21**, 330  
*x m* , **21**, 365  
*x u* , **21**, 63 n. 2  
*x u* , **21**, 63 n. 2  
*x mp b* , **18**, 328  
*x p* , **8**, 378, 428; **21**, 121, 125, 330;  
**30**, 255  
*um* , **6**, 6, 72, 239, 240; **7**, 172; **18**,  
 262  
*u um* , **21**, 63 n. 2; **22**, 161  
*u* , **7**, 120, 123, 124, 135, 198,  
 199; **9**, 326-33; **10**, 45-6, 148, 325; **11**,  
 86, 213, 311-13; **14**, 34; **15**, 195; **16**,  
 12-16, 300-3, 305, 310-12, 329; **17**,  
 263; **18**, 166, 209; **20**, 266; **21**, 103,  
 339-40  
*u um* , **2**, 387 n. 1; **15**, 249-51,  
 258-9, 270, 305; **21**, 330  
*mu mu* , **21**, 3, 6  
*‘ b ‘* , **4**, 61  
*u u mm um p u ju p p* ,  
**6**, 228  
*b h u* , **13**, 43  
*uw p p* , **20**, 247, 276  
*u p b* , **25**, 116  
*p ju* , **21**, 121  
*pub* , **2**, 221; **3**, 14  
*p u v* , **1**, 114, 210; **9**, 140; **13**,  
 231-3; **15**, 294 n. 10  
*p p u* , **13**, 43  
*p* , **5**, 113  
*p’ u p* , **22**, 136 n. 4  
*p* , **5**, 273, 274  
*p b umb qu* , **18**,  
 325  
*p -v b ux* , **2**, 198  
*p p m u* , **3**, 298; **5**, 371; **9**, 333; **14**, 61  
*qu um m u : Qu um m u*  
*qu um v b* , **4**, 234  
*m* , **5**, 278  
*p* , **5**, 278  
*mp* , **5**, 278  
*bu bu* : Changed  
 circumstances  
 , **6**, 173  
 , **13**, 122  
*ju* , **1**, 170, 171, 287; **2**, 311, 371; **4**,

## Words and phrases ( )

16, 73 n. 1, 233 n. 1; **6**, 227 n. 2; **11**,  
 141; **12**, 174, 367; **15**, 196; **21**, 295; **27**,  
 266  
 , **27**, 266  
*u* *um*, **2**, 386-7; **6**, 157, 170; **8**,  
 385, 395-8; **10**, 201, 204 n. 39; **15**, 247,  
 255, 262, 265, 266  
 ' ' *mp* , **21**, 103  
 , **8**, 141; **9**, 170  
*u p* , **5**, 146; **6**, 41, 177; **7**, 116; **22**,  
 107, 299  
*ub* , **20**, 263, 327

*u* , **4**, 116 n. 1  
*v ux p 'p* , **20**, 247, 276, 315  
*u p* , **13**, 41, 43  
*u v* , **3**, 125-9, 140-4, 146, 297-301,  
 302 n. 2, 315, 324; **5**, 335, 336; **6**, 252,  
 271; **13**, 41, 43; **18**, 48; **21**, 400; **22**,  
 296  
*u m v qu mp* , **1**, 292 n. 25;  
**12**, 46, 68 n. 7, 89; **25**, 258  
*v f um p p um*, **20**, 155  
*v b mb u pu u p f m*, **2**,  
 211; **5**, 281, 286, 288, 330; **9**, 225, 371,  
 393-4; **10**, 329, 331