

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: *see* 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**, **36.106-7**: *see also* State responsibility  
   enquiry into by international tribunal **25.157**, 165  
 Admissibility: *see* Evidence, admissibility; Jurisdiction of Tribunal, admissibility  
 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: *see also* Evidence of, agency  
   applicable law **19.126**  
   broker distinguished **2.399**  
   Federal Reserve banks, whether **35.118-22**  
   general principles of agency law **19.126**  
   *gestion d'affaire* **7.164**  
   power of attorney and: *see* Power of attorney  
 Aggregation of cases: *see* Procedure, consolidation of cases  
 Airline practice **9.360-75**  
 Algeria, duties **5.49**  
 Algiers Declarations: *see also* Claims Settlement Declaration; General Declaration  
   authentic language **36.129-30**  
   as changed circumstances **1.208**  
   damages for breach **25.260-2**, **34.137-8**, 146-7, 158-9, 162, 166, 168  
   equality of States Parties, enforcement mechanisms **34.42**  
   interpretation, Vienna Convention on the Law of Treaties (1969) as applicable law **34.129**, **36.21**, 27, 128-9  
   negotiation and conclusion **34.114-15**  
 Aliens, treatment of **4.166**, 167, **5.293**, 383-4, **17.147**, 181: *see also* Expropriation; Expulsion; State responsibility  
   wrongful death **2.81-9**  
 Alternative forum **6.49**  
 Alternative pleading **4.231**, 233, 235, 236  
 American Arbitration Association: *see* Arbitration rules, American Arbitration Association  
 American law: *see* United States, law of  
 Appeal **3.128**, 364, **5.74**: *see also* Award, correction; Award, reconsideration  
 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: *see also* 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**: *see also* State contracts *below*  
   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

<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 (*cont.*)

- expropriation
  - international law **16.25, 29.27**
  - Treaty of Amity **2.353-4, 4.105-6, 111-16, 8.378-9, 404-7, 16.25, 194-5, 239, 243, 21.118, 120-2, 125, 329-31, 30.3-6, 88, 100, 196, 255-7, 31.3-6, 85, 119-20, 33.332-3, 36.206-8**
- expulsion, international law **17.142**
- general principles of commercial and international law **1.374, 377-8, 16.21, 28, 104, 26.106**
- general principles of law **19.30, 20.204**
- immovable property transactions **2.250, 256, 33.4-5**
- international law **16.28, 19.30-1, 286, 23.357**
  - displacement by Claims Settlement Declaration **25.28**
  - Tribunal **34.55-6**
- interpretation and substance distinguished **16.21**
- law of parties **19.30, 28.209**
- lex loci actus* **21.63, 22.161**
- 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**:
  - see also* contracts *above*
  - international law **32.180**
- time limits **17.190**
- Tribunal
  - failure to indicate **1.422**
  - freedom to determine **13.232, 30.49-50, 32.179-80**
  - international law **34.55-6**
  - jurisdiction of **26.266**
- Appointing authority
  - designation **1.513-14**
  - powers **1.114-15, 117, 21.388, 390**
  - “approximate compliance”, validity of concept **36.28-30**

Arbitral tribunal: *see* 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: *see also* International Chamber of Commerce; International Law Commission; Tribunal Rules; UNCITRAL Rules
  - 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: *see also* Appointing authority
  - 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**
  - 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: *see* Time limits, arbitrator, challenge to
  - currency offence, alleged **21.380-3**, 395, 396-8
  - disclosure obligation **20.177-330** *passim*
  - 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: *see* 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, 452-4, **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**, **34.103-4**
  - 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: *see* Controlled entity; State responsibility
- Award: *see also* Recognition and Enforcement of Award; Settlement, enforcement
- 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: *see* 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, **33.439-40**
  - basis for legal action **6.135-9**, **18.118-19**, 120-8, 130-1
  - bias, alleged **21.332-8**, 378-9
  - binding nature: *see* final and binding *below*
  - challenge to **21.295-6**
    - withdrawal **21.302**
  - compliance **23.208**, **33.204-5**
  - contradictory **5.130**, **33.441-7**
  - 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, **33.56-8**
  - 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**, 141, **9.170**, **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, **33.348**, **34.42**, 57
    - implied undertaking to respect **34.55-6**

Award (*cont.*)

- proceedings in another forum and  
2.63, 98, **29.220-1**, **34.57**, 59, 165,  
180-1
- 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: *see Table of Cases by Category*
- interlocutory: *see Table of Cases by Category*
- 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**, **33.348**
- 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**
  - 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**, **36.162-3**
  - on agreed terms **36.247-55**
- postponement **3.105**
- reasons for: *see 2 above*
- 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**
- rehearing **3.364**, 365, **5.74**
- reinstatement of case **28.216-24**
- rescission **5.74**, 75
- review: *see reconsideration above*
- revision **29.387-92**, **31.286-92**
  - Tribunal's inherent power  
**31.289-91**, **33.58-9**

- Tribunal's sole competence  
**34.58** n. 11
- satisfaction of claim in another forum  
**9.257**
- supplementary **19.255-6**, 318, 319-20
- Tribunal's inherent power **8.117**, 118
- 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**
  - ab initio* **5.335**
  - without prejudice **5.72**
- Bad faith **5.266**, 300
- Bailee **6.279**, **8.270**
- Balance sheet, preparation of **6.244**
- Bank guarantee: *see Performance guarantee*
- Banking institutions: *see 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**: *see also* 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: *see Negotiable instruments*
- Bill of lading **5.31**, 32, 39, **6.291**
  - bank's compliance with obligations  
**24.112**
- Burden of proof **3.16-18**, 20, 29, 65, 66, 68,  
71, 107, 108, 114, 115, 252, 294,  
308 n. 2, **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, **9.57**, 119,  
355, **11.275**, 278, 281-2, 336-7, **12.153**,  
224, 297, 314, **13.112**, 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
- accuracy of evidence **35.80-1**

- actori incumbit onus probandi* **1.209, 420, 464, 13.72, 18.216, 325, 24.23-4, 25.116, 120-1, 29.92-3**
- allocation **3.18, 20, 70, 71, 5.245, 9.172, 25.120-1**  
—actual dispute, need for **10.216-17**
- assignment of claim **35.19**
- attributability of responsibility to State authorities  
—Iran **24.152, 255, 33.359-61, 456**  
—US **23.337**
- authenticity of document **2.119, 31.161-2, 181-2, 246-56**
- bank account, right of withdrawal from **24.245, 251**
- beneficial ownership **33.474, 35.23, 31**
- breach of General Principle B **34.138, 146-7, 166-7**  
—excluded matters **34.166-7**
- construction work **33.261-2**
- contract  
—amendment **2.389, 390, 399**  
—breach **2.382**  
—existence **23.293-4, 335, 24.133, 30.106**
- controlled entity status **1.420-1**
- costs, relevance to **22.355**
- costs/expenses **23.173, 24.113-14, 25.116**  
—entitlement to travel expenses **33.182**
- defective equipment **33.140**
- defective performance **33.141**
- dominant and effective nationality **26.7 n. 1, 36.46-7**
- ei qui affirmat, non ei qui negat, incumbit probatio* **4.80, 20.266, 29.123-4, 33.316-17, 320 n. 40**
- expropriation **27.52, 28.11-12, 71, 267-8, 30.41, 154, 160, 163, 31.109, 33.49, 265**  
—by legislation **32.151-2, 34.85-6**  
—compensation, entitlement **28.139**  
—government interference **23.368**
- expulsion, responsibility for **24.258**
- force majeure* **22.242, 23.191-3, 225, 226-7, 27.80**
- implementation of contract **2.153**
- invoice or work performed **2.108, 115, 24.23-4**
- lost fees **33.260-1**
- lost profits **4.268**
- municipal law rules, applicability **13.58-9**
- nationality of corporation **1.457-8, 464, 475-7, 481-2, 21.16, 23.266, 25.232-3, 244-5**
- nationality of person **21.18, 27, 22.133-4, 23.284**
- naturalization **21.29, 25.202**
- non-performance **4.80**
- ownership **9.243-4, 32.202, 33.226, 34.22-3, 92-3**
- payment of account **2.121**
- payment of salary **10.344**
- performance **13.54-5, 23.168, 173**  
—approval/authorization of work **23.195**
- performance problems **13.23**
- prevention of export **28.9**
- quantum meruit* claim **4.232**
- shift **28.291-2, 29.123-4**
- third party claims **4.276**
- to support defence **3.18, 20, 27 n. 2, 70, 71, 4.80**
- treaty interpretation **36.178-9**
- valuation **29.279, 34.96, 36.207-8, 228**
- Calvo Clause **18.246 n. 5**
- Canada, law of **7.167**
- Causation  
—foreseeability **3.266: see also Frustration**  
—proximate cause **2.42, 3.249, 266, 11.48**
- Chambers: *see* Tribunal, Chambers
- 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: see also Damages**  
(valuation/measure including method and items for possible inclusion), effect of change in political, economic and social circumstances
- Algiers Declarations as **1.208, 241**
- “approximate compliance”, validity of concept **36.28-30**
- Claims Settlement Declaration provisions **1.311, 8.441-4**  
—Security Account, payments into **36.27-8, 41-2**
- contract and treaty interpretation distinguished **36.27**
- foreseeability and **36.28-9**

- Changed circumstances (*cont.*)  
 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: *see* 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: *see* 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**: *see also* 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: *see* Iran, law of
- Claimant: *see* Proper claimant
- Claims: *see also* Claims, official; Statement of Claim  
 abandonment **5.171**  
 ambiguity **9.296, 11.90, 35.99**  
 amendment: *see* 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, 35.15-19**  
 —burden of proof **35.19**  
 —evidence of **35.18-19**  
 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, 33.358**  
 —beneficial ownership **12.275-84, 29.25-8, 32.67-70, 33.469**  
 —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, 35.154**  
 —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: *see* 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 contractual relations **12.351, 29.229, 33.53**  
 —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, 33.358**  
 —loss of rent **33.358**  
 —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: *see* 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**
- by banking institutions: *see* 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, 35.153-4**
- by Iranian banks against US banks **8.362, 364, 366, 371, 9.36, 97-106, 16.293 n. 4, 17.253: see also Undertakings**
  - Federal Reserve banks **35.99-100, 111, 114-22**
- by Iranian nationals against Iran **7.123, 132, 171, 26.131**
- by non-Iranian nationals against US **35.154-5**
- 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, 35.68: see also assignment above; 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**
- filing, requirements **1.127, 128, 130, 132, 226-7, 228**
- 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**

Claims (*cont.*)

- interest-only **13.95-6**
- interstate nature **5.291, 294-8, 334, 18.385-7**: *see also* Diplomatic protection
- joinder: *see* 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**
- mortgage foreclosure **9.240-1**
- multiple causes of action **7.126**
- 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, 36.194-5**
- 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, 33.358**
- pendente lite* **5.113**
- perfected **8.261**
- proper claimant: *see* Proper claimant

- proper respondent: *see* Proper respondent
- property, interest in **16.195-6**
- reclassification **18.66-7, 19.346**
- refusal to accept **1.228-9, 7.275, 276**
  - authority for **19.177-8, 180, 183, 187, 190, 193, 195, 199**
- release from **14.317, 320**
- shareholder: *see* Corporations, shareholders
- subrogation **23.300-1**
- termination **3.375**: *see also* General Principle B
- third party, on behalf of **16.303, 20.35, 39, 81, 115, 119, 136, 137**
- third party equipment **27.98-9**
- time-barred: *see* Time limits, filing of claims
- 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**
  - General Principle B obligation to terminate proceedings and **34.133-4**
  - 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: *see* Nationality of Claim
- Claims Settlement Declaration
  - Article I **11.290, 12.69 n. 9, 18.86, 25.259, 34.139-40**
  - Article II **1.149, 245-6, 255, 264-6, 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,**



Cambridge University Press

978-0-521-86713-9 - Iran - United States Claims Tribunal Reports, Volume 36

Edited by Karen Lee

Index

[More information](#)

- 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, 132-4, 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, 368, 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, **33.53**, 76, 196-7, 211, 373, 466, **34.32**, 55, 83-6, 88-91, 142-4, **35.19**, 49, 69, 114, 128-9, 154, **36.66-7**, 198, 247-8  
—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, **34.55**, 83-4, **35.114-15**, 154, **36.187**, 194-5, 248, 249  
—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, **35.155**  
—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**, **33.76**, 155, 357, **35.152**  
Article IV **8.266** n. 39, **18.148**

Claims Settlement Declaration (*cont.*)

- 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,  
**34.57**, 59, 165
- 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**, **33.439**, **36.27**
- 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**,  
**34.55**, 59-60
- 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**,  
**33.373**, 466, **34.83**, **35.49**, 128-9
- 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 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**, **34.132-5**, **35.19**, 49, 68
- 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, **33.49**, **35.68**, 114, **36.128**, 188-9
- 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**, **35.114-15**, 155, **36.187-8**
- Article VIII **1.138**
- interpretation: *see* Jurisdiction of Tribunal, interpretation of Declarations status **21.309**
- Class action **2.300-1**, **28.228**: *see also* Nationality of claim, shareholder claims
- Co-Registrar, exceeding powers **7.275**, 276
- Commercial law **3.19**, 20, **4.101**, 268, 270, 276, **5.394**: *see also* General principles of, commercial law; International Chamber of Commerce; Iran, law of, Commercial Code; United States of America, law of, Uniform Commercial Code
- Compensation: *see* Damages; Expropriation, compensation
- Concurrent jurisdiction: *see* Forum selection clause, jurisdiction of Tribunal
- Concurring opinion: *see also* Concurring and dissenting opinion; Declaration; Dissenting opinion; Explanatory remarks; Separate opinion; Separate statement; Supplemental opinion
- Aghahosseini **30.105**, **33.365**, **36.40**
- Aldrich **2.349**, **3.348**, **5.267**, **11.268**, 345, **14.320**, **18.323**, **21.162**, **29.56**, **36.36**
- Allison **23.130**, **27.306**
- Ameli **12.364**, **26.37** n. 1, **33.365**, **34.62**
- 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**
- Duncan **36.40**
- 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, **35.112-23**, **36.36**, 261 n. 1
- Mostafavi **8.203**, **10.103**, **12.30**, **13.280** n. 1
- Noori **30.123** n. 1, **33.365**, **36.32**
- Riphagen **5.273**
- Salans **14.320**
- Sani **2.65**
- Shafeiei **2.65**
- Concurring and dissenting opinion: *see also* Concurring opinion; Declaration; Dissenting opinion; Explanatory remarks; Separate opinion; Separate statement; Supplemental opinion
- Aghahosseini **33.206** n. 2
- Allison **27.187**, **28.292**, **29.117**, **33.269**

Concurring and dissenting opinion (*cont.*)

- Ameli **10.229** n. 1, **28.255** n. 21, **30.76** n. 1, **35.45** 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**
- Broms **34.177**, **36.33**, **176**
- 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**, **33.272** n. 1
- Confidentiality of proceedings: *see* Tribunal, confidentiality of proceedings
- Confiscation: *see* 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: *see* Procedure, consolidation of cases
- Consumer law **6.99**
- Continuity of claim: *see* Claims, continuity; Nationality of claim
- Contract **8.164**, **19.15**, **38-46**, **29.321-3**: *see also* Applicable law; *Force majeure*; 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**
- ad hoc* **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**: *see also* 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**
- delays, whether **33.136-7**, **168-9**, **170-1**
- justifying
- repudiation of contract **24.74**
- suspension of work **12.294**, **22.309-10**
- nationalization as **15.243**
- notice of **22.102**
- termination for: *see* termination, for breach *below*
- timeliness of complaint **25.98**
- cancellation **14.269-70**
- collateral **23.145**
- collateral promises **6.197**
- condition precedent **7.109**, **114**
- consensus ad idem* **24.182**
- contra proferentem* rule: *see verba ambigua accipiuntur contra proferentem below*
- 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**
- disputes relating to **19.341-2**
- duty of reasonable efforts: *see* good faith, duty of *below*
- 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: *see* 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**
- force majeure*: *see* *Force majeure*
- 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**: *see also* Good faith
- guarantee **5.241**, **8.91-2**, 95-6, **13.157**, 160, 163, 166
- illegal **4.249**, 250
- implied terms **9.147-9**, 216-17
- impossibility: *see* 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**
- expressio unius exclusio alterius est* **16.27**
- 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
- verba ambigua accipiuntur contra proferentem* **9.371**, 393-4
- 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: *see* 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**
- burden of proof **23.168**, 173, 195
- exceptio non adimpleti contractus* **22.304**, 317-23
- failure to complain of defective **33.104-7**, 141
- 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: *see* applicable law *above*
- quantum meruit*: *see* *Quantum meruit*

Contract (*cont.*)

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**

*res inter alios acta* **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**,  
**33.46**

stabilization clause: *see* Stabilization clause

standard inspection clause **19.13-14**

standby arrangement: *see* suspension *below*

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**,  
**33.80**

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**: *see also*  
*Force majeure*; 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**

—waiver **33.104**

—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**

*ultra vires* **2.24**

unilateral changes **15.240**

unjust enrichment: *see* 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,  
**33.102-3**

value of rights under **4.156**

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: *see* Warranty

Contradictory assertions **7.123-6**, 135

power to withdraw export licences,  
relevance **35.154**

Controlled entity: *see also* Evidence of,  
controlled entity status

applicable law **1.421-2**, **36.191**, 192-3

- Government agency carrying out acts of State and commercial acts distinguished **1.421-2, 35.118**
- independence **21.71** n. 17, 72-3
- instrumentality and **35.119-20, 36.190-1**
- Iran **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, 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**
- Bank Markazi **35.114**
- Bank Melli **1.503-4, 33.357**
- Bank Tejerat **1.503-4**
- Council for the Protection of Industries **10.138-9**
- critical date **17.165, 22.171, 187, 29.229**
- Foundation for the Oppressed **9.88-96, 35.117-18**
- joint-stock company **5.2-23**
- Mostazafan Foundation **9.88-96, 31.114**
- NIOC **1.356, 372**
- private structure of organization, relevance **6.58-9, 22.186**
- Social Services Organization **14.129**
- Star Line **1.412-13**
- 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 **1.421-2, 12.352, 364, 366, 15.237-9, 17.178-9, 21.67-73, 25.144, 27.96** n. 11, **36.193**
- 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**
- Federal Reserve banks **35.99-100, 114-22, 36.188-95**
- fiduciary responsibilities **10.84**
- Westinghouse **35.154**
- Cooperatives **5.238, 239, 244** n. 1
- Corporate veil **7.205, 12.360-1, 365, 21.72**
- Corporations: *see also* Agency; Applicable law, corporations; Cooperatives; Evidence of, corporation; Nationality, corporations; Nationality of claim, continuity of ownership; Nationality of claim, corporations; Shareholders; Shares
- 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: see also** 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**
- 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**
- succession **1.359-63, 373-6, 382, 387, 389, 13.334**
- wholly-owned subsidiary **7.206**
- Costs **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, 10.175, 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,**

Costs (*cont.*)

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** **34.38**: *see also*

Damages (valuation/measure including method and items for possible inclusion), expenses

in 'A' Cases **27.257-63**, **35.121-2**

apportionment **8.333**, **10.103**

at discretion of Tribunal **2.245**

auditors' fees **9.133**, **14.50**

in 'B' Cases **27.257-63**

claimant to pay **2.244**

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 **4.81**, **9.60**, 133, 242, **10.33-4**, 102

experts' **2.75**, 76-7, **11.136**, 137, 267, **16.236**, 255, **30.234-5**

frivolous claim **2.245**

legal fees **1.447-8**, 451, **2.390**, 400, **3.53**, 58, **8.13**, 177, 309, 323, 331-6, **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, **33.268**

municipal court proceedings **1.171**, **8.334-5**

non-legal fees **8.330-1**, 334, **9.150**, **20.128**

in official claims **12.30**, **27.257-63**, **35.121-2**

out-of-pocket expenses **17.19**

parties to pay own **1.414**, 508, **2.40**, 169, 177, 239, 240, 254, 342, **3.17**, 66, 107, 108, 117, 236, 267, 268, 275, 291, 332-3, **7.7**, 16, 24, 25, **8.384**, **10.33**, 134, **12.39**, **30.43**, 44-5, 101, **31.33**, 43, 123, 206, **32.40**, 72, 91, 114, 182, 203, **33.55**, 193, **34.100**, **35.84**, 112, **36.242**, 243

practice of international tribunals **2.245**

principle underlying **16.254-5**, 281

reasonableness test **1.451**, **2.244**, 245, **3.33**, **8.332-3**, 335-6, **9.150-1**, 202, 338, 377, **10.80-1**, **12.36**, 137, **28.368-9**

—failure to provide information and **2.113**

respondent to pay **1.447-8**, **2.12-13**, 385, 400, **3.33**, 72, 253, **10.55**, **33.342-3**, 400

result of delays in proceedings **4.81**, **8.39**

translation **8.331**, **18.197**

travel and other expenses of witnesses **8.331**, **14.50**

unsuccessful party to pay **3.206**, **8.329-30**, 331, 403, **10.35-6**, **32.159-60**

withdrawal of claim **2.260**

Counterclaims **1.384**, 385, 390, 485, **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 counterclaim contract **33.154-5**, 170-1, 195-200



- 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, **33.76-7**
- bank claims, application to **1.507-8**, **16.294**, **29.187-8**, 191-2, 204, 212
- series of contracts **25.71**, **33.183-4**, 190-2
- based on
- invalid claim **12.36**
- tort **6.46**
- violation of Iranian law **6.84**
- characterization of **6.46**
- conditional **8.226**
- contractual waiver **13.221-3**, 240-4
- damage, need for **25.93**
- as defence **4.246**, **5.173**, 233, 400
- 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: *see also* for bank guarantees *above*
- 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**, **33.89**, 130-1
- 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, **33.138-40**
- 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**, **33.136-8**
- damage, need for **25.93**
- defective supervision **12.224**
- failure to complain **28.338-87**, **33.141**
- 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, **33.171-2**
- expenses **11.192-3**, **17.287**, **18.220-1**, **20.79-81**, 82, **33.181-2**
- 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 **23.62-3**
- judgment award **22.82**

- legal expenses **1.171, 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**
  - reduction of fee **25.76-8**
  - reimbursement of
    - downpayment **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**
    - payments **33.131**
    - property **14.126, 26.176-7**
    - unliquidated downpayment **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: *see* Social Security payments, counterclaim for
    - specific performance **7.159, 9.26, 16.231-2**
    - standby letter of credit **17.253, 24.275**
    - taxes: *see* 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**
  - interest **17.82-3**
  - invalid claim as basis for **12.36**
  - judicial economy and **36.288-90**
  - 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, 13.72-4, 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**

- preliminary question, whether **36.287-301**
  - previous settlement **24.114, 196-7, 199-200**
  - withdrawal of main claim, effect **1.232-3, 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**
    - compensation légale* **21.74 n. 25**
  - outstanding **3.115, 10.102, 20.118, 27.104, 143-4, 28.46-7**
  - in parallel case **36.23-4, 41**
  - 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: *see* Time limits, counterclaims in US courts as breach of General Principle B **34.140-1, 167**
  - validity **7.202, 9.58-9**
  - withdrawal **34.102**
    - implied **30.6**
- Course of dealing **5.45, 46**
- Criminal action, alternative forum **4.60**
- Currency **10.91-4, 11.40-2, 50-1, 164, 184 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: *see* 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 **10.184-5, 21.121**
- export control **28.144**
- expropriation **21.120-2, 198, 330-1, 30.197-8, 200, 238-44, 31.4-6, 33.270-1, 332-3**
- expulsion of aliens **16.88-9, 17.107, 142-4, 18.161**
- interest on damages **17.22 n. 4**
- opinio juris* **2.197, 5.300, 8.387, 10.185, 200, 14.236, 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 **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: see also Expropriation, compensation**
- admitted liability **28.44-5**
- advertising **14.204**
- for breach of Algiers Declarations **25.260-2**
- excluded elements **34.138**
  - General Principle B **34.137-8, 146-7, 158-9, 162, 166-7, 168**
- for breach of contract **3.288-90, 293-4, 6.290-5, 7.24, 8.314-24, 12.134-5, 15.73, 17.127-9, 31.199-200**
- breach of contract, effect on right to **6.290**

Damages (*cont.*)

- cargo damage settlements **19.128-9**
- causal link, need for **27.15-17, 25**
- computation **2.107-11**: *see also* Damages (valuation/measure including method and items for possible inclusion)
  - error in **19.173-4**
  - need for precise criteria **12.20-4, 28.213**
- conditional on return of goods **12.135**
- contractual obligations **16.54**
  - foreseeable circumstances **16.54-5**
- conversion of currency: *see* Currency, conversion
- cost adjustments **20.157-9**
- for *culpa in contrahendo* **5.248**
- on damages **12.24**
- double recovery, avoidance **11.88-9, 138-41, 313-14, 28.172, 214**
- evidence of: *see* Evidence of, damages
- exchange losses **10.174, 11.33, 201-2, 339, 12.16, 29-30, 20.22-5**
- exchange rate: *see* Currency, conversion
- exemplary **10.205, 11.44**
- for failure to compensate for expropriation **5.227**
- for failure to return leased property **10.254, 258, 19.132-5**
- foreseeable consequences: *see* Causation
- legal basis **18.332-5**
- legitimate expectations **16.54-9, 73, 17.76**
- liquidated **5.103 n. 1, 15.131, 23.55-8, 85-6**
- mental anguish, grief and suffering **2.78-9, 87**
- method of payment **19.296, 301-2**
- nominal **9.42**
- principle underlying **16.254-5, 281**
- provisional acceptance **28.36-8**
- punitive **2.78, 87, 10.205, 15.248**
- quantum meruit*: *see* *Quantum meruit*
- quasi-contract: *see* Quasi-contract
- recalculation of **3.57, 114, 250, 257, 262, 264, 265, 290**
- restitution: *see* Restitution
- Settlement Agreement **10.282-3**
- unjust enrichment: *see* Unjust enrichment
- waiver **8.60-1, 12.167, 317, 13.185**
- withdrawal of claim **16.296**
- withheld dividends **10.252, 257**
- for wrongful expulsion **9.43-4**

## Damages (valuation/measure including

- method and items for possible inclusion)
  - 2.353-4, 3.56-8, 106, 154, 233, 4.116-20, 269, 271, 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, 10.132-3, 192-5, 268, 11.89-108, 157-63, 174-8, 198-9, 319-41, 12.11-16, 104-6, 13.18, 14.78, 126, 203-10, 234-7, 238-42, 15.13-14, 34-56, 102-55, 159-82, 246-52, 300, 16.54-8, 69, 194-235, 238-44, 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, 33.246-9**:  
*see also* Damages, computation
- actual benefit **6.213, 215**
- actual damage **22.79-80**
- actual payment **35.74-5, 82-3**
- actual use **6.177, 213, 215, 216**
- adjusted net asset value: *see*
  - dissolution/liquidation value *below*
- advance payments **2.107**
- approximation **30.94, 34.97-100, 36.22-3, 207-8, 213-14, 218-20, 227, 228, 229-30**
- asset accumulation approach: *see*
  - dissolution/liquidation value *below*
- assets **15.155-9, 18.7-15, 18-20**
- authorized personal expenses **35.81-2**
- bank charges **14.208, 22.250-1, 334-5, 23.205-8**
- bank guarantees **11.99, 175-6, 12.162-5**
  - wrongful call on **11.196**
- bonds **19.151-2**
- book value **16.243, 19.105, 21.57, 33.229, 36.213, 228**: *see also*
  - dissolution/liquidation value *below*
  - adjustment **30.220-5, 33.229-32, 338**
  - current net book value **4.108-9, 21.57**
  - historical book value **15.115**
- capital advances **16.19, 55, 72, 19.127**
- capital contribution **14.166-7**
- capitalization factor **19.103**
- carrying costs **7.111-12, 114**

- Chorzów Factory* **2.354, 15.246-7, 260, 299-304, 21.122, 198-9, 30.238, 251**  
 claimed amount, limitation to **3.251, 12.106**  
 collection expenses **3.249, 253, 5.400**  
 consequential **4.240, 277, 5.400, 6.204-6, 7.75, 24.288**  
 construction costs **33.259-60**  
 consultancy fees **16.312 n. 23, 19.71, 25.51-2**  
 contract labour **15.151-2**  
 contract provision **2.106-7, 110-11, 116-19, 399, 3.56, 164, 232-4, 289, 293, 294, 4.234-6, 251, 260, 270, 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, 33.87**  
 contract terminated by agreement **2.106-11, 117-18**  
 contractually determined **24.197**  
 costs of arbitration: *see* 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 of delay in proceedings **1.446-7, 4.81, 8.39**  
 costs incurred as consequence of illegal act **3.289, 293-4, 11.231-8, 250-5, 15.78-81, 129-30, 145-50, 19.134-5, 152-3, 22.20-1, 23.203, 28.108-9, 29.29, 235, 430**  
 customary international law **21.120-2, 330-1**  
 customs dues **5.96, 20.91-2**  
 damage to financial health **11.18**  
 damaged effects **10.171-2**  
*damnum emergens* **2.387 n. 1, 10.188-9, 15.248, 268, 21.330, 30.201**  
 date for **15.244, 16.201, 244, 19.297, 298, 299-301, 304-6, 27.16, 29.49, 33.240-1**  
 debt collection costs **5.400**  
 debt/liabilities **9.246-7, 12.23-4, 15.159-82, 16.226-31, 18.16-18, 19.136-50, 21.53, 61, 27.18-20, 27-8, 31, 33, 29.284-93, 36.221**  
 —assigned debts **21.52**  
 —equitable subrogation **19.137, 143, 145, 147, 149-50, 151**  
 —interest on **2.111, 16.229, 19.140**  
 —tax liability: *see* Taxes  
 —trade debts **27.18**  
 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: see also discounts below**  
 —corrected invoice **15.130, 131**  
 —debt/liabilities: *see* debt/liabilities above  
 —depreciation **17.109, 28.3, 12-17, 107-8, 36.228**  
 —diminished prospects **33.253**  
 —downpayment **13.188, 15.107-8, 132-3, 149**  
 —excess man-hours **20.64, 139-41**  
 —improper deductions **15.83, 132**  
 —materials **20.63**  
 —overpayment **15.63-4, 129**  
 —payments made **15.140, 144, 155**  
 —profits from resale **4.270, 19.145, 154, 158**  
 —social security payments **13.340, 342, 20.74, 87, 22.42-3, 50, 60, 23.39-42, 89 n. 13, 90**  
 —taxes: *see* Taxes  
 —unauthorized work **11.104-5**  
 —uncompleted work **11.229-30, 33.142-57**  
 —undelivered equipment **11.192**  
 —unliquidated advance payment **9.164**  
 —unsatisfactory/incomplete performance **3.264-6, 7.68-9, 71, 10.69-70, 18.335-8**  
 —waived charges **17.224-5**  
 —work performed **9.336-8, 10.70**  
 defective performance **3.51-3, 54**  
 delivered goods **11.202-4, 12.136, 19.219-20**  
 destroyed leased equipment **12.316**  
 Discounted Cash Flow (DCF) **4.157, 176-7, 241-4, 176-7, 15.256-65, 308, 16.126, 201-20, 21.123-4, 162-4, 199-200, 222-5, 328-30, 345-7, 36.235-42**  
 —lost profits and **21.123, 199, 222-38, 246-61, 271-5, 346 n. 36, 356-8, 28.17 n. 31, 30.258-62**

Damages Damages (valuation) (*cont.*)

- discounts **30.231-3**, **31.15-21**, **33.395**, 400, 456-7, **36.220-1**, 228-9: *see also* deduction for *above*
- dispatched goods **18.316**
- dissolution/liquidation value **6.226**, **21.57**, **29.271-2**, **34.97**, **36.212-13**, 215, 217-18, 223-5: *see also* book value *above*
- effect of change in political, economic and social circumstances **2.383**, **4.156**, **7.173**, **29.53**, 277-8, **30.89**, 100-1, 206-7, **31.11-15**, **33.334**, **36.222**, 232-4
- effect of expropriating act on value, relevance **4.173-4**, **15.46**, **29.46**, 53, 273, **30.213-14**, **33.333-4**, **34.97**, **36.207**
- equitable determination **27.21**
- escalation payments **10.72-7**, **22.15-20**, 91-2
- evidence, insufficiency/inconsistency **22.78** n. 30, **36.211-12**, 214-15, 219-20, 225-7
- evidence of **2.384**, 388-90, **3.56**, 57, 164, 231, 233, 234, 250, **4.269**, 271, **6.205**, 213, 214, **14.206-7**, **33.130-1**, **36.215-16**, 218-19, 222-3
- expenses **9.35**, 198-9, 298, **14.123-4**, 204, 206-7, **19.124-5**, **27.183**: *see also* legal expenses *below*
  - additional **18.192-3**, 214-15, **20.60-1**, 65, 67-9, 112-14
  - notification, need for **18.192-3**, 215
  - maintenance and repair **19.136**
  - rental payments **19.135-6**
  - voyage **19.123-4**
- expert evidence: *see* Experts, evidence of expropriated bank account **12.213-15**
- facilities expenditures **11.334**
- fair market value **4.106**, **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**, **34.36-7**, **36.79**, 80-1
- fair and reasonable/equitable **9.150-1**, 162, 202, 338, 377, **10.81**, **12.36**, 137, **20.114**, **22.34**, 80, **28.368-9**, **32.157**, **33.87-8**, 104, 399-400, **36.213-14**, 229-30

- force majeure* and breach of contract distinguished **12.120-5**, 187, 193, 194, **15.13**, **33.169**, 175, 201
- going concern **2.354-5**, **4.106-8**, 118-20, **8.380-3**, **10.132-3**, **12.21-2**, **15.270-1**, **19.88**, 100-5, **29.271-3**, **30.91-4**, 258, **33.334**, 338-42, **36.212**, 215-16
  - evaluation as **4.105-8**, **33.232-42**
  - relevance **33.231-2**, 333, **34.96-7**
- goodwill **4.109**, **12.23**, **19.105**, **30.225-6**, 262-3, **36.215**
- 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**
- hypothetical settlement **16.54**
- improper charges **17.110-11**
- inaccurate data **18.20-1**
- inflation **4.270-1**, **8.168**, **29.53**, 277-8
- injunction bond **22.252**, **23.204-5**, **24.38-9**
- insured value **15.39**, 105, 110-11, **18.7**, 9-10, 11, 22-3
- interim fee **13.183**
- international arbitral tribunals **15.258**
- inventory costs **14.123**, **26.168-9**
- invoice claim **9.19-20**, 197-8, **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: *see also* Claims, basis, invoice
  - corrections **15.62**
- just **15.252**, 292, **16.195**, 239, **21.119**, 122
- key money, relevance **36.82-3**
- late payments **12.165-8**
- lawful expropriation **15.252**
- lawfulness of taking, relevance **1.375**, **15.246**, 248-52, **16.69**, 240, **21.70-2**, 121-2, 198-9, 330-1, **29.270**, **30.202**
- lease payments due **1.414**, 415, **2.259**
- legal expenses **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
  - enforcement proceedings **34.61-2**, 65

- letter of credit underfunding **9.20-1**
- linked companies **33.338**
- 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 **9.128, 16.101-2, 17.109-10**
- lost fees **8.170, 33.260-1**
- lost opportunities **18.193-4, 216, 35.111-12**
- lost profits **2.383-4, 387-90, 399, 3.233, 234, 4.77, 107-8, 109, 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, 33.104**  
 —costs and overheads distinguished **22.96-7**  
 —*damnum emergens* and **28.9 n. 17, 17, 84-5**  
 —evidence of **31.200-4**  
 —frustrated contract **33.104, 126**  
 —“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**
- lucrum cessans* **2.387 n. 1, 15.249-51, 258-9, 270, 305, 21.330**
- materials **9.199, 20.27**
- mitigation **3.52, 56, 289, 293, 294, 7.108, 110, 111, 9.128, 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: see also deduction for above**  
 —evidence of **3.56, 294**  
 —international law **22.244**  
 —Iranian law **22.243-4, 324-31**  
 —US law **22.244**
- moral damages **4.277**
- Norwegian Shipowners' Claims* **30.238**
- offset: *see* deduction for *above*
- out of pocket loss **12.16**
- overhead costs **5.399-400, 10.72, 77, 11.99, 12.211-13, 14.124, 205-6, 219-20, 25.42, 118-19, 33.108-9**
- payment for equipment **19.205**
- payments due **20.13-14, 19, 27-9**
- payments made post-expropriation relating to pre-expropriation obligations **35.75, 82, 83**
- performance costs **6.281-2, 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**
- price adjustment receivables (PARs) **30.207-17, 220, 263-4**
- private attorney **8.13, 309, 323**
- progress payment **20.13-14, 23.31-3**
- 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 **19.213-15**
- repayment of loan **13.21-7, 30-3**
- repudiation of contract **18.369**
- restitutio in integrum* **2.386-7, 6.157, 170, 8.385, 395-8, 10.201, 204 n. 39, 15.247, 255, 262, 265, 266**
- return of goods **17.286-7, 19.286-93**
- salaries and allowances **10.256, 343-5, 11.96-8, 157-60, 166, 12.16, 190-1, 13.218-19, 14.77, 18.310-11, 24.220-1, 259-64, 25.40-2**  
 —definition **25.79**
- sales commission **28.89-90**
- seconded staff costs **14.163-5**
- security costs **2.109-10**
- seizure of money **17.110**

Damages Damages (valuation) (*cont.*)

- service companies **12.21-3**
- 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,  
**33.129**
- set-off: *see* deduction for *above*
- settling of accounts **6.294**
- severance pay **24.221**
- share prices as measure of value **30.92-4**,  
**36.212**, 231-4
- shares **30.92-4**, **33.254-9**, **36.212**, 231-4
- shipping costs **17.109**
- speculative losses **35.111-12**
- standby fee **22.33-4**, 92-4, 98
- State practice **15.266**
- stock dividend **10.265** n. 12
- storage costs **4.277**, **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
- technical service fee **13.219**  
—accrued holiday pay **9.198-9**
- termination costs **9.198-9**, **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**  
—*force majeure* 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**
- trademark fees **10.255-6**
- translation **18.197**
- travel expenses **5.109-10**, **11.98-9**, **14.50**,  
**18.161**, **19.71**, **25.46-7**, 117
- trees **33.263**
- unbilled items **13.139-40**
- uncollectable items **34.99**
- unjust enrichment **15.268-9**, 308,  
**21.70-1**, 73
- unjustified attachment **4.277**
- unpaid rental payments **12.320**
- unpaid royalties **2.340**, 342
- unreleased deposit **11.196**
- unsold items **26.167-8**
- Upton* case **30.238-9**
- value of goods **10.254**, 258
- “warehouseman’s lien” **8.278-80**
- work performed **3.106-7**, 232-3, **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**, **24.15**, **28.42**,  
89, **33.109-10**  
—as measure when damages  
inappropriate **12.134**
- work permits **11.99**
- work-in-progress inventory **19.209**, 215,  
221
- wrongful death **2.82-6**
- 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: *see* 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  
—critical date **9.40**, **21.44-5**  
—demand for, relevance **35.70-1**
- waiver of **5.373**



- Decision: *see* Award
- Declaration: *see also* Concurring opinion; Concurring and dissenting opinion; Dissenting opinion; Explanatory remarks; Separate opinion; Separate statement; Supplemental opinion
- Ameli **13.40**
- Bahrami **13.192, 14.8**
- Declarations of Algiers: *see* Algiers
- Declarations; Claims Settlement
- Declaration; General Declaration
- Declaratory relief: *see* Claims, declaratory relief
- Demurrage, responsibility for **26.24-30, 33-6**
- Denial of justice **1.396-402, 3.297**
- 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**
- Algiers Declarations, espousal of claims whether **34.138**
- 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**
- Disclosure of documents, request for **12.345, 367, 13.17, 18.68-9**
- Discontinuance: *see* Claims, withdrawal
- Discount, as evidence of overcharging **7.197**
- Discounted Cash Flow method: *see* Damages (valuation/measure including method and items for possible inclusion), Discounted Cash Flow (DCF)
- Discovery obligation **4.28, 58, 94, 95, 36.157**
- Dispute settlement provisions: *see* Contract, dispute settlement provisions
- Dissenting opinion: *see also* Concurring opinion; Concurring and dissenting opinion; Declaration; Explanatory remarks; Separate opinion; Separate statement; Supplemental opinion
- admissibility **16.333**
- Aghasosceini **27.297, 29.349, 30.19 n. 1, 31.206, 32.207 n. 1, 33.3, 401, 36.84 n. 4, 183**
- 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, 36.287**
- 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, 93, 229, 5.181, 242, 374, 7.48, 8.134, 10.103, 30.45, 35.86 n. 2**
- 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, 36.43**
- 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**
- excess funds, disposition **36.17 n. 20**
- Dollar Account No. 2 **5.67-9, 8.197-206, 12.51, 54-63, 13.95, 16.293 n. 4, 30.16-17, 35.114**
- Domestic International Sales Corporation, character of **7.186, 187, 200, 205**
- Domicile **22.143, 147**

- Dominant and effective nationality: *see* Dual nationality, dominant and effective nationality
- Drafts: *see* Negotiable instruments
- 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, **33.3-15**, 301-2, 307, 331-2, 386-95, 418-59, **34.24-5**, **35.13-14**, 35-43 **36.59-66**: *see also* fraudulent use *below*
- estoppel and **36.62**
- as instrument of equity **34.25**, **35.42-3**
- Saghi* **34.22**, 25, **35.36**, 39, 42-3
- abuse: *see* fraudulent use *below*
- citizenship **5.267**, 269, 270, 283, 285
- critical date/relevant period **34.10**, 82-3
- dominant and effective nationality **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, **34.11-16**, **35.13-15**
- evidence of: *see* Evidence of, dominant and effective nationality
- equality of States and **26.7** n. 1, **29.14**, 65, 383 n. 1
- fraudulent use **2.166**, 167, 225, **5.272**, **22.136**, **30.88**, 98-100, 194-6, **31.10-11**, 119, **36.60-1**: *see also* A18 caveat *above*
- Hague Convention on the Conflict of Nationality Laws (1930) **31.48-9**
- ICSID Convention (1965) **31.48**
- link theory **5.263**
- Mergé* **25.163**, 200, 206
- pension rights **30.66-8**
- Reparations Case* **31.48**
- rights under Treaty of Amity **30.256**
- Treaty of Amity, applicability **31.120**, **36.206-7**
- 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**
- emigration, intentions relating to **36.47-8**, 50-2
- Enforcement of Iranian decrees and judgments in US courts **36.108-9**, 147-9, 155-9, 160-1, 177, 182: *see also* Recognition and enforcement of Award; Settlement, enforcement; Time limits discovery obligation **36.157**
- England, law of: *see* United Kingdom, law of
- Equality of parties **9.172**, **17.49**, **18.187**, 283, 325, **20.6**, **21.16**, **28.6**, **29.377-8**, **30.121-2**, **33.287**
- Equality of States **5.15-17**, 263, 266, 304, 311, 312, 327, 331
- dual nationality and **26.7** n. 1, **29.14**, 65, 383 n. 1, **36.45** n. 4
- 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
- A18 caveat and **34.25**, **35.42-3**
- Escrow Agreement (1981) **1.189-214**, **8.209**
- Escrow Agent's functions **33.346** n. 2
- 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**, **33.319-20**, 323, 423-6, 433, 440, 450-1
- A18 caveat and **36.62**  
*allegans contraria non audiendus est*  
 1.318 n. 17  
 failure to challenge accounts **35.80-1**  
 European Community **13.91-2**  
 European Court of Human Rights **8.419**, 449, **10.251**, 267, **29.389**
- Evidence **10.87-9**, 348-50: *see also* Evidence of; Procedure
- absence of challenge **8.261-2**, **9.20**, 21, 126, 198, 218, **12.168**, **16.278**, **28.39**
- acceptability as **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**
- agreed-upon procedures report **35.71**
- legal opinions **35.66-7**
- minutes **20.34**, 72, 125, 136-7, **35.24**, 28-9
- newspaper articles **19.328**, 337-9, **32.34**, 143-4
- newspaper cutting **1.420-1**
- participation in elections **22.148-50**
- passport **18.237**, 260-2, 273 n. 46, **22.143**, **23.135**
- photocopy **28.4**
- share verification report **35.26**
- shareholder agreements **29.29-30**
- 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
- undelivered letter **35.30-1**
- unsigned draft **19.208**
- adequacy **12.132-3**, **17.192-8**, 202-3, 220-1, 233-4, 242-3
- admissibility of documents (Cases A15(IV) and A24) **34.111-13**
- affidavits **1.202**, 423, 462, 463, 503, **3.247**, **5.245**, **9.21**, **17.52**, **28.74-7**, **29.30-3**, **36.67-71**
- applicable law **11.279-80**
- assessment: *see* evaluation *below*
- authentication, need for **1.369** n. 8
- 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, **35.55-60**, **36.71-8**  
 —tax returns **35.61-2**
- availability to other parties **3.350**
- burden of proof: *see* Burden of proof
- Census of Claims filed by US citizens prior to Algiers Declarations **35.26-7**, 60-1
- 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**, **33.89**
- conflicting **6.280**, **28.76**, **35.80**
- contra proferentem* **1.214**, **2.211**, **5.281**, 286, 288, 330, **9.225**, 371, 393-4, **10.329**, 331
- 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: *see* 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,

Evidence (*cont.*)

- 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, **33.478**
- 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 **1.215**, **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: *see* 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**
- post-hearing submission: *see* 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 **1.336-41**, **15.271**
  - return of **4.60**
  - standard of proof **10.34**, **14.203**, **17.108**, 191, 257, **20.132**, **23.188**, **29.117**, 124, **31.162**, 246-56, 283-4, **33.317**, **35.67-8**
  - 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**
  - uncontroverted **10.255**, **12.295**
  - 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: *see* Witnesses
- 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**, **35.74-5**
  - approval of plans **9.335**
  - attributability **17.101-5**, 144-8, 287, **23.337**, **24.152**, 255, **33.359-61**, 456
  - authenticity of document **29.93-116**, **31.165-94**, 206-32, **33.317-20**
  - authority **15.63**, 66-9
  - bribery **12.270-2**, 314-15
  - capital transfer **3.15**, 16
  - claims
    - assignment **35.18-19**
    - 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, 33.168-9**
- 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, 22.115, 26.106**
- ratification **2.145-6, 3.163, 164**
- rescission **14.72-3**
- State responsibility for **21.154**
- terms **18.311**
- contractual practice **13.305-6**
- contractual relationship **13.121-2, 35.69-75, 100-4**
- 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, 33.49, 35.115-21, 36.188, 189-92: see also nationality of corporation below**
  - appointment and dismissal of managers **2.17-23**
- corporation **26.31, 27.213-15**
- costs **4.81, 9.60, 133, 242, 10.34-5, 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, 33.130-1, 36.215-16, 218-19, 222-3, 227-8**
- debt **18.276-7, 21.49, 35.71**
- delay **20.64, 146**
- delivery of goods **17.322, 18.228-30, 363, 367, 33.115-19**
- 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, 2.175-7, 4.105, 154, 167-9, 222, 6.164-6, 238, 240, 7.123, 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, 33.50-3, 330-1, 377-83, 402-18, 34.33-4, 86-7, 35.34-5**
  - absence of formal evidence, relevance **34.33, 36.67-71**
- expulsion **17.105-7, 144-52, 257-8**
- force majeure* **15.6-11, 17.286, 33.77-80**
- inheritance **33.477-9**
- intention to emigrate. **36.47-8, 50-2**
- interference with property rights **32.33-5**
- Iran's exclusive jurisdiction **5.116**
- legislative intention **33.23-7**
- 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, 33.76**
  - certificate of naturalization **34.11**
  - continuing nationality **34.10-11**

Evidence of (*cont.*)

- 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, **33.45-6**, 212-13, 216-20,  
269-70, 304-7, 371, 464-5, **34.45-7**,  
83, **35.13-15**, **36.44-59**
- imprisonment as obstacle to  
leaving country, relevance **31.31**,  
34-5
- minor claimant **29.12-13**, 16-19,  
**35.13-15**
- période suspect* **22.136** n. 4
- 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, **33.374**, **34.23-4**, 92-3
- beneficial **29.28-41**, **32.67-70**,  
199-202, **33.470-4**, **34.23-4**, 92-3,  
**35.21-31**
- shares: *see* Shares, ownership,  
evidence of
- patent **1.155**
- 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**, **33.113-14**
- payment due **20.13**, 18, 20-1, **22.92**
- performance **25.36-8**, **33.112-14**, 119-21,  
170
- 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**
- right to charge electricity connection fees  
**33.252-4**
- 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**, **33.104-7**, 114-15, 119, 126-9

- settlement **3.358**, 359, **24.133-43**,  
175-82
- shareholder status **30.161-2**, 184, 185-6,  
223-6, **33.321-4**
- shares: *see* Shares
- 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**
- submission of invoices **16.279-80**
- 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/measure **20.89**, **30.91-4**,  
**31.120-2**, **32.155-7**, **33.32-40**, 177-81,  
398-400, **36.208**
- 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: *see* Foreign exchange  
controls; International Monetary Fund
- Exchange rates: *see* Currency, conversion,  
exchange rate changes
- Exclusive jurisdiction: *see* Counterclaims,  
jurisdiction of Tribunal; Forum selection  
clause, jurisdiction of Tribunal
- Exequatur **6.133**, 135, 138, 139, **18.118**,  
122, 127, 137, 139, 140, 141, 142, 143,  
149 n. 66
- Exhaustion of local remedies **2.10**, 165, 320,  
**3.151**, **4.102**, 115 n. 2, **7.10**, **15.196-7**,  
**30.62-3**, 97-8, **36.150**
- enforcement of Award and **34.61-2**
- 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**
- Tribunal's right to appoint **2.122 n. 1**
- costs: *see* Costs, experts'
- evidence of **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**
- evaluation **34.97-100**
- evidence outside competence **35.60**
- going concern **33.229-32**, **36.212**
- impartiality **19.244**
- inconclusiveness **34.97-100**
- 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**
- valuation/measure of damages **16.122-92**, **30.206-17**, **218-35**, **257-8**, **32.155-7**, **33.32-40**, **34.36-7**, **94**, **36.79-83**, **208**
- forensic **35.55-8**
- 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**
- philatelic **35.58-60**
- qualifications **32.156**, **33.398**
- terms of reference **4.95**, **159**, **173**, **175-8**, **6.30-2**, **7.172-7**
- amendment **6.31**
- timetable/timeliness **10.110-20**
- Tribunal's responsibility **10.117**
- Explanatory remarks: *see also* Concurring opinion; Concurring and dissenting 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 **10.302-4**, **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**: *see also* Damages; Evidence of, expropriation; Property rights, measures affecting
- appointment of temporary managers **2.21**, **350-2**, **4.164-5**, **6.224-6**, **240-2**, **7.153-71**, **173**, **9.276-9**, **10.129-31**, **14.297-300**, **30.38-9**, **58-9**, **191-2**, **32.51-5**, **33.327-8**, **34.88-91**
- appropriation of property distinguished **23.25**
- bankrupt company **21.56-60**
- breach of contract distinguished **1.504**, **10.170**: *see also* lawfulness, breach of contract *below*
- by decision of court **12.318**
- of charitable organization **6.250-1**
- coercion and duress **4.171**
- compensation: *see* Expropriation, compensation
- conformity with domestic law, relevance **7.15**, **225**, **32.51**
- constructive **12.261-4**, **287 n. 49**, **17.152 n. 22**
- of contract rights **4.156-7**, **163**, **6.189-203**, **206-12**, **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/*de facto* **4.164-73**, **10.128-31**, **206**, **28.296 n. 2**, **29.44-5**, **30.160**, **31.107**, **33.20-2**, **324-31**, **34.172**
- critical date **32.137-8**, **154-5**, **160-1**, **34.32**
- date of taking **4.156**, **159**, **162-79**, **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**, **33.19-20**, **324-31**, **34.32**, **34**
- de jure/de facto* taking distinguished **35.35**
- effective taking **4.223**, **10.131**, **147-52**, **12.11**

Expropriation (*cont.*)

- decision reserved **9.42-3**
- denial of access to funds **4.172, 9.276-7**
- deprivation of rights **6.178, 225, 245, 256, 15.29-56, 17.181, 22.71, 77-9, 103-4, 26.108-9, 34.32-3, 34, 36.66-7**
- discrimination, need for **6.165, 15.231-2, 28.211**
- 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: *see* Evidence of, expropriation
- exchange controls as **7.44-6, 49-52, 24.110-11**
- expulsion as **17.139-40**
- failure to protect property rights as **2.79-80, 86-7**
- force majeure* and **21.107, 31.8-9: see also Force majeure**
- forced sale **9.240, 244-6**
- formal act, relevance **9.224-7, 274-9, 10.259, 267, 34.32-3**
- government involvement, need for **9.238-9, 12.349, 15.35, 18.242-3, 30.40-1**
- indirect claim, effect on **9.265**
- intention of government, relevance **6.164-8, 225, 256-7, 21.115, 30.86, 157, 190, 32.51, 34.32-3**
- 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 **2.176-7, 4.162-4, 6.225, 10.243-52, 259-68, 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, 33.15-37, 34.32**
  - car parking **28.290, 293**
  - formal taking, relevance in case of **35.35**
  - permanent deprivation, need for **6.224-6, 28.288, 296 n. 2, 29.44, 267-70, 34.32-4, 91, 36.67**
  - physical taking **4.223**
  - taking of corporation and assets distinguished **15.112**

- taking of shares distinguished

- 30.160, 165-6**

- “unreasonable” **1.504-6**

- jurisdiction of Tribunal **4.101, 115, 5.210, 6.223**

- lawfulness **16.65, 241, 27.143: see also**

- Damages (valuation/measure including method and items for possible inclusion), lawfulness of taking, relevance

- breach of contract **15.232, 242-6**

- criteria **10.204-5**

- under domestic law **30.86**

- under international law **16.25, 29.270**

- legislation as **24.215-17, 28.267-8,**

- 32.28-9, 31-2, 135-41, 33.21-2, 29-30,**

- 34.84-6**

- Appointment of Temporary Managers Act (1979), whether **7.162-6**

- Protection and Development of Iranian Industries Act, whether **9.273-6**

- loss, need for **21.56, 60, 33.27-32**

- mortgagor's calling in of mortgage outside

- relevant period, relevance **34.34**

- nationalization as basis of jurisdiction

- 28.258**

- non-contractual **22.71**

- pension rights **30.41-3, 46-9, 59-66**

- property right, limitation to **7.132-3**

- public purpose **15.233-4, 21.122**

- repudiation of contract as **16.43-5**

- shares **30.154-62**

- specific individual, need for **28.11, 71-4**

- survival of rights and contract obligations **6.242**

- Treaty of Amity, applicability **2.353-4,**

- 4.11-16, 105-6, 111-16, 8.378-9,**

- 391-2, 404-7, 428-50, 10.131-2, 16.25,**

- 68-9, 194-5, 239, 243, 21.118-19,**

- 120-2, 125, 329-31, 30.3-6, 88, 100,**

- 196, 255-7, 31.3-6, 85, 119-20,**

- 33.332-3, 36.206-8**

- unlimited responsibility **6.265**

- valuation: *see* Damages

- (valuation/measure)

- of valueless asset **7.136-53**

- Expropriation, compensation **8.403-50,**

- 15.33, 34-56, 223-4, 244-71, 298-308,**



16.33, 34-56, 68-9, 17.98, 21.70-7: *see also* Damages  
 agreed settlements 21.121  
 applicable law 8.415-19  
 basis 19.302-4  
 BITs 30.245  
 currency 8.425-6  
 customary international law 4.117-18, 8.393-401, 10.184-9, 195-203, 267-8, 14.234, 15.223-4, 231, 21.198, 30.197-8, 200, 238-44, 31.4-6, 33.270-1, 332-3  
 —developments 8.407-17, 10.184-9, 30.237-54  
 failure to attempt to exercise rights, relevance 2.269-70, 33.29-31  
 failure to pay as taking 1.375 n. 14  
 for failure to return goods 19.293-7  
 interference less than expropriation 27.15, 32.35-6, 141-6, 157-9, 160-1, 33.27-32  
 liability for 1.21, 106-7  
 measure: *see* standard *below*  
 obligation to pay 4.105, 6.169, 9.219-20, 10.187-8  
 request for, need for 28.266-8  
 standard 2.353-5, 30.196-202  
 —adequate 15.230-1  
 —appropriate 4.105-6, 117-18, 8.386-90, 394-5, 14.234, 237, 30.197-9, 201, 236-7, 247, 31.3-4  
 —fair market value 8.378-9  
 —full equivalent 4.105, 116-18, 6.225, 265-6, 8.378-9, 393-401, 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, 33.227, 270-1, 332-4, 34.93-4  
 —Hull doctrine 8.385-90, 415, 30.239, 31.6-7  
 —negotiated (lump sum) settlements as precedent 8.399-400, 10.184-5, 196, 21.121  
 —prompt 4.116, 10.203 n. 36  
 —“prompt, adequate and effective” 8.407, 30.197-8, 246, 31.3-4  
 —UNCTAD Resolution 88(XII) 8.409  
 —UNGA Resolution 1803 8.393-4, 10.185-7, 30.197 n. 13, 240, 242-3, 249

termination of contract by agreement 2.117-18  
 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  
 confiscation of assets outside territory 36.106-7  
 Fair trial 20.218  
 FMS Trust Fund 19.296, 300, 301-32  
 FOB (free on board) 7.103  
*Force majeure* 1.452, 2.116, 310, 369, 386, 388, 389, 3.52, 106, 152-4, 231, 4.13, 161, 165-6, 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, 219-12, 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, 33.76-80: *see also* Frustration  
 act of public authority as 10.74-5, 35.110-11

*Force majeure (cont.)*

- act of State as **24.11**
- burden of proof **22.242, 23.191-3, 225, 226-7, 27.80**
- 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, 33.76-81**
  - notice, need for **28.34-5**
  - parties' control over events and **33.130-1**
  - provision for **13.211-12, 246-8, 15.212, 16.38-9, 17.65-8, 29.336, 342-3**
  - suspension **23.171, 25.36, 33.80**
  - termination **14.73, 23.25-6, 26.77, 80, 144-5, 28.31-3, 29.336, 342-5, 33.80, 112, 136, 168-9, 174-5**
- duration **16.38-9**
- Federal Reserve Banks' right to invoke **35.111**
- general principle of law **16.39**
- liability for **28.103 n. 17**
  - costs incurred before *force majeure* 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, 33.80-1, 141-2, 177, 201-3**
- 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: see also 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: *see* Settlement, form of award
- Forum non conveniens* **7.137, 8.266, 36.99-101, 102, 103, 107-8, 144-7, 150, 172, 180-2**

## 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, 311-14**
- 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**
  - to determine enforceability **34.144, 178-9**
- nullification **21.105-6**
- separability **1.292, 308, 309, 8.432, 9.170-1**
- Treaty of Amity **8.431-2**
- 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**
- freeze obligations of US (Pahlavi assets)
  - 36.138-41, 149-55, 160, 161-2, 164, 165-9, 179-80**
- 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: see also Force majeure**
  - basis of jurisdiction, effect on **33.195-6, 201-3**
  - fault of claimant, effect **17.256-8**
  - foreseeability and **2.251, 253**
  - requirements **2.250-1**
- Full Tribunal: *see* Tribunal
- Fundamental change of circumstances: *see* changed circumstances
- 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, 36.19-21**
  - effect **25.258**
  - equitable claims **8.263**
  - General Principle A: *see* General Principle A
  - General Principle B: *see* General Principle B
  - interpretation **34.128**
    - Declaration as a whole **34.130-1**
    - object and purpose **19.294, 28.149-50**
    - structure **34.130-1**
  - “Iranian properties” **28.125-41**
  - 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, 34.38, 101, 35.85, 36.7-42**
  - 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**

General Declaration (*cont.*)

- 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, 34.131, 133-4, 35.155, 36.36.197 n. 32**
- Paragraph 12 **36.110-62, 163-6**
- Paragraphs 12-13 **36.149-55, 161-2, 164-5**
- Paragraphs 12-15 **36.128, 130-3**
- Paragraph 13 **36.141-4, 151, 152, 160, 179-80**
- Paragraph 14 **36.144-9, 155-9, 160-1, 177**
- Paragraph 15 **36.133**
- Paragraph 16 **2.313, 315, 318, 320, 13.177, 14.329, 36.128, 141-4, 151, 152, 153, 155**
- 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, 34.55, 59-60, 36.19-20, 39, 128**
- peace treaties distinguished **5.284**
- Points II and III **36.133**
  - Point IV obligation distinguished **36.133**
- Point IV **8.269 n. 42, 36.130-62**
- Preamble **19.288, 36.131**
- as Treaty **5.259, 19.286-8, 28.149**
- 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**
- aid to interpretation **28.138, 34.153**
- as broad legal commitment **34.153**
- 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, 33.197, 34.108-81**

- nullification of judgments and
  - “claims” (Executive Order 12294) as “judgments” **34.158-9**
  - claims falling outside Tribunal’s jurisdiction **34.157-8, 168**
  - damages for breach **34.158-9, 168**
  - deadline for **34.157-8, 168**
- nullification of pre-14 November 1979 attachments and **34.152-4**
  - deadline for **34.156, 168**
  - standard of diligence **34.154-6, 167**
- obligation of result and **34.136, 169-72**
- termination of claims
  - “procedures provided in the Claims Settlement Declaration” **34.131-2**
  - termination of litigation/legal proceedings distinguished **34.129-30, 133, 135, 138-9**
  - through binding arbitration leading to settlement **34.130, 134**
  - waiver of claims and **34.133-4**
- termination of litigation/legal proceedings **2.62, 9.136-7, 34.108-81**
  - claims falling outside Tribunal’s jurisdiction **34.131-3, 135, 164-5**
  - Tribunal’s right to determine jurisdiction and **34.132-3, 135, 165**
  - counterclaims and **34.140-1, 167**
  - in courts outside US **34.147-9**
  - deadline for **34.138-40, 165, 178**
  - filing of suits for tolling purposes and **34.145-7, 167, 169-72**
  - identity of cause, need for **34.161-4, 168, 170, 172-7**
  - notification to courts, need for **34.162, 170, 176**
  - “such claims” **34.148**
  - suspension distinguished **34.135-7, 141-2, 166, 169, 177-8**
  - US failure
  - burden of proof **34.138, 146-7, 162, 166-7**
  - damages for **34.137-8, 146-7, 158-9, 162, 166-7, 168**
- 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**, 113-14, 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**  
—*ex malo jus non oritur* **8.444-7**  
—*nullus commodum capere de sua injuria*  
*proprio* **6.228**
- 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**
- Gifts, in Iranian law **33.321-4**
- 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, **36.60** n. 46,  
64-5: *see also* Bad faith
- Algiers Declarations, implementation  
**34.42-3**, 139, 155-6, 171, **36.131-2**,  
177-8
- Governing law: *see* Applicable law
- Government, meaning **23.136-7**
- 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**

- Hague Convention on (*cont.*)  
 Pacific Settlement of International Disputes (1907) **5.293**
- Hardship **1.127**, 128, 130, 132, 133, 175, 300, 399, **3.209**, 375
- Hearing, postponement: *see* Postponement of hearing
- Holder in due course **7.99**, 100, 102
- Hostages, relevance **14.315**
- Immovable property transactions **2.250**, 256, **7.131**, 132, **33.4-5**: *see also* 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
- Instrumentality  
 absence of definition **35.119**  
 Federal Reserve banks as **35.119-22**, **36.190-1**
- Interest **1.170-2**, **3.53**, 106-7, **4.110**, 118, 120, 224, 228, 229, 247, 270, 271, **5.48**, 110, 111, 174, 175, 219, 226, 227, 230, 367, 374, 395, 401, **6.18**, 19, 62-5, 68, 69, 173, 178, 216, 217, 229, 283, 287, **9.44**, 59, 198, **10.54**, 80, 175, 189 n. 29, 252, 255, 256, 257, 264, 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, **12.138**, 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, **34.38**: *see also* Damages, interest on money borrowed  
 accrued **10.345**  
 applicable law **11.27**  
   —relevance **12.28**, **13.269**  
 at discretion of Tribunal **2.169**, 239  
 bad faith not precondition **13.269**  
 calculation **6.217**, **7.193**, 194, **11.28-30**, **13.34**, **33.348**  
 compound **7.191**, 192, **8.320**, **13.234-5**, **16.234-5**, 251-4, **24.83-4**, **25.109**  
   —international law, under **7.191-4**, **16.253-4**  
 consistency, need for **8.320-2**, 342-4, 402, **10.80**, 304, **11.31**, **12.28**, 32, 156, **31.124-6**  
 contract-based **1.414**, 453-4, **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**, **34.60-1**  
 date of commencement **1.447**, **2.342**, 343, **3.33**, 57, **7.183**, **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**, **33.129**, 268, 342, **34.37**, **36.242**  
 date of termination **1.447**, **2.342**, 343, **17.20-2**, **33.268**  
   —customary international law **17.22** n. 4  
 on debt **2.12**, 27, **32.181-2**  
 deferred decision **7.198**  
 dependence on subsequent decisions **3.54**  
 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**
- non-contractual basis **12.28, 13.237-8, 252, 14.78, 211, 242, 28.48**
- post-judgment **34.61**
- pre-judgment **34.60-2**
- principles governing **11.29-31**
- purpose **2.342, 8.298, 402, 11.29, 42, 12.28, 229, 13.269, 30.101, 234, 31.88, 125-6, 36.242**
- compensation distinguished **1.450-1**
- in compensation for failure to honour cheque **2.169, 239**
- rate **1.414-15, 447, 450-1, 2.169, 342, 3.116-17, 206, 5.111, 169, 7.101, 104, 108, 111, 117-18, 8.61, 167-8, 171, 178, 320-2, 342-4, 384, 9.129-30, 167, 202, 241, 243, 300, 376-7, 10.80, 304, 11.27-31, 164, 206, 243, 12.16, 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, 33.193, 268, 342, 34.37, 100, 35.84, 36.242-3**
- actual borrowing rate **2.390, 7.112, 9.129-30**
- applicability of differing rates **12.30-2**
- in case of damages for failure to enforce award, reference point **34.65-6**
- contractual rate **5.399, 7.115, 191-4**
- “fair” **3.235, 236, 267, 275, 290, 291, 7.16, 24**
- in official/intergovernmental claims **12.28-9, 31, 34.62-5**
- “reasonable” **2.385, 400, 3.56, 251, 253, 7.74, 76, 8.384**
- repayment in case of error **33.346-8**
- return on investment distinguished **35.93**
- on Security Account balance **1.189-92, 197-214, 36.17 n. 20**
- Security Account, effect **8.343-4**
- simple **7.80, 35.84**
- uniform rules, desirability **16.292**
- waiver **5.399, 8.60-1, 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**
- requirements **33.363-7**
- 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 municipal court 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, 34.132-3: *see also* Stay of Tribunal proceedings**
- obligation to comply with Tribunal request **4.15**
- 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) **1.293, 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, 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**
- preliminary objections **36.199200**
- stay of proceedings **2.61**
- US Diplomatic and Consular Staff in Tehran*  
**2.84, 89 n. 1, 4.113-14**
- International law: *see* 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: *see* 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**
- AGIP* **15.251**
- AMCO* **18.217 n. 28, 30.253**
- American-British Claims Commission  
**1.132**
- Aminoil* **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**
- Aramco* **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
- Benvenuti & Bonfant v. Congo* **22.288** n. 34
- BP (Libya) v. Libya* **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**  
*Christian Rosing A/S 1984 v. Air Canada* **22.301** n. 53
- Colombia-United States Mixed Commission **7.135** n. 2
- Ecuador-United States Court of Arbitration (*The Mechanic*) **21.155** n. 46
- European Commission of Human Rights **5.298**
- European Court of Human Rights **5.298**  
*Flegenheimer* **31.51-2**, **32.86-7**, **33.433**, 450
- 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**
- Imbrie* **2.85-6**
- International Chamber of Commerce: *see* International Chamber of Commerce
- International Court of Justice: *see* 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
- Lena Goldfields* **15.299**
- LETCO* **30.253-4**
- LIAMCO* **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**
- Lusitania* cases **2.82-3**
- Medina* **31.52**
- Mergé* **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

International tribunals (*cont.*)

Mexico City Bombardment Claims

**18.271**, **24.182** n. 26mixed arbitral tribunals **2.163**, 185, 189,  
191, 194, 209, 214, **5.298**, 308, 318,  
321, **29.388-9***North Atlantic Fisheries* **21.155** n. 45*Norwegian Shipowners' Claims* **15.262** n. 15,  
299, **19.30** n. 12, **30.238***OPIC* **18.223** n. 38Permanent 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—*Pious Fund* Case **2.64** n. 2Permanent Court of International Justice:  
*see* 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***Revere Copper* **22.288** n. 34*Salem* **31.52***Sapphire International Petroleum Ltd v. NIOC*  
**15.251***Shufeldt Claim* **21.155** n. 47*Spanish Zones in Morocco* **21.155** n. 47*SPP (Middle East) Arbitration* **15.262** n. 15,  
306 n. 31*Tacna-Arica* Case **18.271** n. 40*TOPCO* **8.386**, **15.251**, 293 n. 8, 296,  
**30.198-9**, 241, 242, 244Tripartite 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**

Venezuelan Arbitral Commissions

(1903-5) **2.162**, 182, 189, 190, **3.70**,  
311 n. 1, **5.307**, **18.217** n. 28Iran: *see also* Iran, law ofbankruptcy **7.131**, 132claims against US nationals **1.101-10**,  
475, **4.75**, **8.364**, 366, 368, **14.278**controlled entity: *see* 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**: *see also* Forum selection  
clause—inherent and general **5.128**—right to resort to **5.127-9**—stay of proceedings: *see* Interim  
measures, stay of proceedings—Tribunal orders and **4.15**duties under international law **6.111**,  
**9.151-2**French nationals in **22.56**individuals' right to bring claims **9.128**,  
383Lands Valuation Committee **33.32-3**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**—*proprio motu* measures **5.371**

Majlis' position (including Resolution of 2

November 1980) **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**, **34.113-14**, **36.131**, 134-5misappropriation 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,  
380Iran, 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**
- Abolition Act (1979): *see* Unutilized Urban Lands, Law for the Abolition of Ownership of (1979) *below*
- 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, **34.88-9**
- 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**
- 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 35 **7.132**
- 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**, **33.323**
- 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 365 **33.432**
- 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**
- Article 438 **5.248**
- Article 463 **33.322 n. 41**
- 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**

Iran, law of (*cont.*)

- Article 709 **26.22**
- Article 744 **13.75**
- Article 745 **33.322**
- Article 747 **33.321**
- Article 799 **33.321, 322, 34.22**
- Article 803 **33.322**
- Article 867 **31.105**
- Article 868 **31.104-5**
- Articles 875-85 **31.116-17**
- Article 961 **31.117, 33.391-2, 444-5**
- 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, 33.306 n. 34, 34.10, 35.13**
- Articles 976-91 **9.354**
- Article 988 **5.272 n. 1, 334, 9.37, 354, 31.44, 117, 32.38, 153-5, 33.6-15, 387-8, 389-92, 427-30, 34.25, 35.37, 43, 36.65**
- Article 989 **5.334, 9.354, 28.266-7, 274, 31.44, 32.38, 153-5, 33.7-15, 16, 18, 387-8, 391, 392-5, 427-30, 452-4, 34.25, 36.65**
- Article 990 **14.7**
- Article 993 **33.306 n. 34**
- Article 998 **9.223, 224**
- Article 1001 **33.306 n. 34**
- 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 1180 **33.322**
- Article 1287 **14.245**
- Article 1288 **33.323**
- 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**
- Article 356 **1.209**
- Article 358 **1.480**
- 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 39 **35.23**
  - 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 426 **33.322** n. 41
- 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**
  - Principle 170 **33.25** n. 34
- Constitution (Supplementary) (1907) **33.394-5**
- 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) (LAPFI) **2.220**, 337, 339, 340, **6.54**, 57, 62, **7.40**, 44, **10.141** n. 8, 243, **15.238**, 243, **35.38-9**
  - Article III **10.243**, **35.38**
- Foreign Nationals Immovable Properties Act (1931) **4.160**, **6.183** n. 1, **32.39**, **33.390**
- Foreign Nationals Ownership of Real Property Decree (1931) **32.82**
- Foreign Nationals Ownership of Real Property Decree (1948) **32.39**
- Foreign Nationals Ownership of Real Property Decree (1949) **4.160**, **6.183** n. 1
- Foreign Nationals Ownership of Real Property Decree (1963) **32.39**, **33.390-1**, **36.82**
- Foreign Technical Experts Employment Law (1970) **3.287**
- General Public Code **7.161**

- Iran, law of (*cont.*)
- 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**, **33.3-15**, **387-95**, **426-35**, **36.63-6**: *see also relevant legislation*
  - Income Tax Act **30.87**
  - inheritance **31.105**, **115-19**, **33.478-9**
  - Insurance Law **23.67**, **120**, **122**
  - interpretation
    - burden of proof **32.151-2**
    - principles governing **33.429-50**
  - 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): *see* Appointment of Temporary Managers, Act for (1979) *above*
  - Law 6738 (1979): *see* Appointment of Temporary Managers, Act for (1979) *above*
  - Law authorizing Claims Settlement Declaration **6.236**
  - Lessor and Lessee Act **36.83** n. 116
  - 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**, **7.44**
    - 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**, **35.13**: *see also* Civil Code, Article 988 *above*
  - Nationality Law (1896) **33.388-90**
  - Nationality Law (1906) **32.38-9**
  - Nationality Law (1929) **33.389-90**
  - Nationalization of Banks Law (1979) **4.151**, **8.378**, **10.241**, **19.53**, **28.250-60**, **264**, **30.97-8**
  - Nationalization of Insurance Corporations Law (1979) **4.117**, **120**, **8.378**, **417**, **9.265** n. 17, **10.241**
  - Nationalization of the Iranian Oil Industry Act (1951) **3.309**, **15.228**, **233**
  - Nationalization of Nation's Forests Law (1963) **32.150-1**
  - Notary Public Offices (1937), Implementing Regulations **33.427-30**, **442-3**
  - Notary-Public Offices (1937) **33.427**
  - 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) **4.167-9**
  - 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,**  
**33.326-7**  
—Amendments (1979) **33.52**  
—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 Act (1967) **32.150**
- Protection of Industries and Prevention of  
the Closure of the Country's Factories  
Act (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 Act (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**
- Public Ownership of Productive Units,  
Law for Expansion of (1975) **35.25,**  
**39-43**
- 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 Property (Deeds and  
Realty) Act **9.237-41, 29.131, 136,**  
**170-1**  
—Article 22 **7.164, 34.22**  
—Article 34 **9.237-8, 240, 241,**  
**245 n. 5**  
—Article 41 **32.30**  
—Article 46 **34.22**  
—Article 48 **34.22, 37.39, 47, 354**
- 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**
- Unutilized Urban Lands, Law for the  
Abolition of Ownership of (1979)

- Iran, law of (*cont.*)  
**19.60**, **23.313**, **32.28-9**, 31-2, 139-41,  
 160-1, **33.16-32**, **34.84-6**  
 —Amendment (27 August 1979) **32.12**  
 —Preamble **32.135-6**  
 —Article 1 **32.10-11**, 136, **33.17**  
 —Article 3 **32.11**, 136-7, **33.17**  
 —Article 4 **32.11**  
 —Implementing Regulations **32.11-12**,  
 137-8, **33.24-6**, **34.84-6**  
 —Urban Lands Extension Act (1979)  
**32.11**, 138-9  
 Urban Lands Act (1982)  
 —Article 5 **32.12-13**, 31-2, **33.26-7**  
 —Article 9 **33.27**  
 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
- Jews, treatment of in Iran **36.48-50**
- Joinder of merits and  
 determination of date claim arose **19.53**  
 interim measures **18.130** n. 3  
 jurisdictional issues **29.10**, 14, 56-7,  
**33.402**, **35.99-100**, 112-13, 196-201,  
**36.183-7**, 196-202  
 preliminary issues **10.15**, **18.79-83**,  
**36.183-4**
- Joinder of parties **3.161**
- Joint and several liability **5.220-2**, **7.82**
- Judgment, quashed **5.46**
- Judicial economy **35.100**, **36.196**  
 counterclaims and **36.288-90**
- Judicial independence **8.78**
- Judicial notice **1.459-60**, 480, 481,  
**2.122** n. 1, 300, **5.244** n. 1, **24.14**  
 in international law **1.481**
- Judicial proceeding  
*de novo* **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  
 claims arising out of seizure of hostages  
**2.39-40**, 79, 80, 88, **34.131**  
 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**, **36.185-7**: *see also* Claims  
 Settlement Declaration, Article VII  
 compliance with award **23.208**  
 concurrent **1.489**, 495, **2.310-11**, 371  
 consent of parties as basis **2.210**, 213,  
**3.298**, 303, 304, **5.287**, 288, **7.200**,  
**36.185-7**  
 contested by claimant **8.259-66**  
 continuity **14.332-3**  
 contractual undertakings, dispute arising  
 from **23.137**, **34.55**  
 counterclaims: *see* Counterclaims,  
 jurisdiction of Tribunal  
 determination by Tribunal **5.99**, **8.6**, 265,  
**9.4**, **12.66**, **17.333**, 336, 338, 342, 345,  
 348, **34.132-3**  
 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**  
*ex aequo et bono* **12.82**, **21.368**  
 excess of powers: *see* Tribunal, *ultra vires*  
 conduct  
 excluded issues **6.227**, 228, **34.131**  
 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, 13.157, 160, 163, 182, 183, 16.17-18, 18.89, 91, 111, 290, 19.177, 180, 26.73-4: *see also* 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 5.13, 16  
forum selection clause, determination of enforceability 34.144, 178-9  
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: *see* 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, 34.55, 123, 36.19-20  
—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  
justiciability, presumption of 36.20-1  
liquidation proceedings, relevance 14.158  
matters of Iranian domestic law 30.42-3, 62, 63, 36.66  
mediation not authorized 12.82  
military articles, whether covered 19.290  
municipal law 8.258-9, 280  
nationality, determination 22.161  
over banking institutions (*Case A17*) 35.92-3, 114-15  
over non-government party 5.66, 67, 12.35-6  
over partnership 9.292, 10.43  
over United States nationals 23.383
- parallel proceedings, threat to from 29.218-20: *see also* General Principle B  
parties' power to amend 8.212-13, 297  
performance guarantees 9.222  
political claims 2.42-3  
primacy 2.58-9, 4.7-8  
procedural discretion 16.314  
*proprio motu* consideration 3.298, 9.333, 14.61, 24.27, 25.17, 28.314 n. 3  
*ratione materiae* 21.68, 26.126, 145  
*ratione personae* 21.67, 68, 26.126, 130  
remedy, right to award distinguished 36.20  
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: *see* Settlement  
Social Security payments: *see* Social security payments  
State responsibility: *see* State responsibility  
taxes: *see* Taxes  
Technical Agreement (1981) and 36.20  
tortious acts 23.237, 240 n. 2  
unjust enrichment 23.137  
*Jus cogens* 15.266  
Justiciability, presumption of 36.20-1
- Laches 9.176  
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, 33.287-9, 332 36.211: *see also* Evidence, late submission  
counterclaim 17.57-61, 18.188, 24.131  
documents in the public domain 34.70  
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, 33.287, 288  
Lease 2.251, 254: *see also* Contract; Contract, discharge  
frustration 2.250-3, 256, 258  
—attributability 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**: *see also* Claims, basis, standby letter of credit  
creation of special account **2.127**
- Letters of guarantee **5.96**
- Licence: *see also* Contract  
anticipatory breach **2.340, 341**  
breach **2.340, 341**  
ratification **2.339**  
termination **2.341**  
validity **2.339, 340**
- Limitation of liability clause **6.89, 90, 94, 95-100, 33.137-8**  
enforceability **6.98**  
exceptions to **6.97, 99, 100**  
validity **6.97, 99**
- Liquidation, bankruptcy distinguished **2.10**
- Locus standi* **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, 35.15-19**: *see also* Proper claimant; Proper respondent
- Luxembourg Declaration **13.91-2**
- Majlis position: *see* Iran, Majlis' position (including Resolution of 2 November 1980)
- 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: *see* Expropriation; Property rights, measures affecting
- Military property **4.28**
- Minors  
as claimants **30.79-80, 185-6, 33.294-6**  
gifts to **33.321-4**  
nationality **28.242, 29.12-13, 16-19, 35.13-15**  
share ownership **35.20**
- Minutes of meeting, as evidence **35.24, 28-9**
- Misrepresentation **5.247**
- Most favoured nation treatment (MFN) **17.143**
- Municipal institutions, respect for **7.171**
- Municipal law **1.481, 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**  
interpretation of contract **1.108**  
non-compliance with international obligations and **13.177, 19.287-8, 29.43, 34.136-7, 178**  
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: *see also* Dual nationality; Naturalization  
applicable law: *see* Applicable law, nationality  
*Barcelona Traction* **1.466-7**  
continuing nationality, evidence of **34.10-11**  
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**: *see also* Evidence of, nationality of corporation — *Certain Norwegian Loans* **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**

- dominant and effective nationality, burden of proof **26.7** n. 1, **36.46-7**
- evidence of: *see* Evidence of, nationality
- Flegenheimer* **25.165-6**, **31.51-2**, **32.86-7**, **33.433**, 450
- intention to emigrate and **36.47-8**, 50-2
- jus sanguinis* **2.181**, 184, 185, **5.274**, 305, **22.120**, 125, 131-2, 143, 158
- jus soli* **2.181**, 184, **5.274**, 305, **22.131**, 143, 158
- loss of **22.149**, **25.170-1**
- marriage **14.56-7**, **22.146**, 150, 197, **24.44**, **29.10**
- minor **28.242**, **29.12-13**, 16-19, **35.13-15**
- 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**
- Nottebohm* **25.166**, 206, **31.48**, 49-51, **32.85**, 87, **35.13** n. 7
- 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, **9.230-3**, 255-6, 366-7, **10.126**, **12.259**, 272-84, **16.239**, **19.118**: *see also* 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 and **11.138**
- Nationalization: *see* 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: *see also* Nationality
- burden of proof **25.202**
- Medina* **31.52-4**
- Salem* **31.52**
- Negligence **3.30**, **5.398**, **6.100**, **7.43**
- Negotiable instruments **5.373**, **7.115**, **13.21-7**: *see also* 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**
- debt/liabilities **21.50**, 65-6
- evidence of debt **21.49**
- guarantor **5.373**
- validity **21.51-2**, 66-7
- Negotiated settlement: *see* Expropriation, compensation, standard, negotiated (lump sum) settlements as precedent; 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
- New claim/amendment of claim
- distinguished **16.259**, **27.69-70**, **33.76**, 290-1, 292
- time limits **16.259**, **33.76**, 290-1, **35.152-3**
- Nominalism **8.421**, 426
- Non-responsibility principle: *see* Nationality, non-responsibility principle

- November Resolution: *see* Iran, Majlis' position (including Resolution of 2 November 1980)
- Nullification of claims: *see* Settlement
- Nullified oil agreements, jurisdiction of Tribunal **1.487-98**, **2.284-7**, **3.298-301**, **303-5**, **309**, **313-15**, **5.51-3**: *see also* Iran, law of, Single Article Act
- Odious debt **8.446-7**
- Offset: *see* Counterclaims, offset and; Damages (valuation/measure including method and items for possible inclusion), 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: *see* Claims, outstanding
- Pahlavi assets, US obligations under General Declaration, Point IV **36.85-182**  
"estate" **35.135-8**, **36.159**, **178-9**  
freeze orders, timeliness **36.138-41**, **149-55**, **160**, **161-2**, **164**, **165-9**, **179-80**  
loss resulting from failure to meet, appropriate award in favour of Iran **36.141-4**, **151**, **152**, **153**, **155**  
—loss, relevance **36.19-20**, **36**, **169-75**
- Points II and III distinguished **36.133**
- proceedings in US courts **36.97-109**, **150-5**  
—act of State doctrine and **36.106-7**, **155**  
—allegations of bias **36.174-5**  
—defective procedural approach of Iran **36.171-4**  
—discovery obligation **36.157**  
—enforcement of Iranian decrees and judgments **36.108-9**, **147-9**, **155-9**, **160-1**, **177**, **182**  
—*forum non conveniens* and **36.99-101**, **102**, **103**, **107-8**, **144-7**, **150**, **172**, **180-2**  
—"in accordance with US law" **36.149**, **155**, **157**, **158-9**, **160-1**  
—service of process **36.98-9**, **102-4**, **138-44**, **163-7**  
reporting obligation **36.141-4**, **149-55**, **160**, **161-2**, **164**, **165-9**
- 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**: *see also* 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**: *see also* Damages (valuation/measure including method and items for possible inclusion), performance withhold; 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**, **8**  
*Certain German Interests in Upper Silesia* **2.147**  
*Mavrommatis Palestine Concessions* **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: *see* 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 before Tribunal **1.167, 388, 9.15**
- 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, 33.226**
- 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: *see* General principles of law
- Pro forma invoice: *see* Contract, pro forma invoice
- Procedure: *see also* Joinder of merits and; Joiner of parties; Time limits; Tribunal Rules  
abuse **3.380, 16.329-34**
- admissibility of documents (Cases A15(IV) and A24) **34.111-13**
- 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**
- 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, 34.110**  
—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**  
—Tribunal's responsibility for **35.93-4**
- dissipation of judicial resources **10.227**
- duplicate proceedings, need to avoid **8.363, 365, 367, 372**
- duty to abide by commitments **8.29-30**
- error in description of party **9.50**
- ex parte* motion **3.387**
- excessive formality **8.139**
- expeditious conduct of business **3.7, 7.204, 8.288**
- failure to appear **8.40, 27.222**
- failure to provide translation **10.272, 33.332, 36.44-5**
- 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**
- joint filing of submissions **3.373**
- judicial notice **10.106**
- late submissions: *see* Late submissions

Procedure (*cont.*)

- 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**
- postponement of hearing: *see*
  - Postponement of hearing
- pre-hearing conference **2.125, 327, 3.377, 378, 8.5, 133, 18.54-5**
- preliminary objection **3.298**
- Procedural Guideline No. 1 **1.285**
- procedural safeguards **1.215**
- proper party: *see* 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**: *see also* Award, rehearing
- reply and rejoinder **3.98, 9.322**
- request for
  - disclosure of documents: *see* Disclosure of documents
  - further hearing **9.300**
  - hearing **3.387, 388, 25.276**
  - information **18.45-7, 48-54**
  - rehearing **27.210-13**
- request to, submit further statement **3.362, 363**
- stay of proceedings: *see* Interim measures, stay of proceedings; Stay of Tribunal 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: *see* 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, 209-11, 19.77-8, 21.102-6, 23.7-8, 142-6, 26.19, 130-2, 27.67-9, 136-7, 141**: *see also* *Locus standi*
- beneficial owner: *see* Claims, basis, beneficial ownership
- claim on behalf of Iranian people **28.228**
- existence of counterclaim **9.87**
- identity, certainty **31.145-6, 33.44-5**
- joint claim **16.13-14, 194**
- minor **30.79-80, 185-6, 33.294-6**
- percentage of share ownership, relevance **27.58, 59**
- Proper law: *see* 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, 35.68**: *see also* Controlled entity; Corporations, succession
- Property rights: *see also* Iran, law of, immovable property
  - beneficial ownership **9.230-3, 12.275-84, 29.25-8, 30.56-7, 66, 32.67-70, 33.469, 34.22, 25, 92-3, 35.23**
  - foreign nationals' rights **32.36-40**
  - inheritance rights **31.105-6, 115-23**
  - loans as **27.28**
  - marital rights **30.68-9**
  - pension as **30.63**: *see also* pension rights in persons **8.22, 23**
  - right in person **2.79-80, 81-8**
  - transfer of ownership, requirements **34.32**
- Property rights, 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**, **33.53-4**  
 obligation to protect **23.369-71**, **385-6**  
 unlawful conduct **2.42**
- 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 / *ordre public*, protection **2.221**, **3.14**, **5.384**, **7.165**, **166**, **169**, **170**, **17.143**
- Purchase order as contract **4.266**, **267**, **276**, **7.108**, **109**, **113**: *see also* Contract
- Quantum meruit* **1.287**, **309 n. 9**, **2.111**, **4.220**, **221**, **228**, **230-6**, **5.171**, **6.169**, **7.76**, **8.161-2**, **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: *see* Immovable property transactions
- Rebus sic stantibus*: *see* Changed circumstances
- Reciprocity principle **1.106**, **107**, **8.432-41**
- Recognition and enforcement of Award  
**5.130**, **6.135-9**, **7.219**, **14.331**, **333-6**, **18.131-46**
- Arco* enforcement proceedings **34.44-54**
- Case A27 **34.39-65**, **105**
- defences to enforcement, availability **34.57-8**
- enforceability **6.271**
- equality/non-parity of US and Iran **34.42**
- Gould* enforcement proceedings **34.43-4**, **57**
- New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards **2.60**, **6.137 n. 2**, **14.327 n. 8**, **18.136 n. 21**, **138-9**  
 —applicability to Tribunal awards **34.56-8**
- obligation to provide enforcement procedures **14.331**, **333-6**, **34.42-3**, **56**  
 —appeal/relitigation distinguished **34.57**, **59**  
 —choice **34.56**  
 —delay **34.60**  
 —effectiveness/refusal **34.56**, **62**  
 —erroneous reading of Award, relevance **34.58**  
 —failure of Iran to pursue **34.43**  
 —foreign arbitral award enforcement as standard **34.56**  
 —responsibilities of party seeking enforcement **34.60-2**  
 —State responsibility for **34.59-60**  
 —US government's failure to intervene, relevance **34.58**
- State practice **18.124-7**, **131-46**
- US responsibility (Case A21) **34.41-3**, **55**
- Regular course of dealing **7.113**
- Rehearing: *see* Award, rehearing; Procedure, reopening of hearing
- Remedies: *see also* damages  
 for breach of reporting and freeze obligation (General Declaration, Paragraph 13) **36.141-4**, **151**, **152**, **153**, **155**  
 damage, relevance **36.19-20**, **36**, **169-75**  
 finding of non-compliance, sufficiency **36.31**  
 order to comply with treaty obligations, relevance **36.31-2**, **35**, **36-7**, **283-5**  
 Tribunal's discretion **36.38-9**
- Representation before Tribunal, requirements **1.176-7**  
 power of attorney **1.167**, **388**, **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**
- Res derelicta* **6.173**
- Res judicata* **1.287**, **2.311**, **371**, **4.16**, **73 n. 1**, **233 n. 1**, **6.227 n. 2**, **11.141**, **12.174**, **367**, **15.196**, **21.295**, **27.266**
- Res litigiosae* **27.266**
- Respondent: *see* 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: *see* General principles of, international law

Rules of procedure: *see* 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**

balance

—as absolute requirement **36.23-7**,

30-1, 32-5, 37-9, 283-5

—counterclaim in Case B1, relevance **36.23-4**, 286-92

—fluctuations **36.11**

currency of **8.425-6**, **11.32**, 340, **16.274**, 275-6

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

interest, disposition of (Case No. A1)

**1.189-92**, 197-214, **36.17** n. 20

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, **34.38**, 101, 186, **35.84**, **36.243**

—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**

payments into **36.7-42**

possible dissipation **10.363**

purpose **17.167**, 179, **18.147**, **21.51**, **25.144**

repayment to **7.210**, 211, 214, **9.9**

Separate opinion: *see also* Concurring opinion; Concurring and dissenting opinion; Declaration; Dissenting opinion; Explanatory remarks; Separate statement; Supplemental opinion  
Aghahosseini **28.303**, **29.122**, **31.3**, **34.64**

Aldrich **1.200**, **21.61**, **26.58**, **28.142**, **33.195**, **34.169**

Allison **28.142**, **30.160**, 236, **34.65**, 169

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**

Bahrani **8.65**, **11.277**, **14.334**

Böckstiegel **16.329**, 333

Brower **8.29**, **10.189**, **11.289**, **13.240**, **36.283**

Duncan **34.169**

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**, **36.162**

Mostafavi **8.65**, **11.255**, 277, 283 n. 1, 298, **12.80**, **14.81**, 334

Noori **22.109**, **23.239**, **34.64**

Sani **1.452**

Shafeiei **1.115**, 203, **2.356**, **5.175**, **6.288**

Separate statement: *see also* Concurring opinion; Concurring and dissenting opinion; Declaration; Dissenting opinion; Explanatory remarks; Separate opinion; Supplemental 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  
 Service of process (proceedings in respect of  
 Pahlavi family) **36.98-9**, 102-4, 138-44,  
 163-7  
 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, **34.185**, 198, **35.127-42**,  
**36.247-55**, 261-79  
 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 from **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  
 —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**

Settlement (*cont.*)

- 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**
  - negotiations for, effect on rights **14.77**
  - 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**
  - 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**
- Shareholders: *see also* Nationality of claim, shareholder claims
- duties **30.165-7**
  - evidence of status **30.161-2, 184, 185-6, 223-6, 33.321-4**
  - rights **2.352, 4.242, 243, 7.120, 122, 130-4**
    - to bring claim **11.87**
- Shares
- assignment/transfer **15.101**

- applicable law **19.272**
- validity, compliance with formalities, relevance **35.66-7**
- expropriation **30.154-62**
- ownership
  - minors **35.20**
  - restrictions on holdings by non-Iranian nationals **35.37-43**
- ownership, evidence of **35.54-68**
  - bearer shares **35.21-31**
  - Census of Claims filed by US citizens prior to Algiers Declarations **35.26-7, 60-1**
  - circumstantial evidence **35.62-6**
  - minutes of Board meetings **35.24, 28-9**
  - registered shares **35.19-21**
  - share certificates/stock transfer ledger **35.54-5**
  - authenticity, expert evidence **35.55-60**
    - share verification report **35.26**
    - tax returns **35.61-2**
- value, evidence of **30.92-4, 33.254-9, 36.212, 231-4**
- 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, 74, 87, 22.42-3, 50, 60, 23.39-42, 89 n. 13, 90, 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, 33.193**
- 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: *see* Forum selection clause, jurisdiction of Tribunal  
 Sources of international law **2.84, 196, 4.114, 5.233, 332, 8.397-401, 407-9**: *see also* 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 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**  
 Stabilization clause **9.178, 15.239-41, 243, 294, 297, 16.27, 64-8, 21.140-1, 162-3**: *see also* State contracts  
 whether binding on government **15.240-1, 16.65-8**  
 —conditions **16.66-7**  
 Standing: *see* Proper claimant; Proper respondent  
 State  
   government as synonym **23.136-7**  
   “political subdivision” **23.384**  
 State contracts: *see also* 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: *see also* Act of State; Aliens, treatment of; Expulsion; Public order/*ordre public*, protection  
 abusive practice **2.188, 189, 6.210**  
 acts and omissions of  
   —bank **9.238-9**  
   —banking institutions **35.118**  
   —controlled entity **1.421-2, 12.352, 364, 366, 15.237-9, 17.178-9, 21.67-73, 25.144, 27.96 n. 11, 36.193**  
   —Foundation for the Oppressed **35.68**  
   —judiciary **2.64, 4.15, 34.59-60**  
   —officials **6.202, 203, 27.13-14**  
   —overthrown government **16.84-5**  
   —of predecessor **32.175-7**  
   —revolutionary movement **2.88-9, 10.302-4, 17.102-5, 23.361-2, 24.119, 152, 234-6**  
   —individuals **18.266-73**  
   —organ not formally recognized **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**  
 contract  
   —breach **22.288 n. 34**  
   —termination **17.148**  
 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**

- State responsibility (*cont.*)
- 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**
  - treaty obligations **3.388**, **6.111**, **8.78**
  - unjust enrichment **2.237**, **8.390**
  - visa acknowledgment **23.382**
- State-controlled entity: *see* 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**, **9.127**,  
**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**, **33.75-6**, **154**,  
**198-200**, **34.92**, **35.90-4**
- new claim distinguished: *see* New  
claim/amendment distinguished
  - time limits: *see* Time limits,  
amendment of claim
- failure to include specific plea **13.142**,  
**148-50**
- preparation **4.26**
- required elements **35.92**
- specificity, need for **19.76-7**
- time limits: *see* 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: *see* Time limits, statement of  
defence
- Stay of Tribunal proceedings **9.254**, **13.16**:  
*see also* Interim measures, 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: *see* Contract; Corporations
- Summary enforcement procedures: *see*  
Award, basis for legal action
- Supplemental opinion
- Allison **29.364**
  - Arangio-Ruiz **29.364**
- Suspension of claims: *see* General Principle B
- 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**
- Tabass incident **2.38-40**
- Taking: *see* 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**: *see also* 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**, **324**,  
**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**, **304**,  
**307**, **343**, **14.50-1**, **168**, **210**, **15.64**,  
**279**, **16.274**, **276**, **280**, **17.263**, **319**,

- 18.196-7, 221-3, 349-50, 19.154, 20.36-8, 119, 21.45-6, 150-2, 22.254, 337, 25.52, 53-4, 74, 87, 89-90, 94, 26.97-8, 99, 180-1, 27.103-4, 119, 28.48, 30.228-30, 31.21-5, 33.193, 36.229**  
 —taxes outstanding on expropriated property **11.318**  
 deductibility **2.324, 3.114, 235, 262, 264, 288, 9.247, 13.304, 15.14, 64, 16.274, 276, 280, 22.19-20, 25.52, 53-4, 74, 87, 30.228-30, 31.21-5, 36.229**  
 —excess taxes **10.290-8**  
 —withheld taxes **12.296**  
 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, 34.99**  
 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**  
 tax returns  
 —authenticity **35.61-2**  
 —as evidence of share ownership **35.61-2**
- Technical Agreement with De Nederlandsche Bank NV (1981)**  
**1.192-9, 204-12, 12.55, 13.43-4, 59 n. 14**  
 Bank Markazi, status under **36.40**  
 interpretation, Tribunal jurisdiction and **36.20**  
 Introductory paragraph **36.8**  
 Paragraph 1 **1.196, 198, 3.196, 6.66, 8.279 n. 56**  
 Paragraph 1(a)(i) **36.8**  
 Paragraph 1(d) **36.9**  
 Paragraph 3 **1.193, 194**  
 Paragraph 18(b) **36.9, 20, 40**  
 Appendix I **1.204, 207**
- 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; see also Dollar Account No. 1; Dollar Account No. 2**  
 Paragraph 7 **5.68, 69**  
 Paragraph 10 **1.193**  
 Time limits: *see also* 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, 33.154-5, 198-200, 35.152-3**  
 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, 34.6-9**  
 —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, 226-7, 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 claims **1.226-7, 8.369, 9.4, 12.143-5, 17.189-91, 202, 232, 239-42, 24.258, 28.56-8, 32.177-81**  
 —effect of arbitration agreement **12.144**  
 —purpose **12.144**  
 filing of documents **12.131-2, 17.98, 22.234**

Time limits (*cont.*)

- filing of Settlement Agreement,
  - amendment **9.62**, 71, 348
- implied modification **8.185**, 186
- interest, claim for **17.50-1**
- notification of costs **13.299**, **16.258**, **17.50-1**
- payments from Security Account, effect on **17.367**
- performance of obligations
  - dies certus quando* **21.64** n. 3
  - dies incertus quando* **21.64** n. 3
- 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**, **33.319**
- submission of evidence **17.52**, **28.249-50**
- Undertakings: *see* 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: *see* Award, language; Evidence, translation
- Treaties: *see also* 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: *see* Treaty interpretation
  - obligations
    - “approximate compliance”, validity of concept **36.28-30**
    - means of fulfilling, choice **34.136-7**, 171-2
    - municipal law and **19.287-8**, **34.136-7**, 178
  - 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**
  - ius cogens* **15.216**
  - violation of internal laws **3.303-9**
- Treaties (and analogous instruments)
  - Agreement between US and Egypt Concerning Claims of Nationals of the United States (1976) **5.283**, 285, 329
  - Agreement Providing for Determination of Amount of Claims Against Germany, 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, **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**, **36.206-7**
      - expropriation: *see* Expropriation, Treaty of Amity, applicability
    - indirect claim **2.353**, **15.34** n. 14
    - Article II **4.174** n. 2, **6.168**, **8.379**, **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 IV(2) **4.112**
    - 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 **4.112-13**, **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
- expulsion and 16.88, 17.107, 143
- forum selection clause 8.431-2
- “interests in property” 16.195-6, 21.118-19
- as *lex specialis* 8.378, 428, 21.121, 125, 330, 30.255
- 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, 10.131-2, 149, 190-1, 17.143
- whether binding 5.381
- Claims Settlement Declaration: *see* Claims Settlement Declaration
- Convention on the Elimination of All Forms of Discrimination Against Women 5.273 n. 1
- Convention on the Recognition and Enforcement of Foreign 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 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: *see* General Declaration
- Geneva Convention providing a Uniform Law for Cheques (1931) 2.168, 235, 3.19: *see also* European Convention on International Commercial Arbitration *above*
- Germany-US, Treaty of Peace of Berlin (1921) 2.80, 83, 84
- Hague Conventions: *see* Hague Convention on
- Hague Rules: *see* International Convention for the Unification of Certain Rules Relating to Bills of Lading (1924) (amended 1968 and 1979) *below*
- 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
- ILC Draft Articles on State Responsibility 5.12, 12.318 n. 4, 16.83, 84, 99, 100
- 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: *see* International Monetary Fund, Agreement
- New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards: *see* Recognition and Enforcement of Award
- 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 (1957) 13.92
- Treaty of Versailles (1919) 2.80, 83, 84, 186

- Treaties (and analogous instruments) (*cont.*)
- 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 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: *see* 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**: *see also* Algiers Declarations, interpretation; Contract, 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**, **36.132-3**, 176-8
    - 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**, **34.133-4**, **36.26**, 133-5, 148
    - 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**, **34.129**, **36.21**, 27, 128-9
  - associated agreements **12.51**
  - authentic language **36.129-30**
  - burden of proof in case of unusual meaning **36.178-9**
  - good faith **6.251**, 270, **12.60-1**, **14.330**, **16.310**, **36.131-2**
  - guidelines
    - clear language required to vary existing rule **10.313**
    - contra proferentem* rule: *see verba ambigua accipiantur contra proferentem below*
    - effectiveness **6.251**, **12.46**, 68 n. 7, **14.330-1**, **25.258**
    - eiusdem generis* **2.79**, 86-7, **5.3**, **23.240**
    - equilibrium to be maintained **12.54-5**, 79-80
    - express terms **34.135**, **36.129**, 131



- expressio unius est exclusio alterius* **8.264, 12.59, 78, 13.252, 16.307**
- flexible **1.199 n. 1, 309 n. 8**
- fundamental change of circumstances and **8.441-50**
- generalia specialibus non derogant* **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**
- letter and spirit **36.129, 131-2**
- manifest absurdity, avoidance **36.26-7, 41-2**
- object and purpose **5.261, 268, 270, 271, 281, 284, 285, 8.200-1, 18.387, 19.287, 294, 28.149-50, 36.21-3, 176-8**
- as clarification of text **36.22-3**
- obligatio tertio non contrahitur* **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, 33.197, 36.130-2, 178-9**
- pacta tertiis nec nocent nec prosunt* **13.43**
- plain language **28.152, 34.148-9, 36.143, 180**
- 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, 36.24-6, 176-8**
- specialia derogant generalibus* **1.104, 410 n. 3, 15.222, 21.121, 125**
- text as prime consideration **36.129**
- ut res magis valeat quam pereat* **1.292 n. 25, 12.46, 68 n. 7, 89, 25.258, 36.131**
- verba ambigua accipiuntur contra proferentem* **2.211, 5.281, 286, 288, 330, 9.255, 10.329, 331**
- international claims practice **10.83**
- lacunae* **12.54, 58-60, 21.330**
- pacta sunt servanda* **1.114, 210, 9.140, 13.231-3, 15.294 n. 10, 36.25**
  - State's duty to respect contracts distinguished **15.242-3**
- phrases
  - “control” **2.16-22, 147-52, 17.166-7, 178-9**
  - “estate” **36.135-8, 159**
  - “in accordance with US law” **36.149, 155, 157, 158-9, 160**
  - “property rights” **2.82-5**
  - “terminate” **34.135**
- preamble, status **12.46-8, 67-8, 36.177**
- procès-verbaux* **2.198**
- rebus sic stantibus*: *see* Changed circumstances
- reciprocity principle **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: *see also* International tribunals
  - absence of arbitrator: *see* Arbitrator, absence
  - applicable law **20.204**
    - international law **34.55-6**
  - arbitrary action **6.232**
  - authority of President **5.51, 52, 9.409-13**
  - Chambers: *see also* Full Tribunal *below*
    - 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: *see also* 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, 36.42**
  - dicta* **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**

Tribunal (*cont.*)

- 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**
- expenses **1.107, 108**
- Full Tribunal: *see also* Chambers *above*
  - binding nature of finding **11.197**
  - disputes relating to CSD, Article 11, reservation to **35.155**
  - preemption by Chamber **10.85-6**
  - relinquishment of cases to **21.98, 100-2**
  - residual authority **21.283-4**
- functus officio* rule (*dessaisissement de juge*) **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, 33.58-9**
- as international tribunal **5.261, 284, 294-7, 299, 9.177, 330, 34.55-6**
- interstate nature **18.385**
- juge d'instruction* **2.285, 286, 346, 3.300, 5.54**
- jurisdiction: *see* Jurisdiction of Tribunal
- legal personality **4.290-2**
- majority decision **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, 36.162-3, 184-5**
    - differing majorities, scope for **2.146**
  - moral issues **13.117, 119 n. 3**
  - neutrality **5.15, 16, 24, 49**
  - obligation to comply with decisions of **9.394**
  - parties' legal theories, relevance **13.101, 17.50**
  - powers
    - to investigate **2.115, 122 n. 1, 284, 285, 3.88, 89**
    - to secure compliance with General Declaration **25.261, 36.19-21**
  - precedent, effect: *see* 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**
  - ultra petitió* **13.41, 43**
  - ultra vires* conduct **3.125-9, 140-4, 146, 297-301, 302 n. 2, 315, 324, 5.335, 336, 6.252, 271, 13.41, 43, 145-7, 18.48, 21.400, 22.296, 36.183-4**
  - 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**, **33.287**
- Article 15(1) **30.105**, 112, 121-2, **31.135**, 142, 143-4, **33.202**
- 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**, **36.44**
- Article 18 **1.134**, 167, 396, **3.378**, **4.26**, **7.88**, **9.109**, **17.254**, **19.313**, 314, **21.6**, 10, **35.92**  
—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, **33.197-8**
- 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**, **33.75-6**, 154, 198-200, 290, **34.92**, **35.94**, 152
- Article 21 **1.284**, 285, 292, 294, 308, 320, 334, 335, **7.136**, **8.44**, **13.162**, **17.184**, **18.80-1**, 231
- Article 21(3) **35.145**
- Article 21(4) **35.145**, **36.200-1**
- Article 22 **3.382** n. 1, **17.45**, **18.187**, **29.377**, **31.135**, **33.287**
- Article 23 **17.45**
- Article 24 **1.323**, 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, **36.46** n. 5
- Article 24(1) **1.464**, **2.115**, 121, **33.316**, 320 n. 40
- 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**, **33.287**
- 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

Tribunal Rules (*cont.*)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, 36.42**Article 31(1) **36.162**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(2) **34.64**Article 32(3) **30.169, 33.439**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,**  
**20.284, 295, 302, 32.208, 212, 221,**224, **34.185-6, 188, 35.129, 136,**  
**36.247, 248**Article 34(1) **2.90, 30.8-9, 10, 14, 15, 284,**  
292, **33.483, 35.135, 36.262, 264**Article 34(2) **30.7, 10, 12, 18, 173** n. 4Article 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, 33.204**Articles 35-7 **33.348**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, 33.204**Article 36(1) **31.125, 33.57-8**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, 33.204-5**Article 38 **1.414, 447, 451, 2.113, 244,**  
259, 385, 400, **3.33, 58, 71, 253, 275,**  
291, **4.79, 5.231, 7.47, 88, 197,**  
**8.329-30, 9.60, 242, 10.34, 35, 316,**  
**11.43, 14.282, 16.111, 25.109, 176,**  
**26.183, 260, 27.260, 263, 28.234**Article 38(1) **2.12, 8.329-30, 331, 33.268**Article 40 **1.414, 447, 451, 508, 2.113,**  
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, 8.331, 30.168** n. 8,  
**33.268**Article 40(2) **2.12, 245, 8.331-3, 33.268**Article 41 **2.244**Article 41(2) **2.75, 76, 3.166, 4.92, 93,**  
158, **5.186, 8.41, 47, 331, 10.21, 35**  
effect **33.198**

- interpretation **16.295**  
 —*travaux préparatoires* **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**; *see also* Tribunal Rules  
*travaux préparatoires* **20.247, 276, 315**  
 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, 35.92-3, 114**  
 —ambiguity **8.198-200, 205**  
 procedural requirements **2.313, 319, 3.5, 6, 35.92**  
 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, 34.134-5**  
 —stay of proceedings **5.154, 344 n. 1, 32.115-23**  
 —termination of claims, need to contest  
 lien and **28.129-30, 152-3**  
 enforcement procedures **34.56**  
 Federal Reserve banks, status **35.99-100, 111, 114-22**  
 —*force majeure*, right to invoke **35.111**  
 Foreign Claims Settlement Commission  
**5.350, 10.140, 12.23, 18.273 n. 46, 31.59**  
 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**

United States (*cont.*)

- Executive Order 12170 of 14 November 1979 (freezing Iranian assets) **7.192**, **13.52** n. 7, **19.288**, **289-93**, **23.206-7**, **34.113**, **35.104**, **110-12**, **36.89**, **135**
- Executive Order 12205 of 7 April 1980 **29.340**
- Executive Order 12211 of 17 April 1980 **17.190-1**, **233**, **23.391**
- Executive Orders implementing Algiers Declarations
- Executive Order 12277 **34.149-54**
- Executive Order 12279 **34.149-54**
- Executive Order 12280 **34.149-54**
- Executive Order 12281 **28.125**, **126-7**, **129**, **151**, **34.149-54**, **170-2**
- Executive Order 12284 **36.95-7**, **180**
- Executive Order 12294 of 24 February 1981 **12.287**, **34.116-18**, **135-7**, **145-7**, **156-9**, **167**
- 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**
- Federal Torts Act **36.190**
- 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) **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**
- s 1-105 **22.287** n. 33
- s 1-106 **3.57** n. 2
- s 1-201 **3.20** n. 2
- s 2-204 **3.48**
- s 2-206 **3.50**
- s 2-207 **3.49**
- s 2-208 **13.51-2**
- s 2-235 **13.51**
- s 2-240 **7.109** n. 2
- s 2-301(a) **12.300** n. 4
- s 2-313 **19.31**, **32**
- s 2-319 **7.100** n. 2
- s 2-325 **7.109**
- s 2-504 **7.100** n. 2
- s 2-509 **7.100**
- s 2-602 **7.101** n. 1
- s 2-609 **22.318** n. 92
- s 2-612 **13.50** n. 4
- s 2-703 **7.110** n. 1, **13.50** n. 4
- s 2-706 **7.110** n. 1, **111**, **114** n. 1,  
**22.245** n. 18
- s 2-708 **7.111**, **26.165**
- s 2-709 **3.52**, **56**
- s 2-710 **3.52**, **56**, **7.111**
- s 2-714 **19.33**, **39** n. 35
- s 3-122 **7.115**, **21.44**
- s 3-302 **2.235**, **3.20** n. 2, **7.99**
- s 3-305 **3.20** n. 2, **7.99**, **100** n. 1
- s 3-307 **3.20**
- s 3-309 **3.51**
- s 3-413 **2.168**, **3.19**
- s 3-506 **3.20** n. 2
- s 3-507 **2.169**
- Uniform Foreign Money-Judgments  
Recognition Act **36.157-9**
- Uniform Partnership Act **11.313**,  
**348**
- nationality of corporation, proof **1.456-74**
- termination of proceedings/claims: *see*  
General Principle B, termination of  
claims; General Principle B,  
termination of litigation/legal  
proceedings
- validity of claims, duty to examine **5.85**
- 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**,  
**172-3**, **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**
- US obligations under General Declaration,  
Point IV, damage, relevance **36.19-20**,  
**36**, **169-75**
- Valuation: *see* Damages (valuation/measure)
- Video tapes: *see* Statement of claim, video  
tapes
- Vienna Convention on the Law of Treaties  
(1969) **1.190**, **205**, **209**, **289**, **5.281**,  
**351**, **353**, **8.443**, **9.256**, **12.68** n. 7, **82**
- Article 2 **19.287**
- Article 10 **36.129-30**
- Article 12 **1.200**
- Article 19 **19.287-8**
- Article 26 **1.109**, **12.61**, **13.231**, **36.37**
- Article 27 **1.490**, **495**, **3.304**, **305**, **34.137**,  
**178**
- 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**,  
**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**, **34.129**, **136**,  
**36.21**, **27-8**, **128-9**, **176-7**
- Article 31(1) **2.82**, **147**, **36.130**, **131-2**,  
**191**
- Article 31(2) **36.132-3**
- Article 31(3) **2.149**, **8.447-50**
- 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**, **34.133**,  
**36.24-5**, **26**, **41-2**, **133-5**
- 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**

Cambridge University Press

978-0-521-86713-9 - Iran - United States Claims Tribunal Reports, Volume 36

Edited by Karen Lee

Index

[More information](#)

374

## INDEX

Vienna Convention (1969) (*cont.*)Article 51 **15.215**Article 52 **15.215**Article 53 **15.216**Article 54 **4.112, 10.191**Article 60 **2.257**Article 62 **1.314, 4.112, 8.441-4, 9.122, 15.217, 36.27**Article 65 **4.112, 8.444, 10.191**Article 67 **4.112, 10.191**Article 70 **10.191** n. 9Visa, suspension **23.382, 385, 390-2**

## Warranty

breach **19.12-14, 31-8**implied **19.31** n. 16testing to confirm specifications  
distinguished **19.14**Wholly-owned subsidiary **7.206**: *see also*

Nationality of claim, corporations

Withdrawal of action: *see* Claims, withdrawalWitnesses **2.115**absence of oral evidence, relevance  
**35.66**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**