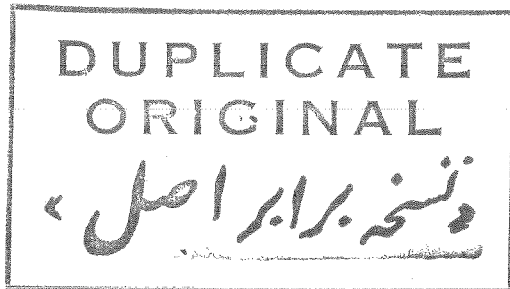


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CASE NO. 498

CHAMBER ONE

DECISION NO. DEC 57-498-1

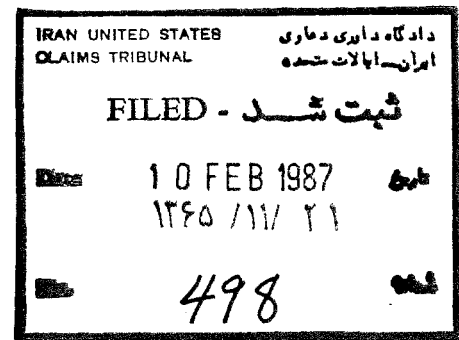
PAUL DONIN DE ROSIERE,  
PANACAVIAR, S.A.,

Claimants,

and

THE ISLAMIC REPUBLIC OF IRAN,  
SHERKAT SAHAMI SHILAT IRAN,

Respondents.



DECISION

1. On 24 December 1986, the Agent of the Government of the Islamic Republic of Iran filed with the Tribunal a "Request for Correction and Interpretation" ("the Request") of the Tribunal's Interim Award No. ITM 64-498-1 filed on 4 December 1986. The Request was made pursuant to Articles 35 and 36 of the Tribunal's Rules of Procedure and was filed within the 30-day period provided by the Rules.
2. The Interim Award denied requests filed by both Respondents in the present Case for interim measures of

protection with regard to certain proceedings commenced by the Claimant Panacaviar in the courts of Basel, Switzerland. The Tribunal stated in its Interim Award that it found no grounds for granting relief of the type sought by the Respondents on the basis of the information before it at that time.

3. The Request submits, in essence, that the Interim Award was based on invalid considerations of law in that it failed to give effect to the provisions of Article VII, paragraph 2, of the Claims Settlement Declaration, as understood by the Islamic Republic of Iran. The Request fails, however, to indicate what, if any, relief is sought in this respect. The Request further identifies two specific points for the Tribunal to correct or clarify in the Interim Award. First, the Request argues that the Tribunal in paragraph 9 of its Interim Award mischaracterized the nature of the underlying dispute between the Parties and seeks a "correction" of this alleged mischaracterization. Second, the Request argues that the term "status quo" as used, in particular, in paragraph 17 of the Interim Award is ambiguous in view of the alleged "noted ambiguity concerning the remedy sought by Panacaviar in the Basel proceedings," and seeks a "clarification" of this term.
4. Insofar as the Request constitutes an attempt by the Respondents to reargue certain aspects of the Case and to disagree with the conclusions of the Tribunal in its Interim Award, there is no basis in the Tribunal's Rules of Procedure or elsewhere for review of an award on such grounds.
5. As to the request for a "correction" of paragraph 9 of the Interim Award, the Tribunal notes that the Interim Award contains no finding by the Tribunal as to the

actual nature of the underlying dispute. Further, Article 36, paragraph 1, of the Tribunal Rules provides only for the correction of "errors in computation, any clerical or typographical errors, or any errors of similar nature." The Tribunal finds that the present request for a "correction" does not fall within the scope of Article 36, paragraph 1, of the Tribunal Rules, and therefore denies this request.

6. As to the request for an "interpretation," the Tribunal notes that Article 35, paragraph 1, of the Tribunal Rules provides:

"Within thirty days after the receipt of the award, either party, with notice to the other party, may request that the arbitral tribunal give an interpretation of the award."

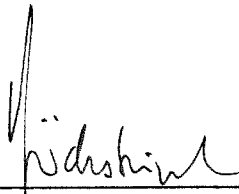
As the Tribunal has recently noted in PepsiCo, Inc. and The Government of the Islamic Republic of Iran, Decision No. DEC 55-18-1, paragraph 2 (19 December 1986), the legislative history of Article 35, paragraph 1, of the UNCITRAL Arbitration Rules, to which the present Article is identical, indicates that the term "interpretation of the award" was intended to mean "clarification of the award." Thus, Article 35, paragraph 1, was intended to apply only where an award contains language which is ambiguous. The dispositive of the Interim Award is specific and unambiguous. Moreover, the Tribunal finds no ambiguity with respect to its use of the term "status quo." Thus, there is nothing in the Interim Award that requires interpretation within the meaning of Article 35, paragraph 1, of the Tribunal Rules.

7. For the foregoing reasons,

THE TRIBUNAL DECIDES AS FOLLOWS:

The Request for Correction and Interpretation of Award No. ITM 64-498-1 (4 December 1986) filed on 24 December 1986 by the Agent of the Government of the Islamic Republic of Iran is denied.

Dated, The Hague  
10 February 1987



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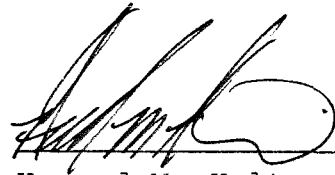
Karl-Heinz Böckstiegel  
Chairman  
Chamber One

In the name of God



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Mohsen Mostafavi  
My concurrence in  
this Decision does  
not signify any change  
to the dissenting  
opinion I expressed  
in signing the Interim  
Award.



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Howard M. Holtzmann