

DUPLICATE
ORIGINAL

نسخہ برابر اصل

CHAMBER ONE

CASE NO. 28

AWARD NO. ITM 21-28-1

READING & BATES CORPORATION,
READING & BATES EXPLORATION
COMPANY,

Claimants,

and

THE ISLAMIC REPUBLIC OF IRAN,
NATIONAL IRANIAN OIL COMPANY,
IRANIAN MARINE INTERNATIONAL
OIL CO.,

Respondents.

IRAN UNITED STATES CLAIMS TRIBUNAL	دادگاه دآوری دعاوی ایران - ایالات متحدہ
ثبت شد - FILED	
Date	۱۳۶۲ / ۲ / ۱۹
9 JUN 1983	
No	28
No	۲۱

INTERIM AWARD

On 10 November 1981 READING & BATES CORPORATION and READING & BATES EXPLORATION CO. (the Claimants) filed with the Tribunal a claim against the ISLAMIC REPUBLIC OF IRAN, IRAN MARINE INTERNATIONAL OIL CO., and NATIONAL IRANIAN OIL COMPANY (NIOC). The Claim is for a total of \$84,296,982.48 allegedly due under contracts for the charter of oil drilling vessels and service contracts and includes an element of compensation for equipment and services allegedly appropriated by the Respondents. A Statement of Defence is due to be filed by NIOC by 15 September 1983.

On 3 June 1983 NIOC filed with the Tribunal a Motion in which it stated that arbitration proceedings had been commenced against it by the Claimants in the International Chamber of Commerce (ICC) in Paris, and that it had been invited to attend a session in Paris on 20 June 1983 to determine the terms of reference of that arbitration.

NIOC referred to the provisions of the Algiers Declarations, including General Principle B of the Algiers Declaration and Article II, paragraph 1, and Article VII, paragraph 2, of the Claims Settlement Declaration.

In its Motion NIOC alleged that the claims made by the Claimants in the arbitration initiated before the ICC are the same as those pending before this Tribunal in Case No. 28.

NIOC requests the Tribunal to order the Claimants to withdraw the claim initiated before the ICC and to require the Government of the United States to perform its obligations under the Algiers Declarations.

NIOC further requests the Tribunal to stay the proceedings in Case No. 28 pending compliance by the Claimants and the Government of the United States with the requests set forth in the preceding paragraph.

As the Tribunal noted in its Interim Award No. ITM 13-388-FT in the case E-Systems, Inc. v. The Government of the Islamic Republic of Iran, the Tribunal, which was established by an inter-governmental agreement, has an inherent power to issue such orders as may be necessary to conserve the respective rights of the Parties and to ensure that its jurisdiction and authority are fully effective.

The Tribunal considers that the Claimants and the Government of the United States should be afforded an opportunity to respond to NIOC's Motion. However, in view of the statement by NIOC that it has been invited to appear before the ICC on 20 June 1983, the Tribunal finds it appropriate immediately to order the Claimants to move for a stay of the proceedings before the ICC until such time as the Tribunal can render its decision on NIOC's Motion on the basis of the views of both Parties and the Government of the United States.

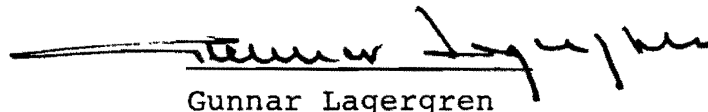
For these reasons, and pursuant to Article 26 of the Tribunal Rules, the Tribunal

(1) invites the Claimants and the Government of the United States to file by 5 August 1983 their replies to NIOC's Motion;

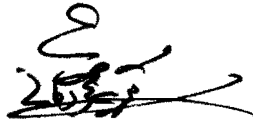
(2) orders the Claimants to move for a stay of further proceedings before the ICC at least until 1 September 1983; and

(3) requests the Claimants to provide copies to the Tribunal of the agreement to arbitrate on which the proceedings before the ICC are based and of the Request for Arbitration.

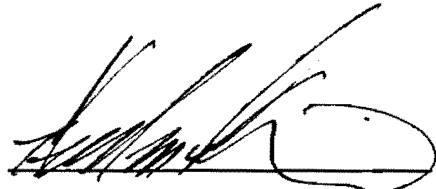
Dated, The Hague
9 June 1983



Gunnar Lagergren
Chairman
Chamber One



Mahmoud M. Kashani
Concurring



Howard M. Holtzmann