

DUPLICATE
ORIGINAL
نسخہ برابر اصل

CLAIMS OF LESS THAN US\$250,000* ,
CASES NOS. 86, B38, B76, B77
FULL TRIBUNAL
AWARD NO. 483-CLAIMS OF LESS
THAN US\$250,000 /86/B38/B76/B77-FT

CLAIMS OF LESS THAN US\$250,000*

THE UNITED STATES OF AMERICA,
on behalf of U.S. nationals,
Claimant,

and

THE ISLAMIC REPUBLIC OF IRAN,
Respondent.

CASE NO. 86

THE GOVERNMENT OF THE UNITED STATES
OF AMERICA,
on behalf and for the benefit of
certain of its nationals,
Claimant,

and

THE ISLAMIC REPUBLIC OF IRAN,
Respondent.

IRAN-UNITED STATES CLAIMS TRIBUNAL
دیوان داوری دعاوی ایران - ایالات متحدہ

FILED ثبت شد
DATE 22 JUN 1990
تاریخ ۱۳۶۹ / ۴ / ۱

* Claims of less than US\$250,000 filed by the United States on behalf of U.S. nationals and pending before the Tribunal, excluding Cases Nos. 12129 and 12130 (see attached List).

CASE NO. B38

THE UNITED STATES OF AMERICA,
Claimant,

and

THE ISLAMIC REPUBLIC OF IRAN,
Respondent.

CASE NO. B76

THE GOVERNMENT OF THE UNITED STATES
OF AMERICA,
Claimant,

and

THE ISLAMIC REPUBLIC OF IRAN,
Respondent.

CASE NO. B77

THE GOVERNMENT OF THE UNITED STATES
OF AMERICA,
Claimant,

and

THE ISLAMIC REPUBLIC OF IRAN,
Respondent.

AWARD ON AGREED TERMS

1. Pursuant to Article 34 of the Tribunal Rules, a Joint Request was filed on 17 May 1990, signed by the Agent of the Government of the United States of America and the Agent of the Government of the Islamic Republic of Iran, requesting that the Tribunal render an Award on Agreed Terms recording and giving effect to the Settlement Agreement in these Cases, dated 13 May 1990, between THE UNITED STATES OF AMERICA ("the United States") and THE ISLAMIC REPUBLIC OF IRAN ("Iran"), providing for certain reciprocal obligations of the United States and Iran.

2. Copies of the Joint Request and the Settlement Agreement are attached.

3. By Presidential Order No. 72, the Claims of less than US\$250,000 listed in the attached List and Cases Nos. 86, B38, B76 and B77 were transferred from the respective Chambers to the Full Tribunal for the purpose of dealing with the Joint Request and the Settlement Agreement filed by the United States and the Islamic Republic of Iran on 17 May 1990. The Settlement Agreement includes Cases Nos. B76 and B77, which were originally filed as Cases Nos. 10189 and 11651 respectively, within its definition of "Claims of less than \$250,000".

4. Article II of the Settlement Agreement describes the scope and the subject matter of the Agreement as follows:

"(i) to settle, dismiss, and terminate definitively, forever and with prejudice all the disputes, differences, claims, counterclaims and matters directly or indirectly raised or capable of arising out of the relationships, contracts, transactions, occurrences, obligations, rights and interests contained in, arising out of, or related to the Claims of less than \$250,000, Case No. 86 and Case No. B38.

(ii) To quitclaim and transfer to the Islamic Republic of Iran property of the Claimants as specified in Article VII."

5. Article III of the Settlement Agreement provides, inter alia:

"(i) In consideration of complete, full, final and definitive settlement, liquidation, discharge, and satisfaction of all the disputes, differences, claims, counterclaims and matters directly or indirectly raised or capable of arising out of the relationships, contracts, transactions, occurrences, obligations, rights and interests contained in or related to the Claims of less than \$250,000, Case No. 86 and Case No. B38, the Government of the United States shall be deemed to have espoused the Claims of less than \$250,000, and the comprehensive lump sum amount of U.S.\$105,000,000 (one hundred and five million United States dollars), hereinafter referred to as "the Settlement Amount," shall be paid to the Government of the United States out of the Security Account established pursuant to Paragraph 7 of the Declaration of the Government of the Democratic and Popular Republic of Algeria dated January 19, 1981. It is agreed that the Notification to the Escrow Agent of the Award on Agreed Terms shall not be issued prior to July 15, 1990, but shall be issued thereafter in the normal course."

6. On 19 June 1990, a submission was filed, signed by the Agent of the Government of the United States of America and the Agent of the Islamic Republic of Iran, stating, inter alia, that "[t]he two Governments have now agreed that the Award on Agreed Terms should be issued by the Tribunal without delay and that the payment notification shall be issued on September 15, 1990, or the first business day thereafter". A copy of this submission is attached.

7. The Tribunal notes that the Settlement Agreement includes within its scope certain claims that are not pending before the Tribunal. While this fact could, in principle, raise questions concerning the standard to be applied by the Tribunal in recording a settlement as an award on agreed terms, an issue addressed by the Tribunal in its Decision No. DEC 8-A1-FT (17 May 1982), reprinted in 1 Iran-U.S. C.T.R. 144, the Tribunal considers that no such questions arise where, as here, it is the two Governments

that have concluded the Settlement Agreement and have made the Joint Request for an Arbitral Award on Agreed Terms. While an award by the Tribunal can be rendered only with respect to claims pending before the Tribunal, nothing prevents the two Governments from including within their Settlement Agreement the settlement of other claims or disputes; and the submission of the Joint Request for an Award on Agreed Terms by the two Governments constitutes a waiver of any objections they could have to payment pursuant to the Award from the Security Account with respect to claims not pending before the Tribunal.

8. In view of the fact that the provisions of the Settlement Agreement and the Joint Request fulfill the requirements of the issuance of an Award on Agreed Terms, the Tribunal accepts the Settlement Agreement in accordance with Article 34, paragraph 1, of the Tribunal Rules.

9. Based on the foregoing,

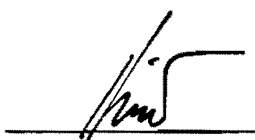
THE TRIBUNAL DETERMINES AS FOLLOWS:

- (a) The Settlement Agreement filed with the Joint Request is hereby recorded as an Award on Agreed Terms, binding on the Parties in full and final settlement of the Claims of less than US\$250,000 listed in the attached List and of Cases Nos. 86, B38, B76 and B77. Each and every one of the Claims of less than US\$250,000 listed in the attached List as well as Cases Nos. 86, B38, B76 and B77 are herewith terminated.
- (b) In accordance with the Settlement Agreement, THE ISLAMIC REPUBLIC OF IRAN shall pay to THE GOVERNMENT OF THE UNITED STATES OF AMERICA the amount of One Hundred and Five Million United States Dollars (US\$105,000,000), which obligation shall be satisfied by payment out of the Security Account established

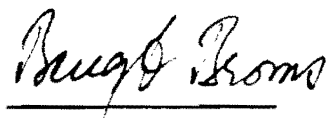
pursuant to Paragraph 7 of the Declaration of the Government of the Democratic and Popular Republic of Algeria dated 19 January 1981.

(c) This Award is hereby submitted to the President of the Tribunal for the purpose of notification to the Escrow Agent, which notification shall be issued on 15 September 1990, or the first business day thereafter.

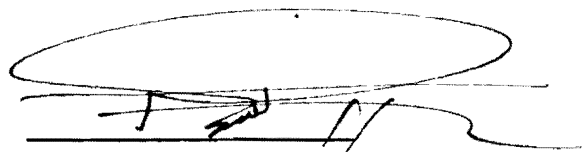
Dated, The Hague
22 June 1990


Robert Briner
President


In the Name of God

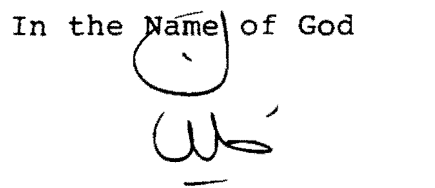

Bengt Broms


Gaetano Arangio-Ruiz


Assadollah Noori

In the Name of God

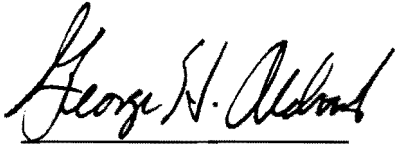

Howard M. Holtzmann


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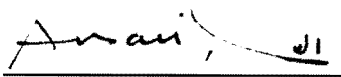
The position taken by the two Governments with respect to the U.S. Government's espousal as reflected in paragraph 5 above, confirms my observations made in

Case No. 10973. See
Lord Corporation v.
IHSRC, Award No.
346-10973-2
(Khalilian Separate
Opinion), reprinted
in 18 Iran-
U.S. C.T.R., 382.

In the Name of God . .



George H. Aldrich



Parviz Ansari Moin



Richard C. Allison