1. THE IRAN-US CLAIMS TRIBUNAL

Further Reading:
**WEB SITE** [http://www.iusct.org/index-english.html](http://www.iusct.org/index-english.html)
* Amin, "Iran-US Claims Settlement", 32 *ICLQ* 750 (1983)
* Caron, "The nature of the Iran-US Claims Tribunal..." 84 *AJIL* 104 (1990)
* Toope, *Mixed International Arbitration* (1990), chs VIII, IX


3. Under the **General Declaration**, the US undertook to restore the financial position to that on 14 Nov. 1979; both States undertook to terminate litigation between nationals and other Govt.; US hostages were to be returned, and Iranian assets released; a Security Account was to be established for the satisfaction of debts owing to the US and its citizens; the US agreed to revoke trade sanctions, and withdraw the ICJ case, and to bar future claims arising from the episode. The US pledge non-intervention in Iran. The I-USCT was to interpret the GD.


6. The Tribunal is not the primary means of settlement -art. I. It has **jurisdiction** over: (a) claims by nationals against the other government, excluding the "Embassy" and "revolutionary" claims and 'Iranian Forum cases' (see below); (b) inter-State claims; (c) the interpretation of the GD. On the status of I-USCT, see Lloyd-Jones, "The Iran-US Claims Tribunal...", 24 Va. J. Int'l L. 259 (1984)

**JURISDICTION**


10. The CSD also set out the range of **respondents** within the Tribunal’s jurisdiction: see CSD art. VII(3). See:- [Economy Forms Corp. v. Iran](https://www.iusct.org/cases gün/1986/03/20/economy-forms-corp-v-iran.html) 3 Iran-US CTR 42; [Rexnord Inc. v. Iran](https://www.iusct.org/cases gün/1986/03/20/rexnord-inc-v-iran.html) 2 Iran-US CTR 6; [Raygo Wagner Equipment Co. v. Star Line Iran Co.](https://www.iusct.org/cases gün/1986/03/20/raygo-wagner-equipment-co-v-star-line-iran-co.html) 1 Iran-US CTR 411.

11. The Tribunal’s **subject matter jurisdiction** (jurisdiction ratione materiae) extended to claims that were outstanding (whether or not they had been filed with a court) at the date of the Claims Settlement Declaration, and that "arise out of debts, contracts (including letters of credit or bank guarantees), expropriations or other measures affecting property rights".


15. Certain claims are **excluded**: see [Haji-Bagherpur v. US](https://www.iusct.org/cases gün/1986/03/20/haji-bagherpur-v-us.html) 2 Iran-US CTR 28; [Ultrasystems Inc. v. Iran](https://www.iusct.org/cases gün/1986/03/20/ultrasystems-inc-v-iran.html) 2 Iran-US CTR 100.
16. Disputes covered by clauses giving exclusive jurisdiction to Iranian courts are excluded. See: CSD art. II(1); Carvallo v. Hull Blyth (Angola) Ltd., [1979] 3 All ER 280; [The relevant Iran-US cases include: Halliburton v. Doreen/IMCO 1 Iran-US CTR 242 (note dissents, at 284, 305); HNTB v. Iran 1 Iran-US CTR 248; Drucker v. Foreign Transaction Co. 1 Iran-US CTR 252; TCSB Inc. v. Iran 1 Iran-US CTR 262; Ford Aerospace v. Iran 1 Iran-US CTR 268; Zokor International v. Iran 1 Iran-US CTR 271; ITEL v. Iran 7 Iran-US CTR 31; Aeronutronics Overseas Services Inc. v. Iran 5 Iran-US CTR 187; International Technical Products Corp. v. Iran 9 Iran-US CTR 206 ].

17. On official claims. See CSD art. II(2); Iranian Customs v US, Case B/3 8 Iran-US CTR 89.

18. For examples of interpretative cases see GD paras. 16, 17; CSD art. II(3), art. VI(4); Case A/1, Security Account, 1 Iran-US CTR 189, 22 ILM 591 (1983); Case A/15, Excess Iranian Funds, 26 ILM 1562 (1987); Case A/16, Standby Letters of Credit, 5 Iran-US CTR 57.


Almost all of the approximately 4,700 private U.S. claims filed against the Government of Iran at the Tribunal have been resolved and have resulted in more than $2.5 billion in awards to U.S. nationals and companies.

UNITED NATIONS COMPENSATION COMMISSION

Reading:-

<http://www.unog.ch/uncc/start.htm> [with bibliography under ‘Selected Publications’]


** Volume 109 of the ILR contains a valuable collection of UNCC materials.


For bibliography of additional materials, see http://www.unog.ch/uncc/publicat.htm

1. Following the invasion of Kuwait by Iraq, 2 August 1990, the UN Security Council, determined, by SC Res. 687 (1991), that:
“Iraq, without prejudice to the debts and obligations of Iraq arising prior to 2 August 1990, which will be addressed through the normal mechanisms, is liable under international law for any direct loss, damage, including environmental damage and the depletion of natural resources, or injury to foreign Governments, nationals and corporations as a result of Iraq’s unlawful invasion and occupation of Kuwait.”

2. Following establishment of a cease-fire, the Security Council established the UNCC to deal with claims for damages arising from the invasion and occupation of Kuwait UN SC Res 692 establishing UNCC: see M. Weller, *Iraq and Kuwait: the hostilities and their aftermath* (1993)13, and 537-563. Awards are to be paid out of the Fund established from 30% levy on Iraqi post-sanctions oil exports.

3. Note the **Provisional Rules for Claims Procedure**

   arts. 4-5 Claims submitted by States, international organizations; or persons or corporations if their national States fail to submit.

   art. 14 Preliminary assessment by Secretariat.

   art. 16 Reports by Executive Secretary; 30-day right to respond.

   arts. 18-27 Commissioners

   art. 28 Panels

   art. 31 Applicable law

   art. 40 Decisions -recommendations by the panels to the Governing Council


**Questions for consideration:**

1. How far may the procedures instituted in the Iran-US Claims Tribunal concerning (a) the *locus standi* of individual applicants and (b) the enforcement of awards be applied in other international fora?

2. Do the procedures of the UNCC satisfy elementary requirements of the Rule of law?

3. Why are the Iran-US Claims Tribunal and the UNCC so dissimilar?