

34

IRAN - UNITED STATES CLAIMS TRIBUNAL

دادگاه داورى دعاوى ايران - ايالات متحده

ORIGINAL DOCUMENTS IN SAFE

Case No. 26

Date of filing 30 March 1983

☒ AWARD. Date of Award 29 March 1983

3 pages in English. 3 pages in Farsi.
@ attachment



☐ DECISION. Date of Decision _____

_____ pages in English. _____ pages in Farsi.

☐ ORDER. Date of Order _____

_____ pages in English. _____ pages in Farsi.

☐ CONCURRING OPINION of _____

Date _____ pages in English. _____ pages in Farsi.

☐ DISSENTING OPINION of _____

Date _____ pages in English. _____ pages in Farsi.

☐ OTHER; Nature of document: _____

Date _____ pages in English. _____ pages in Farsi.

IRAN-UNITED STATES CLAIMS TRIBUNAL

دیوان دآوری دعاوی ایران - ایالات متحدہ



Cases No. 26 and 27
CHAMBER TWO
AWARD NO. 34-26/27-2

WILLIAMS BROTHERS INTERNATIONAL CORP.,
Claimant,

- and -

THE GOVERNMENT OF THE ISLAMIC REPUBLIC
OF IRAN; THE NATIONAL IRANIAN OIL
COMPANY,

Respondents.

IRAN UNITED STATES CLAIMS TRIBUNAL	دادگاه دآوری دعاوی ایران - ایالات متحدہ
ثبت شد - FILED	
No. 26/27	شماره
Date 30 MAR 1983	تاریخ
۱۳۶۲ / ۱۱ / ۱۰	

DUPLICATE
ORIGINAL
نسخه برابر اصل

AWARD ON AGREED TERMS

The Tribunal has satisfied itself that it has jurisdiction in this matter within the terms of the Declaration of the Democratic and Popular Republic of Algeria concerning the Settlement of Claims by the Government of the United States of America and the Islamic Republic of Iran of 19 January 1981.

The Claimant, WILLIAMS BROTHERS INTERNATIONAL CORP., and the Respondents THE NATIONAL IRANIAN OIL COMPANY and THE OIL MINISTRY OF THE ISLAMIC GOVERNMENT OF IRAN have entered into a Settlement Agreement dated 10 March 1983 resolving all matters in dispute between them the subject of Cases Nos. 26 and 27 filed with the Tribunal.

Paragraph 1 of the Settlement Agreement provides for the payment to the Claimant of the sum of US. \$ 5,950,000.00 in full and final settlement of all outstanding claims, counterclaims, defences and disputes now before the Tribunal in Cases 26 and 27.

Paragraph 5 of the Settlement Agreement provides that payment of the said sum shall be made out of the Security Account established pursuant to the Declaration of the Government of the Democratic and Popular Republic of Algeria of 19 January 1981, upon provision to the Tribunal by the Claimant of evidence of the withdrawal or revocation of the attachment filed in the Frankfurt Am . Main District Court, File No. 3/14 0 11/80.

On 22 March 1983 the Parties filed with the Tribunal a Joint Request for an Arbitral Award on agreed terms, signed by both Parties, whereby the Tribunal is requested to render an Award recording and giving effect to the said Settlement Agreement pursuant to Article 34(1) of the Provisionally Adopted Rules of the Tribunal. A copy of the Settlement Agreement and Joint Request is annexed hereto.

For the foregoing reasons

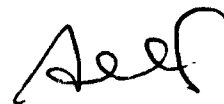
THE TRIBUNAL AWARDS AS FOLLOWS:

The Settlement Agreement is hereby accepted and recorded as an Award on agreed terms, binding on both Parties, and consequently the Respondents, THE NATIONAL IRANIAN OIL COMPANY and THE OIL MINISTRY OF THE ISLAMIC GOVERNMENT OF IRAN are obligated to pay the Claimant, WILLIAMS BROTHERS INTERNATIONAL CORP., the sum of Five Million Nine Hundred Fifty Thousand United States Dollars (US. \$ 5,950,000.00) 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.

On receipt from the Claimant of the confirmation required by Paragraph 5 of the Settlement Agreement that the attachment filed in the Frankfurt : Am Main District Court, File No. 3/14 0 11/80 has been withdrawn or revoked, this Award will be submitted to the President of the Tribunal for notification to the Escrow Agent.

Dated, The Hague

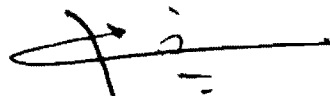
29 March 1983



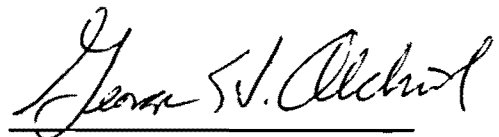
Pierre Bellet

Chairman

Chamber Two



Shafie Shafeiei



George H. Aldrich

IN THE NAME OF GOD

BEFORE THE IRAN - UNITED STATES CLAIMS TRIBUNAL

WILLIAMS BROTHERS INTERNATIONAL CORP.,
CLAIMANT,

v.

THE GOVERNMENT OF THE ISLAMIC REPUBLIC
OF IRAN AND THE NATIONAL IRANIAN OIL
COMPANY

RESPONDENTS

CASE NO. 26
CHAMBER TWO

IRAN UNITED STATES CLAIMS TRIBUNAL	دادگاه داری و محاکمات ایران - ایالات متحده
ثبت شد - FILED	
Date	۱۳۶۲ / ۱ / ۲ 22 MARCH 1983
No.	

WILLIAMS BROTHERS INTERNATIONAL CORP.,
CLAIMANT,

v.

THE NATIONAL IRANIAN OIL COMPANY AND
THE GOVERNMENT OF THE ISLAMIC REPUBLIC
OF IRAN,

RESPONDENTS

CASE NO. 27
CHAMBER TWO

REQUEST FOR AN ARBITRAL AWARD ON AGREED TERMS

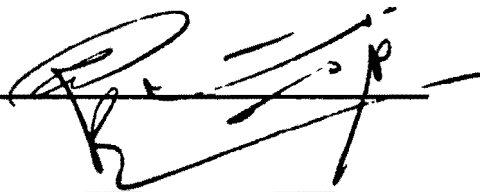
The Claimant and Respondents, pursuant to Article 34 of the UNCITRAL Rules, adopted by the Tribunal, jointly request that the Tribunal accept and record a settlement reached by the parties as an Award On Agreed Terms.

On March 10, 1983, the parties entered into a Settlement Agreement settling all claims, counterclaims, defences and disputes in Case Nos. 26 and 27, a true copy of which is attached hereto for review by the Tribunal. Among other terms, the parties agreed to payment to Claimant from the Security Account established by paragraph 7 of the Declaration of the Government of the Democratic and Popular Republic of Algeria dated January 19, 1981 in an amount of Five Million Nine Hundred Fifty Thousand Dollars (\$5,950,000.00) in full settlement of said Case Nos. 26 and 27.

Therefore, the parties accordingly request the Tribunal to enter an Award On Agreed Terms in the amount of Five Million Nine Hundred Fifty Thousand Dollars (\$5,950,000.00) to be paid from the Security Account to the Federal Reserve Board of the United States for the account and benefit of Claimant, and to dismiss Case Nos. 26 and 27.

Dated 14th day March 1983.

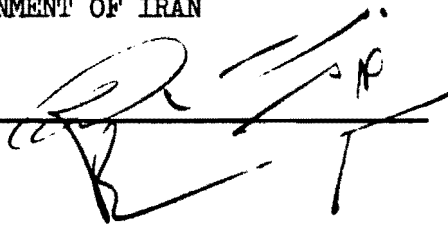
THE NATIONAL IRANIAN OIL COMPANY

By 

its _____

ATTEST: _____

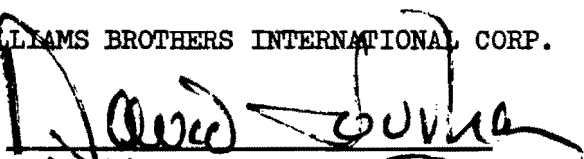
THE OIL MINISTRY OF THE ISLAMIC
GOVERNMENT OF IRAN

By 

its _____

ATTEST: _____

WILLIAMS BROTHERS INTERNATIONAL CORP.

By 

its Attorney-in-Fact

ATTEST: _____

IN THE NAME OF GOD

SETTLEMENT AGREEMENT

This Agreement made this 10th day of March 1983 by and between WILLIAMS BROTHERS INTERNATIONAL CORP., a corporation organized under the laws of the State of Delaware, United States of America ('Claimant') and the NATIONAL IRANIAN OIL COMPANY, a corporation organized under the laws of the Islamic Republic of Iran ('Respondent').

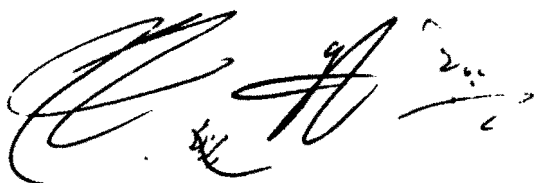
WITNESSETH

WHEREAS, Claimant has filed certain claims against Respondents with the Iran - United States Claims Tribunal, The Hague, the Netherlands, Case Nos. 26 and 27 arising out of Contract 3-73-290-01-338 pertaining to the Pazanan Gas Gathering Project and Contract No. CC745 pertaining to the Rey/Rasht Pipeline Project in the country of the Islamic Republic of Iran; and

WHEREAS, Respondents have filed certain Counterclaims pertaining to Case Nos. 26 and 27; and

WHEREAS, Claimant and Respondents desire to resolve all claims and disputes between them relating to or arising out of their past relationships under Contract No. 3-73-290-01-338, Case No. 26 and Contract No. CC745, Case No. 27.

NOW THEREFORE, in consideration of the mutual covenants, premises and agreements herein set forth, the parties hereby agree as follows:



بنام خدا

توافقنامه

این توافقنامه در روز ۱۹ اسفند ماه ۱۳۶۱ (۱۰ مارس ۱۹۸۳) بین شرکت ویلیامز برادرز اینترنشنال، شرکتی که طبق قوانین ایالت دلاور آمریکا تأسیس شده است (خواهان) و شرکت ملی نفت ایران، شرکتی که طبق قوانین جمهوری اسلامی ایران تأسیس یافته است (خواننده) منعقد گردید.

نظرباینکه خواهان در مورد قرارداد شماره ۳-۷۳-۲۹۰-۰۱-۳۳۸-۲۲۸ راجع به پروژه جمع آوری گاز پازنان و قرارداد شماره سی سی ۷۴ در مورد پروژه خط لوله ری / رشت در ادخواستهای تحت شماره های ۲۶ و ۲۷ در دیوان داری ایران / آمریکا در لاهه ثبت نموده است، و نظرباینکه خوانندگان نیز مدافعات و ادخواست متقابلی نسبت به د ادخواستهای مزبور اد هانند، و نظرباینکه خواهان و خوانندگان مایل به حل و فصل کلیه ادعاها، ادعاهای متقابل، مدافعات و اختلافات فیما بین در مورد ویاناشی از روابط گذشته آنها تحت قرارداد شماره ۳-۷۳-۲۹۰-۰۱-۳۳۸-۲۲۸ (پرونده شماره ۲۶) و توافقنامه سی سی ۷۴ (پرونده شماره ۲۷) میباشند،

بنابراین با لاطرفین بشرح زیر توافق میکنند:



1- That in full and final settlement of all outstanding claims, counter-claims, defences and disputes between them pertaining to Case Nos. 26 and 27, the parties agree that the sum of Five Million Nine Hundred Fifty Thousand Dollars (\$5,950,000.00) is due and owing Claimant.

2- That the parties will present this Settlement Agreement to the Iran - United States Claims Tribunal and request the Tribunal issue and Award On Agreed Terms as set forth herein.

3- That upon the date of such awards of the Claims Tribunal in Case Nos. 26 and 27, Claimant and Respondents will cause, without delay, except as otherwise provided herein, all proceedings between the parties or against either party in courts or authoritative bodies or entities asserting jurisdiction of any matters pertaining to this Agreement in the Islamic Republic of Iran, in the Federal Republic of Germany or elsewhere to be dismissed and terminated provided however, Claimant will withdraw or revoke its attachment filed in the Frankfurt am Main District Court, File No. 3/14 O 11/80 and Respondent will withdraw its appeals as to Williams Brothers International Corp., in Frankfurt am Main Higher Regional Court, File No. 5U202/81 and in the Federal Constitutional Court in Karlsruhe, File No. 2BVR682/81, Federal Republic of Germany, with the further understanding that in the attachment proceedings and any other proceedings connected with the said attachment proceedings each party in these proceedings will pay their own costs and attorney fees but will share equally court costs.

۱- از بابت حل و فصل کلی و نهایی کلیه ادعاها ،
ادعاهای متقابل ، مدافعات و اختلافات
فیما بین در خصوص پرونده های ۲۶ و ۲۷ ،
طرفین قبول میکنند که مبلغ پنج میلیون و
نهمصد و پنجاه هزار دلار خواهان دریافت
نماید .

۲- طرفین این توافقنامه را بدو طرف ایرانی /
آمریکائی تقدیم و تقاضای صدور رأی بر طبق
شرایط مندرج در این توافقنامه را خواهند
نمود .

۳- با صدور رأی مزبور در مورد پرونده های ۲۶ و
۲۷ خواهان و خوانندگان بدوین تاخیر
موجبات رد و مختوم شدن کلیه دعاوی فیما بین
و باعلیه همه بگریز اجزای رموزی که در این
توافقنامه مستثنی شده باشد ، در دادگاهها
یا مقامات صالحه جمهوری اسلامی ایران
و جمهوری فدرال آلمان و یا هر جای دیگر که
مربوط باین توافقنامه باشد فراهم خواهند
نمود و خواهان درخواست تا مین خود را
از دادگاه ناحیه فرانکفورت که تحت شماره
۳/۱۴۰۱۱/۸۰۱ میباشد سترد خواهد
نمود . و خواننده تقاضای استیناف خود
را علیه شرکت ویلیامز برادرزادگان آلمانی
منطقه ای فرانکفورت (پرونده شماره
(5 U 202/81) و از دادگاه فدرال
قانون اساسی کالسروهه (پرونده شماره
(2 BVR 682/81) جمهوری فدرال آلمان
سترد خواهد نمود .
مضافاً آنکه هر یک از طرفین مخارج سهم
خود را در اقدامات تا مینی و اقدامات مرتبط
با عملیات تا مینی تقبل خواهد نمود ، ولی
هزینه های دادگاه را طرفین بهالمنصفه
خواهند پرداخت .

- 4- Respondent acknowledges that all counterclaims for Iranian taxes and also all counterclaims of the Iranian Social Security Organization under Case Nos. 26 and 27 (Contract Nos. 3-73-290-01-338 and CC 745) against Claimant will be paid by Respondent, and Certificate of Release would be provided to Claimant when obtained by Respondent.

۴- خواننده قبول می‌نماید که کلیه ادعاهای متقابل مربوط به مالیات ایران و نیز ادعاهای سازمان تأمین اجتماعی ایران را که در پرونده های ۲۶ و ۲۷ (قرارداد های شماره ۱-۳۳۸-۲۹۰۰۰۱-۳-۷۳ و ۳-۷۳-۲۹۰۰۰۱-۳-۷۳) علیه خواهان شده است بهر د از و گواهی مفاصرا پس از دریافت به خواهان تسلیم نماید .

- 5- That the award by the Claims Tribunal in the amount stated in paragraph 1 herein above shall be satisfied by payment out of the Security Account established by paragraph 7 of the Declaration of the Democratic and Popular Republic of Algeria dated 19 January 1981. The payment shall be made after the Tribunal has been furnished evidence by Claimant that the attachment mentioned in paragraph 3 above have been withdrawn or revoked.

۵- رami صادره توسط دیوان د اوری در باره مبلغ مذکور در ماده ۱ این قرارداد باپرداخت آن از محل وثیقه مذکور در پاراگراف ۷ بیانیه الجزایر مورخ ۱۹ ژانویه ۱۹۸۱ اجرا خواهد شد . پرداخت مزبور پس از ارائه سند از طرف خواهان به دیوان منی بر استرداد درخواست تأمین مزبور ریند ۳ بالا صورت خواهد گرفت .

- 6- That if for any reason the Iran - United States Claims Tribunal refuses to make an award on agreed terms as provided in this Agreement, this Agreement shall become null and void.

۶- چنانچه بهر دلیل دیوان د اوری ایران / آمریکا از صد ویرامی بر اساس شرائط این قرارداد امتناع ورزید ، این توافقنامه کان لم یکن خواهد بود .

- 7- That if for any reason this Agreement is not executed by the parties or is not implemented as provided for herein before 30th March 1983 the parties will proceed with the Pre-Hearing scheduled on 30th March 1983 by Chamber No. Two in Case No. 27.

۷- چنانچه این توافقنامه بهر دلیل توسط طرفین یا طبق شرائط بالا قبل از ۳۰ مارس ۱۹۸۳ اجرا نگردد ، طرفین نسبت به جلسه رسیدگی مقد ماتی ۳۰ مارس ۱۹۸۳ نسبت به پرونده ۲۷ در شعبه ۲ اقدام خواهند نمود .

8- That this Agreement does not affect or prejudice either party or other parties in Case No. 25 presently filed with the Iran - United States Claims Tribunal.

۸- این توافقنامه در موضع طرفین با طرفهای دیگر در پرونده ۲۵ مطروحه در شعبه ۲ دیوان داری ایران / آمریکا اثری نخواهد داشت .

9- That this Agreement shall be binding on the parties upon the approval of the appropriate authorities of the Islamic Republic of Iran.

۹- این توافقنامه پس از تصویب مقامات صالحه جمهوری اسلامی ایران قطعی خواهد بود .

THE NATIONAL IRANIAN OIL COMPANY

By

its

ATTEST:

شرکت ملی نفت ایران
[Signatures and stamps]

THE OIL MINISTRY OF THE ISLAMIC GOVERNMENT OF IRAN

By

DR A HOONAR DOOST

its Deputy Oil Minister for International and Commercial Affairs

ATTEST:

وزارت نفت جمهوری اسلامی ایران
[Signatures and stamps]
معاون وزیر امور بین المللی و بازرگانی

WILLIAMS BROTHERS INTERNATIONAL CORP.

By

its

Attorney-in-Fact

ATTEST:

شرکت ویلیامز برادرز اینترنشنال