

ORIGINAL DOCUMENTS IN SAFECase No. 486Date of filing: 4-Mar-88

** AWARD - Type of Award Correction to Award
- Date of Award 24-Mar-88
2 pages in English pages in Farsi

** DECISION - Date of Decision
 pages in English pages in Farsi

** CONCURRING OPINION of
- Date
 pages in English pages in Farsi

** SEPARATE OPINION of
- Date
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** DISSENTING OPINION of
- Date
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** OTHER; Nature of document:

- Date
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DUPLICATE
ORIGINAL

نسخہ برابر اصل

CASE NO. 486

111

CHAMBER THREE

AWARD NO. 351-486-3

INTERNATIONAL ORE & FERTILIZER CORPORATION,
INTERORE CORPORATION OF SAUDI ARABIA
and INTERORE TRADING LTD.,

Claimants

and

RAZI CHEMICAL COMPANY LTD. (formerly known
as SHAHPUR CHEMICAL COMPANY LTD.),
GOVERNMENT TRADING CORPORATION,
NATIONAL PETROCHEMICAL COMPANY,
and FERTILIZER DISTRIBUTION COMPANY,

Respondents.

IRAN UNITED STATES CLAIMS TRIBUNAL	دادگاه دآوری دعاوی ایران - ایالات متحدہ
ثبت شد - FILED	
Date	4 MAR 1988 تاریخ
	۱۳۶۶ / ۱۲ / ۱۴
No.	486 شماره

CORRECTION TO AWARD

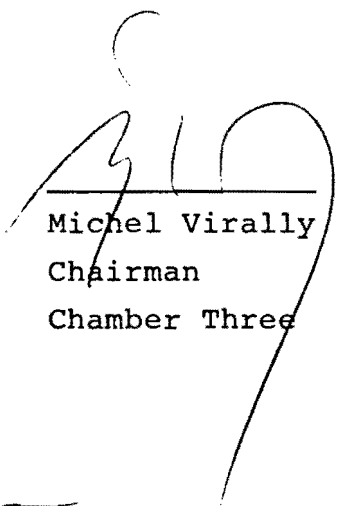
The following corrections are hereby made to the English version of the Award in this Case filed on 29 February 1988:

1. At page 4, paragraph 8, line 1, replace "that if" with "that even if",
2. At page 6, paragraph 10, line 6, replace "its" with "their",
3. At page 7, paragraph 14, line 2, replace "Claimants" with "Claims".

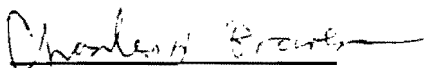
Copies of the corrected pages are attached.

Dated, The Hague,

4 March 1988



Michel Virally
Chairman
Chamber Three



Charles N. Brower

In the name of God



Parviz Ansari Moin

the United States.¹ The Claimants submitted certification from the Secretary of State of California that on 20 May 1920 Occidental was incorporated under the laws of California and that it remained in good standing as of 20 November 1984. In addition, the Claimants submitted an affidavit of P.C. Hebner, the Executive Vice President and Secretary of Occidental, stating that 98.9 percent of the voting stock of Occidental was held by shareholders of record with addresses in the United States as shown on the shareholder lists of 27 December 1976 and 21 May 1981.

7. In response thereto GTC argued that the certificate produced by the Claimants does not sufficiently establish the United States nationality of the majority of IOFC's shareholders and that IOFC's relationship with Occidental has not been evidenced.

8. The Tribunal finds that even if Occidental's United States nationality is properly evidenced, the documentation submitted by the Claimants does not establish Occidental's ownership of IOFC through the alleged chain of subsidiaries listed in this documentation and therefore IOFC's United States nationality as defined in Article VII, paragraph 1 of the Claims Settlement Declaration is not established.

9. In arriving at such a conclusion, the Tribunal does not lose sight of the fact that, due to the specific problems raised by the issue of evidencing the nationality of a corporation the shares of which are widely disseminated in public, the Tribunal has adopted a flexible approach

¹These companies include: Oxy Ch Corporation, Oxy Chemical Corporation, Occidental Chemical Holding Corporation, Occidental Petroleum Investments Co. and Occidental Petroleum Corporation, all of which are California corporations.

establish to the satisfaction of the Tribunal that these entities were wholly owned by IOFC. On these two critical issues the mere fact that the Respondents have not offered any evidence in support of their denial of the Claimants' allegations does not suffice to shift the burden of proof and to relieve the Claimants from their duty to evidence their own contentions. Consequently, on the basis of the record before it and pursuant to Article II, paragraph 1 of the Claims Settlement Declaration the Tribunal lacks jurisdiction over the claim of IOFC.

2. Interore SA and Interore Trading

11. Interore SA and Interore Trading are introduced as Claimants in the Statement of Claim. They state, however, that if the Tribunal finds that it does not have jurisdiction over the claims asserted by them, IOFC would be entitled indirectly to assert the same claims on behalf of Interore SA and Interore Trading pursuant to Article VII, paragraph 2 of the Claims Settlement Declaration.

12. The evidence submitted by the Claimants establishes that Interore SA and Interore Trading are Liberian corporations. It is thus clear that Interore SA and Interore Trading are not proper Claimants before the Tribunal. For the reasons expressed in paragraph 10 above, IOFC has no standing to assert indirectly the claims that they submitted to the Tribunal.

13. In light of these holdings, the Tribunal need not reach other jurisdictional issues raised by the Respondents.

3. Counterclaim

14. In view of the fact that the Tribunal lacks jurisdiction over the Claims in this Case, it necessarily has no jurisdiction over the Counterclaim.

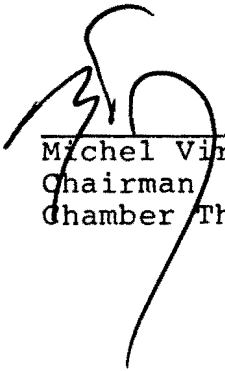
III. AWARD

15. For the foregoing reasons,

THE TRIBUNAL AWARDS AS FOLLOWS:

- a) the Claims of INTERNATIONAL ORE & FERTILIZER CORPORATION, INTERORE CORPORATION OF SAUDI ARABIA AND INTERORE TRADING LTD. are hereby dismissed for lack of jurisdiction.
- b) Consequently, the Counterclaim of RAZI CHEMICAL COMPANY LTD. is dismissed.
- c) each Party shall bear its own costs of arbitration.

Dated, The Hague,
29 February 1988



Michel Virally
Chairman
Chamber Three

In the Name of God



Charles N. Brower
Dissenting Opinion



Parviz Ansari Moin