

ORIGINAL DOCUMENTS IN SAFE

Case No. 488

Date of filing: 19 DEC 1983

** AWARD - Type of Award ON AGREED TERMS
 - Date of Award 19 DEC 1983
4 pages in English pages in Farsi

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

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

 - Date
 pages in English pages in Farsi



CASE NO. 488

CHAMBER ONE

AWARD NO. 96-488-1

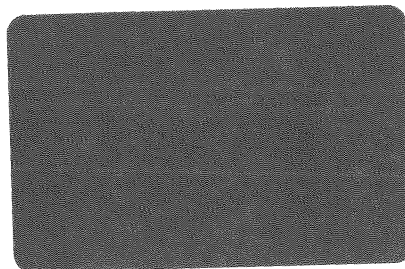
PAN AMERICAN WORLD
AIRWAYS, INC., and
PAN AMERICAN WORLD
SERVICES, INC.,

Claimants,

and

THE GOVERNMENT OF THE
ISLAMIC REPUBLIC OF IRAN,
THE AIR FORCE OF IRAN,
IRAN AIRCRAFT INDUSTRIES,
BANK MELLI IRAN,
Respondents.

IRAN UNITED STATES CLAIMS TRIBUNAL	دادگاه داوری دعاوی ایران - ایالات متحده
ثبت شد - FILED	
Date	۱۳۶۲ / ۹ / ۲۸ 19 DEC 1983
No.	488
	شماره ۴۸۸



AWARD ON AGREED TERMS

On 6 December 1983 a Joint Motion for an Arbitral Award on agreed terms was filed with the Tribunal, signed by representatives of PAN AMERICAN WORLD AIRWAYS, INC. ("PAN AM"), PAN AMERICAN WORLD SERVICES, INC. ("WORLD SERVICES"), THE MINISTRY OF DEFENCE OF THE ISLAMIC REPUBLIC OF IRAN ("MOD"), and the Agent of THE GOVERNMENT OF THE ISLAMIC REPUBLIC OF IRAN, requesting the Tribunal to record together as an Award on agreed terms pursuant to Article 34 of the Tribunal Rules a Settlement Agreement dated 20 November 1982 between PAN AM and IRAN AIRCRAFT INDUSTRIES, and a Memorandum of Understanding dated 18 October 1983 between PAN AM, WORLD SERVICES, MOD and THE AIR FORCE OF IRAN (NEHAJA).

It appears from the documents submitted that Bank Melli Iran is included in the settlement of Case No. 488.

The Settlement Agreement and the Memorandum of Understanding provide for certain reciprocal obligations by the Parties thereto, and are together stated to constitute a "full settlement of all claims and counterclaims arising under or relating to Claim No. 488."

The Parties to the Joint Motion request that the contents of the Settlement Agreement and the Memorandum of Understanding be kept strictly confidential.

The Joint Motion having been submitted in English only, the Tribunal deems the Parties to have waived the requirements of Article 17 Note 3(e) of the Tribunal Rules.

The Tribunal accepts the Settlement Agreement and Memorandum of Understanding in accordance with Article 34 of the Tribunal Rules.

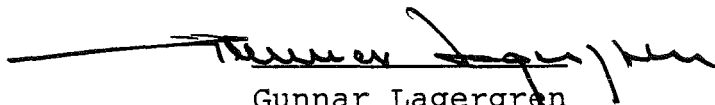
Based on the foregoing,

The Settlement Agreement and Memorandum of Understanding are together hereby recorded as an Award on agreed terms, binding on the Parties. Consequently THE MINISTRY OF DEFENCE OF THE ISLAMIC REPUBLIC OF IRAN is obligated to pay the Claimant PAN AMERICAN WORLD AIRWAYS, INC. the amount of Two Million One Hundred Thousand United States Dollars (\$2,100,000), 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, in the manner prescribed in Article 3 of the Joint Motion.

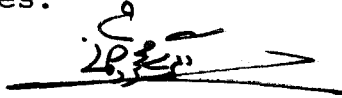
The Tribunal determines in accordance with the request of the Parties and pursuant to Article 32 paragraph 5 of the Tribunal Rules that the Settlement Agreement and Memorandum of Understanding shall not be made public.

The Tribunal hereby submits this Award to the President for notification to the Escrow Agent.

Dated, The Hague,
19 December 1983


Gunnar Lagergren
Chairman
Chamber One

I agree with the Chairman in accepting and recording of the Settlement Agreement as an Award on agreed terms but I dissent as to the remaining part of this Award not only because that part unilaterally condemns one of the parties to the performance of its obligations and ignores the reciprocal obligations of the other party but also because it provides for an enforcement procedure, which a judge is barred from after deciding the dispute or accepting and recording the settlement, according to Article 34 of the UNCITRAL Rules.



Mahmoud M. Kashani



Howard M. Holtzmann
(Dissenting Opinion)