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ORIGINAL DOCUMENTS IN SAFECase No. 74Date of filing: 10. Sep 87

** AWARD - Type of Award _____
- Date of Award _____
_____ pages in English _____ pages in Farsi

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

** CONCURRING OPINION of Correction of Mr. Beauchamp
- Date 31. Aug 87
2 pages in English _____ pages in Farsi

** SEPARATE 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

DUPLICATE
ORIGINAL

نسخہ برابر اصل

CASES NOS. 74, 76, 81, 150
CHAMBER THREE
AWARD NO. 311-74/76/81/150-3

Case No. 74

MOBIL OIL IRAN INC., and
MOBIL SALES AND SUPPLY CORPORATION,

Claimants,

and

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

Respondents.

IRAN UNITED STATES CLAIMS TRIBUNAL	دادگاه داوری دعاوی ایران - ایالات متحدہ
ثبت شد - FILED	
Date	10 SEP 1987 1366 / 6 / 19
No.	74
	تاریخ
	شماره

Case No. 76

SAN JACINTO EASTERN CORPORATION, and
SAN JACINTO SERVICE CORPORATION,

Claimants,

and

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

Respondents.

Case No. 81

ARCO IRAN, INC., and
ATRECO, INC.,

Claimants,

and

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

Respondents.

Case No. 150

EXXON CORPORATION, and
ESSO TRADING COMPANY OF IRAN,

Claimants,

and

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

Respondents.

CORRECTION TO CONCURRING OPINION OF JUDGE BROWER

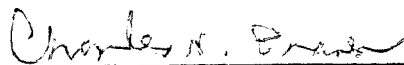
The following correction should be made to the English version of my Concurring Opinion filed in this Case on 14 July 1987:

Page 13, paragraph 15, line 1, "10 March 1987" is changed to "10 March 1979".

A copy of the corrected page is attached.

Dated, The Hague,

3/ August 1987



Charles N. Brower

foreclosed nationalization as a lawful course through 21 March 1993.

15. Thus as of 10 March 1979 NIOC and Iran were in material breach of the SPA.

16. The foregoing analysis leads necessarily to the conclusion that Claimants' property in the SPA was unlawfully expropriated as of 10 March 1979,¹³ for nationalization by a host state notwithstanding its agreed "stabilization" of the prescribed contractual period renders such act unlawful. AGIP, supra, paras. 86-88, 21 Int'l Legal Mat'ls at 735-36; TOPCO, supra, para. 71, 53 I.L.R. at 477; BP Exploration, supra, 53 I.L.R. at 329.¹⁴

¹³ 10 March 1979 should be the effective date of expropriation even had NIOC's letter of that date been thought ambiguous and the fact of expropriation been confirmed only by subsequent adoption of the Single Article Act on 8 January 1980 or its application to the SPA on 5 September 1981. See Sedco, Inc. and National Iranian Oil Company, Award No. ITL 55-129-3 at 41 (28 Oct. 1985) ("When, as in the instant case, the seizure of control by appointment of 'temporary' managers clearly ripens into an outright taking of title, the date of appointment presumptively should be regarded as the date of taking.").

¹⁴ I do not suggest that the characterization of Respondents' actions as lawful or unlawful would in any way alter the amount due Claimants. See Concurring Opinion of Judge Brower in AMOCO International Finance Corp. and Islamic Republic of Iran, Award No. 310-56-3 at para. 7 n. 5 (14 July 1987). They seek the same so far in either event. To the extent anyone nonetheless should think that unlawful conduct would require a higher compensation in this Case than otherwise, my conclusions on the issue would call for the higher amount.