

ORIGINAL DOCUMENTS IN SAFECase No. A 27

A27-36

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** AWARD - Type of Award _____
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DECISION - Date of Decision _____
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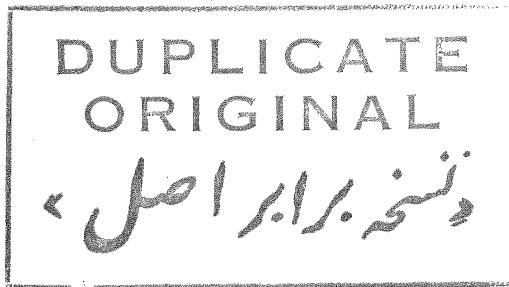
** CONCURRING OPINION of _____
- Date _____
_____ pages in English _____ pages in Farsi

** SEPARATE OPINION of Mr Allison
- Date 9 June 98
2 pages in English 1 pages in Farsi

** DISSENTING OPINION of _____
- Date _____
_____ pages in English _____ pages in Farsi

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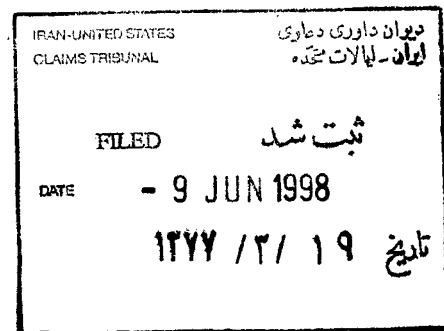
FULL TRIBUNAL

AWARD NO. 586-A27-FT

THE ISLAMIC REPUBLIC OF IRAN,
Claimant,

And

THE UNITED STATES OF AMERICA,
Respondent.



SEPARATE OPINION OF
RICHARD C. ALLISON

1. In the award that is the principal subject of this Case, *Avco Corporation and Iran Aircraft Industries, et al.*, Partial Award No. 377-261-3 (18 Jul. 1988), *reprinted in* 19 Iran-U.S. C.T.R. 200 (hereinafter "*Avco*"), Chamber Three called for post-award interest at the rate of 10% per annum on the U.S.\$886,127 awarded to Iran Aircraft Industries. At the same time the Chamber explicitly denied post-award interest on the U.S.\$2,626,959.03 awarded to Iran Helicopter Support and Renewal Company ("IHSRC"). *Id.* at 229. The Full Tribunal in the present Case has seen fit to depart from the Chamber's Award in the latter respect.

2. In my view it would have been preferable for the Full Tribunal to have adhered to the Award as Chamber Three rendered it and not to have granted post-award/pre-judgment interest on the

amount owed to IHSRC. This would have obviated the need for speculation about how an enforcing United States court might have exercised its discretion whether to grant post-award interest when the award itself declined to do so. See *The Islamic Republic of Iran and The United States of America*, Award No. 586-A27-FT, para. 76, n.9 (5 June 1998), reprinted in __ *Iran-U.S. C.T.R.* __, __. Such speculation has required that the Tribunal divine not only that the U.S. court would have ignored the *Arco* Award and granted IHSRC post-award interest but also that the court would have stipulated a rate of 10%, far in excess of market rates for the relevant period (July 1988 to November 1992).

3. Otherwise I concur in the Award in the present Case.

Dated, The Hague
9 June 1998


Richard C. Allison
