



CASE NO. B41

CHAMBER THREE

AWARD NO. 470-B41-3

TECHNICAL LABORATORY &
SOIL MECHANICS OF THE MINISTRY
OF ROADS & TRANSPORT OF THE
ISLAMIC REPUBLIC OF IRAN,
Claimant,

and

FEDERAL HIGHWAY ADMINISTRATION
OF THE U.S. DEPARTMENT OF TRANSPORTATION,
Respondent.

IRAN-UNITED STATES CLAIMS TRIBUNAL	دیوان داوری دعاوی ایران - ایالات متحدہ
FILED	ثبت شد
DATE	21 FEB 1990
	تاریخ ۱۳۶۸ / ۱۲ / ۲

AWARD ON AGREED TERMS

1. THE TECHNICAL LABORATORY & SOIL MECHANICS OF THE MINISTRY OF ROADS & TRANSPORT OF THE ISLAMIC REPUBLIC OF IRAN ("Iran") submitted its Statement of Claim on 15 January 1982 against THE FEDERAL HIGHWAY ADMINISTRATION OF THE U.S. DEPARTMENT OF TRANSPORTATION (the "United States"). On 7 July 1982 the United States submitted its Statement of Defense and Counterclaim.

2. On 13 February 1990 a Joint Request for Arbitral Award on Agreed Terms (the "Joint Request"), signed by the Agent of the Government of the Islamic Republic of Iran and by the Agent of the Government of the United States, was filed with the Tribunal. Attached thereto was a Settlement Agreement dated 18 January 1990 and signed by the Agent of the Government of the Islamic Republic of Iran and by the Agent of the Government of the United States. In the Joint Request the Tribunal is requested to record the Settlement Agreement as an Arbitral Award on Agreed Terms and to terminate Case No. B41 in its entirety and with prejudice. Copies of the Joint Request and the Settlement Agreement are attached hereto and incorporated by reference.

3. The Settlement Agreement provides in Article 1 that "[i]n consideration of full and final settlement of all disputes, differences, claims, counterclaims and matters directly or indirectly raised or capable of arising out of the relationships, transactions, contracts and events related to the subject matter of Case No. B41, the sum of U.S. \$96,000 (Ninety Six Thousand Dollars) ("the Settlement Amount") shall be paid to Iran. The Settlement Amount shall be paid by means of a check to be delivered to the Agent of the Islamic Republic of Iran simultaneously with the submission of this Agreement to the Tribunal."

4. The Settlement Agreement in Article II further provides that "[u]pon the issuance by the Tribunal of the Award on Agreed Terms, the United States and Iran shall cause,

without delay and with prejudice, all proceedings in all courts, fora, or before any authority or administrative bodies to be dismissed, withdrawn and terminated, and shall be barred from instituting and/or continuing with any other proceedings before the Iran-U.S. Claims Tribunal or any other forum, authority or administrative body whatsoever, including but not limited to any court in the United States or Iran, in relation to the claims, counterclaims and matters related to Case No. B41."

5. The Tribunal notes that an "Acknowledgement of Receipt" dated 13 February 1990, signed by the Agent of the Government of the Islamic Republic of Iran and attached to the Joint Request, confirms the receipt of United States Treasury check No. 3007-19296561, dated February 7, 1990, as stipulated in Article 1 of the Settlement Agreement.

6. The provisions of the Settlement Agreement and the Joint Request fulfill the requirements for the issuance of an Award on Agreed Terms. The Tribunal therefore accepts the Settlement Agreement in accordance with Article 34, paragraph 1, of the Tribunal Rules.

7. Based on the foregoing,

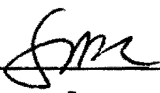
THE TRIBUNAL AWARDS AS FOLLOWS:

- a) The Settlement Agreement together with the Joint Request are hereby recorded as an Award on Agreed Terms, binding on THE TECHNICAL LABORATORY & SOIL MECHANICS OF THE MINISTRY OF ROADS & TRANSPORT OF THE ISLAMIC REPUBLIC OF IRAN and on THE FEDERAL HIGHWAY ADMINISTRATION OF THE U.S. DEPARTMENT OF TRANSPORTATION.
- b) In accordance with the Settlement Agreement, the United States is obligated to pay to Iran the

amount of Ninety Six Thousand Dollars
(U.S.\$96,000).

- c) As the Agent of the Government of the Islamic Republic of Iran has acknowledged the receipt of a check for the above amount from the Agent of the Government of the United States, simultaneously with the submission of the Settlement Agreement to the Tribunal on 13 February 1990, this Award is final and binding on the Parties and disposes of all claims, counterclaims and matters asserted in this Case.

Dated, The Hague,
21 February 1990



Gaetano Arangio-Ruiz
Chairman
Chamber Three

In the name of God



Richard C. Allison



Parviz Ansari Mo'in