

EDITOR'S NOTE

The obligation of states to settle international disputes by peaceful means and the prohibition of the threat or use of force in international relations are complementary principles enshrined in the Charter of the United Nations, specifically Articles 2(3) and 2(4). These core norms affirm the role of arbitration as the most important mechanism for the peaceful resolution of disputes and the maintenance of international order. Within this normative framework, the Iran–United States Claims Tribunal stands out for its substantial jurisprudential contributions to investor–state arbitration and the broader field of interstate dispute resolution.

The Iran-United States Claims Tribunal is one of the most, if not the most, important institutions in the history of international arbitration, and is considered the longest-running interstate arbitration tribunal in modern times. Established after the 1979 Islamic Revolution, the Tribunal was created to address complex disputes arising from the severance of diplomatic and economic relations between Iran and the United States. Extensive contractual and investment relations between the two countries before the revolution, had led to numerous legal disputes that remained unresolved in the wake of political situation. The seizure of the United States embassy in Tehran exacerbated the crisis and prompted the need for a formal mechanism for dispute resolution. The 1981 Algiers Agreements between Islamic Republic of Iran and the U.S with the mediation of Algeria and the subsequent establishment of the Tribunal demonstrate how the two countries were able to transform a diplomatic impasse into a structured legal process—an early demonstration of the capacity of international law to resolve disputes at the states level.

Over the course of more than four decades, the Tribunal has adjudicated about 4000 claims, making it one of the most active and influential institutions in the field of international arbitration. Its jurisprudence has significantly contributed to the evolution of international investment law, law of state responsibility, and procedural developments in arbitration. The Tribunal's decisions have frequently served as persuasive authority for subsequent arbitral bodies, thereby enriching

the body of international legal precedent and shaping standards of practice in investor–state dispute settlement.

The present issue of our journal is devoted to exploring the legal and institutional legacy of the Iran–U.S. Claims Tribunal. It features selected contributions from the International Arbitration Conference held in November 2024, which brought together leading scholars, practitioners, and students. These contributions examine the Tribunal’s lasting impact on international arbitration from doctrinal, procedural, and contemporary perspectives. The issue includes the following sections:

1. Doctrinal Legacy

- Mir-Hossein Abedian, Current Tribunal Judge and former Justice of Iran’s Supreme Court Judge, examines the precedential weight of the Tribunal’s awards, focusing on how they have been invoked as persuasive authority in ICSID, PCA, and ad hoc arbitral proceedings. His empirical study finds that 44.7% of ICSID awards referenced Tribunal precedents, with Amoco International and Starrett Housing cited most frequently.
- Professor Seyed Ghasem Zamani analyzes the Tribunal’s contributions to the development of the law of state responsibility, particularly in areas such as attribution of conduct, force majeure, and indirect expropriation—doctrinal innovations that have since influenced the jurisprudence of the UN Compensation Commission and ICSID tribunals.

2. Procedural Innovations

- Associate professor Hamid Reza Oloumi Yazdi, former Tribunal Judge, critiques the proposing reforms to deter bad-faith withdrawals. He recommends empowering appointing authorities to ensure continuity in contentious proceedings.
- Professor Jamal Seifi, current Tribunal Judge, reflects on the Tribunal’s jurisprudence on arbitration procedure, emphasizing how its hybrid procedural model bridged civil and common law traditions. He highlights Iran’s eventual adoption of practices such as cross-examination and written witness statements.

3. Contemporary Relevance

- Articles on evidence and burden of proof and good faith in arbitration evaluate the Tribunal’s fact-finding methodology, offering analytical insights applicable to disputes involving economic sanctions or diplomatic disengagement.
- Contributions on res judicata and interpretive awards explore the Tribunal’s nuanced handling of finality, contractual ambiguity, and treaty interpretation—issues with continuing relevance for modern investment treaty arbitration.

This issue offers a rare combination of firsthand perspectives and critical academic analysis, forming a comprehensive reference work on the jurisprudential and procedural legacy of the Iran–U.S. Claims Tribunal. The contributions from Tribunal judges and legal scholars

effectively link theoretical inquiry with practical experience, ensuring both academic rigor and applied relevance.

We are grateful to the conference organizers, peer reviewers, and contributing authors—particularly those with direct experience at the Tribunal—for their insightful and practice-informed contributions. The journal remains committed to fostering dialogue on contemporary developments in international law, and it welcomes future submissions in the fields of arbitration, investment law, and comparative legal studies.

The Tribunal’s legacy continues to serve as a valuable reference point for addressing future challenges in international dispute resolution. We encourage our readers to engage critically with the materials presented and to build upon the analytical foundations offered by this collection.

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