In 1983, as we separately prepared to assume the posts we held before or with the Iran-United States Claims Tribunal, we found that there was a gap in scholarly attention to the institutional and procedural aspects of institutions such as the Tribunal. There was analysis, often quite extensive, of their substantive law. If one wished to know how the U.S.-Mexican Claims Commission had addressed claims of partnerships under its particular constitutive document, one could do so. But if one wished to understand the “life” of such institutions, there was a problem. Specifically, it seemed that past tribunals might have lessons to convey to those laboring in The Hague, but those lessons had not been drawn. Many past institutions were bilateral; often they were spawned by dramatic historical events involving two nations (or at least their nationals), and often they involved a tremendous number of claims and amount of money. They all passed through the stages of creation, operation, and close-down. But there was little scholarly attention to these characteristics and transformations. This is not to say that there was an archetypal structure or that all institutions experienced the same tensions and choices. But it did seem that they had much in common and much to teach. It was with this in mind that we accepted Professor Richard B. Lillich’s challenge to undertake this study of the Iran-United States Claims Tribunal’s experience in search of lessons for arbitration generally and for claims institutions specifically.

Our charge to the authors in this study was that their contributions should not record the past, but rather provide a sort of “letter of advice” to the future. We sought the perspectives of participants from both Iran and the United States. We regret that, although this study includes a valuable contribution by a former Iranian arbitrator, other invitations to Iranian colleagues and counterparts to contribute were not accepted. We have tried to address this gap in small measure by including a few official items written by Iranian nationals associated with the Tribunal.

We share a common satisfaction at each having played a small role in the life of the Iran-United States Claims Tribunal. We both were greatly affected by our experiences, not least by our present association, which is characteristic of many rich personal relationships forged at the Tribunal through the years. We were involved with the Tribunal during the years 1983 through 1987, one of the most challenging, yet productive, periods of its history. We both were in The Hague in the dark days of 1984, when the Tribunal essentially closed its doors for several months following an assault upon one member of the Tribunal by two other members. We each played a role in the ensuing busy and productive period when the Tribunal produced its largest volume of hearings, settlements, and awards.
Professor David D. Caron then served as legal assistant to the American arbitrators, particularly Richard M. Mosk and Charles N. Brower; John R. Crook, a lawyer with the U.S. Department of State, served at that time as Agent for the United States.*

This project has taken longer than we originally anticipated. We thank both the contributors to this volume and our wonderful families for their patience. Last, but by no means least, we thank the many talented assistants who have helped with the production of this book over the years: Alison Akers, Lee Caplan, Lyra Rufino-Maceda, Cymie Payne, Celina Schocken, and Janet C. Walsh.

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* The views and opinions expressed by John R. Crook are those of the author. They do not necessarily reflect the views of the U.S. Department of State.