

## PREFACE

THAT misty afternoon in the fall of 1985 when I met Professor François Rigaux in the library of his house in Brussels and discussed the proposed subject of my research, I had only a hazy picture in my mind of the task lying ahead. When I started the actual work, however, it became clearer, and the canvas I had to work on also grew larger and broader. At that time the Tribunal had rendered no more than 200 Awards out of which 98 were contentious, and the remaining on agreed terms. Even in those early awards the analyses or indications as to the Tribunal's own understanding of its true functional character were few and far between.

This was the main reason that this work took rather a long time to accomplish. It had, I must add, two advantages, nonetheless: first, certain new related areas emerged during my research work which enlarged the basic scope of this project. By covering such new areas, the work has become, hopefully, more comprehensive. Second, during that time, the Tribunal produced some of its jurisprudence which provided me with more raw material and data to process. In fact, by late 1989 the Tribunal had produced most of the major determining precedents with direct or indirect relevance to the subject matter of this book. I refer to 1989, for it was in that year that I settled down in The Hague charged with a new position as the Head of the Bureau of International Legal Services of the Islamic Republic of Iran (BILS), which was closely involved in the Tribunal affairs\*. Since then I have had a unique opportunity to spend more time and energy on my research project, and to accelerate its progress.

This work is indebted, most of all, to the scholarly suggestions, comments and views of my supervisor Professor Rigaux in College de Thomas More (Faculty of Law) of Louvain-la-Neuve University. His guidance stood on my way like a beacon, giving me a sense of direction and purpose, and helping me find the final destination. Professor Rigaux was more than a supervisor to me. His involvement in my work was not limited to his profound and scholarly comment but, by giving constant encouragement, support and confidence, he kept the flames of enthusiasm and hope burning in me. He fondly involved himself in this work so deeply that

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\* BILS was established in 1982 as a governmental organ 'to project, monitor and coordinate claims of international nature' brought against or on behalf of government entities at municipal or the international level and before any court or tribunal. As a high professional legal organization affiliated with the Office of the President of the country, BILS is involved in and monitors the affairs related to the Algiers Accords and the Tribunal on behalf of the Islamic Republic of Iran.

while reviewing and commenting on it, he even did the proofreading of the drafts, with utmost care and patience.

I must remember Professor Joe Verhoeven, too. He was aware of my research project from its inception. In a number of meetings I had with him either in Louvain la Neuve or in The Hague, he patiently and kindly responded to all my questions providing me with deep and subtle insights. He has played, therefore, a distinguished role in the improvement of this work.

Mention must also be made of Professor Brownlie with whom I had an opportunity to discuss my ideas at the meetings I had with him. I am indebted for his brilliant points on the perspective of international tribunals which were indeed very useful to me.

Finally, each of those learned colleagues of mine at the BILS with whom I had discussions on a number of issues addressed in this work, raised valuable points and shared their views on different issues. Among them Mr. M. H. Zahedin was kind enough to help me with editorial work. I feel obliged to submit my special thanks to Dr. G. Eftekhar Djahromi, the Head of BILS headquarters. I am proud to have worked with him as his legal deputy at BILS almost from the beginning of his term as the Head of BILS in 1983. Indeed, I obtained the opportunity to create this book when I moved to The Hague as the Head of the BILS office at The Hague. This was possible because of his generous support and encouragement.

Ms. Razieh Naghavi typed the manuscript with care and patience during the three years of its writing, putting up with the repeated and often tiring corrections. I also wish to mention Mr. Mazhar Ali who skillfully typed certain sections of this work, after his daily chores at the BILS, The Hague.

I would like to say in conclusion that since 1989 when I settled in The Hague and the preparation of this work gathered special momentum until its completion, my parents, as well as my wife Zohreh Menbari, and daughters, Fa'ezeh, Azadeh and Nafiseh, gave me their unqualified support and encouragement. In particular, my family very generously provided me with time and opportunity without which, I confess, this work would never had materialized. Words fail me to thank them enough. I, therefore, dedicate this work to them.

Whatever merit this work has is shared by all those mentioned above, but the author alone is responsible for any shortcomings.

Furthermore, the views expressed in this work have nothing to do with the writer's official capacity in the BILS.

Mohsen Mohebi