

**CASE CONCERNING OIL PLATFORMS
(Islamic Republic of Iran v United States of America)**

This case is still pending.

THE PROCEEDINGS

On 2 November 1992, Iran filed an Application in the Court to institute proceedings against the United States in respect of a dispute arising from the attack on and destruction of three offshore oil production complexes. Iran alleged that on 19 October 1987 and 18 April 1988, several warships of the United States Navy attacked and destroyed the oil complexes owned and operated for commercial purposes by the National Iranian Oil Company. Iran contended that these acts constituted a “fundamental breach” of international law and violated various provisions of the Treaty of Amity, Economic Relations and Consular Rights between the United States of America and Iran.¹ More specifically, Iran alleged that the United States breached its obligations to Iran under Articles I and X(1) of the 1955 Treaty, *inter alia*. As a result, Iran submitted that it fell to the Court, in accordance with Article XXI(2) of the 1955 Treaty, to settle the dispute between the two States.

For violating its international legal obligations and the injury thus caused, Iran claimed that the United States was under an obligation to make full reparation to Iran in a form and amount to be determined by the Court at a subsequent stage of the proceedings. However, Iran reserved the right to introduce and present to the Court in due course a precise evaluation of the reparation owed by the United States. Further, Iran requested the Court to provide any other remedy that the Court deemed appropriate.

Iran’s Application invoked, as a basis for the Court’s jurisdiction, Article XXI(2) of the 1955 Treaty. During the proceedings, the United States raised a preliminary objection to the Court’s jurisdiction pursuant to Article 79(1) of the Rules of Court. This objection had two facets: (1) the applicability of the 1955 Treaty in the event of the use of force; and (2) the scope of various articles of that Treaty.

¹ This treaty was signed in Tehran on 15 August 1955 and entered into force on 16 June 1957 (the 1955 Treaty).

On 12 December 1996, by 14:2 votes, the Court rejected the United States' submission that the Court did not have jurisdiction to deal with Iran's Application (per Bedjaoui P; Guillaume, Shahabuddeen, Weeramantry, Ranjeva, Herczegh, Shi, Fleischhauer, Koroma, Vereshchetin, Ferrari Bravo, Higgins, Parra-Aranguren JJ; Rigaux J *ad hoc*; Schwebel V-P and Oda J dissenting).

On 16 December 1996, the United States filed its Counter-Memorial and Counter-Claim. The United States alleged attacks on shipping, the laying of mines, and other military actions said to be "dangerous and detrimental to maritime commerce". As such, the United States claimed that Iran was under an obligation to make full reparation to the United States for violating the 1955 Treaty in a form and amount to be determined by the Court at a subsequent stage of the proceedings.

Since the facts were capable of falling within the scope of Article X(1) of the 1955 Treaty as interpreted by the Court, by 15:1 votes, the Court found that the counter-claim presented by the United States in its Counter-Memorial was admissible and formed part of the current proceedings (per Schwebel P, Weeramantry A-P, Oda, Bedjaoui, Guillaume, Ranjeva, Herczegh, Shi, Fleischhauer, Koroma, Vereshchetin, Higgins, Parra-Aranguren, Kooijmans, Rezek JJ; Rigaux J *ad hoc* dissenting).

As a result of this conclusion, the Court found necessary for Iran to file a Reply and for the United States to file a Rejoinder relating to the claims of both Parties. Consequently, the Court handed down a number of Orders relating to time-limits for the filing of pleadings by the Parties. The latest was on 4 September 2000 when the Court extended the time-limit for the filing by the United States of its Rejoinder.