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CHAPTER 8

International Claims and State Responsibility

A. INTERNATIONAL LAW COMMISSION

1. Draft Articles on Diplomatic Protection

On October 21, 2013, Steven Hill, Deputy Legal Adviser for the U.S. Mission to the UN, delivered remarks at the UN General Assembly Sixth Committee meeting on diplomatic protection. Mr. Hill referred to the 2007 submission by the United States on the draft articles on diplomatic protection prepared by the ILC, which is discussed in *Digest 2007* at 415-21. That submission and the U.S. statement in 2013 convey the U.S. view that the General Assembly should take no further action on the draft articles. Mr. Hill's remarks, available at *http://usun.state.gov/briefing/statements/215748.htm*, include the following:

> We agree with the many written comments received from States that, where the draft articles reflect the large body of State practice in this area, they represent a major contribution to the law of diplomatic protection, and are thus valuable to States in their present form. However, we also share the concerns expressed that a limited number of articles are inconsistent with well-settled customary international law. For additional details, I would refer delegations to the statement delivered by the United States on October 19, 2007, as reported in document A/C.6/62/SR.10.
>
> Much like the draft articles on State responsibility, we are concerned that the process of negotiating a convention would risk undermining the substantial contributions already achieved by the draft articles. We believe, therefore, that the better course is to allow the draft articles some time to inform, influence, and settle State practice in this area.

2. State Responsibility

Also on October 21, 2013, Mr. Hill delivered remarks on the ILC's draft articles on the responsibility of States for internationally wrongful acts ("draft articles on State responsibility") at the United Nations General Assembly Sixth Committee. As referenced by Mr. Hill, the United States submitted its original comments on the draft articles in 2001. See *Digest 2001* at 364-80 for discussion of, and excerpts from, the U.S. comments on the draft articles. Mr. Hill's remarks are available at http://usun.state.gov/briefing/statements/215749.htm and include the following:

> We thank the Secretary General for his helpful report (A/68/69) compiling the written comments of States on the future status of the draft articles.
>
> As previously stated, the United States continues to believe that the draft articles are most valuable in their present form, and that future action with regard to the articles is neither necessary nor desirable. For additional details, I would refer delegations to the comments submitted by the United States on March 2, 2001, as reported in document A/CN.4/515.
>
> We believe there is little to be gained in terms of additional authority or clarity through the negotiation of a convention. As evidenced by the Secretary General's report (A/68/72) on the application of the draft articles by international courts and tribunals, the draft articles already have tremendous influence and importance. Likewise for States and other international actors, the draft articles have proven to be a useful guide both on what the law is and on how the law might be progressively developed.
>
> However, we share the concern expressed by a number of States in their written comments that the process of negotiating a convention could risk undermining the very important work undertaken by the Commission over several decades, particularly if the resulting convention deviated from important existing rules or did not enjoy widespread acceptance. We believe the better course is to allow the draft articles to guide and settle the continuing development of the customary international law of state responsibility.

3. Other Work of the ILC

See Chapter 7.D.

B. IRAN-U.S. CLAIMS TRIBUNAL

In Case A/15(II:A) before the Iran-U.S. Claims Tribunal, Iran alleges that the United States failed to arrange for the transfer of Iranian property in violation of Paragraph 9 of the Algiers Accords. On May 6, 1992, the Tribunal issued a partial award in the case, which did not include any finding of U.S. liability, but which did dismiss Iran's claim for damages incurred prior to the entry into force of the Algiers Accords and found that

certain regulations issued by the U.S. Treasury Department were inconsistent with U.S. obligations under the Accords. The Tribunal ordered further proceedings to address all remaining issues in the case. Hearings were held October 7-11 and 14-18, 2013, and will continue into 2014.

C. LIBYA CLAIMS

On May 21, 2013, the Foreign Claims Settlement Commission ("Commission") completed the claims adjudication programs referred to the Commission by the Department of State by letters dated December 11, 2008 (the "Libya I program"), and January 15, 2009 (the "Libya II program"), involving claims of United States nationals against the Government of Libya that were settled under the "Claims Settlement Agreement Between the United States of America and the Great Socialist People's Libyan Arab Jamahiriya." See the notice of conclusion of the programs, 78 Fed. Reg. 15,377 (Mar. 11, 2013). For background on the claims settlement agreement ("CSA") concluded with Libya in 2008, see *Digest 2008* at 399-410. For information on the referral of certain of these claims to the Commission, see *Digest 2009* at 273-74.

On November 27, 2013, the Department of State made its third referral of Libya claims to the Commission ("Libya III"). The Commission issued a notice of the commencement of the Libya III program on December 13, 2013, identifying the categories of claims that would be adjudicated. 78 Fed. Reg. 75,944 (Dec. 13, 2013). That notice is excerpted below.

* * * *

Pursuant to the authority conferred upon the Secretary of State and the Commission under subsection 4(a)(1)(C) of Title I of the International Claims Settlement Act of 1949 (Pub. L. 455, 81st Cong., approved March 10, 1950, as amended by Pub. L. 105-277, approved October 21, 1998 (22 U.S.C. 1623(a)(1)(C))), the Foreign Claims Settlement Commission hereby gives notice of the commencement of a program for adjudication of certain categories of claims of United States nationals against the Government of Libya. These claims, which have been referred to the Commission by the Department of State by letter dated November 27, 2013, are defined as follows:

Category A: This category shall consist of claims of U.S. nationals for physical injury who had claims in the Pending Litigation, but whose claims for physical injury were previously denied by the Commission for failure to plead for injury other than emotional injury alone in the Pending Litigation, provided that (1) the claim meets the standard for physical injury adopted by the Commission; (2) the claimant was a named party in the Pending Litigation; (3) the Pending Litigation against Libya has been dismissed before the claim is submitted to the Commission; and (4) the claimant has not received any compensation under any other distribution under the Claims Settlement Agreement and does not qualify for any other category of compensation in this referral except Category D.

Category B: This category shall consist of claims of U.S. nationals for mental pain and anguish who are living close relatives of a decedent provided that (1) the claim was set forth as a claim for emotional distress, solatium, or similar emotional injury by the claimant in the Pending Litigation; (2) the claim meets the standard adopted by the Commission for mental pain and anguish; (3) the claimant is not eligible for compensation as part of the associated wrongful death claim; and (4) the claimant has not received any compensation under any other distribution under the Claims Settlement Agreement, and does not qualify for any other category of compensation in this referral.

Category C: This category shall consist of claims of U.S. nationals who were held hostage or unlawfully detained in violation of international law during one of the terrorist incidents listed in Attachment 2 (Covered Incidents"), provided that (1) the claimant was not a plaintiff in the Pending Litigation; (2) the claim meets the standard for such claims adopted by the Commission; and (3) the claimant has not received any compensation under any other distribution under the Claims Settlement Agreement, and does not qualify for any other category of compensation in this referral.

Category D: This category shall consist of claims of U.S. nationals for compensation for physical injury in addition to amounts already recovered under the Commission process initiated by the Department of State's January 15, 2009 referral or by this referral, provided that (1) the claimant has received an award for physical injury pursuant to the Department of State's January 15, 2009 referral or this referral; (2) the Commission determines that the severity of the injury is a special circumstance warranting additional compensation, or that additional compensation is warranted because the injury resulted in the victim's death; and (3) the claimant did not make a claim or receive any compensation under Category D of the Department of State's January 15, 2009 referral.

Category E: This category shall consist of claims of U.S. nationals for mental pain and anguish who are living close relatives of a decedent whose death formed the basis of a death claim compensated under the Claims Settlement Agreement, provided that (1) the claimant was not a plaintiff in the Pending Litigation; (2) the claimant is not eligible for compensation from the associated wrongful death claim, and the claimant did not receive any compensation from the wrongful death claim; (3) the claim meets the standard adopted by the Commission for mental pain and anguish; and (4) the claimant has not received any compensation under any other distribution under the Claims Settlement Agreement, and does not qualify for any other category of compensation in this referral.

Category F: This category shall consist of commercial claims of U.S. nationals provided that (1) the claim was set forth by a claimant named in Abbott et al. v. Socialist People's Libyan Arab Jamahiriya (D.D.C.) 1:94-cv-02444-SS; and (2) the Commission determines that the claim would be compensable under the applicable legal principles.

* * * *

A summary of the decisions issued by the Commission, the value of the awards, and decisions of the Commission in individual cases is available on the Commission's website, www.justice.gov/fcsc. A few noteworthy decisions of the Commission rendered in 2012 are discussed in *Digest 2012* at 270-79. Two of the more significant decisions from the Libya claims programs in 2013 are discussed below.

1. Nationality

In *Claim of SUBROGATED INTERESTS TO PAN AMERICAN WORLD AIRWAYS, INC.*, Claim No. LIB-II-171, Decision No. LIB-II-161 (2013), the Commission addressed the continuous nationality requirement as it applies to insurers, reinsurers, and subrogees. The claim arises out of the bombing of Pan Am Flight 103 over Lockerbie, Scotland on December 21, 1988 and was brought by a group of companies that describe themselves as the "Subrogated Interests to Pan American World Airways, Inc." Excerpts follow (with record citations and footnotes omitted) from the Commission's final decision, dated January 30, 2013.

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* * * *

The Commission concluded in the Proposed Decision that it lacks jurisdiction over the Pan Am Subrogees' claim for a second reason as well: the Pan Am Subrogees have failed to establish that the claim was owned by U.S. nationals continuously from the date of the injury to the date of the Claims Settlement Agreement. The claimants argue on objection that the "Commission errs in imposing a continuous nationality requirement in the context of this claim." Specifically, the claimants contend that the Commission has ignored the purposes of the Claims Settlement Agreement, which they assert was intended to resolve all claims of the "Parties and their nationals." According to claimants, this includes the Pan Am 103 victims, Pan Am, and (since the claimants contend that they stand in the shoes of the Pan Am 103 victims and Pan Am) them as well.

The Proposed Decision rejected these arguments as inconsistent with the Claims Settlement Agreement, as it has been implemented by the Libya Program referral letters. The January Referral Letter states that, as a matter of jurisdiction, Category F only applies to claims of "U.S. nationals." January Referral Letter, *supra*, ¶8. In *Claim of [redacted]*, Claim No. LIB-I-001, Decision No. LIB-I-001 (2009), the Commission held that in order for a claim to be compensable, the claim must have been held by a "national of the United States" continuously from the date it arose until the date of the Claims Settlement Agreement. The Proposed Decision also quoted from *Claim of [redacted]*, Claim No. LIB-I-049, Decision No. LIB-I-019 (2011), in explaining that the continuous nationality requirement is a matter of customary international law and that the United States recognizes it as such:

> As a general matter, the United States continues to recognize the continuous nationality rule as customary international law. For example, the United States' 2006 comments on the International Law Commission's Draft Articles on Diplomatic Protection clearly convey the United States' position that the continuous nationality requirement—that nationality "be maintained continuously from the date of injury through the date of resolution"—reflects customary international law.

PD at 13 (quoting [redacted] at 6-8).

Moreover, for purposes of bringing a claim before this Commission, the fact that the Claims Settlement Agreement was intended to resolve all claims of the "Parties and their nationals" is irrelevant. As the Commission explained in great detail in [redacted]:

> Equally unsuccessful is claimant's assertion at the oral hearing that the CSA and the LCRA evince a "clear intent" to settle all claims against Libya, "not just the claims of those claimants meeting the continuous nationality requirement." The question here is not whether the United States intended to settle all claims in U.S. courts against Libya—clearly it did, and the settlement of all claims was likewise a primary objective of Libya. E.O. 13477 makes this abundantly clear by directing, in sections 1(a) and (b), respectively, the settlement of claims of "United States nationals" and those of "foreign nationals."
>
> The question is which settled claims were to be the subject of compensation by the Commission from the fund established in Article II of the CSA. ... [T]he intent of the drafters of the CSA, the LCRA or the December Referral Letters to settle all claims against Libya does not shed light on when a person must be a U.S. national in order to qualify for compensation under the settlement.

Also without merit is claimants' argument that because the continuous nationality requirement is not explicitly mentioned in the Claims Settlement Agreement, the drafters implicitly meant to reject the requirement. Again, [redacted] speaks directly to the issue:

> Claimant's assertion that because there is no language in any of these documents specifying the continuous nationality requirement, one cannot be imposed, would have some weight were it not for the fact that the continuous nationality requirement ... [is a] long-standing principle[] of international law consistently applied and advocated by the United States to the present day. Consequently, any departure from [this] principle[] would have been clearly articulated and not merely implied. In other words, the absence of language cannot be grounds for departure from well-settled law.

The Proposed Decision thus concluded, again quoting from [redacted] as follows:

> Given the fact that the continuous nationality rule is recognized by the United States as customary international law, and that this rule has been applied by both this Commission and its predecessors, a derogation from this rule will not be assumed by the Commission from the absence of language in any of the operative documents that inform and define this program. Any derogation must be clearly expressed, and there has been no such express derogation in this program. Consequently, the Commission adheres to its earlier finding that in order for a claim to be compensable in this program, it must have been owned by a U.S. national continuously from the date of injury to the date of the Claims Settlement Agreement.

PD at 13 (quoting [redacted] at 6-8).

As they did before the Proposed Decision, claimants continue to argue that their own nationality is irrelevant and that the only relevant nationalities for purpose of this claim are those of Pan Am and the American victims of the Lockerbie Disaster. The Commission's Proposed

Decision addressed this argument in detail. See PD at 15-16. For all the reasons stated there, the Commission again rejects claimants' argument. Quite simply, for purposes of the continuous nationality requirement, and as noted in numerous prior international law decisions, an insurer bringing a claim as a subrogee does not adopt the nationality of its insured, the subroger. Instead, the insurer must independently—and in addition to the insured—meet the continuous nationality requirement.

The claimants reiterate their argument that continuous nationality should at least not be required of reinsurers. On objection, claimants point out—rightly—that none of the authorities cited in the Proposed Decision involved a claim that was denied solely because the reinsurer was not a U.S. national. This factual distinction, however, simply does not matter. The Commission decisions cited in the Proposed Decision consistently require U.S. nationality for all of the relevant parties in the chain of insurance: the party that suffered the loss, the insurance company that directly insured the loss, and the reinsurer that paid the insurer. The claimants rely on nine Commission decisions in which, as claimants put it, "the Commission considered the claims of insurance companies without apparently ever considering whether those insurers had ceded a portion of their coverage to a reinsurer." However, there is no indication in any of the cited decisions that (a) the losses were further insured by reinsurers or (b) if confronted with a chain of reinsurance, the Commission would not have applied the continuous nationality requirement all the way through the full chain of ownership.

The Commission's jurisprudence on this score is consistent with international law. Claimants have not brought to the Commission's attention any international-law jurisprudence for the proposition that a tribunal can ignore the nationality of reinsurers. Instead, when international law has explicitly considered reinsurers, it has consistently found that their nationality has mattered. For example, when U.S. insurance companies filed claims before the Mixed Claims Commission (United States and Germany), the State Department required them to deduct the amount they received from reinsurance if the reinsurance company was not a U.S. national:

> As the basis of settlement, the actual net out of pocket payments of the American underwriters, including the Veterans Bureau [,] have been established after deducting all sums, if any, received by such underwriters under policies of re-insurance written by corporations, other than those under the laws of the United States or any State or possessions thereof, and partnerships and/or individuals other than such as owe permanent allegiance to the United States.

Hackworth, *Digest of International Law*, Vol. V, pages 809-810. Professor Bederman has likewise noted that international law as a rule requires continuous nationality in insurance claims because insurance subrogees are considered successors in interest based on the idea that the rights of an insurer vest when payment is made to the insured, and not (by virtue of the insurance contract or the relation-back doctrine) at the time the loss occurs and the claim arises. Bederman, *Beneficial Ownership of International Claims*, *supra*, at 942-943. As such, each payment of insurance, and each payment of reinsurance, is a separate step, transferring the ownership of the claim, step-by-step, from one successor in interest to the next during the relevant time period. See also *Eagle Star and British Dominions Insurance Company and Excess Insurance Company* (Great Britain v. Mexico) (1931), 5 U.N.R.I.A.A. 139 at 142 ("the decision on the nationality of the claim from its inception until now does not depend solely upon the nationality of the Insurer

claiming, but would also require an investigation of the reinsurance contracts subdividing the profits and losses from the original insurance."); Theodor Meron, *The Insurer and the Insured Under International Claims Law*, 68 Am. J. Int'l Law 628, 642 (1974) ("An international tribunal seized of such a case would have to consider the extremely complicated questions of fact involved in disentangling the web of insurance and reinsurance contracts and determining the losses and their classification according to the nationalities of the insurers (or reinsurers).").

The claimants also argue on objection that the Proposed Decision fails to take sufficient account of the fact that the U.S. facilitated the final settlement payments to all of the Pan Am 103 victims, both U.S. and non-U.S. citizens, and that this fact demonstrates that the U.S. was espousing all claims relating to Pan Am 103, regardless of nationality. However, as the Commission noted in its Proposed Decision, this limited payment to non-U.S. nationals was specifically contemplated by the parties. See PD at 19 n.15. Congress in the LCRA affirmed that the CSA delineated two classes of claims, the first specifically encompassing only the persons included in the Pan Am 103 and LaBelle Discotheque private settlements with Libya, and only with respect to a final tranche of payments due from Libya under these private settlements, and the second encompassing all "nationals of the United States who have terrorism-related claims against Libya." See LCRA §§3 and 5. The Pan Am Subrogees were not directly part of the LaBelle or Pan Am 103 private settlements and therefore must be "nationals of the United States."

The Pan Am Subrogees continue to press their argument that, as a matter of policy, the requirement of continuous nationality ought to apply only to the insured, particularly in the context of the specialized aviation insurance market. The claimants state that because the relevant reinsurance programs are complex, involving layers and multiple companies and syndicates, and that because tracing nationality through all the chains of reinsurance has the effect of denying many large insured claims, reinsurers should not be required to be U.S. nationals. They now buttress this argument with a letter from the International Union of Aerospace Insurers arguing that in the unique context of aviation insurance it is necessary to distribute the very large financial risk exposure amongst many underwriters and that the aviation insurance market is dispersed globally.

The continuous nationality requirement does appear to create substantial obstacles to recovery in the context of complex insurance claims, and in this regard the claimants have raised important issues for future policy makers. Nonetheless, the Proposed Decision answered this argument: the relevant international law is currently clear, and the Commission has no authority to change the law for policy reasons. See PD at 19. Commission precedent, U.S. practice, and customary international law all require a continuous chain of U.S. nationality in order for a claim to be cognizable, and, as the Commission made clear in [redacted] there is no evidence that either the parties that concluded the Claims Settlement Agreement or the State Department in its referral to this Commission intended to upend that settled legal principle.

* * * *

2. Unlawful Detention

In Claim No. LIB-II-183, Decision No. LIB-II-178 (2013), the Commission revisited its preliminary determination of compensation for a claimant who had been unlawfully detained on a different occasion than all other claimants within a particular category of

the claims program. The final decision of the Commission, dated February 15, 2013, and excerpted below, was to award compensation for this particular claimant in the same amount as others under the January 2009 referral letter within the same category. Specifically, claimant had been preliminarily awarded $282,000 for her detention over the course of several months in Libya, during which she was held in hotels and other locations without her passport, but without constant, severe, or imminent threat to her life. The recommendation for others in her category, all of whom had been taken hostage in an airplane hijacking, was an award of $1 million.

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The January Referral Letter specifically addresses compensation for Category A claimants with the following recommendation: "[g]iven the amount we recommended for physical injury claims in our December 11, 2008 referral, we believe and recommend that a fixed amount of $1 million would be an appropriate level of compensation for all damages for a claim that meets the applicable standards under Category A." As noted in the Proposed Decision, this claim was the only claim under Category A that did not arise from the hijacking of Pan Am Flight 73 in Karachi, Pakistan on September 5, 1986. See PD at 14.

The Commission has also previously held that the language of the January Referral Letter demonstrated that the State Department's recommendation of compensation for Category A was based on the level of compensation it recommended for physical injury claims under the December Referral Letter. Claim of. [redacted], Claim No. LIB-II-002, Decision No. LIB-II-002 (2011) (Final Decision), at 8. In [redacted], the Commission specifically noted that the recommended $1 million for Category A claimants "was based not on the intrinsic value of the claims for hostage-taking or unlawful detention, but rather on the relationship of such claims to physical injury claims, which were valued at $3 million." *Id*.

During the proceedings on the objection, counsel for claimant acknowledged that the intensity of claimant's ordeal did not approach the horror endured by those aboard Pan Am Flight 73. Yet, counsel persuasively argued that the duress claimant experienced during her detention and the length of her detention together warrant her being treated, for purposes of this claims program, exactly like the Pan Am Flight 73 Category A claimants. In particular, the Commission is persuaded that her claim bears the same relationship to the physical-injury claims as that described in [redacted]. Consequently, having considered claimant's arguments in support of her objection, the complete record in support of the claim, the January Referral Letter, and applicable law, the Commission finds that claimant is entitled to $1 million in compensation for her unlawful detention in Libya.

* * * *

D. IRAQ CLAIMS

As discussed in *Digest 2012* at 279, the State Department referred to the Foreign Claims Settlement Commission ("Commission") for adjudication a category of claims within the scope of the Claims Settlement Agreement between the United States

and Iraq, Sept. 2, 2010, T.I.A.S. No. 11-522. The Iraq claims adjudication program commenced on March 26, 2013. 78 Fed. Reg. 18,365 (Mar. 26, 2013). The Commission set June 26, 2013, as the deadline for the filing of claims. The Commission received 28 claims by this deadline. As of December 31, 2013, the Commission had not yet issued any decisions in this claims program. Further information about the Iraq claims program is available at *www.justice.gov/fcsc/current-prog.html#iraq-claims*.

E. UN COMPENSATION COMMISSION

The UN Compensation Commission ("UNCC") was established by the UN Security Council in 1991 to pay compensation for losses resulting from Iraq's illegal invasion and occupation of Kuwait. See *Digest 1991-1999* at 1099-1106; see also *Digest 2000* at 444; *Digest 2002* at 407-08; *Digest 2003* at 454-56; *Digest 2004* at 430. A fund was established for this purpose that receives a percentage (currently 5%) of the proceeds from Iraqi oil sales. The UNCC has made over one million compensation awards, totaling over $52 billion. In its Decision 258 (2005), the UNCC's Governing Council ("GC") established the Follow-up Program for Environmental Awards, under which the UNCC monitored environmental remediation projects undertaken by Iran, Jordan, Kuwait, and Saudi Arabia, using $4.3 billion in funds awarded for environmental damage.

On May 2, 2013, at its 75th session, the GC adopted Decision 270, in which it declared that the mandate under the Follow-up Program for Environmental Awards will be considered fulfilled in respect of the Kingdom of Saudi Arabia upon receipt by the GC of certain signed assurances from the Government of the Kingdom of Saudi Arabia. In Decision 270 the GC also decided that the Program is considered closed in respect of the Islamic Republic of Iran. U.N. Doc. S/AC.26/Dec.270 (2013).

On November 21, 2013, at its 76th session, the GC adopted Decision 271, making declarations with respect to the other two participating states, Jordan and Kuwait, similar to that made in Decision 270 regarding Saudi Arabia. U.N. Doc. S/AC.26/Dec.271 (2013).

Charge d'Affairs a.i. Peter Mulrean of the U.S. Mission to the UN in Geneva discussed these decisions on November 19, 2013 in his opening remarks to the 76th Session of the GC, excerpted below and available at *http://geneva.usmission.gov/2013/11/19/u-s-statement-at-the-76th-uncc-governing-council-session/*

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Since 2005, the greatest task of the UNCC, as a large part of its claims program, has been to oversee the response to a massive, man-made environmental disaster, comprising one of the

largest environmental clean-up projects in human history: the $4.3 billion remediation of environmental devastation of neighboring countries resulting from the 1991 Gulf War.

We hope that during the present meeting, the Governing Council will be able to determine that the UNCC's part of that work is essentially complete. In this regard, I point to Decision 269 of the Governing Council, enacted in 2011, where we decided to assess whether the systems and controls adopted by the participating governments were sufficient for those governments to oversee their own environmental projects.

At this Council's most recent session in May, we determined that Saudi Arabia had fulfilled the Decision 269 criteria, and that Jordan and Kuwait were very close to doing so. My country's delegation looks forward to hearing details from each delegation over the next few days, but I am pleased to be able to report that it appears likely, based on the national reports and all indications to date, that Jordan and Kuwait have both met fully the Decision 269 criteria. This is a significant accomplishment of which each delegation should be proud.

If the Governing Council is able to find at this meeting that Jordan and Kuwait have met these criteria, the UNCC will essentially conclude what has been its largest task since 2005, the oversight of large-scale environmental remediation projects. The UNCC's expected completion of this task and the passing of continuing oversight responsibility to the participating countries is an occasion that warrants marking.

* * * *

Cross References

ILC, **Chapter 7.D.**
Attachment of blocked Iranian assets under TRIA and the FSIA, **Chapter 10.A.2.a.**
Investment dispute resolution, **Chapter 11.B.**
International Tribunal for the Law of the Sea, **Chapter 12.1.b.**