Index

accounting 166
advantages and disadvantages of IMCCs 38–9, 217–18
doing nothing: status quo as alternative 47–52
reasons for litigating: systemic values 53
deterrence 53, 56, 57, 58
peace 54–5
rule of law 53–4
unjust enrichment 53, 56–7, 58
skepticism 57, 58–67
Afghanistan 52
African Union (previously Organization of African Unity) 20, 22
Albania 11
Algeria 8, 16
alternative methods of resolving mass disputes 39
domestic courts 42–3
pre-existing ad hoc bodies 42
standing international courts 39
lack of jurisdiction 39–41
procedural unsuitability 41–2
toward standing mass claims commission 43–7
anarchy and reciprocity 209–12
appeals 163–4
archeological monuments 57, 191
archives 164–5
Argentina 13
Aristotle 36
audit 147, 166
certificates 116
Australia 52, 109
Austria 14
autonomy, party 81, 82
historical context and 76–80
Bangladesh 128
banks 146–7
see also Claims Resolution Tribunal for Dormant Accounts in Switzerland I (CRT-I); Claims Resolution Tribunal for Dormant Accounts in Switzerland II (CRT-II)
beyond reasonable doubt 183
bias 93, 167, 190
Bosnia–Herzegovina Commission for Real Property Claims of Displaced Persons and Refugees in see separate entry
British Petroleum 11
budgets 140, 141, 147, 161, 162, 166
Bulgaria 11
burden of proof 167, 180–82, 185
call centers 157
Cambodia 44
Canada 52, 129
Caribbean Community Climate Change Center 233
case management 71, 175–6
causation, efficiency and evidence 233–5
Chile 14
China 86, 128
civil-law tradition 90
claimants 41, 73–6, 104–107
climate change compensation mechanism, toward 232–3, 244–5
drafting arbitration agreements 219–20, 221
practice at UNCC, IUSCT and EECC 220–21
International claims commissions

- individuals: 106, 112–13, 120–21, 139, 220–21
  - EECC: 76, 117–20, 121
  - IUSCT: 113–14, 120, 220
  - UNCC: 114–17, 120, 121, 233
  - other: 121–2
  - dual nationals: 122–5, 220
- states: 104, 106, 107, 112, 220–21, 242
  - EECC: 29, 59, 64, 109–11, 112, 232
  - UNCC: 108–109, 112, 220
- claims: type, grouping and number: 104, 125–6, 139
- drafting arbitration agreements: 221–5
  - UNCC: 105, 109, 127–31, 176
- Claims Resolution Tribunal for Dormant Accounts in Switzerland (CRT-I) 142, 150, 157, 159
- Claims Resolution Tribunal for Dormant Accounts in Switzerland (CRT-II) 140, 142, 150, 157–8, 159
- climate change compensation
  - mechanism, toward: 216, 226
  - causation: 231
  - evidence, efficiency and: 233–5
  - dangers from climate change: 227–9
  - institutional design and procedural frameworks: 231–2
  - causation, evidence and efficiency: 233–5
  - party structure: 232–3
- lessons learned from previous IMCCs: 239, 244–5
  - basic objectives: 239–41
  - EECC and IUSCT compared: 242–4
- “thick” and “thin” IMCCs: 241–2
- “loss and damage” provision: 226, 227, 229
- overview and history: 229–30
- vulnerable states: 230–31
- meaning of climate change: 226–7
- substantive difficulties: 235
- adaptation costs: 237–8
- duty and breach: 235–6
- harms: 237–9
- insurance model: 238–9
- liability standard: 236
- unjust enrichment: 238
- collateral estoppel: 204

Commission for Real Property Claims of Displaced Persons and Refugees in Bosnia–Herzegovina (CRPC) 12, 22–3, 79
- archives: 164
- costs: 150, 152, 155, 159, 164
- outreach: 157
- reconsideration of decisions: 163–4
- staff: 162, 163
- funding: 140, 141, 143, 145, 162
- operating structure: 81–2, 100–101
- commissioners: 84, 86, 88, 90, 101
- experts: 92
- majority decisions: 96
- president: 94
- cost: 162
- drafting arbitration agreements
  - qualifications: 219
  - qualities: 87–93
  - professional qualification: 88–90
  - relevant expertise and experience: 90–92
  - temperament and character: 92–3
- selection: 83–7
- tribunal’s interest vs victim’s interest: 196–9
- common law countries/tradition: 90, 167
- compensation: 36–7, 38–9, 47, 55, 139, 142, 187, 190–91, 193, 240
- climate change compensation
  - mechanism, toward: see separate entry
  - costs or damages barred from: 125
  - deterrence: 53, 56, 57, 58, 66
  - difficulties in calculating: 191
  - domestic: 52
  - five models: 205–209
  - fixed: 117, 128, 141, 150
  - intangible losses: 191
Index

legal structure and 68
negotiated 52
primacy of victim 199–202
set-offs see separate entry
skepticism about IMCCs 57, 58–67
conflicts of interest and
representation by state 62–6
historical context 61–2
reciprocity and offset of claims 66–7
statism and individualism 29, 59–61
“thick” and “thin” IMCCs 242
transition to peace 54–5
unjust enrichment 53, 56–7, 58
see also funding
compensatory or remedial justice 56
as source of legitimacy 31, 35–8
compliance with rulings 48, 187–8, 191–2
conditions 209
anarchy and reciprocity 209–12
perfect storm 212–15
domestic courts 43
Eritrea–Ethiopia Claims Commission (EECC) 6, 144, 187, 207, 214, 225
five models 205–209
interests of actors 192–3, 205, 241–2
community interest vs victim’s interest 195–6
competing interests of international community
194–5
interests in conflict 193–202
primacy of victim compensation 199–202
set-offs and 202–205
tribunal’s interest vs victim’s interest 196–9
Iran–US Claims Tribunal (IUSCT) 17–18, 49, 144, 187, 203, 207, 214, 225
set-offs: in whose interest 202–203
domestic compensation model 208–209
five models of compliance 205–209
statism vs individual rights of nationals 203–205
statist model 205–207
compromise awards 197–8, 201
conciliation 6, 10
confidentiality 240
conflicts of interest 93, 94, 147
jurors 178
representation by state and 62–6
consent 70
ICJ 40
source of legitimacy: party 31–5, 37–8
consequentialist ethics 201
contempt of court 189
corporations 75, 121–2, 129–30, 151, 152
costs 17, 21, 29, 30, 38, 47, 48, 141–2, 147–8
categories of appeals 163–4
headquarters 153–5
hearings 161
legacy 164–5
outreach 156–8
processing 158–60
staff 162–3
tracking claims 160–61
drivers of 148–9
length of mandate 152–3
number and complexity of claims 149–52
technology 149, 151
inaction: easy and cheap 48–50
litigation costs paid from award money 204
military 125
standing mass claims commission 45
criminal responsibility 9, 11–12, 44–5, 51, 57, 62
cultural differences
financial management 146–7
custody international law 32
International claims commissions

databases 158, 159, 160–61
definition of IMCCs 5–6, 27, 217
deontological ethics 201
deterrence 53, 56, 57, 58, 66, 195–6, 240, 244
developing countries 49, 199–200
climatic change 226, 228–30, 238–9
development aid 50
diplomatic remedies 52
direction of fit 198
disadvantages see advantages and disadvantages of IMCCs
discovery 240
dispute resolution process, steps in 2–4
dissenting adjudicators 197
documentary evidence 170–71, 176
domestic claims processes 11
domestic courts 39, 42–3, 177–8, 189, 240
dual nationals 122–5, 134, 220
duration of mandate and costs 152–3

East Timor 51
Economic Community of West African States
Court of Justice 40–41
efficiency
evidence, causation and 233–5
ratio 166
Egypt 128, 129, 130
El Salvador 13
employee costs 162–3
enforcement see compliance with rulings
environment
climate change compensation
mechanism, toward see separate entry
UNCC: environmental damage 76, 109, 130, 152, 171–2
equitable norms/principles 80, 202
equitable remedy
title to real property 143
Eritrea
Eritrea–Ethiopia Boundary Commission 78, 144

Eritrea–Ethiopia Claims Commission
see separate entry
maritime boundary with Yemen 79
Eritrea–Ethiopia Boundary Commission (EEBC) 78, 144
Eritrea–Ethiopia Claims Commission (EECC) 1, 10, 15, 20–22, 28–30, 47, 216, 240
binding decisions 6, 164
causation 234
claimants 29, 59, 64, 76, 109–11, 112, 232
dual nationals 124–5, 220
individuals 76, 117–20, 121
claims: type, grouping and number 104, 105–106, 110–11, 131–6
comparison of IUSCT and 242–4
named individuals 117–18, 120
compliance 6, 144, 187, 207, 214, 225
costs 21, 148, 151, 152, 154, 155, 158, 163, 164, 165
hearings 161
processing 160
creation of 8, 20–21
evidence 118, 175, 177, 185
admissibility 170–71
inferred 172
standard of proof 183–4
experts 92
funding 143, 144, 225
jurisdiction 21, 22, 33, 110, 136
temporal 137, 138–9
legacy 165
legal structure 71, 72, 73, 77–8
diplomatic-representation model 76
international humanitarian law 79–80, 91
operating structure 82, 98–9
commissioners 83, 85–6, 88, 91, 98, 99
president 94, 96
outsourcing 163
procedure 21, 77–8
Index

transition to peace 54
unanimity 96
war 7–8, 20, 109, 243
escrow arrangement 99, 224
estoppel, collateral 204
ethics 201
guidelines 93, 179–80
Ethiopia
Eritrea–Ethiopia Boundary Commission 78, 144
Eritrea–Ethiopia Claims Commission
see separate entry
European Convention on Human Rights 41
European Union 23
Court of Justice of 40
evidence 37, 90, 118, 167
admissibility 168, 169–72, 178, 185
best available 176–7
burden of proof 167, 180–82, 185
causation, efficiency and 233–5
circumstantial 172
discretion 168–9, 177
distinctive attributes of IMCCs 173–4, 177
ad hoc vs standing tribunals 174–5
hostile environment 176–7
neutrality and ignorance 177–80
size of dispute: case management 175–6
documentary 170–71, 176
expert 92, 171, 172, 199–200
fairness, symmetry and evidentiary strategies 185–6
hearsay 167, 173, 178
inferential 172
monitoring and assessment claims 171–2
refusal to produce 189
standard of proof 167, 185–6, 222–3
burden of proof vs 180–82
costs and 150, 151
setting 182–4
testimonial 170, 199
time frames for submission of 173
ex aequo et bono 80
exhaustion of local remedies 113
expert evidence 92, 171, 172, 199–200
expressive value theory 50–52
fair proceedings 7
symmetry, fairness and evidentiary strategies 185–6
fast-track processing 159
financial accounting 166
France 14, 86, 128, 130
cultural differences 146–7
explicit commitment 145
financial management 146–7
restructure 145–6
security of 143–6
game theory 209–12
German Forced Labor Compensation Program (GFLCP) 140, 141, 142, 145, 147, 149, 150, 157
processing claims 158–9, 160
Germany 11, 14–15, 52, 109, 130
Holocaust claims
see separate entry
Guatemala 13
Gulf Coast Claims Facility (GCCF) 11
hearings and costs 161
hearsay evidence 167, 173, 178
historical overview of IMCCs 13–15
Holocaust claims 24–5, 152, 155, 157, 164
archives 164–5
Claims Resolution Tribunal for Dormant Accounts in Switzerland I (CRT-I) 142, 150, 157, 159
Claims Resolution Tribunal for Dormant Accounts in Switzerland II (CRT-II) 140, 142, 150, 157–8, 159
German Forced Labor Compensation Program (GFLCP) 140, 141, 142, 145, 147, 149, 150, 157
processing claims 158–9, 160

Lea Brilmayer, Chiara Giorgetti and Lorraine Charlton - 9781785363825
Downloaded from Elgar Online at 02/07/2019 01:54:22PM via free access
International claims commissions

Housing and Property Claims Commission (HPCC) 23–4
human rights 28, 41, 61–3, 74, 145, 177, 207, 222
Hungary 14

immunity, sovereign 204
inaction 47–8
development aid 50
easy and cheap 48–50
other legitimate reasons for avoiding litigation 50–52
India 109, 128, 129, 130
individual claimants 106, 112–13, 120–21, 139, 220–21
EECC 117–20, 121
IUSCT 113–14, 120, 220
UNCC 114–17, 120, 121, 233
individualism and statism 29, 59–61, 203–205, 223
conflicts of interest and representation by state 62–6
legal structure of IMCCs 73–6
reciprocity and offset of claims 66–7
interest earned 146
interests of actors 192–3, 205, 241–2
community interest vs victim’s interest 195–6
competing interests of international community 194–5
interests in conflict 193–202
primacy of victim compensation 199–202
set-offs and 202–205
tribunal’s interest vs victim’s interest 196–9
International Court of Justice (ICJ) 39–40, 41–2, 123, 154, 218
compliance 192
standard of proof 181
International Criminal Court (ICC) 44–5, 154
International Criminal Tribunal for the former Yugoslavia (ICTY) 9, 11–12, 44
international humanitarian law 11–12, 20, 21, 28, 62, 74, 79–80, 91, 110, 177, 207, 222
international law 8, 9, 36, 45, 47, 154, 202, 234
applicable law 80
climate change 231
legitimate authority 31–2
reciprocity 210
states 60, 61, 62, 74
“thick” and “thin” IMCCs 141
International Military Tribunal 44, 62
international organizations 106
CRPC 92
UNCC 75, 104, 105, 114, 116, 121, 128, 130, 151, 232–3
evidence 172
international relations 187
Internet 89, 149, 157, 158, 164–5
Iran 16, 19, 109, 128
Iran–US Claims Tribunal (IUSCT) see separate entry
Iran–US Claims Tribunal (IUSCT) 1, 10, 15–18, 28–30, 63, 216, 240
awards 105, 127, 214, 243, 244
claimants 74–5, 104, 105
 corporations 122
dual nationals 122–3, 125
individuals 113–14, 120, 220
states 107–108, 112
claims: type, grouping and number 104, 105, 114, 126–7
Committee on Administrative and Financial Questions (CAFQ) 100
costs 17, 29, 148, 149, 151, 153, 164, 165
headquarters 154–5
hearings 161
outreach 156
processing 160
creation of 8, 15, 16
escrow arrangement 99, 224
evidence 173, 174
experts 92, 99
Index

temporal 137, 138
universal 42–3
justice 150–51, 191, 202, 218
appearance of 193, 241
compensatory or remedial 56
source of legitimacy 31, 35–8
victor’s 34, 145

Kazazi, Mojtaba 182
Kosovo 23–4
Kuwait
United Nations Compensation Commission (UNCC) see separate entry

Latin America 14, 15
legacy 164–5
legal structure of IMCCs 68, 102
distinctive features 69–70
autonomy and adjudication 76–80
party autonomy and historical context 76–80
party structure: individual claimants or states 73–6
size of dispute 70–73
terminology 68–9
legitimacy 30–31, 45
compensatory justice as source of 31, 35–8
party consent as source of 31–5, 37–8
length of mandate and costs 152–3
Liberia 51

mediation 6
Mexico 14, 107
military costs 125
mistake, petition for correction of obvious 164
mixed claims commissions 10, 14–15

Napoleonic Wars 14
nationals, dual 122–5, 134, 220
nature of IMCCs 5–6

Lea Brilmayer, Chiara Giorgetti and Lorraine Charlton - 9781785363825
Downloaded from Elgar Online at 02/07/2019 01:54:22PM
via free access
International claims commissions

ad hoc institutions 9–10
binding dispute resolution mechanisms 6–7
international agreements 8
responsibility of states 9
upheaval 7–8
structured and act as judicial bodies 7
unique 10–13
Netherlands 52, 130, 154–5
New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards 192
non-governmental organizations (NGOs) 106–107
CRPC 92
Nottebohm 123
Nuremberg Trial 44, 62
offs sets see set-offs
oil spill
Deepwater Horizon 11
operating structure 81–2, 102–103
basic structure 82–3
commissioners 83, 102–103
qualities 87–93
selection 83–7
President or Chair 94
as diplomat 96–7
as manager 95
selection 94–5
Secretariat/Registry 97–102
Organization of African Unity (OAU) (now African Union) 20, 22
outreach costs 156–8
outsourcing 98, 141, 147, 155, 157, 163, 166
Foreign Claims Settlement Commission (FCSC) 11, 75, 114, 151, 156
Pakistan 109, 128, 129
Palestine/Palestinians 105, 115, 129, 233
Panama 14
peace process 6, 8, 54–5
Permanent Court of Arbitration (PCA) 21, 47, 98–9, 154, 155, 163, 165, 174–5, 190, 242
Peru 14, 51
Philippines 13, 128, 129
photographs 177
Poland 11, 52
political or diplomatic remedies 52
power relations 199
precedent 45, 141, 164, 168, 174, 190, 218, 243
President or Chair 94–7
prisoner’s dilemma 210–12
prisoners of war (POWs) 111, 131, 133, 134, 135, 170
processing costs 158–60
pros and cons see advantages and disadvantages of IMCCs
public interest 177
purpose of claims commission 6–7, 27–8, 239–41, 243–4
primacy of victim compensation 199–202
quasi-judicial process 233
rape 77, 111, 119, 120, 121, 134, 135, 184, 191
reasonable doubt, beyond 183
reciprocity
anarchy and 209–12
offset of claims and 66–7
refugees 75, 193
Commission for Real Property Claims of Displaced Persons and Refugees in Bosnia–Herzegovina see separate entry
UNHCR 105, 115, 233
UNRWA 105, 115, 233
registry 98, 99, 219, 242
remedial or compensatory justice 56
as source of legitimacy 31, 35–8
remedies 187, 188
compensation see separate entry
in course of proceedings 188–90
equitable 143
exhaustion of local 113
<table>
<thead>
<tr>
<th>Index</th>
<th>255</th>
</tr>
</thead>
<tbody>
<tr>
<td>in final award</td>
<td>190–91</td>
</tr>
<tr>
<td><em>res judicata</em></td>
<td>204</td>
</tr>
<tr>
<td>risk aversion</td>
<td>49–50</td>
</tr>
<tr>
<td>Romania</td>
<td>11</td>
</tr>
<tr>
<td>rule of law</td>
<td>53–4</td>
</tr>
<tr>
<td>Russia</td>
<td>86</td>
</tr>
<tr>
<td>Rwanda</td>
<td></td>
</tr>
<tr>
<td>International Criminal Tribunal for</td>
<td>(ICTR) 9, 11–12, 44</td>
</tr>
<tr>
<td>Romania</td>
<td>11</td>
</tr>
<tr>
<td>Secretariat</td>
<td>19, 87–102</td>
</tr>
<tr>
<td>self-help</td>
<td>187, 189</td>
</tr>
<tr>
<td>domestic compensation model</td>
<td>208</td>
</tr>
<tr>
<td>drafting arbitration agreements</td>
<td></td>
</tr>
<tr>
<td>set-offs and effect of symmetry</td>
<td>221–3</td>
</tr>
<tr>
<td>statistism vs individual rights of</td>
<td></td>
</tr>
<tr>
<td>nationals</td>
<td>203–5</td>
</tr>
<tr>
<td>statist model</td>
<td>205–207, 241</td>
</tr>
<tr>
<td>Sierra Leone</td>
<td>44</td>
</tr>
<tr>
<td>skepticism about IMCCs</td>
<td>57, 58–67</td>
</tr>
<tr>
<td>conflicts of interest and</td>
<td></td>
</tr>
<tr>
<td>representation by state</td>
<td>62–6</td>
</tr>
<tr>
<td>historical context</td>
<td>61–2</td>
</tr>
<tr>
<td>reciprocity and offset of claims</td>
<td>66–7</td>
</tr>
<tr>
<td>statism and individualism</td>
<td>29, 59–61</td>
</tr>
<tr>
<td>social media</td>
<td>149, 156</td>
</tr>
<tr>
<td>South Africa</td>
<td>12–13, 51</td>
</tr>
<tr>
<td>sovereign immunity</td>
<td>204</td>
</tr>
<tr>
<td>Spain</td>
<td>43</td>
</tr>
<tr>
<td>Special Court of Sierra Leone</td>
<td>44</td>
</tr>
<tr>
<td>Sri Lanka</td>
<td>128</td>
</tr>
<tr>
<td>staff costs</td>
<td>162–3</td>
</tr>
<tr>
<td>standard of proof</td>
<td>167, 185–6, 222–3</td>
</tr>
<tr>
<td>burden of proof vs 180–82</td>
<td></td>
</tr>
<tr>
<td>costs and 150, 151</td>
<td></td>
</tr>
<tr>
<td>setting 182–4</td>
<td></td>
</tr>
<tr>
<td>standing mass claims commission,</td>
<td></td>
</tr>
<tr>
<td>toward 43–7</td>
<td></td>
</tr>
<tr>
<td>standing to submit claim</td>
<td>41, 62, 73–6, 104, 106–25, 232–3</td>
</tr>
<tr>
<td>state responsibility</td>
<td>9</td>
</tr>
<tr>
<td>state sovereignty</td>
<td>61</td>
</tr>
<tr>
<td>statism and individualism</td>
<td>29, 59–61, 203–205, 223</td>
</tr>
<tr>
<td>conflicts of interest and</td>
<td></td>
</tr>
<tr>
<td>representation by state</td>
<td>62–6</td>
</tr>
<tr>
<td>legal structure of IMCCs</td>
<td>73–6</td>
</tr>
<tr>
<td>reciprocity and offset of claims</td>
<td>66–7</td>
</tr>
<tr>
<td>statistical analysis</td>
<td>151, 176, 218</td>
</tr>
<tr>
<td>strict liability</td>
<td>236</td>
</tr>
<tr>
<td>Sudan</td>
<td>128, 129</td>
</tr>
<tr>
<td>Switzerland</td>
<td>155</td>
</tr>
<tr>
<td>Syria</td>
<td>19, 109, 128, 129</td>
</tr>
<tr>
<td>systemic values</td>
<td>53</td>
</tr>
<tr>
<td>deterrence</td>
<td>53, 56, 57, 58</td>
</tr>
<tr>
<td>peace</td>
<td>54–5</td>
</tr>
<tr>
<td>rule of law</td>
<td>53–4</td>
</tr>
<tr>
<td>unjust enrichment</td>
<td>53, 56–7, 58</td>
</tr>
<tr>
<td>technology</td>
<td>149, 151, 158, 159–61, 163</td>
</tr>
<tr>
<td>“thick” and “thin” IMCCs</td>
<td>141, 166, 241–2, 244</td>
</tr>
<tr>
<td>Thucydides</td>
<td>187</td>
</tr>
<tr>
<td>Tokyo War Crimes Trial</td>
<td>44, 62</td>
</tr>
<tr>
<td>tort law</td>
<td>235, 236, 237</td>
</tr>
<tr>
<td>United States</td>
<td>43</td>
</tr>
<tr>
<td>tracking claims</td>
<td>160–61</td>
</tr>
<tr>
<td>transparency</td>
<td>201</td>
</tr>
<tr>
<td>finances</td>
<td>166</td>
</tr>
<tr>
<td>treaty law</td>
<td>32</td>
</tr>
<tr>
<td>Treaty of Versailles</td>
<td>14, 15</td>
</tr>
<tr>
<td>truth and reconciliation commissions</td>
<td>12–13, 51–2</td>
</tr>
<tr>
<td>Turkey</td>
<td>109, 130</td>
</tr>
<tr>
<td>Uganda</td>
<td>13</td>
</tr>
<tr>
<td>unanimous awards</td>
<td>197–8</td>
</tr>
<tr>
<td>UNCITRAL (United Nations</td>
<td></td>
</tr>
<tr>
<td>Commission on International</td>
<td></td>
</tr>
<tr>
<td>Trade Law)</td>
<td>17, 77, 78, 85, 174, 190</td>
</tr>
<tr>
<td>United Kingdom</td>
<td>13, 14, 40, 52, 86, 109, 128, 129, 130</td>
</tr>
<tr>
<td>United Nations</td>
<td>20</td>
</tr>
</tbody>
</table>
International claims commissions

Charter 62, 192
Convention on the Law of the Sea (UNCLOS) 79
Development Programme (UNDP) 105, 233
Environmental Programme (UNEP) 229
Framework Convention on Climate Change (UNFCCC) 227, 229–31
General Assembly 86
High Commissioner for Refugees (UNHCR) 105, 115, 233
Interim Administration Mission in Kosovo (UNMIK) 23–4
Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) 105, 115, 233
Secretary-General 71, 72, 85–6, 87, 102
compliance with ICJ decisions 192
United Nations Compensation Commission (UNCC) 1, 10, 15, 18–20, 28–30, 63, 216, 240, 243
awards 105, 109, 116–17, 128–31, 209, 214
causation 234–5
claimants 75–6, 108–109, 112, 220
corporations 121–2
dual nationals 123–4, 125
individuals 114–17, 120, 121, 233
international organizations 75, 104, 105, 114, 116, 121, 232–3
claims
prioritized 115, 176
type, grouping and number 105, 109, 127–31, 176
commissioners 83, 86–7, 88, 89–90, 91–2, 163, 233
compliance 49, 144, 187, 194, 203, 207, 209, 212–14, 225
consent 34–5
costs 29, 141–2, 148, 149, 151–2, 164, 165
commissioners 163
outreach 156–7
processing 159
tracking claims 160
creation of 8, 18
environmental damage 76, 109, 130, 152, 171–2
evidence 175–6, 185
admissibility 171–2
causation, efficiency and 234–5
funding/Fund 19, 20, 72, 97, 101–102, 142, 143, 212–14, 224, 243
adjust to subsequent developments 146
awards 105, 109, 128–31, 209, 214
oil sales 144, 213, 224, 225
payment process 116–17
Governing Council 19, 71, 72, 86–7, 88, 89, 102, 163, 176, 233
consensus 97
president 94
jurisdiction 18–19, 33, 91, 108–109
temporal 137, 138
legacy 165
legal structure 71–2, 73
party structure 75–6
Oil-for-Food Program 213, 224
operating structure 82
commissioners 83, 86–7, 88, 89–90, 91–2
president 94
Secretariat 19, 87, 101–102
prioritized claims 115, 176
“thick” IMCC 212
transition to peace 54
United States 18, 20, 23, 52, 86, 109, 128, 129, 130
Alien Tort Statute 43
climate change 236, 239
domestic courts 240
evidence 178
Foreign Claims Settlement Commission (FCSC) 11, 75, 114, 151, 156
<table>
<thead>
<tr>
<th>Index</th>
</tr>
</thead>
<tbody>
<tr>
<td>Greensboro, North Carolina 51</td>
</tr>
<tr>
<td>historical overview of IMCCs 13, 14, 15</td>
</tr>
<tr>
<td>Iran–US Claims Tribunal (IUSCT) see separate entry</td>
</tr>
<tr>
<td>judges</td>
</tr>
<tr>
<td>Code of Conduct 179–80</td>
</tr>
<tr>
<td>life tenure of federal 196</td>
</tr>
<tr>
<td>Mexico 14, 107</td>
</tr>
<tr>
<td>standard of proof 183</td>
</tr>
<tr>
<td>Universal Declaration on Human Rights 62</td>
</tr>
<tr>
<td>unjust enrichment 53, 56–7, 58, 238</td>
</tr>
<tr>
<td>Venezuela 14</td>
</tr>
<tr>
<td>victims see interests of actors</td>
</tr>
<tr>
<td>Vietnam 128</td>
</tr>
<tr>
<td>World War I 14</td>
</tr>
<tr>
<td>World War II 62</td>
</tr>
<tr>
<td>Yemen 79, 128, 129</td>
</tr>
<tr>
<td>Yugoslavia, former</td>
</tr>
<tr>
<td>Commission for Real Property Claims of Displaced Persons and Refugees in Bosnia–Herzegovina (CRPC) see separate entry</td>
</tr>
<tr>
<td>Housing and Property Claims Commission (HPCC) 23–4</td>
</tr>
<tr>
<td>International Criminal Tribunal for (ICTY) 9, 11–12, 44</td>
</tr>
</tbody>
</table>