

## CHAPTER II

## REPARATION FOR INJURY

*Commentary*

Chapter II deals with the forms of reparation for injury, spelling out in further detail the general principle stated in article 31, and in particular seeking to establish more clearly the relations between the different forms of reparation, viz. restitution, compensation and satisfaction, as well as the role of interest and the question of taking into account any contribution to the injury which may have been made by the victim.

## DECISIONS OF INTERNATIONAL COURTS, TRIBUNALS AND OTHER BODIES

## INTERNATIONAL ARBITRAL TRIBUNAL (UNDER THE ICSID CONVENTION)

*Bernhard von Pezold and others v. Republic of Zimbabwe*

In *Bernhard von Pezold and others v. Republic of Zimbabwe*, the arbitral tribunal indicated that “[t]he approach of customary international law to reparation is founded in *Factory at Chorzów*, which is reflected in the ILC Articles on State Responsibility”.<sup>[1437] 170</sup>

[A/71/80, para. 120]

## [PERMANENT COURT OF ARBITRATION (UNDER UNCITRAL RULES)]

*Chevron Corporation and Texaco Petroleum Company v. The Republic of Ecuador*

The arbitral tribunal in *Chevron Corporation and Texaco Petroleum Company v. The Republic of Ecuador* referred to articles 28 to 39 of the State responsibility articles under, part III, “Principal legal and other texts”,<sup>[1438] 150</sup> which were relevant with regard to the parties’ claims for relief.<sup>[1439] 151</sup>

[A/74/83, p. 28]]

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<sup>[1437]</sup> <sup>170</sup> See footnote [114] 24 above, para. 761.

<sup>[1438]</sup> <sup>[150]</sup> PCA, Case No. 2009–23, Second Partial Award on Track II, 30 August 2018, paras. 3.34–3.45.]

<sup>[1439]</sup> <sup>[151]</sup> *Ibid.*, para. 9.9.]