Article 24 (1) [UNCITRAL Arbitration Rules] asserts that each party has the burden of proving the facts relied upon to support his claim or defense.\(^{195}\)

For example, the Tribunal has advised the parties that, in light of awards rendered by Chambers One and Three in similar cases, it intended to decide the jurisdictional issue "as soon as practicable." See Iranian Customs Admin. v. United States, 13 Iran-U.S. C.T.R. 161, 162 (1986) (award No. 267-1118-2) (deciding jurisdictional issue); Arthur J. Fritz & Co. v. Sherkate Teavonie Sherkatehay Sakhtemanie (Chamber 3, case No. 276) (order of Aug. 4, 1987) (declining to decide jurisdictional issue first). Jurisdictional issues are bifurcated and decided first as a matter of course in cases involving dual nationality. The question of whether a claimant's U.S. nationality is "dominant and effective" is invariably briefed and decided first. See, e.g., Kem Int'l Co. v. Iran (Chamber 3, case No. 626) (order of Aug. 24, 1987) (stating that a claimant's nationality should be determined as a preliminary matter). In that case, although the claimant had already submitted its memorial and evidence on all issues, the Tribunal bifurcated proceedings in a case not previously recognized as a dual nationality case, setting deadlines for submission of dual nationality evidence. The Tribunal stated that it was a consistent practice that "the claimant's nationality should be determined as a preliminary matter". See Dadras Int'l v. Iran (Chamber 3, case No. 215) (order of June 12, 1987); Fox v. Iran (Chamber 3, case No. 12756) (order of Apr. 12, 1987). The principle has also been applied to decisions on forum selection clauses. See, e.g., CID v. Iran (Chamber 1, case No. 455) (order of Oct. 16, 1986) (stating that "jurisdiction [is] decided an the basis of documents before it").

Referring Principles:

XII.1 - Distribution of burden of proof