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** AWARD - Type of Award _____
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_____ pages in English _____ pages in Farsi

** DECISION - Date of Decision _____
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** CONCURRING OPINION of _____
- Date _____
_____ pages in English _____ pages in Farsi

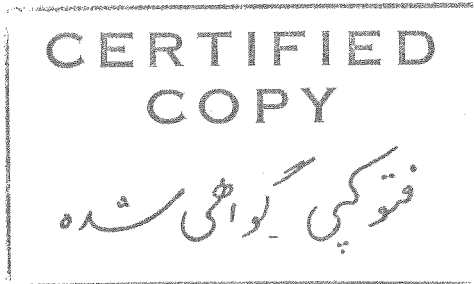
** SEPARATE OPINION of _____
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** DISSENTING OPINION of Mr Ansari
- Date 10/11/89
3 pages in English _____ pages in Farsi

** OTHER; Nature of document: _____

- Date _____
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Persian text
filed on 5 Oct. 1989



In the Name of God

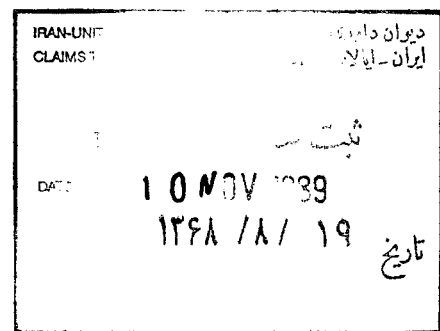
CASE NO. 169
CHAMBER THREE
AWARD NO. ITL 69-169-3

STEVEN JOSEPH DANIELPOUR,
Claimant,

and

THE GOVERNMENT OF THE ISLAMIC
REPUBLIC OF IRAN,

Respondent.



DISSENTING OPINION OF JUDGE PARVIZ ANSARI

Introduction

1. I have on numerous occasions expressed my reasons for dissenting to the Tribunal's injudicious and deplorable decision to admit the claims of Iranian nationals against the Government of Iran, and thus see no need to reiterate them here. See: the Dissenting Opinion of the Iranian Arbitrators in Case No. A18, Decision No. DEC 32-A18-FT (10 Sep. 1984), reprinted in 5 Iran-U.S. C.T.R. 275-337; and also the Dissenting Opinion of Judge Parviz Ansari in

Reza Said Malek and The Islamic Republic of Iran, Interlocutory Award No. ITL 68-193-3 (23 Jun. 1988).

2. From the point of view of its logical premises and legal analysis, the present Interlocutory Award is unfounded and unjustified. Taken altogether, a number of reasons will demonstrate that the Claimant's dominant and effective nationality is that of Iran. These reasons, in so far as they are reflected in the record, are as follows:

- a. Lack of any action to relinquish his Iranian nationality;
- b. Completion of his elementary and secondary education in Iran;
- c. Use of his Iranian passport;
- d. Continuation of his university studies in the United States, with the intention of benefitting therefrom upon his return to Iran;
- e. Continuing family and sentimental ties with Iran;
- f. Lack of proof that the Claimant was present in the United States in the period from 1972 to 1976.

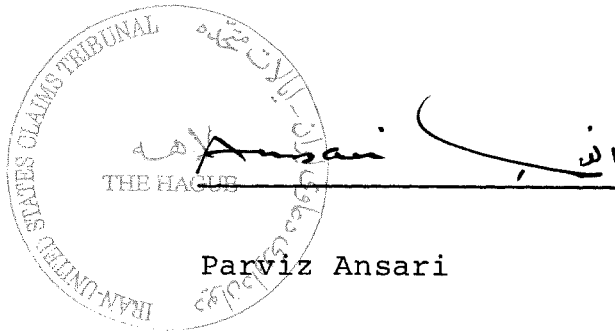
The above reasons, and other circumstances, leave no room or credibility whatsoever for the position that the Claimant's United States nationality was his dominant nationality.

3. It is to be concluded that:

Firstly, as an established principle from which there can be no derogation, the Claimant himself cannot, as an Iranian national, bring a claim against the Iranian Government before an international forum; nor can any government bring that claim before such a forum on his behalf.

Secondly, the Claimant's Iranian nationality predominates and prevails over his United States nationality, and from this point of view as well, the Tribunal lacks jurisdiction over the claim brought before it.

The Hague,
5 October 1989



Parviz Ansari