

Human rights and Khatami's Iran

Dual containment is too inflexible for today's realities, argues *Chibli Mallat*

The American "dual containment conditions" which have made a pariah of the Islamic republic are well known. Iran – says the US – must end its opposition to the Arab-Israeli peace process, its support for terrorism, and its massive military build-up, nuclear and biological weapons programmes.

From a Western point of view, and from the point of view of Iran's neighbours, it is difficult not to subscribe to these conditions. Terrorism is particularly ugly when it involves the blatant assassination of opponents abroad with the clear acquiescence of the highest echelons in the country, as demonstrated in the Mykonos trial.

Going down the list of the four conditions, a little progress seems possible here and there. Decisive change in Tehran is another matter. Muhammad Khatami, who takes over as president in August, will be unable, at least for a while, to control the intelligence services or the pasdaran (revolutionary guards) for a while, but they may have learnt their lesson, at least in terms of suppressing political opponents in Europe. Watch for whether Ali Fallahian, the intelligence minister, will remain in the next cabinet.

Khatami will not be willing to disarm the army. Who would, in the Gulf or elsewhere? Nor will the search for biological, chemical or nuclear capabilities be stopped overnight, although Iran has been far more supportive of the chemical weapons treaty than any other government in the region. Let the US try to get anything near such a commitment from Israel, Iraq, or even Pakistan.

Finally, no Iranian leader will applaud an Arab-Israeli peace process which simply consecrates a Jewish state at the heart of the region. But, then, what peace process is left since Netanyahu came to power? The line in Tehran has long been, in any case, that the opposition to the peace process is not an "active" one, so eschewing violence to undermine the process. Hizbullah and Hamas have long acquired their own autonomy.

In short, those conditions do not concentrate on change that can be measured objectively. They entail no decisive criteria for judgment, with or without Khatami. Mostly, they ensure the continuity of the US-Iran waffle-and-wobble seesaw relation, as they do not open up a means for rapprochement: they are all negative.

Without necessarily discarding those four conditions, another approach is needed, which can operate positively. For this, the key is a proper understanding of what makes Iran tick.

There is more to the Iranian system than the Satanic image it has acquired in the West. This is where the emphasis of the so-called 'dual containment' policy proved wrong.

First, a fifth condition should be recalled, which appeared in the original delineation of the famous dual containment speech of Martin Indyk – then an official in the US National Security Council – on May 18, 1993.

In that speech, the fifth dimension concerned human rights and democracy. It appeared in Indyk's text as a matter which he was to leave to people who "were more expert" than him. Unfortunately, no one picked it up, and the mention of human rights as "a condition" for improved relations with Iran disappeared in the reformulations of dual containment at all levels of the administration. The one exception was in a speech by David Welch, the acting secretary of state for the Middle East, on June 18, 1997 when he referred to Iran's "lack of respect for international standards of human rights".

It was wrong to drop it.

First, because Iran has proved in this very election, that it is much better than most neighbouring countries in allowing a peaceful change at the top. The former president is out, and a new president has been voted in. There is not a single Arab country which can show anything near that minimal condition for democracy: alternation at the top. Nor was the Iranian constitution, which prevents a president seeking a third term, amended "for one and only time" to renew president Rafsanjani's term in office.

Second, parliament in Iran is more lively than all the parliaments in the region, when they exist. Proceedings are freely broadcast live on television.

Thirdly, there is a more sophisticated separation of powers than in most countries in the world, including the United States. This needs to be acknowledged in the US and in Europe as the most important basis for a dialogue.

The system is far from perfect, and the imperfections must also be acknowledged. The legal aberration in the Council of Guardians' ruling out 234 of the 238 candidates (including all nine women) makes little sense.

The West should recognise the positive elements within Iran. For that, the inconsistencies of US policy must cease. Human rights cannot be upheld in just one country: they are no less key to stability in Israel-Palestine, or in Saudi Arabia.

Provided pressure for human rights is applied consistently, there is no harm in dri-

ving the concept home to the Iranians as a primary 'condition' – whatever the talk of an outdated concept of sovereignty and interference into domestic affairs. The human rights record is dismal in Iran, as clearly shown by the Special Rapporteur on Human Rights. It leaves no doubt as where the focus for improvement will need to rest under Khatami's presidency.

Nor should the West be ashamed of holding to the rule of law. After all, it was central to Khatami's campaign: "We must strive in every way to ensure that the law forms the basis of order and that we have a society which is lawful in every respect. Our society possesses a good degree of stability and there is now no occasion warranting any disregard for the law ... A government is powerful that within the framework of laws recognises officially the rights of people and the nation, and makes efforts to guarantee their rights and prepare the ground for the implementation of those rights."

This quotation from Khatami's campaign was emphasised in a recent, long article by Gary Sick, one of the best experts on Iran in the United States, and should be the departing point of a rapprochement.

This means, again, reversing the order of priorities, and putting the forgotten "fifth condition" highest on the agenda.

Hence the way forward. The first step is the acknowledgment of the positive dimensions of the Iranian system, including the separation of powers, the lively parliament, and alternation at the top.

Once this is done, emphasis must be put on the constitutional hurdles which prevent a smooth operation of democracy in the Islamic republic, such as the prohibition of political parties and the arbitrary screening of legislative and presidential candidates by the Council of Guardians. At the same time, the record on human rights must be improved, in the light of recommendations from the UN Commission and the Special Rapporteur.

This is a vast agenda, but it corresponds to Khatami's better inclinations. The way the West (and the people in the region who care for a better Iran) can assist is by acknowledging them and helping the new Iran, constructively, towards the fulfilment of the rule of law.

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Tomorrow: offering Khatami a real success