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Embrace the Fatwa

If the United States is serious about negotiating with Iran, it's going to have to start listening to the supreme leader.

BY SEYED HOSSEIN MOUSAVIAN | FEBRUARY 7, 2013



As the Western media reported it, the future of U.S.-Iranian nuclear negotiations suffered a major setback on Feb. 7 when Supreme Leader Ayatollah Ali Khamenei seemed to reject Vice President Joseph Biden's offer of direct talks. "Some naive people like the idea of negotiating with America, however, negotiations will not solve the problem," the supreme leader said in a statement posted on his website. "You are pointing a gun at Iran saying you want to talk. The Iranian nation will not be frightened by the threats."

But Ayatollah Khamenei's statement can also be read as an invitation for genuine negotiations -- negotiations that are not conducted in the shadow of increasingly draconian sanctions and that take seriously Iran's legitimate interests and rights. Despite a number of recent encouraging signs -- such as President Barack Obama's nomination of John Kerry and Chuck Hagel for key administration posts -- the nuclear standoff remains deadlocked over the Non Proliferation Treaty (NPT). A major breakthrough is needed. The supreme leader's recent statement notwithstanding, that breakthrough is within reach, though it will require looking beyond the NPT to a fatwa issued by Ayatollah Khamenei in 2003 that bans nuclear weapons and other weapons of mass

destruction.

The present diplomatic quagmire is primarily the result of irreconcilable demands. Iran has made clear that resolving the nuclear imbroglio will require international recognition of the country's legitimate right to enrichment under the NPT and the lifting of sanctions. The P5+1 (The five permanent members of U.N Security Council and Germany), meanwhile, have articulated five major demands based on the NPT: 1) implement the so-called Additional Protocol, which enables further intrusive inspections by the International Atomic Energy Agency (IAEA), the U.N.'s nuclear watchdog, including visits to military sites such as Parchin, 2) make the nuclear program more transparent, 3) give access to the IAEA beyond the NPT and its Additional Protocol to address concerns about possible military dimensions to the country's nuclear activities, 4) limit uranium enrichment to 20 percent, and 5) convert to fuel rods or export all enriched uranium stockpiles that are not immediately used for domestic consumption.

These demands go far beyond the NPT, which permits member states to enrich to any level and places no limits on stockpiling enriched uranium. The Additional Protocol, meanwhile, is a voluntary measure that has yet to be accepted by 70 countries. In other words, the inspections demanded of Iran are so invasive that there is currently no international non-proliferation treaty or mechanism that covers them.

Nonetheless, Iranian President Mahmoud Ahmadinejad has **reiterated** Tehran's readiness to "immediately" stop production of low-enriched uranium at 20 percent as long as the international community **agrees** to supply the necessary nuclear material for the country -- something it has refused to do in the past. Likewise Iranian Foreign Minister Ali Akbar Salehi has even referenced the Additional Protocol **directly** as part of an offer to "recognize the concerns of the West and to try to mitigate them using all the possible instruments that are available." Still, two concerns remain.

First, the P5+1 may not have the political will to finalize a deal with Iran. According to sources with intimate knowledge of the negotiations, the West's proposal contains neither formal recognition of Iran's right to enrichment under the NPT, nor substantial sanctions relief. Even U.S. officials have privately acknowledged that it's **not substantively different** than previous proposals that failed.

Second, it is far from clear that such an agreement can be sustained by the Iranians. While I served as the spokesman for Iranian nuclear negotiator under President Mohammad Khatami, our delegation agreed to implement the Additional Protocol from 2003-5. The agreement caused an uproar and prompted some sectors of the government to **accuse** our team of treason. Thus, commitments advanced by Ahmadinejad's administration that go beyond the NPT and Additional Protocol would be vulnerable to reversal in the future.

Luckily, there is a way out of this quandary. An important and novel proposal was announced publicly by Iranian Foreign Minister Salehi based on Ayatollah Khamenei's fatwa banning nuclear weapons. Last year, Salehi **declared** that Iran is ready to "translate the fatwa into a secular, binding document that would bind the government to this fatwa" and "to transform it into a legally binding, official document at the U.N." Salehi's

proposal presents a legitimate framework to guarantee Iran's commitments beyond the NPT and should be seriously explored as a means to resolve the stalemate. Unlike the NPT, the fatwa has definitive boundaries and offers both parties a politically palatable way to back away from unrealistic demands.

The validity of the fatwa should not be underestimated. Because of the strong bond between religion and politics in Iran, the supreme leader's religious fatwas carry both legislative and religious importance. According to the Iranian constitution, the supreme leader has the ultimate authority over all three branches of government. As such, the fatwa has the status of law and cannot be subject to review of any kind.

One immediate area where the fatwa offers a way around the current deadlock is on the issue of Parchin. Talks between Iran and the IAEA have hit a roadblock over demands to visit the military complex located outside Tehran, with both sides unwilling to back down. Under the fatwa, however, Iran could invite a non-IAEA international team of experts to visit Parchin and present their technical findings. Such an initiative would be voluntary, allowing Iran to break the current artificial deadlock. But it would also increase transparency and allay Western fears about what's going on at the base.

Current negotiations based on the NPT have all but stalled out. But with the fatwa as a potential framework for future talks, a deal may still be within reach -- although it would require the United States to offer more serious incentives. Both Kerry and Hagel are pragmatists, but it remains to be seen if they can reorient U.S. policy from pressure politics that "keeps all options on the table" to an approach that genuinely seeks a resolution to this crisis.

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*Seyed Hossein Mousavian, a former Iranian ambassador and spokesman for Iran's nuclear negotiators, is a research scholar at Princeton's Woodrow Wilson School. His latest book is **The Iranian Nuclear Crisis: A Memoir**, published by Carnegie Endowment for International Peace.*

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**jgarbuz**

Tages

schneibster

What Iranian elites/ It's all up to Supreme Fuehrer Khomeini As in Nazi GERMANY, he is the elite.

4 MONTHS AGO

**schneibster**

jgarbuz

Knock it off. Your bigotry is showing again.

4 MONTHS AGO

**jgarbuz**

schneibster

Oh, I see you're back to your normal self again. Okay, I'll say it differently. Khomeini is the POPE of Shia Iran. Whether he is like or not, his word is final over there.

4 MONTHS AGO

**schneibster**

jgarbuz

If that was true there wouldn't be any question about them having a nuclear program.

Duh.

4 MONTHS AGO

**jgarbuz**

schneibster

Wikipedia

"The Supreme Leader of Iran (Persian: ولی فقیه ایران, vali-e faghih-e iran,[1] lit. Guardian Jurist of Iran, or رهبر انقلاب, rahbar-e enghelab,[2] lit. Leader of the Revolution) is the highest ranking political and religious authority in the Islamic Republic of Iran. The post was established by the constitution in accordance with the concept of Guardianship of the Islamic Jurists.[3] The title "Supreme" Leader (Persian: ولی فقیه, vali-e faghih) is often used as a sign of respect; however, this terminology is not found in the constitution of Iran, which simply referred to the "Leader" (rahbar).

The leader is more powerful than the President of Iran and appoints the heads of many powerful posts in the military, the civil government, and the judiciary.[4]

In its history, the Islamic Republic has had two Supreme Leaders: Ruhollah Khomeini, who held the position from 1979 until his death in 1989, and Sayyed Ali Khamenei, who has held the position since Khomeini's death."

4 MONTHS AGO

**schneibster**

jgarbuz So you think we should believe the fatwa.

4 MONTHS AGO

**jgarbuz**

schneibster

I don't know about you, but I'm not a Muslim. The Supreme Leader is not trying to fool me. He's trying to fool his own people, some of whom actually believe in him. I put very little credibility in what most clerics say, especially Muslim ones.

4 MONTHS AGO

**schneibster**

jgarbuz But we're not Iranians so we aren't the ones it matters to.

You're changing the subject.

4 MONTHS AGO

**schneibster**

jgarbuz And your previous post was all about how all-powerful he is.

Now you're saying he's not.

Make up your mind.

4 MONTHS AGO

**jgarbuz**

schneibster

He's powerful in Iran. I didn't say he was Jesus. Hitler and Stalin were powerful in their respective countries too. Doesn't mean I had to believe them.

4 MONTHS AGO

**schneibster**

jgarbuz So if we're not believing his, how come we're believing yours about how your super magic sky daddy told you about this land you owned or some bullshit?

4 MONTHS AGO

**schneibster**

jgarbuz You want to have your cake and eat it too.

4 MONTHS AGO

**jgarbuz**

schneibster

Chamberlain believed Hitler in 1938 when Hitler said that the Sudetenland is his last territorial demand in Europe. And Hitler was the most powerful man in Germany. Every German certainly HAD to believe him.

But I don't base the Jewish claim to the Land of Israel on our national sagas and literature of the past. I primarily base it on the ruling of the Council of the League of Nations at San Remo in 1922, where they legally recognized the "historic connexion" of the Jewish people to "Palestine." So I base my claim on international law as defined by the League of Nations.

4 MONTHS AGO

**FranzLiebkind**

jgarbuz

schneibster

The League of Nations was an abortion. The US didn't join, and Germany and Japan left after six and fourteen years respectively. Did Alsace-Lorraine get adjudicated based on the laws of the Holy Roman Empire? It lasted eight centuries.

Hope you're not blizzarded in.

4 MONTHS AGO

**schneibster**

jgarbuz

OK, then you're abandoning the settlements because the same bodies that recognized Israel say they're warcrimes, right?

4 MONTHS AGO

**jgarbuz**

FranzLiebkind

schneibster

The League of Nations was proposed by US President Woodrow Wilson and he died of a broken heart because the senate refused to ratify it.

Still it was the author of international law. Not Sharia law or Halacha, but international law. It had some 52 members. It's because the US decided to become isolationist and did not add its muscle to it why it ultimately died and officially disbanded in 1946.

4 MONTHS AGO

**jgarbuz**

schneibster

No, the League of Nations did not call Jewish settlement in any part of western Palestine a war crime. Quite the opposite, the Mandate ENCOURAGED Jewish settlement of the country up to the Jordan river. Again, as I have said so many times, it is DISPUTED land and Israel's arguments are very strong whether you choose to ignore them or not. And without settlements, the PLO would never have come to the negotiating table in the first place. Without Jewish settlements, the Arabs have no reason or incentive to end the conflict. As I have said, settlements will stop when the conflict ends. And the conflict ends when all states recognize the State of Israel as the Jewish state with Jerusalem as its united capital.

4 MONTHS AGO

**schneibster**

jgarbuz

There weren't settlements until after '67.

You're lying again.

4 MONTHS AGO

**schneibster**

jgarbuz

Don't be whiny jg. It's disgusting to watch.

4 MONTHS AGO

**jgarbuz**

schneibster

Oh yes there were. There were settlements in Judah and Samaria and places like Hebron before 1948.

4 MONTHS AGO

jgarbuz



schneibster

You're not interested in ending the conflict but only ending settlements.

4 MONTHS AGO



schneibster

jgarbuz

I'm talking about settlements in the West Bank area conquered in the '67 war.

4 MONTHS AGO



schneibster

jgarbuz

It's a prerequisite.

4 MONTHS AGO



jgarbuz

schneibster

Israeli settlement-wikipedia

Resettlement of former Jewish communities

"Some settlements were established on sites where Jewish communities had existed during the British Mandate of Palestine.

Jerusalem—Jewish presence alongside other peoples since biblical times, various surrounding communities and neighborhoods, including Kfar Shiloah, also known as Silwan—settled by Yemenite Jews in 1884, Jewish residents evacuated in 1938, a few Jewish families move into reclaimed homes in 2004.[32]

Other communities: Shimon HaTzadik, Neve Yaakov and Atarot which in post-1967 was rebuilt as an industrial zone.

Gush Etzion—four communities, established between 1927 and 1947, destroyed 1948, reestablished beginning 1967.[33]

Hebron—Jewish presence since biblical times, forced out in the wake of the 1929 Hebron massacre, some families returned in 1931 but were evacuated by the British, a few buildings resettled in 1967.[34]

Kfar Darom—established in 1946, evacuated in 1948, resettled in 1970, evacuated in 2005 as part of the withdrawal from the Gaza Strip.[35]

Kalia and Beit HaArava—the former was built in 1934 as a kibbutz for potash mining. The latter was built in 1943 as an agricultural community. Both were abandoned in 1948, and subsequently destroyed by Jordanian forces, and resettled after the Six Day War.[citation needed]

Gaza City had a Jewish and Palestinian community for many centuries that was evacuated following riots in 1929. After the Six Day War, Jewish communities were built elsewhere in the Gaza Strip, but not in Gaza City proper. [citation needed]."

4 MONTHS AGO



jgarbuz

schneibster

No, recognizing Israel as the JEWISH STATE is the prerequisite!

4 MONTHS AGO

schneibster



jgarbuz Meaningless mouth noises. You may not establish your people on land you conquer, period.

Fourth Geneva Protocol, Article 48.

4 MONTHS AGO



schneibster

jgarbuz No, being free from ongoing war crimes is the prerequisite.

4 MONTHS AGO



jgarbuz

schneibster

4th Geneva is rubbish nvented in 1949 to stop Jews from living in their own land.

4 MONTHS AGO



schneibster

jgarbuz The rockets have stopped.

Time you guys bellied up to the bar and took your medicine.

4 MONTHS AGO



jgarbuz

schneibster

No war crime in settling your own land. It will never be "Palestinian land" unless and until a peace treaty is signed creating some new Arab state after the Jewish state is fully recognized. Until there is a new Arab state, after a treaty is signed, it remains wholly Jewish land no matter how many Arabs live in the area.

4 MONTHS AGO



jgarbuz

schneibster

Rockets stop today; they start again tomorrow, it means ZIP! Only a final peace treaty has any meaning, and that shall not be until the Jewish state is fully and securely recognized! Capice?

4 MONTHS AGO



schneibster

jgarbuz Takes two to tango. They're stopped now. Now it's on you.

4 MONTHS AGO



schneibster

jgarbuz It's not "your own land" if you conquered it in war.

4 MONTHS AGO



schneibster

jgarbuz 4th Geneva protocol was invented to make what Germany and Japan tried to do in Eastern Europe and China respectively illegal.

You're lying again.

4 MONTHS AGO

**jgarbuz**

schneibster

it has nothing to do with Israel. Judah and Samaria are Jewish lands, and recognized as such by the League.

4 MONTHS AGO

**jgarbuz**

schneibster

The Arabs conquered it. Israel liberated it.

4 MONTHS AGO

**schneibster**

jgarbuz Sorry, no. It's land taken in the war. It's illegal for Israel to put settlements on it. Get rid of the war crime settlements.

4 MONTHS AGO

**schneibster**

jgarbuz Yeah, yeah, just like the Sudetenland, right?

4 MONTHS AGO

**jgarbuz**

schneibster

Nope. I refuse. I wish I could settle in Ariel today. I refuse to give back liberated Jewish land for nothing. You give your land back.

4 MONTHS AGO

**schneibster**

jgarbuz Then you're on your own. I won't consider Israel again in my voting.

4 MONTHS AGO

**jgarbuz**

schneibster

Yup. Like Sudetenland, will not give up Jewish land to the Arab conquerors for nothing in exchange.

4 MONTHS AGO

**schneibster**

jgarbuz And I'll be informing my Senators and President and Representative that I'd prefer they not consider Israel, either. In fact, that all Israeli aid go to reduce the budget.

4 MONTHS AGO

**jgarbuz**

schneibster

Vote for Iran. I don't care. Don't care if the US goes to war with Israel over it. It is liberated Jewish land and will not be given up to Arabs in exchange for nothing. End of story.

4 MONTHS AGO

**schneibster**

jgarbuz It's a war crime.

You will give it up.

4 MONTHS AGO



jgarbuz

schneibster

Good. I'll sign the letter with you. US Congress, you keep the aid and we Jews will keep our land. Fair enough.

4 MONTHS AGO



schneibster

jgarbuz You will choose to.

4 MONTHS AGO



jgarbuz

schneibster

No it is a crime to give it up to Arabs who have no legal right to it.

4 MONTHS AGO



schneibster

jgarbuz Remember, Bibi lost a lot of cred in the last election. And you along with him. It's not going your way.

4 MONTHS AGO



jgarbuz

schneibster

The God of Israel will decide what is going whose way.

4 MONTHS AGO



schneibster

jgarbuz Thought you weren't down with the whole "gods" thing. Otherwise, there's nothing wrong with the fatwa, remember?

4 MONTHS AGO

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