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**DECIPHERING THE IRANIAN PARADOX -
IT'S NOT LEFT WING, IT'S NOT RIGHT WING, IT'S
THE RIGHT THING:
NO ENGAGEMENT, NO WAR, THE TIME HAS COME
TO SUPPORT THE WILL OF THE IRANIAN PEOPLE**

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The paradox of Iran is a struggle in every sense of the word and for every possible party involved. There remains a continuous struggle for the regime to keep hold pitted against a constant battle for the people to achieve self-determination.¹ Some commentators argue that the regime in Iran is there for the foreseeable future and that it is in the interests of the United States to negotiate; others argue that this idea is premised on a total fallacy and that the current regime is unsustainable. Whichever argument is correct, the United States cannot ignore Iran's past by blindly agreeing that any kind of support for the Iranian people's quest for democracy is pro-war demagoguery; if it does, the United States stands to lose far more than just the nuclear issue. Iran's conduct regarding its nuclear program and its numerous violations of human rights warrant pressure from the United States and other democracies to support a foreign policy that will encompass the will of Iran's own people for regime change from religious theocracy to a secular democracy. For this strategy to be effective, there must be a harmonized effort by the international community to impose smart sanctions and other non-violent tools to force the Iranian regime to succumb to the will of its own people. It was synchronized efforts such as these that succeeded in bringing an end to apartheid in South Africa.

Advocates of a so-called "Grand Bargain" maintain that engagement with the Iranian regime is the way to produce results and suggest that the international community offer to lift sanctions

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1 See Amir Taheri, *The Fight for Iran's Future Is Far from Over*, Times, June 30, 2009, available at http://www.timesonline.co.uk/tol/comment/columnists/guest_contributors/article6605062.ece (describing the ongoing struggle between the people and the government for the future of Iran).

and make assurances that the United States would not support regime change. The United States has attempted this numerous times without success.² In the same way that “constructive engagement” failed in bringing an end to Apartheid in South Africa, engagement with Iran has also resulted in failure.³ It was only when a bipartisan effort by Democrats and Republicans overrode President Reagan’s veto, sanctioning and pressuring South Africa (with set preconditions to lift the sanctions) through the Comprehensive Anti-Apartheid Act of 1986; this effort was vital to ending apartheid in South Africa.⁴ Several past administrations have attempted negotiating with the Iranian regime.⁵ Instead of accepting the overtures of the United States and other UN member nations to negotiate, Iran has employed methods of stalling or ignoring UN resolutions and has mirrored the path North Korea pursued in acquiring nuclear weapons.⁶ By mimicking the methods used by the now-nuclear North Korea, the Iranian regime has ignored UN Security Council resolutions regarding the Iranian nuclear program forcing the UN Security Council to resort to sanctions.⁷ Currently, Iran is closer than ever to acquiring nuclear weapons capability, and reports indicate that with 20% enriched uranium, it could take Iran a year or less to build a nuclear weapon.⁸ Clearly, the rise of a nuclear Iran is an ever present concern not only for the national security of the United States but to the countries who have agreed to non-proliferation policies.

Understanding the historical context of the Iranian condition is integral to successfully maneuvering the future. The past century in Iran has seen a constant thrust by the people to move toward democracy, whether through parliamentary measures, the election of Mohammed Mossadegh, or the ousting of the Shah. The classic example is that of the election of Mohammed Mossadegh in

2 See Bruce Riedel, *America and Iran: Flawed Analysis, Missed Opportunities, and Looming Dangers*, 25 BROWN J. WORLD AFF. 1, 101 (2008), available at http://heinonline.org/HOL/Page?handle=hein.journals/brownjwa15&div=12&g_sent=1&collection=journals (discussing failed policies based on flawed analysis, as implemented by the United States government in dealing with the Iranian regime).

3 See Sanford J. Ungar & Peter Vale, *South Africa: Why Constructive Engagement Failed*, 64 FOREIGN AFF. 234 (1985), available at <http://www.foreignaffairs.com/articles/40525/sanford-j-ungar-and-peter-vale/south-africa-why-constructive-engagement-failed> (describing the implementation and failure of constructive engagement in South Africa to bring about an end to apartheid).

4 See African-American—South Africa Project, *African American Historical Linkages with South Africa*, Howard University, available at http://www.howard.edu/library/Reference/bob_edgar_site/about.html (describing the process by which the Comprehensive Anti-Apartheid Act of 1986 brought about the pressure needed to force an end to apartheid in South Africa).

5 See Lara Rozen, *Declassified Documents Revisit Secret U.S. Overture to Iran*, POLITICO, May 30, 2010, available at http://www.politico.com/blogs/laurarozen/0510/Declassified_documents_revisit_secret_US_overture_to_Iran.html (describing the attempts and overtures of numerous past U.S. presidential administrations in trying to negotiate with the Iranian regime and the failure of this dialogue in bringing about any sort of change in U.S.-Iran relations).

6 See Associated Press, *Iran Stays Silent on U.S. Offer of Dialogue*, MSNBC.COM (August 8, 2009), http://www.msnbc.msn.com/id/32194136/ns/world_news-mideastn_africa/38285299 (giving an account of the response by the Iranian regime after U.S. overtures for engagement and dialogue).

7 See Yuriy Humber & Ladane Nasseri, *Iran Ignores Sanctions, Start First Nuclear Plant*, BLOOMBERG.COM (Aug. 21, 2010), <http://www.businessweek.com/news/2010-08-21/iran-ignores-sanctions-start-first-nuclear-plant.html>.

8 See Nasser Karimi, *Iran’s Leader Orders Further Enrichment of Uranium*, GUARDIAN.COM (Feb. 7, 2010), <http://www.guardian.co.uk/world/feedarticle/8934697> (describing the Iranian response to the U.N. Security Council resolutions and subsequent sanctions).

the 1950s. The Iranian people had been demanding a democratic voice for some time, and slowly the Shah was accommodating their demands by allowing for the democratic election of a Prime Minister. After Mossadegh was elected, he nationalized Iran's oil (which had been solely in the hands of Britain in the form of the Anglo-Iranian Oil Company – what is now known as BP⁹). Not long thereafter, a plan was created and implemented to oust Mossadegh in a coup d'état in order to reinstate the Shah.¹⁰ The Iranian people's frustration and hopes for democracy smoldered and built for another 27 years until the 1979 revolution. The fall of the Shah in 1979 occurred amidst street protests, merchant strikes, and burning oil fields. In a sweeping move, the loudest faction took control of the movement under Ayatollah Khomeini. Commentators now widely see the resulting theocracy as far more oppressive than the Shah's regime. Now, more than 30 years later, an uprising is fomenting again.

It is logical to ascertain that it would be in the best interest of not only the Iranian people but the United States to support regime change in Iran.¹¹ Those who opposed supporting the will of the Iranian people for regime change in Iran maintained that if the United States showed support for the Green Movement or made a stronger statement on the widely contested elections of 2009, the regime would once again externalize conflict and point to the United States and the United Kingdom as fomenting a coup d'état or "velvet revolution" to oust the regime. Heeding that advice, the United States stayed silent in the face of gross human rights abuses, such as the shooting death of Neda Agha-Soltan by a government assassin, because the United States hoped to build trust on the nuclear issue.¹² What was the Iranian regime's response? The Iranian regime placed blame for the street protests and opposition on the United States and United Kingdom anyway.¹³ In addition, the Iranian theocracy continued to move forward with the enrichment of uranium and continued to

9 See Ishaan Tharoor, A Brief History of BP, TIME, June 2, 2010, available at <http://www.time.com/time/business/article/0,8599,1993361,00.html> (showing the history of the British and the Anglo-Iranian oil company in Iran and the power these oil companies wielded in the country at that time).

10 DONALD WILBER, OVERTHROW OF PREMIER MOSSADEQ OF IRAN CS HISTORICAL PAPER NO. 208 (1954), reprinted in James Risen, *Secrets of History: The C.I.A. in Iran*, N.Y. TIMES, Apr. 16, 2000, available at <http://www.gwu.edu/~nsarchiv/NSAEBB/NSAEBB28/#documents> (presenting declassified government documents accounting the planning and execution of the plan to overthrow the democratically elected Prime Minister Mossadegh in order to reinstate the Shah by then-CIA agent Kermit Roosevelt).

11 See Richard Haass, *Enough Is Enough: Why we can no longer remain on the sidelines in the struggle for regime change in Iran*, Newsweek, January 22, 2010, available at <http://www.newsweek.com/2010/01/21/enough-is-enough.html> (detailing the need for a new response to the Iranian regime and the necessity to support the Green Movement rather than continue to silently allow for overtures at engagement to be ignored).

12 See David Blair, *Iran Election: Barack Obama Refuses to 'Meddle' Over Protests*, TELEGRAPH, June 17, 2009, available at <http://www.telegraph.co.uk/news/worldnews/middleeast/iran/5556155/Iran-election-Barack-Obama-refuses-to-meddle-over-protests.html> (showing the Obama administration's response and silence to the widespread protests following the elections scandal of the summer of 2009 in Iran).

13 *Iran: Government Alleges CIA Behind Street Protests*, ADNKRONOSINTERNATIONAL.COM (June 24, 2009), <http://www.adnkronos.com/AKI/English/Politics/?id=3.0.3462950540> (detailing the attempts of the Iranian regime to blame the unrest on the United States and the CIA).

ignore UN resolutions.¹⁴

The election scandal of June 2009 showed what was happening inside Iran, despite the government's attempts to block the entry of foreign reporters into the country, close domestic newspapers, slow internet connections, and disrupt cell phone service.¹⁵ The government's widespread attempts at propaganda, such as busing in destitute villagers with promises of food and payments of cash to attend state sponsored rallies in support of Mahmoud Ahmadienjad, did not equal anywhere near the massive number of supporters that came out in the streets to protest in support of the Green Movement.¹⁶

It is important to note that while the Green Movement has many factions, there is no clear "true" Green Movement leader or voice, though many have tried to claim the mantle.¹⁷ Mir-Hossein Mousavi himself has stated that the movement carried him, he did not carry the movement.¹⁸ It soon became apparent that the sentiment of the opposition became an overall rejection of the theocracy in power.¹⁹ While the widespread sentiment is that the Iranian people want a secular government in Iran which respects basic human rights, this message is masked because those who openly

14 See INT'L ATOMIC ENERGY AGENCY, *IAEA & Iran: Chronology of Key Events*, IAEA.GOV, http://www.iaea.org/NewsCenter/Focus/IaeaIran/iran_timeline7.shtml (providing a chronology of key events occurring throughout the relationship between Iran and the IAEA) (last visited Sept. 24, 2010); see also *Background Note: Iran*, U.S. DEPT OF STATE (July 23, 2010), <http://www.state.gov/r/pa/ci/bgn/5314.htm> (accounting for the history of the region that is now Iran, from the Persian Empire to modern Iran's more recent struggles with the United States and the International community)

15 See Mehdi Khalaji, *Khamenei's Coup*, Washington Post, June 15, 2009, available at <http://www.washingtonpost.com/wp-dyn/content/article/2009/06/14/AR2009061401758.html?hpid=topnews> (detailing the Iranian regime, under Khamenei's reaction to the election scandal of the summer of 2009); see also *Iranian Newspaper Raided, Employees Detained*, Committee to Protect Journalist, June 23, 2009, available at <http://cpj.org/2009/06/iranian-newspaper-raided-25-employees-detained.php> (showing an example of the violent and fervent repression of speech by the Iranian regime against the Green Movement opposition), David Blair, *Iran Struggles to Censor News Of Protests*, Telegraph, June 15, 2009, available at <http://www.telegraph.co.uk/news/worldnews/middleeast/iran/5543145/Iran-struggles-to-censor-news-of-protests.html> (showing the widespread and extreme measures that the Iranian regime employs to silence and counter the Green Movement opposition)

16 See Toofanbanned, *15th June 2009 Millions Protest in Iran Against Election Fraud in Iran*, YOUTUBE.COM (June 15, 2009), <http://www.youtube.com/watch?v=ey9Kgf-cB40> (showing a video of the massive crowd protesting the Iranian regime and the election scandal); see also Matthew Weaver, *Iran Protests*, Guardian, February 11, 2010, available at <http://www.guardian.co.uk/news/blog/2010/feb/11/iran-protests-22-bahman> (accounting the details, large numbers, and violent opposition by the Iranian regime against the Green movement protests of 22 Bahman).

17 See Mehdi Khalaji, *Who's Really Running Iran's Green Movement*, FOREIGN POL'Y, November 4, 2009, available at http://www.foreignpolicy.com/articles/2009/11/04/whos_really_running_irans_green_movement (showing that there are many different elements and factions that make up the Green Movement and that there is no true leader of the Green Movement).

18 See Najmeh Bozorgmehr, *Man in the News: Mir Hussein Mousavi*, January 8 2010, available at www.ft.com/cms/s/0/a9a43a22-fc91-11de-bc51-00144feab49a.html (citing Mousavi in stating that he is not the leader of the movement but that the movement carried him).

19 See *New Momentum-but No Clear Goal- for Iran's Street Protests*, TIME.COM (Aug. 11, 2009), <http://www.time.com/time/world/article/0,8599,1915599,00.html> (revealing the evolution of the Green Movement opposition from a "where is my vote?" issue to a broader desire to change the system of government in power).

say this are then targeted by the government.²⁰ Mousavi's own nephew was shot and killed outside his home in Tehran.²¹ One of Iran's most respected and senior clerics, Ayatollah Sayed Hossein Kazemeyni Boroujerdi, who advocates separation of religion and government, has been put into prison under brutal conditions for expressing his views.²² Heshmat Tabarzadi is also a leading freedom activist who advocates the separation of religion and government as well as adherence to a constitution based on the UN Declaration of Human Rights. Mr. Tabarzadi had already spent nine years in Evin prison following the 1999 uprising; after expressing his views in 2009 in the *Wall Street Journal*, he has again been arrested and is currently in prison.²³

Encouraging the United States to stay out of the internal conflict with the Iranian elections, to avoid enabling the regime to blame the United States for the internal strife, can now be seen as poor advice.²⁴ Massive numbers of Iranian people took to the streets, in videos still available on websites like Youtube, with chants in Farsi of "Obama; you're either with us or with them."²⁵ This call to U.S. leaders to take a firm side with either the Iranian regime or the Iranian people was met with a deafening silence that produced no gains for U.S. interests.²⁶ The United States must tread with caution; it is fiscally and politically undesirable to enter into another war, yet it is also unacceptable to continue standing by the sidelines.

Ultimately, it was shown that the reformers within the theocracy were not able to bring about the changes that the Iranian people wanted. The reformists, like Mohammed Khatami, were unable to change the system, because the hardliners, such as Supreme Leader Ali Khamenei would not allow

20 Associated Press, *Khamenei: Reformers Face "Harsh Response": Iran's Supreme Leader Warns Opposition Against Confronting Regime*, CBS.COM (Sept. 11, 2009), <http://www.cbsnews.com/stories/2009/09/11/world/main5302751.shtml> (showing the overt warning of Iran's Supreme Leader, Ali Khamenei, that those who oppose the regime will be met with violent opposition and harsh consequences).

21 See Robert F. Worth, *Police are Said to Have Killed 10 in Street Protests*, N.Y. TIMES, Dec. 27, 2009, available at http://www.nytimes.com/2009/12/28/world/middleeast/28iran.html?_r=2&hp (discussing the death of Mousavi's nephew outside his home).

22 *Urgent Action Appeal: Ayatollah Sayed Hossein Kazemeyni Boroujerdi*, NEWSL. (AMNESTY INT'L USA, N.Y.) Aug. 10, 2007, available at <http://www.iranrights.org/english/document-298-699.php> (detailing the arrest of and harsh treatment of Ayatollah Boroujerdi).

23 Heshmat Tabarzadi, *What I see on the Frontline in Iran: Regime Change is Now Our Movements Rallying Cry*, WALL ST. J., December 17, 2009, available at http://online.wsj.com/article/NA_WSJ_PUB:SB10001424052748704869304574595812267746876.html (publishing the article for which Heshmat Tabarzadi was put into prison for writing).

24 See Richard N. Haass, *Enough Is Enough: Why We Can No Longer Remain on the Sidelines in the Struggle for Regime Change in Iran*, NEWSWEEK, January 22, 2010, available at <http://www.newsweek.com/2010/01/21/enough-is-enough.html> (detailing the need for a new response to the Iranian regime and the necessity of supporting the Green Movement rather than continuing to continue silently tolerating overtures of engagement to be ignored).

25 REUTERSVIDEO. *Iran Demonstrators' "Obama" Chant*, YOUTUBE.COM (Nov. 4, 2009), http://www.youtube.com/watch?v=_4CtKx7hCMg (showing large crowds of Iranian people clearly chanting "Obama yab bah mah yab bah und" which means "Obama, your either with us or with them" in Farsi).

26 Haas, *supra* note 27.

it.²⁷ As it has become apparent, the system in Iran will not allow change from within. And, the push for a non-violent referendum, like that which removed Augusto Pinochet in Chile, has been advocated as the best option by many groups.²⁸ Rather than allowing a derivative of the Islamic Republic to take hold under the guise of real change, it is critical for the United States to support the secular coalition of the willing who demand democracy based on the separation of religion from government and a constitution which is founded on the Universal Declaration of Human Rights.

The idea that the current Iranian regime is here to stay and can be reformed through engagement is based on erroneous historical analogies.²⁹ The comparison made between President Nixon's openings of relations with China during the Cold War with the possibility of the United States opening relations with Iran today is misleading. An Iran under an Islamic theocracy does not have the ability or potential to manufacture nor does it have the openness to capitalism that the Chinese had. Additionally, attempts at opening up relations with Iran after the uprising of the Green Movement would not only hurt American credibility on the human rights front but would create disdain similar to the betrayal felt by Iranians during the 1953 coup d'état that ousted Mossadegh.³⁰ Support for the Iranian regime today would be viewed by Iranians as another blow to Iranian hopes for democracy. The best option for the United States is to support the Iranian people's desires for a secular democratic government through the United Nations Security Council, in accordance with its P5+1 alliance, by passing a resolution that demands the referendum that the Iranian people have called for in parallel with imposing strict targeted sanctions until such time as such a referendum comes to fruition.³¹

In any historically successful uprising in Iran, certain key elements have been present. These elements include widespread street protests, strikes by merchants, and the unification of factions against the current regime in power.³² Recently, street protests have already taken place, despite the brutal suppression of the regime. The people have unified into an overarching "Green Movement."

27 See Jim Muir, *Iran's Reformists Warn of Dictatorship*, BBC, July 17, 2002, available at http://news.bbc.co.uk/2/hi/middle_east/2134063.stm (explaining the inability of the regime to change from within since the Supreme Leader functions as the equivalent of a de facto dictator); see also *Is Reform Possible in Iran?*, BBC, June 14, 2001, available at http://news.bbc.co.uk/2/hi/talking_point/1367285.stm (discussion of the obstacles to reform within the Iranian regime).

28 *Background Note: Chile*, U.S. DEP'T OF STATE (Apr. 12, 2010), <http://www.state.gov/r/pa/ei/bgn/1981.htm> (detailing Chilean history, including the non-violent referendum, in which the people voted Augusto Pinochet out of power in what amounted to a bloodless revolution by voting "no" on the ballot).

29 See Eli Lake, *Iran Protesters Alter Tactics to Avoid Death*, WASH. TIMES, June 25, 2009, available at <http://www.washingtontimes.com/news/2009/jun/25/opposition-alters-tactics-to-avoid-protest-deaths/?page=1> (accounting the resilience of the Green Movement and the ability of the opposition to change their tactics in order to save their own lives while still working to counter the Iranian regime).

30 WILBER, *supra* note 12.

31 See Abbas Milani, *A Coup in Three Steps: The U.S. Must Side With Iran's People*, FORBES, June 15, 2009, available at <http://www.forbes.com/2009/06/15/iran-elections-khamenei-mousavi-ahmadinejad-opinions-contributors-milani.html> (arguing that it is necessary that the United States side with the Iranian people and employ different methods of exerting pressure on the Iranian regime).

32 See Robin Wright, *Iran's Protesters: Phase 2 of Their Feisty Campaign*, TIME, July 27, 2009, available at <http://www.time.com/time/world/article/0,8599,1912941,00.html?xid=rss-world> (showing the process in which the opposition takes certain steps in order to push for their desired regime change).

And, only now, due to long overdue sanctions, the regime is becoming pressed for money.³³ Because there is no income tax in Iran and most revenue comes from oil and exports, the regime has been pinched by the new round of sanctions. This has forced the regime to begin taxing the merchants at rates up to 30%. The merchants have now in turn begun to strike. It took one full year for the revolution in 1979 to topple the Shah (who was weak with cancer, did not want bloodshed, and left the country).³⁴ In a little over a year since the inception of the Green Movement, it has become apparent that the current popular struggle is pitted against a far more repressive and violent opponent than the Shah. The elements are all in place, and if the United States and allies support the will of the Iranian people, then the Iranian regime will come to its demise before it gains nuclear weapons.

The underlying reality is that the majority of the Iranian people are unhappy with the regime in power and the Islamic Republic is living on borrowed time. In order to secure future interests in Iran, it is critical to support the long-term interests of the Iranian people, rather than focusing on short-term band-aid results that will only end in a significant loss of resources and a loss of legitimacy. The companies that do business with the Iranian regime now and further extend their power over the people are likely to be the first ones ousted when the people reassert their control (circa BP in 1953).

It is crucial that the United States take a harsher stance in the form of enforcing targeted sanctions, garnering international support for these and other similar actions, and cutting off the ability of Iran's elite to travel or finance its endeavors in the same way that South Africa was met with unrelenting pressure from the international community to end apartheid. This will help to secure the interests of both the United States *and* the Iranian people, and will foster a new era for vast economic opportunities. Iran's faltering economy and lack of job opportunity have created a Diaspora of talent to the United States and Europe that could be mitigated.³⁵ In addition, there is the issue of the energy resources that Iran currently lacks the ability refine. Iran is therefore consigned to a reality of being one of the most oil-rich countries in the world while still importing gasoline and other oil products.³⁶ It is critical to support non-violent regime change in Iran, not only because the Islamic theocracy has lost any legitimate claim to sovereignty as a result of the widely contested election scandal of 2009, but also because this change would have a beneficial ripple effect locally, regionally, and internationally. This positive impact especially includes an Iran that would no longer support terrorist organizations or bolster conflict that promotes discord in the Israeli-Palestinian conflict. A secular democracy in Iran would yield a reliable natural ally in the region whose benefits include the reduction of hegemonic posturing, the end of a politically tense race for nuclear weapons,

33 MDSTVUSA, *CNN's Fareed Zakaria Reports! How Sanctions in Iran Are Working!*, YOUTUBE.COM (Aug. 8, 2010), <http://www.youtube.com/watch?v=BGpICcoJKIY> (explaining how sanctions are working in Iran).

34 *Background Note: Iran*, *supra* note 18.

35 See Golnaz Esfandiari, *Iran: Coping with the World's Highest Rate of Brain Drain*, RADIO FREE EUR.: RADIO LIBERTY (Mar. 8, 2004), <http://www.rferl.org/content/article/1051803.html> (showing the potential for Iran's domestic situation to flourish were there mitigation of the brain drain and misuse of resources).

36 *Country Analysis Briefs: Iran: Oil*, U.S. ENERGY INFO. ADMIN., <http://www.eia.doe.gov/emeu/cabs/Iran/Oil.html> (showing Iran's vast oil and natural gas reserves) (last visited Sept. 24, 2010) (noting that Iran is OPEC's second-largest oil producer).

the normalization of trade and economic relations, a reduction in human rights violations, and a significant decrease in the funding and support of terrorist organizations.