

Tuesday, July 07, 2009

Iran's Assembly of Experts has power to remove Ayatollah Khamenei

By Gareth Smyth

Some years ago, a close associate of Akbar Hashemi Rafsanjani mentioned to me the option of a leadership council replacing Iran's supreme leader (rahbar) in the event of the demise of Ayatollah Ali Khamenei. The matter was topical apparently because of rumors, especially in the United States, as to Khamenei's health. Back in 1989, Khamenei had himself replaced the leader-designate, Ayatollah Hossein Ali Muntazeri, with whom Ayatollah Khomeini had a running disagreement.

The establishment of a Leadership Council might require an amendment to the Iranian Constitution, as the possibility of one, other than as a temporary measure, was removed in changes made in 1988.

The issue, somewhat speculative when the Rafsanjani associate mentioned it, is now a pressing one.

Today's fissures within Iran's political class center on the role of Khamenei as leader and may come to center equally on Rafsanjani's role as head of the Assembly of Experts (majlis-e khobregan), the body that chooses the leader and is empowered to remove him.

There have been disagreements between Khamenei and Rafsanjani since at least the establishment of the Islamic Republic in 1979. That is the nature of politics. But tension between them has risen since the 2005 presidential election, when Mahmoud Ahmadinejad put attacks on Rafsanjani at the center of his campaign.

This began long before Ahmadinejad defeated Rafsanjani by over 7 million votes in the run-off ballot. I was later told by a leading conservative that long before nominations opened, Ahmadinejad was summoned by Ali Akbar Nateq-Nuri, the eminence grise of the fundamentalists, and asked to withdraw in favor of better-placed colleagues: nonsense, replied the blacksmith's son, I will win by attacking Rafsanjani.

Ahmadinejad was true to his word, using his own reputation for piety and simple living to exploit the unpopularity of Rafsanjani, rightly or wrongly regarded by many Iranians as someone who had enriched himself and his family while in office.

But defeated in 2005, Rafsanjani was never likely to retire to Rafsanjan and grow pistachios. The day after his election defeat, he reportedly turned up at 7 a.m. for work at the Expediency Council, the state body he still heads.

And he rapidly took a central role in organizing opposition to Ahmadinejad, especially as the president dismissed and harangued members of the "oil mafia," often a code for those allied to Rafsanjani.

By November 2005, just three months after Ahmadinejad took office, Rafsanjani used his sermon at Tehran Friday prayers to rebuke the president for damaging "national unity." This came two days after Khamenei had defended Ahmadinejad's government and called for it to be given more time.

"Our society has been divided into two poles and some are behaving aggressively," said Rafsanjani, who criticized "a current trying to remove and isolate invaluable individuals and efficient managers" and attacked the president for "vague pictures" in his proclaimed fight against corruption.

Rafsanjani soon joined Mohammad Khatami, the former reformist president, and Mehdi Karrubi, the

former parliamentary speaker, in coordinating a "coalition of the concerned" against Ahmadinejad.

This group came together in alarm at the president's foreign policy pronouncements, which they felt imperilled Iran's position, and in concern at the harm inflicted by Ahmadinejad's reflationary economics.

Iranian politics, however, rarely moves in a clear direction. There were indications during Ahmadinejad's first term that Khamenei wanted to limit his role and temper his enthusiasm. This was consistent with the leader's tendency to work to balance out the factions within the political class.

In the run-up to elections in December 2006 for the Assembly of Experts, Khamenei encouraged Rafsanjani to run, possibly because he wanted to check Ayatollah Mohammad Taqi Mesbah-Yazdi, a conservative cleric considered an influence on Ahmadinejad.

Rafsanjani duly romped home as first in the Tehran division of the Assembly election, and when the Assembly's head, Ayatollah Ali Meshkini, died in 1997, Rafsanjani replaced him. This was a significant development, especially as Rafsanjani defeated by 41 votes to 34 Ayatollah Ahmad Jannati, who heads the Council of Guardians, the powerful constitutional watchdog.

Since then, and especially in the recent presidential election and its aftermath, the fractures within the political class have deepened, with Khamenei becoming explicit in his support of Ahmadinejad.

Just days before polling, Rafsanjani proclaimed that Khamenei's "silence" over Ahmadinejad's "lies" threatened social unrest.

Khamenei's ruling, in advance of consideration by the Council of Guardians, that the elections had been fair and his expressed preference for Ahmadinejad have undermined the notion of the leader as a detached arbiter. The opposition has criticized the leader in an unprecedented way.

Since the election, although some of Rafsanjani's family have been protesting and briefly detained, Rafsanjani himself has reportedly been mainly in Qom, the center of the country's religious establishment.

The reason for this may well lie in the powers of the Assembly of Experts, even though the body usually meets only once or twice a year.

The Assembly, which has 86 members - all clerics directly elected for eight-year terms - has the responsibility under article 109 of the Iranian Constitution for choosing a new leader.

Furthermore, the Assembly is granted the power to remove the leader (article 111) if it judges he has lost, or turns out not to have had, the relevant qualifications: these are specified by articles 5 and 109, including "scholarship ... justice and piety ... [and the] right political and social perspicacity, prudence, courage, administrative facilities and adequate capability for leadership."

These are the grounds that lifted Khamenei, on the designation of the ailing Khomeini, above many other clerics with far greater religious qualifications to be leader.

But a notion as malleable as "adequate capacity for leadership" could now work against Ayatollah Khamenei.

From the arguments over the conduct of the election used by Rafsanjani, as well as by reformist figures like defeated candidate Mir-Hossein Musavi, it is easy to see potential constitutional grounds for a challenge to Khamenei within the Assembly of Experts.

It would be a huge step for the clerics who make up the Assembly, and indeed a huge step for Iran.

Gareth Smyth, a former opinion editor of **The Daily Star**, was chief Iran correspondent of the *Financial Times*, 2003-7. This article was contributed to **The Daily Star** law page.