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**A ROAD TOWARDS PROVIDING
GLOBAL SECURITY**

2003

This dissertation, written to help provide world harmony, constitutes the legal opinions of an Iranian lawyer who, with 20 years experience in the practice of law and full proficiency in Islamic as well as modern law, has lived abroad since 1979, continuing his research on Iran's political and social issues, Islam and Shi'ism. He has written several dissertations on Islamic law, including "Human Rights & Islam," "Pillage," and "Feet in Hell," as well as 24 volumes on Iranian Issues, Islamic Law, Contradictions between Modern & Islamic Law, Discordance & conflict between Islamic law & Human Rights, political & Social Issues of Iran. He has published about 187 articles since 1979 about Islamic Law, Islam, Shi'ism, and related issues.

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On April 25th, 1945, U.S. President Truman, speaking at the opening session of the San Francisco Society, said, "The nations of the world must learn to live together in peace, if they do not want to die together at war."

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Humanity held up the United Nations Charter as its intellectual and ideological banner in order to survive, to maintain the dignity and value of human character, and to coexist in peace and harmony. By accepting the undertakings stipulated in the Charter, human beings became partners to realize the high ideals of the U.N.

The U.N. Charter indicates that maintenance of peace and international security is at the top of its agenda and ideals, as drafted in its first chapter, calling for effective collective measures to prevent threats against, and destruction of, peace, and to crush any aggressive action or, otherwise, any action to upset peace.

Given that the U.N. Charter has been signed in San Francisco by the nations applying for membership, and considering that, according to the preamble to the Charter, the qualifications of the representatives have been verified, the U.N. Charter may be considered the most important international convention.

The global validity of the U.N. Charter

Speaking about the importance of the undertakings of the member nations of the U.N., a great Iranian jurist said, "In view of the fact that the representatives of all the nations, notwithstanding their different creeds and ideologies, have formally committed to respecting and realizing the U.N. Charter, it should be considered the constitution of nations."

Shortly before his death in 1952, A.H. Feller, the U.N. General Counsel, said, "The Charter is not only a legal text; rather it is a political document, wherein a large number of represented nations intended to include their ideals, policies, and ethical principles. The Charter constitutes a precept, not just written for a world government, rather creating the seed of a global community."

Since the U.N. Charter has been ratified by the parliaments of the member nations (most of the member nations), the commitments of the member nations thereunder is not an internal, national issue like the other laws enacted by national parliaments, rather it is a firm international commitment, binding nations to observe its provisions, as well as holding the states accountable.

This important fact adds to the executive validity of the U.N. Charter and the Universal Declaration on

Human Rights which is an essential part of the U.N. Charter. None of the representatives of the member nations at the U.N. General Assembly have cast a negative vote against it and, more importantly, when it was put forth, no national representative commented that the United Nations, by implementing the U.N. Charter or the Universal Declaration of Human Rights, had somehow interfered in their national affairs or in any way diminished their national sovereignty.

Enforceability of the U.N. Resolutions

Given that, under Section 10 of the U.N. Charter, the Assembly may make recommendations to the member nations concerning respect for, and implementation of, the regulations, some jurists believe the word "recommendation" does not render the U.N. Charter and the Human Rights Declaration as binding.

This legal concept may apply to those U.N. member nations whose parliaments have not ratified the U.N. Charter. However, it is not at all valid in respect of the nations which have confirmed and ratified the U.N. Charter and the Universal Declaration on Human Rights. The U.N. Charter and the Universal Declaration on Human Rights, whose validity parallels international conventions,

neither contravene national sovereignty nor give nations the option to freely accept or reject them.

Even if such an argument could be propounded during the early years of the U.N., now, over half a century after creation of the U.N., during which period resolutions of the Assembly have been implemented for and against nations and have set international legal precedents, it would carry no legal weight to open arguments put forth at the time of the birth of the U.N. as a natural matter of routine.

For instance, on September 3rd, 1945, the Iranian Consultative Assembly unanimously ratified the U.N. Charter signed by the Iranian representative in San Francisco. From the transcripts of the Iranian Consultative Assembly, it is evident that the Iranian parliament unanimously ratified the Charter in complete freedom, after discussions, criticisms and exchange of opinions. The Iranian parliament went through exactly the same process in the case of the Universal Declaration of Human Rights. Thus, the U.N. Charter and its subsidiary clause, the Universal Declaration of Human Rights, are held in an equal footing to the constitution and the enactments in Iranian law, and their broad executive range has extended obligations to international dimensions.

And given the provisions of Section 2.7 of the U.N. Charter, which says:

"None of the provisions hereof authorize the U.N. to interfere in the affairs which essentially pertain to the national jurisdiction of a state, nor do they force the member nations to deal with such matters in accordance with the provisions hereof. Nonetheless, this principle shall not impair enforcement of measures provided under Chapter 7."

Such explicit language has been a factor in some people's doubt about the enforceability of the U.N. and Security Council resolutions.

The term "national jurisdiction" has been subjected to broad interpretations, including war and cessation of hostilities which are within national jurisdiction emanating from national sovereignty. By endorsing the U.N. Charter, however, nations have placed their national jurisdiction to start wars within the purview of the rules of the U.N. Charter, which means that, to maintain their political life, they have affirmed the requirement for some restrictions on their national jurisdiction.

Furthermore, if the domain of national jurisdiction is broadened to such an extent as to surpass the U.N. Charter ratified by national parliaments, how are the states classified, which do not have constitutions or whose constitutions basically do not

provide for sovereignty by the people, but are members of the U.N.?

For instance, how are Saudi Arabia and the Islamic Republic of Iran, both of which states are members of the U.N., classified under the provisions of the Charter, particularly Section 2.7 -- the former being essentially without a constitution, and the latter having a constitution but not believing in the people's sovereignty and ruling out national sovereignty.

Human communities' availing themselves of the U.N., whether to protect and maintain peace and harmonious coexistence, or the states' compliance in maintaining and enforcing human rights, has placed the U.N. in such a situation that it would be absurd to consider the U.N. resolutions mere recommendations.

Admittedly there have been, and may well continue to be, shortcomings on the part of the U.N., but its achievements, which have been given the highest mark by Global Equity, cannot be ignored. For instance, how can U.N. actions in evicting Soviet forces from Iran, the reaction of the League of Nations to Italy's invasion of Ethiopia, or its action regarding the Soviet invasion of Finland in 1939 be qualified as recommendations?

How can one ignore U.N. policies and actions during the cold war and the rivalries of the bipolar world? During those times, pressure on the U.N. was so strong that could crumble it even if it were made of granite rock. But the U.N. resisted - a resistance resulting only from the need of humanity for U.N.'s existence.

Today, it is difficult for us to comment on the importance of the U.N. or the need for sincere cooperation of the states with it, because we enjoy its benefits, namely world security, and we have not experienced frightful world wars, so that we may fully appreciate the U.N.

Speaking at the 1956 General Assembly, Mr. Jules Moork, a well-known French statesman and a permanent member of the Disarmament Committee, said:

"One hundred million tons of explosives would be needed to annihilate France in 1945; in 1952 only 6000 bombs of the kind used in Hiroshima; and now only 16 bombs."

And today, nearly 50 years after the comment by Jules Moork, given the existing nuclear bombs made by man, perhaps one could be enough to completely annihilate the European civilization and life on that continent.

What other means does humanity have in its possession to stay alive in these circumstances, except the U.N. and by acting on the commitments it has undertaken under its Charter? Humanity is at a distinctly clear juncture today; the road to death for weak countries, and the highway of economic greed for strong ones. In times such as these, what other power is able to coordinate the deep pit and the conflicting routes, except the U.N. and the provisions of Section I of its Charter, recognizing all countries of the world to be equal?

Exclusive tools to provide human security

Social life of nations is rendered meaningful when it is spent on positive, fruitful activity in complete security and peace. By strengthening the U.N. and creating the spirit of compliance with, and respect for, the U.N. Charter, humanity must raise this shadow-casting sapling to its heights of earth-encompassing power, such that all the nations of the world may realize the real value of life and achieve the great gifts of life, specific to human beings, under the shade of the Charter and its declarations. To achieve this success, proceeding in two distinct routes may enable protection of the gifts presented to the needy nations of the world by the U.N. Charter:

- 1) To legally strengthen the U.N. member nations' commitments under the U.N. Charter;

- 2) To inform the peoples of the countries about the high ideals of the U.N. Charter as well as the rights granted to them by the Universal Declaration of Human Rights.

The U.N. Charter paid full attention to the foregoing when it issued the following resolution on November 17th, 1947 concerning teaching of the objectives and principles of the U.N. organization and activities:

"Since knowledge and awareness of the U.N. objectives and actions is essential to interest the public to support its activities, the General Assembly recommends to all the U.N. member states to take measures to teach the U.N. Charter and the U.N. ideals, principles, organization, record and actions in their schools and institutes of higher education, and to pay particular attention to such instructions at primary schools."

The recommendation did not suffice with this. Having studied the complete report by the Secretary General of UNESCO, the U.N. Economic & Social Council, in its 11th session, expressed the opinion that instructions on the U.N. should not merely apply to schools, but should also be included in the curricula of adult learning centres.

The United Kingdom, the United States, Cuba, Belgium, Australia, Greece, Mexico, Chile, Canada,

France, the Philippines, India and Pakistan were the countries that took the lead in teaching the U.N. Charter at their schools to implement the U.N. resolution. In Iran, a society called the "Iranian Society in Support of the United Nations" was established in June 1948 with Shah Mohammad Reza Pahlavi as its honorary chairman. Similar societies were founded in most countries. These societies have a union called "Global Union of Societies in Support of the United Nations" which is headquartered in Switzerland.

In partnership with UNESCO and the Iranian Society in Support of the United Nations, the Iranian Ministry of Education set up a training course for sixty Persian literature teachers in 1949.

What are the achievements of this public awareness?

Aware of his legitimate rights and freedoms, man protects his rights just as he protects the property belonging to him. Man's awareness of his legitimate rights is cause for states to act with caution when contemplating violation of such rights, because it makes it easy for people to understand violation, and they effectively play the role of inspectors for the Human Rights Commission and / or the U.N., thus reducing the number of U.N. inspectors.

An important benefit of people's knowledge of the U.N. Charter and the Universal Declaration of Human Rights is that it helps to promote respect for human rights in society, thereby naturally leading people towards respecting others' rights, resulting in resolving a big problem in society.

Responsibilities of U.N. Member States

Given that states represent nations in joining the U.N. membership and carrying out their obligations and commitments, the country's constitution is tantamount to the people's proxy and obligations. On this subject, Section 110 of the U.N. Charter provides:

"This Charter shall be signed in accordance with each signatory state's constitution."

The legal concept of this Section is that there is a direct, inseparable relationship between the member state's ratification of the Charter and its constitution.

The intention behind linking the states' constitutions to their membership in the U.N. is to recognize whether the constitution of the state applying for U.N. membership accords with the U.N. Charter, conflicts with it, or if the state does not even have a constitution.

It goes without saying that if the constitution of the state applying for U.N. membership does not accord with the U.N. Charter or is in conflict with it, the membership applicant state cannot be held to undertake performance of the commitments in the U.N. Charter, since the commitments are beyond the legal scope of such a state and it cannot be required to act accordingly, inasmuch as the state, acting on behalf of a nation in accepting membership in the U.N., would be doing so without a mandate.

A country's constitution is, in fact, a document outlining the legal relationship and the responsibilities of the three branches of the state vis-à-vis the rights of the nation. In other words, it acts as a proxy in setting out the people's relationship with the state which cannot act outside the obligations and the aims provided in the constitution.

For example, Boutros Ghali, the former Secretary General of the U.N., addressing the German representative, said, "The German constitution does not allow its soldiers to participate in peace missions. I hope you will be able to amend your constitution to enable German soldiers to take part in U.N. peace-keeping missions." This brief statement indicates that the undertakings of the U.N. member states are directly related to the provisions of their respective constitutions, and the

undertakings and membership of a state, whose constitution does not accord with the U.N. Charter, cannot be sanctioned or supported

The Constitution of the Islamic Republic of Iran and the U.N. Charter

In the style of governance of the Islamic Republic of Iran, described in the preamble to the Islamic Republic's Constitution, this emphasis has been included in the form of an edict:

"With regard to the Islamic content of the Iranian Revolution, which constituted a movement for the victory of all the oppressed over the oppressors, the Constitution provides the groundwork for continuation of the revolution within and without the country. In particular, in developing international relations with other Islamic and popular movements, it endeavours to pave the way to organize a single world following and to strengthen continuation of the campaign to deliver the deprived, persecuted nations across the globe. The Constitution's mission is to realize the movement's ideological bases and to create conditions where man is nurtured with high, globally-inclusive Islamic values."

Which authority in the Islamic Republic of Iran is vested with the mission to perform the objectives provided in the Constitution of the Islamic Republic of Iran? Obviously the cabinet and the three Branches of the Islamic Republic, collectively

Do the ideals provided in the Constitution of the Islamic Republic of Iran accord with the U.N. Charter? Does the U.N. Charter prescribe exporting the Islamic revolution to other countries? Does the U.N. Charter authorize the mission of the constitution of a state to be based on the various nations' being turned into a single one nurtured and educated with Islamic philosophy? If the missions and ideals provided in the Constitution of the Islamic Republic do not accord, and are in stark contrast, with the provisions of the Charter, how can it be regarded as the document for membership in the U.N.?

Section 116 of the Charter provides:

"The approval documents shall be submitted to the U.S. Government ... which shall announce the membership to the U.N. Secretary General and the membership applicant."

Has the U.S. Administration, which has examined the approval documents and has confirmed membership of the Islamic Republic, really studied the Constitution of the Islamic Republic? Obviously not, since any beginner jurist would

realize that the Constitution of the Islamic Republic is in complete conflict with the U.N. Charter?

Circumstances of imposing the Islamic Republic ideals on humanity

It is inconceivable that the Islamic Republic will impose its vastly ambitious ideals on humanity through sermons or exchange of opinions. The legislators of the Constitution of the Islamic Republic of Iran know quite well that imposition of such aims on the human community will face strong opposition, in comparison to which the crusades would be negligible. Billions of people in the world, each one reared with his or her own particular brand of ethnic and/or religious values, cannot be herded like sheep along the specific route intended by the Islamic Republic. It is according to this very belief of the legislators of the Constitution of the Islamic Republic that the Revolutionary Guards Corps and army of the Islamic Republic have been assigned the mission to realize their ideals. Let us read together from the Constitution of the Islamic Republic:

"In organizing and equipping the country's defensive forces, it is intended for belief and school of thought to form the basis. Therefore the Islamic Republic army and Revolutionary Guards Corps are established according

to the above objective, not only to protect the borders, but also armed with a mission in line with the school of thought, that is holy war for God's sake and fight to extend God's rule in the world."

Does divesting the peoples of the world of their sovereignty and subjecting them to Islamic law accord with the U.N. Charter? Is it possible to realize this objective without horrendous wars, killings, and shedding of blood? Is this objective, provided in explicit language in the Constitution of the Islamic Republic, not in complete conflict with the peaceful, liberal provisions of the Charter?

The premise assigned to the government and the Revolutionary Guards by the Constitution of the Islamic Republic is quite general and unlimited, its scope even extending to nuclear facilities and very dangerous weaponry, as nuclear and even more dangerous weapons would be needed to export the Islamic Revolution, to organize a single Islamic nation, to impose Islamic law on all countries, some of which are armed with nuclear weapons, and to realize the ideals provided in the Constitution.

The current issue of Iraq in the U.N. is directly related to its unwarranted attack on Kuwait. Some free countries feared that Iraq might wage war against other countries.

This is evidently based on probability, but inclusion of aggression against countries of the world, exporting Islamic revolution, and the notion of molding a single Islamic nation in the constitution of a country go beyond probability, is expounded as a plan and project to be implemented, merely awaiting opportunity. It is noteworthy that, once such missions and objectives are included in the constitution of a country, acting against them or failure to heed them renders the state accountable and effectively discredited. Even the parliament is unable to make decisions contravening the ideals of the constitution, unless it has been amended. It is on the strength of this very legal concept that the situation of the Islamic Republic at the U.N. is rendered difficult, discredited, and without a mandate.

Furthermore, it should not be supposed that what was referred to in the Constitution of the Islamic Republic is theoretical or something that the Islamic Republic has not been, or is not, aiming to fulfill. The Islamic Republic's support for, and aid to, Islamic terrorist organizations, and its announcements of its support and aid, which continue to date, are indications that the Islamic Republic is bent on acting on the dangerous objectives in its Constitution.

In a book entitled "Behind the Curtains of the Islamic Revolution." Hossein Broujerdi, an

individual involved in the Islamic Revolution, refers to his role in training terrorists, and writes: "I was told Islam is without borders, and we train them to export Islamic revolution."

The published documents and evidentiary material substantiating the Islamic Republic's involvement in acts of sabotage, bombing and terror, including those presented at a Berlin criminal court, as well as the issue of the bombing of the Jewish Support Centre in Buenos Aires, Argentina in 1995, which resulted in arrest warrants issued against some top officials of the Islamic Republic, are sufficient evidence that such acts, all of which are in flagrant breach of the U.N. Charter and sound human ideals and may be regarded as the groundwork and a prelude to realizing the Islamic Republic's dangerously evil ideals, are totally in accordance with the Constitution of the Islamic Republic.

The United Nation's standing in the Constitution of the Islamic Republic.

The Islamic Republic considers the U.N., the Universal Declaration of Human Rights, and its subsidiaries as meddling institutions. Let us read a part of the Constitution of the Islamic Republic together:

"Because of its special importance in executing Islamic orders and stipulations

to achieve equitable relations governing society, the Executive Branch must lead the way to create an Islamic society. Hence, being restricted in any complex, meddling order that might hinder or mar the objective, shall be ruled out from the Islamic perspective."

The U.N. Charter and the Universal Declaration of Human Rights hinder the aims of war-mongering nations. They are regarded as a nuisance by countries neglecting the people's sovereignty and their individual and social rights. They make it difficult for the Islamic Republic to achieve its Islamic objectives (global inclusion).

The legislators of the Constitution of the Islamic Republic are quite right in that Islam basically does not allow an Islamic society to answer, or make commitments, to an essentially non-Islamic institution. Since the Constitution of the Islamic Republic is based on Islamic principles, the vague points therein may be examined within the framework of Islamic law.

On January 9th, 1992, John G. Haili, Executive Director of U.S. Amnesty International, speaking at the general assembly of Amnesty International, angrily and abhorrently said, "It is disgraceful for a country like Iran, with its long record of human

rights violations, to be a member of the U.N. Human Rights Commission "

Is it not disgraceful for a country with such a constitution, which considers the U.N. and the Charter meddling institutions and has been repeatedly condemned for violating the Universal Declaration of Human Rights, to be a member of the U.N.?

The essence of what has been set out as the Islamic Republic's ideal and whose implementation has been assigned to the army and the Guards Corps, is a declaration of war against all the free countries of the world. Does this explicitness, which has effectively been turned from potential to deed, accord with the U.N. Charter? Have such explicitly bloody, belligerent aims been seen in the constitution of any country such as to allow the declaration of war against humanity, included in the Constitution of the Islamic Republic to go unheeded?

It is difficult to put on paper the great dangers inherent in the anti-human ideals and the missions assigned to the army, the guards and, in general, all the armed forces of a country. It is quite explicable, however, when a government secretly embarks on such activities as planning war, aiming to export its revolution to other countries, and assisting terrorist organizations without the knowledge of the parliament or the nation in contravention of the

Charter. But all these evil acts have been included in the constitution of a country as its national agenda, making it a duty of the state to realize all the aims by spending all the country's resources

The difference between the two and the dangers inherent in the latter are quite clear. In the case of the former, the state is accountable, and in the case of the latter, the state is proudly regarded as serving the nation. That is why the Islamic Republic has never denied aiding terrorist organizations; rather it prides itself on it. That is why the Islamic Republic does not take the slightest precaution in violating human rights and explicitly considers the Universal Declaration of Human Rights incompatible with its constitution.

The *Jomhuriya Eslami* (Islamic Republic) newspaper, a mouthpiece of the leader of the Islamic Republic, wrote: "It is not in our interest to abandon the spirit of belligerence against cruelty." Then, referring to the Islamic Republic leader, Ali Khamenei, it went on to write: "He has severely condemned and strongly rejected any curtailment and flexibility on the revolutionary principles and standards."

Mahmoud Hashemi, Head of the Judiciary Branch of the Islamic Republic, speaking to reporters at a meeting of the directors of Justice Departments from across the country, categorically said, "The

Islamic judiciary system must not be affected by human rights slogans." Although such a statement by the Head of the Judiciary Branch is very odd, it is noteworthy in that it falls in line with Islamic law and, ultimately, the Constitution of the Islamic Republic.

The Islamic Republic's Relations of Coexistence

Section 152 of the Constitution of the Islamic Republic, concerning its foreign policy, provides:

"The foreign policy of the Islamic Republic is based on rejection of any dominance, maintaining full independence and the territorial integrity of the country, defending the rights of all Moslems, non-committal stand against domineering powers, and mutually peaceful relations with non-belligerent states."

The "non-belligerent states" referred to in the above-cited Section, as the basis for peaceful relations, means pagan states, that is non-Moslem states. By extension, the Section obliges the Islamic Republic to have friendly relations with only Moslem countries, conditioned upon reciprocity. Does this Section of the Constitution of the Islamic Republic, which spells out the foreign policy of the regime, not contradict, in scope as well as in Charter, which begins as follows:

"Development of friendly relations among nations, based on respect for the principle of equality of the rights of nations..."

And does it not counteract and render ineffective all the commitments undertaken in the Islamic Republic's membership in the U.N.? Can a member state be considered a party to the U.N. commitments while it considers all but a few Moslem states "belligerent" and does not consider itself bound to maintain peaceful relations with them?

Suppositions that may be made

The fact of the matter is that the document, that was the means of Iran's gaining membership in the U.N., was that of the Iranian Constitutional Monarchy, not the Constitution of the Islamic Republic, and the U.N. did not deem it necessary to look at the Constitution of the Islamic Republic by virtue of the legal principle that "regime change does not nullify international conventions." And perhaps the representative of the Islamic Republic presented his credentials to take up the seat of Iran's former representative at the U.N.

It should be noted that the validity recognized in international law for international conventions to the extent that regime change in a country shall have no bearing on its force and validity, is based

on the international convention's being ratified by parliament which would not ratify a bill in contravention of the constitution of that country. Such a general case, however, is grossly different from this particular case whereby a new constitution tramples upon all the principles and standards of international law, selfishly embarking on the vehicle of aggression and trespass against peace and harmonious coexistence.

Right to protest

The assignments articulated by the Constitution of the Islamic Republic for the state, a brief part of which was quoted herein, cause and authorize the state to utilize all the country's resources to advance the objectives stated and the assignments provided in the constitution. Therefore, there is no premise for the people's protest, since a protest is legitimate only if one protests against a breach of law.

Drawing up a constitution admittedly befits national jurisdiction. However, acceptance of any country's membership in the U.N. is within the jurisdiction of the U.N. which has the right to reject membership of a state as long as its constitution does not allow the undertakings contained in the Charter. If the constitution of a nation is modified, post-membership, in breach of the member state's commitments, the U.N. has the right to suspend its

membership, pending rectification of such breach, because the member state's constitution guarantees performance of its commitments vis-à-vis the U.N., and if the guarantee for any commitment is somehow voided, then U.N. membership is suspended pending the disposition of the guarantee for the commitments

The issue of reluctance and pressure on matters of sovereignty and divestiture of freedom of decision might constitute a point of contention if U.N. membership were compulsory, but when U.N. membership is optional, reliance upon the provisions of Section 7.2 of the Charter does not merit attention.

Correlation of the states' constitutions and their membership

If the U.N. Charter recognizes the states' constitutions as the document for their membership in the U.N., the credentials afforded them are valid only when they accord with the Universal Declaration on Human Rights. Otherwise, they shall not be recognized by the U.N. Charter.

The importance of the correlation and assimilation is to the extent that the U.N. member states have truly undertaken to comply with human rights and to guarantee basic freedoms with the cooperation of

the U.N. The Universal Declaration of Human Rights recognizes a constitution rooted in the will and sovereignty of the people. How, then, can the so-called Constitution of the Islamic Republic be considered, and afforded the credentials of, a constitution, while it does not recognize the free will of the people and demotes them to the status of minors who need to have guardians appointed for them. How can a basic law which plainly divests the people of their sovereignty, holding such divestiture as the source of its birth, be called a constitution to gain qualification as the document for membership of the Islamic Republic?

Unless a constitution is endorsed by the majority of the people in completely open elections free of aversion, deception, pressure, or misuse of religious or ethnic prejudices, the U.N. Charter and the Universal Declaration of Human Rights do not afford validity or legitimacy to it, even if it is articulated in compliance with all the edifications prescribed by the Universal Declaration of Human Rights. Is it conceivable that the Iranian people voted to classify themselves as minors and to divest themselves of their sovereignty under completely free conditions without aversion, fear or religious pressure? If so, how could one ignore the humiliation of the U.N. and its members in accepting membership alongside a nation of minors incompetent to have sovereignty? A majority of the world's people do not even sell paltry cigarettes to a

minor. How has the U.N. entered into an agreement with a minor nation vis-à-vis the Charter commitments? Would the Iranian people, with a brilliant history, culture, and free spirit abounding in courage, generosity and justice, whose ancestors were the true founders of human rights, willingly divest themselves of sovereignty and consider themselves minors needing guardians?

U.S. President Bush recently accused the Iranian administration of having taken the people of the country hostage. How could the hostage-takers (the Iranian government) represent the Iranian nation in membership and party to commitments? Would the Iranian nation, with its humanitarian history, whose great poet's (Sa'di) words – "Mankind is a family of the same origin in creation" – have been chosen as the Charter's motto, declare war on all the world's nations, and assign its army and the Guards Corps to impose its political and religious ideology on the free nations of the world? Could a nation, which was a pioneer of human civilization and is historically famed for its affection, kindness and humanitarianism, opt for stoning of women, gouging eyes, amputating arms and legs, and throwing people off mountains as punishments to reform society?

These questions cannot be answered or the equations solved unless we agree that what passes as the Constitution of the Islamic Republic does not

represent the will of the people, nor does it conform with the culture and history of the Iranian nation. It is then that the chapter on imposition, coercion, pressure, misuse of religion, machination, and an atmosphere of hysteria is opened which, together with other chapters, render the Constitution of the Islamic Republic worthless.

Some statesmen have repeatedly stressed that the reckoning of the Iranian nation is separate from that of its government. The separation holds true only when the Constitution of the Islamic Republic is not considered as the articulated will of the Iranian nation, as the constitution represents the legal relationship between the state and the nation, and this relationship (reckoning) cannot be considered interrupted unless the country's so-called constitution is not recognized as a constitution.

Highway to provide global security

The Islamic Republic and its constitution have been presented herein as a research sample. The constitutions of some other U.N. member states may well conflict with the objectives of the U.N. Charter. Since the very existence and success of the U.N. is based on the commitments of states, which are truly recognized as binding only when they accord with the U.N. Charter and the Universal Declaration of Human Rights, it is absolutely

necessary to legally examine the constitutions of the U.N. membership applicant nations, as well as those which have been modified, to ensure their accordance with the U.N. Charter and the Universal Declaration of Human Rights and to clarify the obligations of the states vis-à-vis their respective nations as well as the U.N., in order to provide global security.

The suggested procedure, which is in complete accordance with the U.N. Charter, if confirmed by the U.N. General Assembly and, eventually, by the U.N. Security Council, would provide a legal basis that may well result in regime changes or changes in their legal substance. This would legally empower the U.N. to achieve the necessary legal developments to put the states and regimes on the path of human rights and compliance with international ethics, instead of involving itself with demands for regime changes and embroiling itself in these tainted demands.

Respectfully submitted in the hope of securing world peace.

A.H. Amirfeiz