



STANDING SENATE COMMITTEE ON  
FOREIGN AFFAIRS AND INTERNATIONAL TRADE

***IRAN IN FOCUS: CURRENT ISSUES FOR  
CANADIAN FOREIGN POLICY***

December 2012

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## CHAIR'S FOREWORD

This report presents the testimony received and findings reached by the Standing Senate Committee on Foreign Affairs and International Trade in its study on Canadian foreign policy regarding Iran, its implications, and other related matters. The study was referred to the Committee by the Minister of Foreign Affairs, and was undertaken at a time of heightened international diplomacy towards Iran, amid worrying conditions within the country and its broader neighbourhood.

During the course of our study, international sanctions were beginning to strain the Iranian economy; the International Atomic Energy Agency sought to establish a better picture of Iran's nuclear activities; experts debated the point at which Iran's uranium enrichment could no longer be tolerated by the world community; and observers weighed the consequences of a military response. Within Iran, cyber police used sweeping new powers to apprehend online activists; Baha'is and other minorities suffered relentless persecution; and the death penalty was used at record rates. Meanwhile, in Iran's broader neighbourhood, the sense of hope that had accompanied the Arab Awakening gave way to frequently violent power struggles across North Africa and the Middle East; and as Syria descended into a protracted civil war, causing thousands to seek refuge in neighbouring countries, Iran was left more isolated than ever.

As these dynamics continued to evolve, on 7 September 2012 the Minister of Foreign Affairs announced his decision to immediately close Canada's Embassy in Iran, declare as *persona non gratae* all remaining Iranian diplomats in Canada, and to designate the Iranian regime as a state sponsor of terrorism under the *Justice for Victims of Terrorism Act*. With this development, the Committee decided to conclude its study.

The present report summarizes the testimony heard during the Committee's study on Iran. It highlights three overarching concerns to which witnesses repeatedly returned: Iran's nuclear program, its deplorable human rights record, and changing regional dynamics. Consequently, the Committee believes that Canada's foreign policy towards Iran must balance measures to support human rights in Iran with efforts to strengthen regional and global security.

On behalf of the Committee, I would like to thank all the witnesses who took the time to appear before us, and whose insights and expertise comprise the substance of this report. We are also grateful to our researchers, Natalie Mychajlyszyn and Brian Hermon, our clerk, Line Gravel, and the translators and reporters, whose hard work allowed us to establish a clear picture of a complex and serious situation.

I would like to personally thank the members of the committee – and in particular the members of the steering committee: Senator Percy Downe, Deputy Chair of the Committee, and Senator Doug Finley – and their staff for the many hours they put into exploring the various aspects of Canada's foreign policy towards Iran.

As the situation in Iran continues to unfold, and in light of Canada's recent decision to sever diplomatic ties with Iran, the Committee urges Canada to continue to support efforts to reach an acceptable resolution to that country's nuclear program, to uphold the social, economic, political and cultural rights of its citizens, and to attain greater regional stability.

*Senator Raynell Andreychuk  
Chair of the Committee*

## THE COMMITTEE

The following Senators have participated in the study:

The Honourable Raynell Andreychuk, Chair of the Committee  
The Honourable Percy E. Downe, Deputy Chair of the Committee

and

The Honourable Senators:

Pierre De Bané, P.C.,  
Doug Finley,  
Suzanne Fortin-Duplessis,  
Janis G. Johnson,  
Frank Mahovlich,  
Pierre Claude Nolin,  
Fernand Robichaud, P.C.,  
David P. Smith, P.C.,  
John D. Wallace, and,  
Pamela Wallin.

Ex-officio members of the Committee:

The Honourable Senators Marjory LeBreton, P.C. (or Claude Carignan) and James Cowan (or Claudette Tardif)

Other Senators who have participated from time to time in the study:

The Honourable Senators Dennis Dawson, Linda Frum, Noël A. Kinsella, Daniel Lang, Michael L. MacDonald, Dennis Glen Patterson, Donald Neil Plett, Nancy Greene Raine, Hugh Segal and Terry Stratton.



## Staff of the Committee:

Brian Hermon, Analyst, Parliamentary Information and Research Service, Library of Parliament,  
Natalie Mychajlyszyn, Analyst, Parliamentary Information and Research Service, Library of Parliament,  
Line Gravel, Clerk of the Committee (until July 2012),  
Adam Thompson, Clerk of the Committee (from July 2012), and  
Lori Meldrum, Administrative Assistant.

## Other Staff who have assisted the Committee from time to time in the study:

Mona Ishack, Senior Communications Officer, Senate of Canada.



## ORDER OF REFERENCE

Extract from the *Journals of the Senate* of Wednesday, November 7, 2012:

The Honourable Senator Andreychuk moved, seconded by the Honourable Senator Stratton:

That the Standing Senate Committee on Foreign Affairs and International Trade be authorized to examine and report on Canadian foreign policy regarding Iran, its implications, and other related matters;

That the papers and evidence received and taken and work accomplished by the committee pursuant to the orders of the Senate on Thursday, February 2, 2012 and Thursday, June 14, 2012 be referred to the committee; and

That the committee submit its final report to the Senate no later than December 31, 2012 and that the committee retain all powers necessary to publicize its findings until January 31, 2013.

After debate,

The question being put on the motion, it was adopted.

Gary W. O'Brien

*Clerk of the Senate*



## EXECUTIVE SUMMARY

Given the Iranian regime's relentless threats to international security and the Iranian people, Canada's Minister of Foreign Affairs requested the Standing Senate Committee on Foreign Affairs and International Trade to study Canadian foreign policy regarding Iran, its implications and other related matters. The present report constitutes the Committee's response to that request. It identifies three critical themes -- **Iran's nuclear activities, human rights** in Iran, and regional dynamics – and suggests that these form the focus of Canada's foreign policy towards Iran and the region moving forward.

### *Iran's Nuclear Activities*

Witnesses appearing before the Committee agreed that the Iranian regime's refusal to suspend the enrichment of nuclear material and to allow verification of its nuclear activities by the International Atomic Energy Agency constitute the leading concern for Canada and the international community. Questioning Iran's claims that its nuclear program is peaceful, members of the international community have taken or discussed a range of measures, including sanctions, negotiations within the P5+1<sup>1</sup> framework, and military action against Iran's nuclear facilities, in order to influence Iran's agreement on suspending its nuclear program and allowing international inspection.

Many witnesses assessed the effectiveness of sanctions and offered suggestions on what Canada can do to strengthen their impact while minimising the effect on ordinary Iranians. These suggestions included expanding the list of key senior Iranian officials against whom sanctions are applied to include Iran's Islamic Revolutionary Guard Corps (IRGC), broadening the number and leverage of states applying sanctions to include countries such as China, India and Russia, and targeting Iran's most vulnerable asset – oil. Having heard testimony about Canada's complex and decentralised sanctions regulations, the Committee suggests that the Government of Canada look into simplifying and coordinating regulatory efforts regarding financial transactions with Iran. In addition, witnesses noted the importance of the P5+1 negotiations and Canada's support for them. But they also cautioned that any expectations about achieving an agreement based on Iran's suspension of its nuclear enrichment program and allowing inspections in return for the lifting of sanctions must be measured.

The Committee also heard assessments from witnesses about the likely timing, effectiveness and consequences of possible military action to destroy Iran's nuclear facilities, as has been raised primarily by Israel and the United States. Some witnesses noted that the military option should remain on the table, but also stressed that it should be considered as an “absolute last resort” only

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<sup>1</sup> P5+1 comprises the five permanent members of the Security Council (China, France, Russia, United States, United Kingdom) and Germany.

after efforts to change the Iranian regime's behaviour through sanctions and the P5+1 negotiations have been exhausted.

### *The Human Rights Situation in Iran*

A number of witnesses suggested that human rights rather than the nuclear issue should be the focus of Canadian foreign policy vis-à-vis Iran. They painted a picture of a closed society and a regime that systematically and repeatedly violates the basic social, economic, political and cultural rights of its citizens. Most worrying, the trend in Iran appears to be toward a more deeply suspicious and repressive society. Persistent violations include the mistreatment of religious and ethnic minorities (particularly the Baha'is, the Kurdish minority, the Ahwazi Arab community, the Baloch community and the Azeris); restrictions on freedoms of expression, association and the media; restrictions on the right to education; a lack of due process rights; and widespread use of the death penalty. The Iranian regime has also targeted the internet activities of its political opponents, human rights defenders, defence lawyers, and trade unions.

Witnesses discussed several measures that have been undertaken by the international community to promote respect for human rights in Iran. Two recent United Nations-led processes have succeeded in bringing attention to the human rights situation in Iran. These include the Universal Periodic Review (UPR), a state-driven process under the auspices of the United Nations Human Rights Council, and the appointment of Dr. Ahmed Shaheed, as United Nations Special Rapporteur on the Human Rights Situation in Iran.

Several witnesses offered suggestions by which Canada can strengthen its efforts regarding the human rights situation in Iran. In particular, they suggested that, despite minimal official engagement, Canada can increase its involvement through multilateral bodies, such as those at the United Nations, and by engaging with countries who maintain contact and diplomatic ties with Iran. They also suggested that Canada leverage its capabilities to support the Iranian people, including through the Iranian diaspora in Canada. In this regard, the Committee suggests that the Government of Canada look into increasing funding for human rights groups in Iran.

### *Iran and Regional Dynamics*

With respect to regional dynamics, the Committee heard from witnesses that Iran's relations with other countries in the Middle East are complex and prone to tensions. In particular, the Arab Awakening was considered a "net loss" for Iran. Where public opinion in the Middle East and North Africa has moved toward democratization and human rights, Iran has continued to crack down on dissent and free expression. As a result, Iran has become increasingly isolated, precipitating a decline of its "soft power." Some witnesses commented that the situation in Syria may exacerbate this decline. Whether or not President Bashar al-Assad ultimately falls, thereby

eliminating Iran's only remaining ally in the Arab world, Iran's support for the Assad regime could substantially undercut its standing throughout the region.

More broadly, witnesses agreed that the Iranian regime is a destabilizing force in the region and a threat to international peace and stability. Some witnesses noted that the regime has provided support to terrorist organizations such as Hamas and Hezbollah. In addition, witnesses cited tensions between Iran and Israel as one of the main concerns facing the region. In this context, Iran's nuclear ambitions present an existential threat to Israel, leading Israel to threaten to preemptively strike Iran's nuclear facilities. Many witnesses commented that a nuclear-armed Iran could also lead to the proliferation of nuclear weapons in the region.

### *Keeping Iran in Focus*

Each of these themes -- Iran's nuclear activities, its human rights record, and unstable regional dynamics -- holds its own particular relevance for Canadian interests. Collectively, they reinforce Iran's prominence in the attention of Canadians and Canadian policymakers. They also underscore the need to continue scrutinising developments and take appropriate action. Indeed, the Government of Canada's decisions during the Committee's study to relocate the visa and immigration section at the Embassy in Tehran to Ankara, Turkey, sever diplomatic ties with the Iranian regime, declare *personae non gratae* Iranian diplomats in Canada, and list Iran as a state sponsor of terrorism suggest the severity of the situation to date.

The Committee underlines that any action taken by the Government of Canada with respect to the Government of Iran is not directed at the Iranian people. Canada is working with its allies to help Iran move towards a system of democracy, good governance and human rights, and become a productive member of the international community. As events unfold, the Committee hopes that this presentation of key findings underscores the need to support the aspirations of the Iranian people and that it will contribute to ongoing discussions and considerations of Canadian foreign policy towards Iran.



## I. INTRODUCTION

In January 2012, Canada's Minister of Foreign Affairs requested the Standing Senate Committee on Foreign Affairs and International Trade ("the Committee") to consider conducting a study on Iran and its implications for Canadian foreign policy. Members of the Committee met to discuss the Minister's request and subsequently agreed to undertake a study on Canadian foreign policy regarding Iran, its implications, and other related matters, and to produce a report to advise the Minister and officials from Foreign Affairs and International Trade Canada.

The Government of Canada has recently taken several actions regarding Iran and bilateral relations with that country. These actions have influenced the direction of the Committee's study. On 29 April 2012, Citizenship and Immigration Canada announced that the visa and immigration section at the Embassy of Canada in Tehran was closing effective immediately. On 7 September 2012, the Minister of Foreign Affairs announced that Canada was closing its Embassy in Tehran and declaring "*persona non gratae* all Iranian diplomats remaining in Canada."<sup>2</sup> Also on 7 September 2012, the Minister of Foreign Affairs and the Minister of Public Safety announced that Canada was listing Iran as a state sponsor of terrorism under the *Justice for Victims of Terrorism Act*. The *Justice for Victims of Terrorism Act* "allows victims of terrorism to sue perpetrators of terrorism and those who support them, including listed foreign states, for loss or damage that has occurred as a result of an act of terrorism committed anywhere in the world."<sup>3</sup>

The recent action taken by the Government of Canada required the Committee to re-assess how it wished to proceed with its study. Given that Canada's relations with Iran are currently in a period of transition, and because the situation in Iran and the region continues to evolve rapidly, the Committee agreed that it was timely to take stock of the testimony to date. Furthermore, the Committee requested and received from the Minister of Foreign Affairs a letter outlining Canada's current position on Iran and detailing the reasoning behind the actions taken by the government on 7 September 2012 (see Appendix A). As Canada's policies toward Iran continue to develop, the Committee felt that policymakers and stakeholders in Canada would benefit from a report that summarised the evidence in a focused and thematic way.

This report represents the Committee's key findings. Since the Committee began its study in February 2012, it has held seven hearings, heard from twenty witnesses, and received a number of written submissions from groups and individuals representing different backgrounds, including those in government, civil society and academia. The report focuses on three themes: Iran and its nuclear activities; the human rights situation in Iran; and Iran and the dynamics in the

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<sup>2</sup> Foreign Affairs and International Trade Canada (DFAIT), "[Canada Closes Embassy in Iran, Expels Iranian Diplomats from Canada](#)," 7 September 2012.

<sup>3</sup> DFAIT, "[Canada lists for Iran and Syria as State Supporters of Terrorism](#)," 7 September 2012.

region. Each theme is summarised individually and the testimony reveals a number of critical conclusions, which the report highlights.

The Standing Senate Committee on Foreign Affairs and International Trade believes that Canada must remain seized of the situation in Iran. The Committee notes that any action taken by the Government of Canada with respect to the Government of Iran is not a reflection of the people of Iran. Canadians and this Committee stand with the people of Iran who deserve a government that respects basic standards of human rights and international legal norms and conventions. The Committee also continues to be deeply concerned with the nuclear situation that remains perilous. By highlighting the statements and recommendations of experts on Iran, this report seeks to outline the situation in that country and to conceive of ways that Canadians can further support the Iranian people in their pursuit of good governance and respect for human rights.

## II. IRAN'S NUCLEAR ACTIVITIES

### A. BACKGROUND

The Committee heard from witnesses that the Iranian regime's refusal to suspend the enrichment of nuclear material and to allow verification of its nuclear activities is "the single greatest worry" to Canada and the international community.<sup>4</sup> In breach of its obligations as a signatory to the *Nuclear Non-Proliferation Treaty* and member of the International Atomic Energy Agency (IAEA), witnesses explained that Iran has denied full access to IAEA inspectors to its declared and undeclared nuclear facilities in question. Such access is obligatory for any country that has a peaceful nuclear program – including Canada – in order to verify that there is no diversion of nuclear material from a peaceful process to produce energy to a weapons program.<sup>5</sup> Neither has Iran cooperated in fully disclosing the details of its nuclear program, as well as any possible

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<sup>4</sup> DFAIT, 41:1, Issue no. 6, pp. 47, 48, 53-54; Aurel Braun, 41:1, Issue no. 7, p. 21; Foundation for Defense of Democracies (FDD), 41:1, Issue no. 6, pp. 19, 22.

<sup>5</sup> DFAIT, 41:1, Issue no. 6, pp. 53, 54. The IAEA's [statutory mandate](#) is in part "To encourage and assist research on, and development and practical application of, atomic energy for peaceful uses throughout the world;" "To examine the design of specialized equipment and facilities, including nuclear reactors, and to approve it only from the view- point of assuring that it will not further any military purpose, that it complies with applicable health and safety standards, and that it will permit effective application of the safeguards provided for in this article;" and "In the event of non- compliance and failure by the recipient State or States to take requested corrective steps within a reasonable time." See also the IAEA's [mission statement](#). It is an independent agency of the United Nations, although it maintains a very close working relationship with it and functions in accordance with the United Nations Charter. It submits annual reports to the General Assembly and, as requested, to the Security Council. The IAEA also raises issues with the Security Council which it feels fall within its area of competence. The Nuclear Non-Proliferation Treaty [entrusts the IAEA](#) with the mandate to carry out inspections to enforce its terms and carry out safeguards against the proliferation of nuclear weapons.

military intentions.<sup>6</sup> Moreover, negotiations between the IAEA and Iran on an agreement to facilitate these inspection visits have been unsuccessful.<sup>7</sup>

Witnesses noted that, without verification and Iran's full cooperation with IAEA inspections, there are serious doubts in the international community about Iran's claims that its nuclear program is peaceful.<sup>8</sup> In this respect, some witnesses testified that Iran has enriched uranium to 20 per cent, "which is far beyond the requirement for nuclear power."<sup>9</sup> One noted, "From this point, it takes considerably less effort to enrich it to 90 per cent, which is the level for nuclear material that can be used in weapons of mass destruction."<sup>10</sup> Many witnesses pointed to the November 2011 watershed report by the IAEA that unprecedentedly detailed linkages between Iran's nuclear research and missile development programs. In particular, the report noted that Iran has carried out "work on the development of an indigenous design of a nuclear weapon including the testing of components."<sup>11</sup>

As worrisome as Iran's unverifiable nuclear activities are, witnesses also emphasised the uncertainty of the timelines, purpose, and potential capability of Iran's nuclear program, the implications for the proliferation of weapons of mass destruction, and the impact on regional and global stability as related points of concern.<sup>12</sup> Indeed, the November 2011 IAEA report itself did not say Iran has decided to build a weapon and it did not give a time frame for Iran's trajectory to achieve this capability. According to Peter Jones from the University of Ottawa:

If this is a race for a bomb, it is an awfully slow race, and it is a race they have not done very well. I think because of the technical challenges they are finding, and the problems being put in their way by way of sanctions, espionage and sabotage — the murder of scientists, explosions at sites, et cetera — the Iranians are being slowed dramatically in this attempt.<sup>13</sup>

Many witnesses were succinct in expressing concern about the possible direction and implications of Iran's nuclear program. For instance, as DFAIT officials testified, "They do not have it yet, fortunately, but they have shown no indication of reversing their behaviour. That is where we are today."<sup>14</sup> According to Bruno Tertrais from the Fondation pour la recherche

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<sup>6</sup> DFAIT, 41:1, Issue no. 6, pp. 53-54; FDD, 41:1, Issue no. 6, p. 22.

<sup>7</sup> DFAIT, 41:1, Issue no. 6, p. 48.

<sup>8</sup> DFAIT, 41:1, Issue no. 6, pp. 48, 54.

<sup>9</sup> Peter Jones, 41:1, Issue no. 6, p. 40; IAEA Board of Governors, [Implementation of the NPT Safeguards Agreement and relevant provisions of Security Council resolutions in the Islamic Republic of Iran](#), 8 November 2011.

<sup>10</sup> DFAIT, 41:1, Issue no. 6, p. 48.

<sup>11</sup> DFAIT, 41:1, Issue no. 6, pp. 48, 53-54; FDD, 41:1, Issue no. 6, pp. 21, 23; IAEA Board of Governors, [Implementation of the NPT Safeguards Agreement and relevant provisions of Security Council resolutions in the Islamic Republic of Iran](#), 8 November 2011.

<sup>12</sup> Jones, 41:1, Issue no. 6, pp. 32, 33, 37, 40, 42-44; Bruno Tertrais, 41:1, Issue no. 12, pp. 55, 57; DFAIT, 41:1, Issue no. 6, p. 67; FDD, 41:1, Issue no. 6, pp. 9, 10, 22; Aurel Braun, written submission.

<sup>13</sup> Jones, 41:1, Issue no. 6, p. 43.

<sup>14</sup> DFAIT, 41:1, Issue no. 6, p. 67.

stratégique, “One reason why I am skeptical about Iran stopping at the threshold is that I have seen what other countries have done over the years. Once you have invested so much in a military nuclear option, it just becomes too tempting not to go all the way across the threshold.”<sup>15</sup> In his written submission to the Committee, Aurel Braun from the University of Toronto remarked:

No one can say with certainty that an Iran, armed with nuclear weapons, will launch a nuclear war against anyone. At the same time, no one can provide any assurance whatsoever that such a regime which has clearly declared genocidal goals would not employ nuclear weapons once it develops a capacity to try to fulfill those goals. Add the theological licence and the regime’s belief that the ultimate reward is in heaven and is in significant measure derived from destroying those whom they identify as the enemies of God, and we exponentially multiply risks that were already large during the Cold War.<sup>16</sup>

Sheryl Saperia from the Foundation for Defense of Democracies testified:

Even a nuclear-capable Iran, [distinguished] from a nuclear-armed Iran, is extremely dangerous. Nuclear weapons capability could form a protective shield around the Iranian regime and further embolden it to continue and intensify its nefarious activities, such as assassination attempts of foreign government officials, support of terrorist groups around the world, meddling in other countries to foment violence and civil unrest, propping up repressive regimes like Assad’s Syria, translating into action its vitriolic hatred of and threats against Israel, and state-sanctioned arrests, beatings, detentions, kidnappings, torture, and ever-increasing executions of its own citizens, including Iranians who also hold Canadian citizenship.<sup>17</sup>

Aurel Braun emphasised the impact on Canada’s international priorities of a nuclear armed Iran, particularly with respect to eastern Europe falling within its potential strike range, noting:

It concerns us as a member of NATO, where we have obligations to our NATO allies in Eastern Europe; and it concerns us as a country that has a tremendous amount of international respect and that has historically stood up for the rights of others. We have fought, and we invested lives and treasure for principles, and these are principles we ought to be proud of.<sup>18</sup>

## B. INTERNATIONAL MEASURES

In light of these concerns, the Committee heard from witnesses about the political and economic measures undertaken by members of the international community and Canada to persuade Iran to comply with its international obligations, including the suspension of all uranium enrichment-

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<sup>15</sup> Tertrais, 41:1, Issue no. 12, p. 57.

<sup>16</sup> Braun, written submission.

<sup>17</sup> FDD, 41:1, Issue no. 6, pp. 9-10.

<sup>18</sup> Braun, 41:1, Issue no. 7, p. 21.

related and reprocessing activities. That Iran has not changed its behaviour suggests that these measures have been to no avail.

## 1. Sanctions

### a. UN Security Council Resolutions and Sanctions

Since 2006, the United Nations Security Council has passed a number of resolutions – including four rounds of sanctions under Chapter VII of the UN Charter – in an attempt to persuade Iran to cooperate fully with the IAEA, to allow inspectors full access to its nuclear facilities, and to clarify its intentions regarding its nuclear program.<sup>19</sup> *Inter alia*, these resolutions and sanctions call on Iran to suspend its enrichment-related activities and prohibit Iran from acquiring interest in nuclear-, weapons- and uranium-related commercial activity in other states. They also prohibit countries from selling, supplying, or transferring to Iran items related to ballistic missiles, nuclear proliferation, and arms. In addition, the resolutions call on countries to:

- freeze assets of certain individuals, companies and banks, particularly those affiliated with Iran’s Islamic Revolutionary Guard Corps (IRGC) as well as any others involved in these programs;
- restrict entry into their territories of these individuals; and,
- exercise vigilance in entering new public financial support commitments with Iran and over Iranian bank transactions.

### b. Canadian Sanctions

DFAIT officials told the Committee that, in addition to complying with UN sanctions, Canada has imposed unilateral measures against Iran in order to cover materials “that are not on the UN’s list that are used to proliferate nuclear weapons.”<sup>20</sup> These unilateral sanctions, which are carried out under the *Special Economic Measures Act*, are intended “to prevent Iran from getting any goods, technology and services that could support its nuclear activities and to pressure Iran to enter into meaningful negotiations on its nuclear program. These sanctions restrict the export to Iran of a range of goods that could be used to support its nuclear program.”<sup>21</sup> Canada’s unilateral sanctions list also includes a number of individuals and entities that support the development of Iran’s nuclear program and that otherwise do not appear on the UN list.<sup>22</sup> These unilateral measures were expanded in response to the November 2011 IAEA report to include a prohibition of “almost all financial transactions with Iran, including transactions involving the Central Bank. In addition, the export of any goods used in the oil, gas and petrochemical

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<sup>19</sup> DFAIT, 41:1, Issue no. 6, p. 50; United Nations Security Council Resolutions [1696 \(2006\)](#); [1737 \(2006\)](#); [1747 \(2007\)](#); [1803 \(2008\)](#); [1835 \(2008\)](#); [1887 \(2009\)](#); [1929 \(2010\)](#). Chapter VII of the UN Charter addresses “Action with Respect to Threats to the Peace, Breaches of the Peace, and Acts of Aggression.”

<sup>20</sup> DFAIT, 41:1, Issue no. 6, pp. 48-49; Andrea Charron, 41:1, Issue no. 6, p. 35.

<sup>21</sup> DFAIT, 41:1, Issue no. 6, pp. 48-49.

<sup>22</sup> DFAIT, 41:1, Issue no. 6, pp. 48-49; Charron, 41:1, Issue no. 6, p. 35.

industry in Iran was prohibited. This comprehensive ban covers the Iranian crude oil sector.”<sup>23</sup> According to DFAIT officials, “Canada’s sanctions against Iran are among the toughest in the world and are recognized as such.”<sup>24</sup>

The Committee heard from DFAIT officials about the complementarity of Canada’s sanctions against Iran with those of its allies, notably the United States and the European Union (EU). Their sanctions include financial transactions, but also, in the case of the EU, the import of Iranian oil. Accordingly, this measure is significant not only because of the high dependence on Iranian oil on the part of many EU countries, but also because of Iran’s dependence on its oil revenues for its gross domestic product, “so this will have an impact on the regime.”<sup>25</sup>

Some witnesses emphasised the value of coordinating unilateral sanctions for maximum impact.<sup>26</sup> According to Ali Ehsassi, “one must accept that the package of international sanctions adopted against Iran is the product of international policy coordination. It would be folly to expect Canada not to act in concert with its closest allies.”<sup>27</sup> At the same time, Andrea Charron from Carleton University noted the specificity of Canadian circumstances in pointing out that Canada’s unilateral sanctions are not simply clones of its allies and that “there are sanctions that the U.S. puts in place that we simply cannot because we do not have that extraterritorial reach. We try to do what we can within our regulations and our laws.”<sup>28</sup>

### c. Assessing the Impact and Effectiveness of Sanctions

Several witnesses commented on the use of various multilateral and unilateral sanctions imposed against Iran in pressuring it to change its behaviour, and debated whether sanctions against South Africa’s apartheid regime offered realistic comparisons.<sup>29</sup> Some witnesses emphasised the coercive nature of sanctions. One noted, “Sanctions are not a peaceful tool. In fact, they are extremely coercive. They are in Chapter VII of the [United Nations] Charter for a reason. They are on par with the use of force. When we wield them, we have to consider them as that coercive.”<sup>30</sup> Gary Sick from Columbia University commented:

The sanctions presently in place and that are coming down the road have increased to the point that it could potentially cut off half or all of Iran’s petroleum exports in the course of the next few months, thereby depriving it of 50 per cent of its revenues. That is the equivalent of a military blockade of Iran’s oil ports, which is an act of war. Therefore, sanctions that were supposed to be

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<sup>23</sup> DFAIT, 41:1, Issue no. 6, p. 49.

<sup>24</sup> DFAIT, 41:1, Issue no. 6, p. 49.

<sup>25</sup> DFAIT, 41:1, Issue no. 6, p. 51.

<sup>26</sup> DFAIT, 41:1, Issue no. 6, pp. 57, 61; Charron, 41:1, Issue no. 6, p. 35.

<sup>27</sup> Ali Ehsassi, 41:1, Issue no. 12, p. 11.

<sup>28</sup> Charron, 41:1, Issue no. 6, p. 35.

<sup>29</sup> DFAIT, 41:1, Issue no. 6, pp. 51, 60, 65; Braun, 41:1, Issue no. 7, p. 17.

<sup>30</sup> Charron, 41:1, Issue no. 6, p. 34.

the alternative to war have gradually increased to a point where they have actually morphed into economic warfare.<sup>31</sup>

Mojtaba Mahdavi from the University of Alberta noted, “economic sanctions are not the solution to prevent war, unlike the conventional argument suggests. It is, in fact, the last stage before waging war ... .”<sup>32</sup>

Accordingly, many witnesses testified that, despite the Iranian regime’s denial, the various sanctions were having an effect.<sup>33</sup> They pointed to their direct and indirect impact on the ability of Iranian businesses to carry out financial transactions, trade, and investment in key sectors (including the oil and gas industries), a weakening economy, rising inflation, high unemployment, a weakening currency, a drop in the standard of living, economic disparities, and a deteriorating infrastructure.<sup>34</sup>

Some witnesses noted that the sanctions were exacerbating Iran’s economic challenges and exposing to scrutiny the competence of the Iranian regime as economic managers.<sup>35</sup> As Sheryl Saperia from the Foundation for Defense of Democracies testified succinctly, “I think the sanctions we have imposed thus far are starting to bite, and the regime is feeling it.”<sup>36</sup> In this context, the Committee heard testimony from some witnesses that the sanctions and their impact on the Iranian population was making the regime “very nervous” and “fearful of what may happen. If you follow the news from inside Iran, you hear famine being talked about quite openly. It is being talked about more and more.”<sup>37</sup>

#### i. Impact of Sanctions on the Iranian Population

Some witnesses pointed to sanctions as ineffective instruments to pressure a change in behaviour of the target regime because “the real pain of sanctions is rarely felt by the government. Instead of the government feeling the pinch, it passes it on to the citizens.”<sup>38</sup> The Committee heard testimony from witnesses about Iranian students and members of the Iranian community residing in countries that have sanctions against Iran being especially vulnerable to sanctions affecting

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<sup>31</sup> Gary Sick, 41:1, Issue no. 12, p. 39.

<sup>32</sup> Mojtaba Mahdavi, 41:1, Issue no. 7, p. 37.

<sup>33</sup> Charron, 41:1, Issue no. 6, p. 34; FDD, 41:1, Issue no. 6, p. 27; Iranian Canadian Congress (ICC), 41:1, Issue no. 12, pp. 84, 85, 90; DFAIT, 41:1, Issue no. 6, pp. 49, 64; Payam Akhavan, 41:1, Issue no. 7, p. 32; Jones, 41:1, Issue no. 6, p. 40.

<sup>34</sup> DFAIT, 41:1, Issue no. 6, p. 49; Jones, 41:1, Issue no. 6, p. 40; ICC, 41:1, Issue no. 12, p. 89.

<sup>35</sup> Charron, 41:1, Issue no. 6, p. 34; FDD, 41:1, Issue no. 6, p. 27; ICC, 41:1, Issue no. 12, pp. 84, 85, 90; DFAIT, 41:1, Issue no. 6, p. 49.

<sup>36</sup> FDD, 41:1, Issue no. 6, p. 27.

<sup>37</sup> Akhavan, 41:1, Issue no. 7, p. 32.

<sup>38</sup> James Devine, 41:1, Issue no. 7, pp. 45-46.

financial transfers to support their studies, personal remittances to family in Iran, and the transfer of Iranian pensions to Canadian residents among many examples.<sup>39</sup>

According to Kaveh Shahrooz:

The concern really is one that we have talked about at some length, that is, that payments from family members going back to Iran are being caught by the sanctions and individuals who have ties to the government are somehow able to evade the measures in place.<sup>40</sup>

Many witnesses singled out Iranians in the process of immigrating to Canada, Canadians travelling to Iran, and Iranian students in Canada as being particularly affected by the sanctions,<sup>41</sup> with Andrea Charron testifying:

My concern is for students here who have connections to Iran. We are going to start ensnaring them in these sanctions. They are the exact audience that we do not want to ensnare. ... For the elite, it is okay to turn off one source of assets, but in many cases for the average person you start meddling with their bank account and that is it.<sup>42</sup>

Mojtaba Mahdavi dismissed sanctions because of their negative impact on the Iranian people:

Economic sanctions, I argue, are a lose-lose situation for the people of Iran and their quest for democracy and human rights. If the sanctions actually do not work, then their failure would justify war for those who advocate war and war is a losing situation for the people of Iran. If sanctions work, it is again a lose situation because they will have punished the victims — the people of Iran — more than the regime; they will have weakened the middle class, which is driving for democracy and the Green Movement; and they will have intensified corruption, smuggling, and the shadow economy, which benefit the elite and the crony clique; it brings more hatred towards the West, including Canada; and it is definitely immoral, unethical, and a violation of human rights, in my view.<sup>43</sup>

At the same time, the Committee heard from witnesses that while the Iranian people are bearing the burden of the sanctions and have limited access to alternatives compared to Iranian government officials,<sup>44</sup> they were “not blaming the international community”<sup>45</sup> and some even “have the courage to be blaming the regime for these sanctions.”<sup>46</sup>

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<sup>39</sup> Kaveh Shahrooz, 41:1, Issue no. 12, pp. 17, 24, 32-33; ICC, 41:1, Issue no. 12, p. 83; Charron, 41:1, Issue no. 6, p. 41; Akhavan, 41:1, Issue no. 7, p. 13; BMO Financial Group, written submission, p. 3.

<sup>40</sup> Shahrooz, 41:1, Issue no. 12, p. 25.

<sup>41</sup> ICC, 41:1, Issue no. 12, p. 83; Akhavan, 41:1, Issue no. 7, p. 13; BMO Financial Group, written submission, pp. 3-4.

<sup>42</sup> Charron, 41:1, Issue no. 6, p. 41.

<sup>43</sup> Mahdavi, 41:1, Issue no. 7, p. 37.

<sup>44</sup> Charron, 41:1, Issue no. 6, p. 41.

<sup>45</sup> FDD, 41:1, Issue no. 6, p. 25.

<sup>46</sup> FDD, 41:1, Issue no. 6, p. 25.

## ii. Improving the Effectiveness of Sanctions

Notwithstanding the conditions in Iran, other witnesses offered suggestions for improving the effectiveness of sanctions in the Iranian context. For instance, to ease the financial burden on ordinary Iranians, Kaveh Shahrooz suggested increasing the amount of non-commercial payments that can be transferred.<sup>47</sup>

To ensure that sanctions target the key decision-makers of the Iranian regime, some witnesses suggested expanding Canada's list of key senior Iranian officials against whom sanctions are applied.<sup>48</sup> According to Ali Ehsassi:

The sanctions introduced to date have been far too lenient on the top echelons of the Iranian regime and sweeping in their impact on the Iranian public. By way of example, while the overbite of the legislation ensnares virtually every Iranian Canadian, only a mere 49 of the top apparatchiks of the Islamic Republic have been blacklisted under Canadian legislation.<sup>49</sup>

The Committee heard a great deal of testimony strongly suggesting that Canada include Iran's Islamic Revolutionary Guard Corps (IRGC) as an institution in its sanctions list because of its involvement in Iran's nuclear programme, terrorist activities as well as human rights violations, and dominance of Iran's political and economic activities.<sup>50</sup> According to Sheryl Saperia from the Foundation for Defense of Democracies, "not to designate the IRGC promotes a culture of impunity. The IRGC is the spine of the Iranian regime, and we must not countenance any interaction with the organisation. Listing the entity diminishes its legitimacy, as well as that of the Iranian regime."<sup>51</sup> Some witnesses countered the suggestion, noting the diffusion of opinions within the IRGC and its conscription base would mean that listing the IRGC as an institution would include many individuals who do not have any involvement with the IRGC's more notorious activities.<sup>52</sup>

Many witnesses emphasised the importance of broadening the number and leverage of states applying sanctions, and targeting Iran's greatest vulnerability: oil exports.<sup>53</sup> One witness noted the difficulties in creating an "airtight system of sanctions" because "there are always states that will break sanctions for economic and political reasons."<sup>54</sup> Houchang Hassan-Yari from the

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<sup>47</sup> Shahrooz, 41:1, Issue no. 12, p. 24.

<sup>48</sup> Devine, 41:1, Issue no. 7, pp. 45-46; ICC, 41:1, Issue no. 12, p. 83; Akhavan, 41:1, Issue no. 7, p. 25; Shahrooz, 41:1, Issue no. 12, p. 16.

<sup>49</sup> Ehsassi, 41:1, Issue no. 12, p. 11.

<sup>50</sup> FDD, 41:1, Issue no. 6, pp. 11, 20; Shahrooz, 41:1, Issue no. 12, pp. 19-20; Ehsassi, 41:1, Issue no. 12, pp. 20-22; ICC, 41:1, Issue no. 12, pp. 81, 82; Ramin Jahanbegloo, 41:1, Issue no. 12, p. 21.

<sup>51</sup> FDD, 41:1, Issue no. 6, p. 11.

<sup>52</sup> DFAIT, 41:1, Issue no. 6, p. 62; Jones, 41:1, Issue no. 6, p. 43.

<sup>53</sup> ICC, 41:1, Issue no. 12, p. 84; DFAIT, 41:1, Issue no. 6, p. 64; FDD, 41:1, Issue no. 6, p. 13; Hassan-Yari, 41:1, Issue no. 7, p. 15.

<sup>54</sup> Devine, 41:1, Issue no. 7, p. 45.

Royal Military College testified, “We must try to bring some countries on board ... because without them no sanction can have the desired effect.”<sup>55</sup>

Some witnesses testified that many countries with significant economic ties with Iran – particularly those who import oil from Iran, such as China and India, or who have a vested interest in Iran’s nuclear program, such as Russia - are not applying sanctions as fully as possible, or are using their positions as permanent members of the United Nations Security Council to minimise their scope.<sup>56</sup> In this respect, DFAIT officials suggested greater engagement with Iran’s oil clients to encourage compliance with sanctions.<sup>57</sup> One witness testified that Canada is in a position to use its leadership as an energy supplier to leverage countries who are simultaneously accessing oil from Canada and from Iran. Specifically, the witness emphasised, “This is the time. There will be no other time for the Canadian government to stand up and use Canada’s economic power and energy sector to fundamentally and finally put these companies to a choice between Iran and Canada. This is something that the Canadian government needs to do.”<sup>58</sup>

According to Mark Dubowitz from the Foundation for Defense of Democracies, “If oil sanctions do not work, no sanctions will work.”<sup>59</sup> He noted more emphatically, “For the first time since the Iran-Iraq war, the regime fears for its oil wealth. This is a direct sanction against the Iranian regime’s oil wealth, its life blood.”<sup>60</sup> Peter Jones commented:

The sanctions now being put in place against Iran’s ability to sell its oil abroad, even though they are imperfect, have always been the game-changer. That is the only means of support the government has for the economy. Even if they are not eliminated, if they are restricted in their ability to sell oil abroad, that will have a significant impact, I think fairly quickly.<sup>61</sup>

Some witnesses cautioned about the global impact of reducing a key supply of oil and the potential increase in the price of oil in an economically sensitive time if sanctions against Iran’s oil industry were tightened.<sup>62</sup> Along similar lines, another witness commented further that higher oil prices would defeat the purpose of reducing Iran’s oil revenues, since these would still be gained even with fewer clients.<sup>63</sup>

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<sup>55</sup> Hassan-Yari, 41:1, Issue no. 7, p. 8.

<sup>56</sup> Houchang Hassan-Yari, written submission; DFAIT, 41:1, Issue no. 6, pp. 51, 64; BMO Financial Group, written submission, p. 4.

<sup>57</sup> DFAIT, 41:1, Issue no. 6, p. 64.

<sup>58</sup> FDD, 41:1, Issue no. 6, p. 21.

<sup>59</sup> FDD, 41:1, Issue no. 6, p. 14.

<sup>60</sup> FDD, 41:1, Issue no. 6, p. 16.

<sup>61</sup> Jones, 41:1, Issue no. 6, p. 41.

<sup>62</sup> DFAIT, 41:1, Issue no. 6, p. 64; Charron, 41:1, Issue no. 6, p. 44.

<sup>63</sup> FDD, 41:1, Issue no. 6, p. 17.

While one witness suggested tightening the financial sanctions against Iran in order to deprive the regime more immediately of the means to sustain its nuclear program,<sup>64</sup> others emphasised the complexity and uniqueness of sanctions regulations across various jurisdictions which complicates compliance with them. More specifically, in its written submission to the Committee, BMO Financial Group noted:

Compliance across jurisdictions is therefore complex, as Canadian financial institutions, and their customers, who initiate cross border transfers or who have operations in jurisdictions outside of Canada must be cognizant of domestic sanction measures as well as those of other jurisdictions. Accordingly, the financial sector faces a complex global landscape with respect to these issues.<sup>65</sup>

BMO Financial Group commented further about additional complexities that make it difficult to implement sanctions with confidence:

Reviewing cross border remittances to establish their true origin or underlying destination to determine whether they might be concealing an impermissible “Iranian nexus” introduces increased complexities. Delays for permissible transactions may also result from the increasing level of scrutiny accorded all payments.<sup>66</sup>

Along similar lines, Andrea Charron testified that compliance with sanctions is more likely if the cost of compliance is lower than the cost of defiance, and if the regulations administering them are clear, easily understood, can be accessed from a single source, and are enforceable.<sup>67</sup> On the last point, another witness noted that “in Canada there is no single, authoritative consolidated list of all of the names of Designated Persons.”<sup>68</sup> As a result:

Significant effort is required to ensure all lists are being utilized and complete in financial institutions’ screening facilities. The lack of a consolidated list may increase the risk that a Designated Person will not be detected, and the consequences for failing to detect a Designated Person may be serious.<sup>69</sup>

The situation is compounded by the lack of details about date and place of birth and residency, as well as variations in spelling of names.<sup>70</sup> In other examples of the impact of poorly structured regulations, Andrea Charron noted the different definitions of property in the *United Nations Act*, the *Special Economic Measures Act* and the *Freezing Assets of Corrupt Foreign Officials Act*,

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<sup>64</sup> FDD, 41:1, Issue no. 6, pp. 13-15.

<sup>65</sup> BMO written submission, pp. 4-5.

<sup>66</sup> BMO written submission, p. 4.

<sup>67</sup> Charron, 41:1, Issue no. 6, pp. 34, 35-36.

<sup>68</sup> BMO written submission, p. 3.

<sup>69</sup> BMO written submission, p. 3.

<sup>70</sup> BMO written submission, p. 3.

and the lack of definition of ownership.<sup>71</sup> In its written submission, BMO Financial Group explained that:

These measures require financial institutions to implement processes to address a number of practical challenges, including:

- how a financial institution in Canada can determine if a client or a prospective client is actually physically in Iran;
- how to exclude specific services such as on-live or telephone banking services from Iran;
- how to service a person in the process of immigrating to Canada from Iran;
- how to address instances where clients may be Canadian residents who are temporarily visiting Iran;
- how to account for the exceptions set out under the Regulations, including the provision of financial services to persons in Iran pursuant to agreements established prior to November 22, 2011;
- how to accommodate a permissible personal remittance to or from Iran in light of the prohibition against dealing with Iranian banks.<sup>72</sup>

In this context, Andrea Charron noted that more sanctions tend to increase the cost of compliance and, therefore, the weakness thereof.<sup>73</sup> Others suggested that clearer guidelines for navigating the regulations would be beneficial and would lead to better application of the sanctions.<sup>74</sup> The Committee suggests that the Government of Canada look into simplifying and coordinating regulatory efforts regarding banking transactions with Iran.

The Committee heard from some witnesses that the scope of reach of Canada's sanctions was not as broad as the extra-territorial scope of sanctions in other jurisdictions.<sup>75</sup> According to testimony from DFAIT officials, Canada's sanctions are "legally binding on all Canadians, all those who reside in Canada and all Canadians, regardless of where they reside."<sup>76</sup> Similarly, Andrea Charron explained:

Special Economic Measures Act ... clearly states that our regulations apply to any entity, any person in Canada as well as Canadian entities and persons outside of Canada. Canada does not have a tradition of extraterritorial reach, but when we apply our regulations, if you are a Chinese company operating in Canada in violation of our regulations, you will have to pay the price.<sup>77</sup>

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<sup>71</sup> Charron, 41:1, Issue no. 6, p. 36.

<sup>72</sup> BMO written submission, pp. 3-4.

<sup>73</sup> Charron, 41:1, Issue no. 6, p. 44.

<sup>74</sup> Ehsassi, 41:1, Issue no. 12, p. 26; BMO written submission, p. 4.

<sup>75</sup> DFAIT, 41:1, Issue no. 6, p. 54; Shahrooz, 41:1, Issue no. 12, p. 26.

<sup>76</sup> DFAIT, 41:1, Issue no. 6, p. 52.

<sup>77</sup> Charron, 41:1, Issue no. 6, p. 34.

According to Mark Dubowitz from the Foundation for Defense of Democracies, the limited scope of application of Canada's sanctions is a point of weakness that should be corrected.<sup>78</sup> More specifically, he argued that, "In Canada, the sanctions do not put non-Canadians to a fundamental choice between doing business in Canada and doing business in Iran."<sup>79</sup>

Some witnesses who testified before the Committee noted the delayed impact of sanctions, particularly with respect to the time required to put in place the necessary regulatory and administrative requirements as a point of weakness. "To give you some context, I remind you that sanctions against South Africa, which also had as a goal to stop South Africa's proliferation of nuclear weapons, were first put in place in 1977 and were not removed until 1994. Sanctions are never a quick fix."<sup>80</sup>

Accordingly, some witnesses were sceptical that the length of time required for sanctions to change the behaviour of the Iranian leadership is longer than what is available before Iran, withstanding the economic pressures of the sanctions, achieves nuclear capability.<sup>81</sup> At the same time, witnesses were divided about Iran's competence in developing any real nuclear capability, with some arguing for patience as the sanctions against Iran continue to take effect.<sup>82</sup>

## 2. P5+1 Negotiations

Some witnesses argued that sanctions have had at least one positive effect in terms of bringing Iran back to the negotiation table with the P5+1 group to reach agreement on the conditions for lifting sanctions against it.<sup>83</sup> Not having met for eighteen months, the two sides resumed talks in May 2012 and have had subsequent unofficial meetings since. One witness had testified emphatically before the talks resumed:

If sanctions ... are imposed and enforced aggressively over the next couple of months, those sanctions will have such a significant impact on Iranian oil revenue and on the Iranian economy that there is a chance that it will change [Iran's] risk-reward calculus; and it will convince Iranians to finally, after all these years, sit down and negotiate a deal with the international community on the concerns that the community has with respect to Iran's nuclear program.<sup>84</sup>

Indeed, some witnesses considered sanctions to be only one of many tools to be applied simultaneously in order to change the behaviour of a target regime. According to James Devine from Mount Allison University, "sanctions alone very rarely, if ever, achieve their goals,

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<sup>78</sup> FDD, 41:1, Issue no. 6, p. 21.

<sup>79</sup> FDD, 41:1, Issue no. 6, p. 18.

<sup>80</sup> Charron, 41:1, Issue no. 6, p. 34.

<sup>81</sup> FDD, 41:1, Issue no. 6, pp. 13, 14, 18; Braun, written submission.

<sup>82</sup> Jones, no. 6, pp. 32, 33, 37, 40, 42-44; Tertrais, no. 12, pp. 55, 57; DFAIT, no. 6, pp. 66, 67; FDD, no. 6, pp. 9, 10, 22; Braun, written submission.

<sup>83</sup> Tertrais, 41:1, Issue no. 12, pp. 52, 54; Sick, 41:1, Issue no. 12, p. 39. P5+1 comprises the five permanent members of the Security Council (China, France, Russia, United States, United Kingdom) and Germany.

<sup>84</sup> FDD, 41:1, Issue no. 6, p. 18.

especially when those goals are to force a state to change its policies on a core national security issue.”<sup>85</sup>

Devine further testified that Canada and the West need to remain committed to negotiations with Iran as a solution to their differences and to convince Iran that it is not in its best interest to develop a military nuclear program.<sup>86</sup> Gary Sick testified that the prospect of very high oil prices was an important incentive on the part of the international community to negotiate an agreement with Iran.<sup>87</sup> As Houchang Hassan-Yari noted, “The question is political and can only be resolved politically.”<sup>88</sup>

Some witnesses noted that any final agreement would need to be based on Iran’s agreement to “[cap] its nuclear enrichment program at a low level, hopefully, accompanied by intrusive monitoring and inspections by the IAEA of its nuclear program. In return, Iran would expect the sanctions to be lifted and that its role in the region as a significant player would in fact be acknowledged.”<sup>89</sup> The same witness later explained, “More inspection is better. If we have to pay a price in terms of lifting some of the sanctions in order to get more inspections, that is not a bad bargain.”<sup>90</sup> James Devine testified:

We have to be willing to reciprocate. Iran has made gestures at various points in time. They are often obtuse and buried in rhetoric, but they have made gestures towards not just Canada but the West, in general. We need to be willing to take them up on their offers. ... We have ignored opportunities. We have to take the opportunities where we can and see what kind of progress we can make with them.<sup>91</sup>

Accordingly, some witnesses cautioned that expectations about what the negotiations might achieve need to be measured.

Given the degree of political fragmentation inside Tehran, it is unlikely we will achieve a grand bargain — something that will take care of the West’s problems and complaints with Iran. ... It is even unlikely that the West will get Iran to give up on the enrichment process. This is something that has too much support within the country for any government or political leaders inside Tehran to turn their backs on.”<sup>92</sup>

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<sup>85</sup> Devine, 41:1, Issue no. 7, p. 39.

<sup>86</sup> Devine, 41:1, Issue no. 7, pp. 39, 40.

<sup>87</sup> Sick, 41:1, Issue no. 12, pp. 39-40.

<sup>88</sup> Hassan-Yari, written submission.

<sup>89</sup> Sick, 41:1, Issue no. 12, p. 39.

<sup>90</sup> Sick, 41:1, Issue no. 12, p. 50.

<sup>91</sup> Devine, 41:1, Issue no. 7, p. 41.

<sup>92</sup> Devine, 41:1, Issue no. 7, p. 40.

Similarly, Gary Sick testified:

We should have no illusions that Iran will reverse or abandon nearly two decades of experience with its domestic nuclear program. Even if we would like such a thing to happen, it is very unlikely. Even if there were a change of government in Iran, whatever should follow the present government, they would not agree to abandon their nuclear program either, and we should have no illusions about that.<sup>93</sup>

### 3. Military options

In light of Iran's resistance to inspections of its nuclear facilities, the Committee heard a great deal of testimony from witnesses about the timing and effectiveness of possible military action against Iran to destroy these facilities and any potential nuclear capability that may be developing. According to Mark Dubowitz from the Foundation for Defense of Democracies, "if sanctions do not work and do not work quickly, the possibility of military strikes is very real."<sup>94</sup> He emphasised: "Time is running out. The sanctions clock has been ticking too slowly, the nuclear clock has been ticking too quickly, and the military option clock is coming potentially closer to midnight."<sup>95</sup> The same witness continued in the context of the two countries - Israel and the United States - most likely to take military action and the different timelines each is following. More specifically, if Iranian officials are making the nuclear facilities invulnerable to a strike as is believed to be the case, the window for Israel to take military action is closing, thereby increasing its reliance on the United States with a stronger capability against such fortifications and on its will to take such action.<sup>96</sup> Another witness was dismissive of timelines, noting, "There has been a history of setting dates — by this point the Iranians will be beyond our ability to stop them. These dates have come and gone several times in this drama over the course of several years."<sup>97</sup>

Other witnesses were sceptical about the effectiveness of any military action in achieving desired outcomes.<sup>98</sup> Payam Akhavan from McGill University raised doubts about whether a military solution would "neutralise" the nuclear program.<sup>99</sup> According to Gary Sick, "You will hit some of their sites. It will drive them underground and actually will increase their willingness to go for a nuclear weapon. It is counterproductive."<sup>100</sup> He noted emphatically:

If there is an attack on Iran's nuclear capability, for instance, you will drive them underground. They will leave the Nuclear Non-proliferation Treaty, kick out the IAEA inspectors and renounce their present situation where they say that going

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<sup>93</sup> Sick, 41:1, Issue no. 12, p. 39.

<sup>94</sup> FDD, 41:1, Issue no. 6, p. 18.

<sup>95</sup> FDD, 41:1, Issue no. 6, p. 14.

<sup>96</sup> FDD, 41:1, Issue no. 6, p. 13.

<sup>97</sup> Jones, no. 6, p. 37.

<sup>98</sup> Akhavan, 41:1, Issue no. 7, p. 19; Tertrais, 41:1, Issue no. 12, p. 58; Shahrooz, 41:1, Issue no. 12, p. 13.

<sup>99</sup> Akhavan, 41:1, Issue no. 7, p. 19.

<sup>100</sup> Sick, 41:1, Issue no. 12, p. 50.

for a bomb is contrary to Islam. They are very likely to say, “Islam permits us to defend ourselves.” All of those bets are off, and we could expect them to go underground and probably go for a bomb. People would rally around this present government and actually strengthen it. Plus, the price of oil would probably go up to three or \$400 a barrel simply because of the conflict in the region, which would have an impact on virtually all of the economies in the region. If people are talking about an attack, they have to think about the consequences. I think the consequences are really very severe.<sup>101</sup>

Some witnesses emphasised the unpredictable consequences of a military strike against Iran. Several testified that Iran might harden its resolve in its pursuit of nuclear weapons and, rather than restore security, would worsen it at a particularly delicate time given the fragility of democratic transitions in the region, not to mention that any opportunity to inspect any of the remaining nuclear sites would be lost.<sup>102</sup> According to Payam Akhavan:

I am very concerned because you do not know where this is all going to end, and that is why there are no good alternatives. All the alternatives are bad, but I think the worst alternative is a premature armed conflict with unpredictable consequences. We could be back here in five years revisiting what went wrong.<sup>103</sup>

Witnesses insisted that the military option should be considered as an “absolute last resort, and all peaceful alternatives need to be exhausted.”<sup>104</sup> Some witnesses saw the escalated discussion of a military strike against Iran as useful in forcing countries to take tougher action on sanctions.<sup>105</sup> One insisted that military action retained value as an option to be kept “most definitely and visibly on the table” in order to reinforce the message from Canada and its allies that “under no circumstances will Iran be allowed to develop a capacity to build or to deploy nuclear weapons.”<sup>106</sup> On the legality and legitimacy of using military force, Aurel Braun argued, “The military instrument is not an illegitimate tool; it is something that is acceptable in international law under certain circumstances.”<sup>107</sup> Bruno Tertrais summarised the dilemma accordingly:

While I do not support military action against Iran, I am not convinced that, in the very long term, the consequences of an Iran with nuclear capability would not be worse than those of a strike against Iran. Once again, I cannot say anything for certain, and the onerous responsibility of making decisions without any certainty, without knowing the long-term consequences of their actions, falls on politicians. If we look well into the future, a nuclear Iran would be worse than the consequences of an attack against Iran.<sup>108</sup>

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<sup>101</sup> Sick, 41:1, Issue no. 12, p. 46.

<sup>102</sup> Sick, 41:1, Issue no. 12, p. 49; DFAIT, 41:1, Issue no. 6, p. 50; Devine, 41:1, Issue no. 7, p. 40.

<sup>103</sup> Akhavan, 41:1, Issue no. 7, p. 31.

<sup>104</sup> FDD, 41:1, Issue no. 6, p. 24.

<sup>105</sup> Sick, 41:1, Issue no. 12, p. 48.

<sup>106</sup> Braun, written submission.

<sup>107</sup> Braun, 41:1, Issue no. 7, p. 23.

<sup>108</sup> Tertrais, 41:1, Issue no. 12, p. 59.

### III. THE HUMAN RIGHTS SITUATION IN IRAN

Overwhelmingly, the testimony presented by the Committee's witnesses on the human rights situation in Iran paints a picture of a closed society and a regime that systematically and repeatedly violates the basic social, economic, political and cultural rights of its citizens. Most worrying, the trend in Iran appears to be toward a more deeply suspicious and repressive society.

The human rights situation in Iran has not improved in the three years since the disputed and widely condemned 2009 presidential election. In the aftermath of an election marred by allegations of vote rigging, a series of popular protests known as the "Green Movement" occurred in which demonstrators demanded the resignation of President Mahmoud Ahmadinejad. During and since that time, opponents of the Iranian regime have faced a brutal crackdown by state security forces, and many have been subject to arbitrary arrest and have seen their right to due process violated. Witnesses described today's situation as extremely troubling and dangerous, characterised by widespread and systemic instances of abuse and deteriorating conditions for the average Iranian.<sup>109</sup> Ramin Jahanbegloo from the University of Toronto, summarised the current situation:

Three years after the disputed presidential elections of 2009, the human rights situation in the Islamic Republic of Iran continues to deteriorate and is in a state of unprecedented crisis. Hardly any group has been spared. Journalists, lawyers, human rights activists, women's rights activists, intellectuals, members of minority groups and students are among those targeted by the paranoid Iranian government. Ordinary citizens are routinely mistreated. As we sit here today, scores of civic human rights activists are imprisoned for their efforts to bring change to Iran.<sup>110</sup>

The Committee's study of Iran follows on a 2010 report by the Subcommittee on International Human Rights ("the Subcommittee"), which was finalised and tabled by the the House of Commons Standing Committee on Foreign Affairs and International Development entitled, [\*Ahmadinejad's Iran: A Threat to Peace, Human Rights and International Law\*](#). In the report, the Subcommittee made the following assessment about the human rights situation in Iran:

[...] the predominant view expressed to the Subcommittee was that the human rights situation in Iran has once again deteriorated in the past few years. Evidence collected by the Subcommittee suggested that serious and systemic human rights violations in Iran had reached a level that was both worrying and unacceptable. Further, the testimony suggests that these violations are often committed with impunity if not encouraged by the Government of Iran and/or its agents. Whatever micro-trends or specific indices can be identified, the aggregate and long-term picture merits concern.<sup>111</sup>

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<sup>109</sup> Human Rights Watch, 41:1, Issue no. 12, p. 62; Jahanbegloo, 41:1, Issue no. 12, p. 8.

<sup>110</sup> Jahanbegloo, 41:1, Issue no. 12, p. 8.

<sup>111</sup> Standing Committee on Foreign Affairs and International Development, [\*Ahmadinejad's Iran: A Threat to Peace, Human Rights and International Law\*](#), December 2010, p. 13.

Unfortunately, the human rights situation in Iran has worsened still since the Subcommittee conducted its study. In testimony before the Committee, officials from Foreign Affairs and International Trade Canada noted that Iran blatantly disregards both its international human rights commitments, including the International Covenant on Civil and Political Rights, and the guarantees set out in its own constitution.<sup>112</sup> Particularly disconcerting is the breadth of the human rights violations and the extent to which they touch all aspects of Iranian society. Witnesses stated that abuse is prevalent throughout a cross-section of Iranian society, with ordinary citizens seeing restrictions placed on their basic human rights of expression, association, religion, and due process, among others.

## A. KEY FINDINGS OF TESTIMONY – HUMAN RIGHTS

Over the course of its hearings, the Committee heard testimony from a number of academics and practitioners about the human rights situation in Iran. Witnesses raised four main areas of concern: the mistreatment of religious and ethnic minorities; the restrictions on freedom of expression; the widespread use of the death penalty; and the lack of due process rights. The following section summarises the evidence related to these four areas.

### 1. Mistreatment of Religious and Ethnic Minorities

Many witnesses spoke about the widespread discrimination that Iran’s religious minorities face, with the treatment and persecution of the Baha’is being perhaps the most blatant and commonly cited example. According to DFAIT: “Bahá’í leaders are regularly detained without cause, and followers are unable to gain access to university solely because of their faith.”<sup>113</sup> The Baha’is are not alone in facing religious discrimination. A witness from Human Rights Watch said that the organisation has documented numerous cases of systemic abuse against other religious groups, including Sunni Iranians, Sufis and Christian converts.<sup>114</sup> Similarly, DFAIT officials told the Committee that “Jews and Christians, despite constitutional guarantees, face restrictions in access to certain kinds of jobs, and prosecution for apostasy — converting from Islam — remains in force.”<sup>115</sup>

Witnesses also expressed concern over the treatment of ethnic minorities in Iran, highlighting in particular the situation of the Kurdish minority, the Ahwazi Arab community, the Baloch community and the Azeris.<sup>116</sup> In its 2012 Annual Report, Amnesty International stated that ethnic minorities in Iran face “ongoing discrimination in law and practice,” including being prevented from using minority languages in government offices or for teaching in schools.<sup>117</sup>

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<sup>112</sup> DFAIT, 41:1, Issue no. 6, p. 46.

<sup>113</sup> DFAIT, 41:1, Issue no. 6, p. 46.

<sup>114</sup> Human Rights Watch, 41:1, Issue no. 12, p. 66.

<sup>115</sup> DFAIT, 41:1, Issue no. 6, p. 46.

<sup>116</sup> Human Rights Watch, 41:1, Issue no. 12, p. 65.

<sup>117</sup> Amnesty International, [Annual Report 2012: Iran](#).

Amnesty International further stated that activists campaigning for the rights of ethnic minorities face threats, arrest and imprisonment.

## 2. Restrictions on Freedom of Expression

The Committee heard testimony about the restrictions placed on freedom of expression in Iran and the crackdown on journalists following the 2009 election. One witness said that the government controls the press, and that journalists and editors who speak out against the regime are routinely jailed.<sup>118</sup> The Iranian government is accused of jamming foreign satellite feeds and an Iranian “Cyber Army” is rumoured to hack into dissident websites to spy on the activities of individuals electronically.<sup>119</sup> Certain groups have been the subject of particular targeting by the government. These groups include human rights defenders, defence lawyers, trade unions and political opponents of the regime.<sup>120</sup> Witnesses stated that the reformist movement in Iran has largely been dissolved or declared illegal or unlawful since the 2009 elections. A witness from Human Rights Watch said:

Today, when we look at traces for individuals in parliamentary elections or even in the upcoming presidential elections, we see there is no presence of reformists. They are in prison, they are under threat and cannot participate actively in the country’s politics or they have boycotted the elections because they do not see any future for the reformist movement currently as things stand in Iran.<sup>121</sup>

Witnesses also noted that Iran places limits on academic freedoms and has restricted the right to education, including banning the access of some students to higher education based on their political activities or faith.<sup>122</sup>

## 3. Widespread Use of the Death Penalty

The widespread use of the death penalty in Iran came up repeatedly during Committee testimony. It was noted that executions in Iran are at a record high, with many on death row being denied what a witness said “what any reasonable person would regard as proper due process.”<sup>123</sup> One witness stated that, apart from China, Iran is the only country where Amnesty International records hundreds of executions every year.<sup>124</sup> Amnesty International’s records confirm over 600 executions in 2011, and the Iran Human Rights Documentation Centre reported at least 59 executions in January 2012 alone.<sup>125</sup> Notably, the death penalty is enforced in Iran for drug-related crimes, and 488 people are reported to have been executed for alleged drug offenses

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<sup>118</sup> DFAIT, 41:1, Issue no. 6, p. 46.

<sup>119</sup> Human Rights Watch, 41:1, Issue no. 12, p. 63.

<sup>120</sup> DFAIT, 41:1, Issue no. 6, p. 46; Human Rights Watch, 41:1, Issue no. 12, p. 63; Amnesty International, 41:1, Issue no. 12, p. 69.

<sup>121</sup> Human Rights Watch, 41:1, Issue no. 12, p. 62.

<sup>122</sup> Amnesty International, 41:1, Issue no. 12, p. 68.

<sup>123</sup> DFAIT, 41:1, Issue no. 6, p. 46.

<sup>124</sup> Amnesty International, 41:1, Issue no. 12, p. 66.

<sup>125</sup> Akhavan, 41:1, Issue no. 7, p. 12; Amnesty International, 41:1, Issue no. 12, p. 66.

in 2011.<sup>126</sup> In 2011, there were seven reported executions of juvenile offenders – violating the International Covenant on Civil and Political Rights (of which Iran is a signatory) that requires that the death penalty never be imposed on those under 18 years old at the time of their crime.<sup>127</sup>

#### 4. Lack of Due Process

A number of witnesses expressed concern regarding the violations of reasonable standards of due process in Iran. The Committee heard that the majority of trials in Iran are grossly unfair. Many are conducted behind closed doors with the accused often denied access to an attorney. One witness said that individuals are frequently sentenced on “vaguely worded charges, like enmity against God or corruption on earth.”<sup>128</sup> Nassim Papayianni of Amnesty International summarised the situation:

Torture and ill-treatment are very common in detention, unfortunately, and they are routinely used to extract confessions, which are then used in court. Methods of torture and ill-treatment that have been reported to us by detainees include severe beatings, electric shock, confinement in small spaces, hanging upside down by the feet for long periods of time, and rape or threats of rape of both men and women, including with implements. Detainees are also subjected to death threats, including mock executions, threats of arrest and torture of family members, actual arrest of family members, deprivation of light or constant exposure to light, deprivation of food and water and deprivation of necessary medical care.<sup>129</sup>

The witness also noted that security officials frequently arrest and detain government critics arbitrarily, holding them without access to counsel or their families, for lengthy periods of time. She further stated that it is common for individuals to be held in solitary confinement or in overcrowded cells for long periods, which can lead to health problems in the future.

## B. INTERNATIONAL CONCERNS REGARDING IRAN’S HUMAN RIGHTS RECORD

Iran’s human rights record has long been a source of international concern and condemnation. Particularly since the 2009 Green Revolution and in the context of the Arab Awakening, some members of the international community have focused on how to support the Iranian people in their pursuit of an open and free society and how to pressure the Iranian government to respect the rights of its citizens. While witnesses emphasised that Iranians themselves must lead their own human rights reform, the sentiment that the international community has a role to play in pressuring the Iranian regime to change its behaviour also came out. To that end, witnesses

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<sup>126</sup> Amnesty International, 41:1, Issue no. 12, p. 67.

<sup>127</sup> Amnesty International, 41:1, Issue no. 12, p. 68.

<sup>128</sup> Amnesty International, 41:1, Issue no. 12, p. 70.

<sup>129</sup> Amnesty International, 41:1, Issue no. 12, p. 70.

spoke highly of two recent United Nations-led processes that have succeeded in bringing attention to the situation in Iran.

In 2010, Iran underwent the Universal Periodic Review (UPR), a state-driven process under the auspices of the United Nations Human Rights Council. The UPR resulted in widespread condemnation of Iran's human rights record, with particular concern focusing on Iran's repression of peaceful protests, extrajudicial and arbitrary arrests and detentions, use of torture, execution of juvenile offenders, discrimination against women and children, lack of freedom of expression, association and assembly, and discrimination against ethnic and religious minorities.<sup>130</sup> During the UPR's interactive dialogue, 53 delegations made statements and issued a series of recommendations aimed at encouraging Iran to comply with its international human rights obligations. Unfortunately, as noted by witnesses, the substantive recommendations made by the Canadian government and others during the UPR process were mostly rejected outright by the Iranian government.<sup>131</sup>

Another significant development on the human rights front was the appointment of Dr. Ahmed Shaheed, former foreign minister of the Maldives, as United Nations Special Rapporteur on the Human Rights Situation in Iran. In March 2012, Dr. Shaheed issued a report to the Human Rights Council that criticized the Iranian government for its pattern of human rights abuse and systemic mistreatment of its people. Among its proposals, the report recommends: that Iran release political prisoners and prisoners of conscience; that an extensive investigation into the violence and repression that occurred after the 2009 elections be conducted; that Iran put an end to the death penalty for children and an end to executions that do not meet the standing of serious crimes as defined by international law.<sup>132</sup>

Dr. Shaheed's report notes that Iran is party to legally binding human rights treaties and many of the rights guaranteed therein are already enshrined in its constitution.<sup>133</sup> However, like Dr. Shaheed, the Committee's witnesses noted that, while Iran possesses the basic legislative framework and tools necessary to guarantee the human rights of its citizens, it is not living up to its domestic and international human rights obligations.

## C. CANADA AND HUMAN RIGHTS IN IRAN

Throughout the meetings, witnesses offered suggestions for how Canada can create an effective human rights policy toward Iran that encompasses both moral and practical elements of support

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<sup>130</sup> United Nations Human Rights Council, [Universal Periodic Review: Iran](#), 15 February 2010.

<sup>131</sup> Human Rights Watch, 41:1, Issue no. 12, p. 46.

<sup>132</sup> General Comment 6 on "right to life" of the International Covenant on Civil and Political Rights states, "the expression "most serious crimes" must be read restrictively to mean that the death penalty should be a quite exceptional measure.

<sup>133</sup> Human Rights Council, ["Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran,"](#) 6 March 2012.

to the Iranian people. Creating such a policy from a bilateral standpoint is challenging given the limited contact that Canada has with the Iranian regime. Even before Canada closed its Embassy in Tehran and declared *personae non gratae* all Iranian diplomats remaining in Canada in September 2012, Canada's bilateral relations with Iran were limited in scope by the Controlled Engagement Policy. The Controlled Engagement Policy limits Canada's official contact with Iran to discussions about the human rights situation in Iran, Iran's nuclear program, the case of Zahra Kazemi and Iran's role in the region.<sup>134</sup>

Despite minimal official engagement, however, a number of witnesses argued that there is a role for both government and civil society to play in pursuing better respect for human rights in Iran. Canada can increase its involvement through multilateral means and by engaging with those countries who maintain contact and diplomatic ties. At the government level, a representative from DFAIT noted that Canada has co-sponsored a resolution in the United Nations General Assembly for nine consecutive years on the situation of human rights in Iran.<sup>135</sup> The most recent resolution expressed deep concern regarding a number of human rights violations in Iran including the "ongoing, systemic, and serious restrictions" of freedom of assembly and expression.<sup>136</sup>

A number of witnesses from civil society suggested that human rights rather than the nuclear issue should be the focus of Canadian foreign policy vis-à-vis Iran. One witness said that Canada's "urgent priority should be to pursue sanctions against the Iranian government, entities and individuals that commit human rights abuses."<sup>137</sup> The witness went on to say that the Government of Canada should target those responsible for crimes against humanity by issuing them with travel bans and freezing their assets.<sup>138</sup> Regarding Canada's sanctions policy, another witness said, "human rights sanctions are useful and effective ways of targeting abusers [...] and have tremendous symbolic effects."<sup>139</sup>

Most importantly, witnesses conveyed the message that the Government of Canada's policies should reflect that its problem lies with the Iranian regime and not the Iranian people. While Iranians will lead their own reforms, witnesses suggested that Canada seek to leverage its capabilities to support the Iranian people where it can. This can include, as recommended by one witness, assisting human rights and civil society activists with funding and resources that enable them to communicate more openly and safely.<sup>140</sup> Another witness said, "Canada should work openly through channels to enable Iranian moderates and reformers to communicate with the

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<sup>134</sup> DFAIT, "[Canada-Iran Relations](#)."

<sup>135</sup> DFAIT, 41:1, Issue no. 6, p. 46.

<sup>136</sup> UN General Assembly, "[Situation of Human Rights in the Islamic Republic of Iran](#)," Resolution 65/226, December 2011.

<sup>137</sup> ICC, 41:1, Issue no. 12, p. 81.

<sup>138</sup> ICC, 41:1, Issue no. 12, p. 81.

<sup>139</sup> Jahanbegloo, 41:1, Issue no. 12, p. 8

<sup>140</sup> Jahanbegloo, 41:1, Issue no. 12, p. 9.

Iranian people, as well as showing strong public support of Iranian and international efforts to report on human rights abuses.”<sup>141</sup> Others encouraged the government to engage with the Iranian diaspora in Canada and to use multilateral organisations as fora to speak out against Iran’s human rights record. The Committee suggests that the Government of Canada look into increasing funding for human rights groups in Iran.

Making a positive impact on human rights conditions in Iran requires a concerted and multifaceted effort by the Canadian government and civil society. As one witness said, “Canada needs to use every non-military tool in its tool kit at this critical time [...]”<sup>142</sup>

#### IV. IRAN AND REGIONAL DYNAMICS

Iran’s relations with other countries in the Middle East region are complex, prone to tensions, and have been impacted significantly by the uprisings of the Arab Awakening. This is the message conveyed to the Committee by witnesses regarding Iran and its relations in the region.

Observers have called the Arab Awakening the most significant set of events to occur in North Africa and the Middle East since the end of the Second World War.<sup>143</sup> Since the uprisings began, six countries – Tunisia, Egypt, Libya, Bahrain, Yemen and Syria – have seen either their dictators overthrown or have been locked in sustained internal conflict.<sup>144</sup> While the Iranian regime has been relatively unaffected by internal unrest since the Arab Awakening began, it will nevertheless be impacted by the political realignments that have occurred across the region.

Witnesses said that the Iranian regime reacted cautiously to the Arab Awakening, trying to portray the uprisings as an “Islamic Awakening” or in some way connected to the Iranian Revolution of 1979.<sup>145</sup> However, as many have noted, if anything, the Arab Awakening took inspiration from Iran’s 2009 Green Movement and not the 1979 revolution.<sup>146</sup> One witness said that the Iranian regime contradicts itself by praising the Tunisians, Egyptians and others for their revolts, while at the same time criticising the opponents of Bashar al-Assad’s regime in Syria.<sup>147</sup> Furthermore, the Iranian regime draws a distinction between the Arab Awakening and the Green Movement, despite the fact that protests concerned many of the same issues, including corruption and political repression.

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<sup>141</sup> ICC, 41:1, Issue no. 12, p. 80.

<sup>142</sup> ICC, 41:1, Issue no. 12, p. 82.

<sup>143</sup> Peter Jones, “[The Arab Spring: Opportunities and Implications](#),” *Canadian International Council*, 22 August 2012.

<sup>144</sup> Katarina Delacoura, “The 2011 Uprisings in the Arab Middle East: Political Change and Geopolitical Implications,” *International Affairs*, January 2012, p. 66.

<sup>145</sup> Hassan-Yari, 41:1, Issue no. 7, p. 22.

<sup>146</sup> Jones, 41:1, Issue no. 6, p. 31.

<sup>147</sup> Hassan-Yari, 41:1, Issue no. 7, p. 22.

Observers generally regard the Arab Awakening as a “net loss” for Iran. One witness argued that Iran “is much more isolated than it was as recently as one or two years ago.”<sup>148</sup> Peter Jones said, “it is very difficult to imagine that any Arab government that comes out of the Arab Spring will want to have a strategic relationship with Iran.”<sup>149</sup> The situation in Syria, especially if President Assad falls, may also have negative implications for Iran, given that Syria is its only ally in the Arab world. Furthermore, Iran’s soft power in the region is considered to have declined since the Arab Awakening.<sup>150</sup> Where public opinion in the Middle East and North Africa has moved toward democratization and human rights, Iran has continued to crack down on dissent and free expression.

Witnesses agreed that the Iranian regime is a destabilizing force in the region and a threat to international peace and stability. Some witnesses noted that the regime has provided support to terrorist organisations such as Hamas and Hezbollah and its nuclear ambitions present an existential threat to Israel. DFAIT officials said that Iran has “interfered” in Lebanon, Syria, Iraq, the Arabian Peninsula and Afghanistan and that “Iran’s Quds Forces, its elite special operations force, have been implicated in the alleged plot to kill the Saudi Ambassador in the United States.”<sup>151</sup> Another witness stated that Iran has “a great deal of influence inside of Iraq” in the Shiite community and in the northern Kurdish region with money and “infiltration through its own agents.”<sup>152</sup>

Iran’s support for Bashar al-Assad’s regime in Syria is particularly troubling. The all-out civil war in Syria and its resultant actions will surely spill over to Iran, which is a key ally of the Assad regime. Despite widespread criticism of the Assad regime by countries within the region, DFAIT notes that Iran has provided the Assad regime in Syria with political, financial and technical support.<sup>153</sup> From a long-term perspective, many witnesses commented that Iran’s support for the Assad regime could undercut its standing in the Arab world substantially.<sup>154</sup> It has lent significant political capital to an unpopular regime, and damaged its relationships with other countries in the region and the Syrian people in the process.

Witnesses cited tensions between Iran and Israel as one of the main concerns facing the region. The Iranian regime has issued a number of threats against Israel, including the supreme leader calling Israel a “cancer” that needs to be and will be “cut out.”<sup>155</sup> The Committee heard that a nuclear-armed Iran would be a danger to Israel and could lead to the proliferation of nuclear

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<sup>148</sup> Tertrais, 41:1, Issue no. 12, p. 52.

<sup>149</sup> Jones, 41:1, Issue no. 6, p. 31.

<sup>150</sup> Devine, 41:1, Issue no. 7, p. 44.

<sup>151</sup> DFAIT, 41:1, Issue no. 6, p. 47.

<sup>152</sup> Devine, 41:1, Issue no. 7, p. 44.

<sup>153</sup> DFAIT, 41:1, Issue no. 6, p. 47.

<sup>154</sup> Sick, 41:1, Issue no. 12, p. 44.

<sup>155</sup> DFAIT, 41:1, Issue no. 6, p. 47.

weapons in the region.<sup>156</sup> However, witnesses said that a pre-emptive strike by Israel or the United States on an Iranian nuclear facility might only escalate tensions in the region. A number of witnesses stated that a strike by Israel or the United States would likely strengthen support for the regime inside Iran and increase its soft power internationally. One witness said, “Iran would go from being perceived as a state that was bullying its own people to a state as being victimized once again by the West and as a victim of Israeli violence.”<sup>157</sup>

While some witnesses testified that the threat of military action might compel Iran to change its behaviour because it would otherwise have to field a regional war alone given its position of regional isolation and uncertainty,<sup>158</sup> others argued that such threats would provoke Iran into pre-emptive strikes against Israel and its allies, either conventionally or by way of terrorist attacks.<sup>159</sup> Houchang Hassan-Yari argued that a military strike against Iran and the regime’s likely retaliatory action could result in the descent of the region into instability and “total war”:

That is, we will see attacks against nuclear installations in Iran and the enlargement of the war by bringing in a number of Arab countries in the region. In other words, we will see a situation that we have never, ever seen in the past, including if you go back to 1956, 1967, 1973, the Arab-Israeli conflict, and so forth. We never, ever saw the magnitude of the situation that potentially will occur in the Persian Gulf region and that is going to be with us for many, many years to come.<sup>160</sup>

According to Bruno Tertrais, “Iran would clearly respond. ... The question we should really be asking is what will happen after Iran retaliates. That is where the slope gets very slippery and uncertain.”<sup>161</sup>

One witness argued that a military strike would give “the regime the enemy it needs to survive. By invoking Armageddon, we are throwing the hard-liners a lifeline just as they are finally drowning in the morass of treachery that is of their own making.”<sup>162</sup> In this context, Peter Jones testified that the Iranian people might gather in solidarity in defence of the country and regime against an external attack.<sup>163</sup> Payam Akhavan raised concerns that a military attack against Iran would provide the regime “under the cover of war ... an opportunity for mass execution of thousands of opponents, exactly reminding us of the atrocities that were justified in the 1980s

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<sup>156</sup> FDD, 41:1, Issue no. 6, p. 19.

<sup>157</sup> Devine, 41:1, Issue no. 7, p. 44.

<sup>158</sup> Jones, 41:1, Issue no. 6, p. 37.

<sup>159</sup> DFAIT, 41:1, Issue no. 6, p. 50.

<sup>160</sup> Hassan-Yari, 41:1, Issue no. 7, p. 16.

<sup>161</sup> Tertrais, 41:1, Issue no. 12, p. 58.

<sup>162</sup> Akhavan, 41:1, Issue no. 7, p. 14.

<sup>163</sup> Jones, 41:1, Issue no. 6, p. 37.

under the pretext of the Iran-Iraq War.”<sup>164</sup> In this respect, other witnesses commented that the democratic movement in Iran would end or be set back for many years as a result:

War is not a solution to improve Iran’s human rights. It is a violation of human rights. War will put an end to the current prodemocracy movement in Iran. It will mobilize the masses to rally for the regime. It will create anger and hostility towards the West, including Canada. It probably will not stop Iran’s nuclear program but just postpone it, it is very unlikely to bring democracy, and, most importantly, it is illegal and unethical.<sup>165</sup>

The majority of the Committee’s witnesses cautioned against undertaking any military action and argued that the more muscular sanctions initiated by Canada, the United States and the European Union within the past two years should be given time to work. With the uncertainty of Syria, military action must be fashioned in, but only as a last resort, as discussed in this report.

## V. CONCLUSION

**The Committee’s findings indicate three critical themes that merit continued attention from the Government of Canada: Iran’s nuclear activities, its human rights record, and unstable regional dynamics.** As events in Iran and the region continue to unfold, these three themes are central to Canada’s ongoing foreign policy towards Iran. Each theme holds its own particular relevance for Canadian interests. Collectively, they reinforce Iran’s prominence in the attention of Canadians and Canadian policymakers, and underscore the need to remain seized of the situation in Iran.

Indeed, the Government of Canada’s announcements during the course of the Committee’s study regarding the transfer of responsibilities for immigration and visas to Canada’s embassy in Ankara, Turkey, the closure of the Canadian embassy in Tehran, declaring *personae non gratae* Iranian diplomats in Canada, and listing Iran as a state sponsor of terrorism show its recognition of the severity of both the threat posed by that country’s regime to international and regional security and the domestic human rights situation.

How the key areas of concern discussed in this report will unfold will depend on a number of factors. These include the evolving composition of the Iranian regime, possible changes in its priorities, political manoeuvring among Iran’s decision-makers, and the outcome of the Iranian presidential election in June 2013. Similarly, the re-election of Barack Obama as President of the United States, the newly elected Congress and the legislative election in Israel in January 2013 also may prove consequential. In the midst of these ongoing developments, the IAEA continues its efforts to gain full access to Iran’s nuclear facilities and publishes reports about Iran’s nuclear safeguards as appropriate. In its August 2012 report, for instance, the IAEA reported that “despite the intensified dialogue ... efforts to resolve all outstanding substantive

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<sup>164</sup> Akhavan, 41:1, Issue no. 7, p. 13. Also (but not quoted) Akhavan, 41:1, Issue no. 7, p. 14.

<sup>165</sup> Mahdavi, 41:1, Issue no. 7, p. 37.

issues have achieved no concrete results.”<sup>166</sup> Moreover, the European Union’s sanctions against Iranian oil have taken effect and additional measures that tighten financial restrictions between the EU and Iran were announced in October 2012. Plans to continue the stalled negotiations between P5+1 and Iran after their resumption and despite several informal meetings have yet to be finalised.

Moreover, the human rights situation in Iran continues to be a cause for serious concern. Despite the political openings that have taken place elsewhere in the region as part of the Arab Awakening, the Iranian regime continues to commit systemic and widespread human rights violations against its people. In October 2012, Dr. Ahmed Shaheed released his third report as UN Special Rapporteur for Human Rights in Iran. The report catalogues a pattern of human rights abuses in Iran, including violations against the right to due process and free expression, discrimination against religious and ethnic minorities, and a disturbing number of executions.

Of additional ongoing worry is Iran’s role in the conflict in Syria and its support for current leadership, the continued use of military aggression by the Assad regime against Syrian civilians, the possible spread of violence to neighbouring countries, the impact of these developments on an already delicate region, including Iran’s isolation. At the same time, questions are raised about the international community’s competence to resolve the situations in Iran and Syria given the slow pace of action on the part of the United Nations Security Council.

Notwithstanding these concerns, the Committee believes that the determination of the Iranian people, the resilience of its civil society, their defiance of restrictions on the use of information and communications technology and social media have an important role to play in determining the future direction of Iran and its place in the international community. In their confidence that Canada and the international community are not the demons the regime is making them out to be, they stand to benefit from Canadian and international pressure on the Iranian regime.

Canada’s involvement in addressing these issues continues to take shape. As the current chair of the IAEA’s Board of Governor’s, a member of the Human Rights Council, and stakeholder in the region, Canada is in a position to work with its allies to help Iran move towards a system of democracy, good governance and human rights, and become a productive member of the international community. As events unfold, the Committee hopes that this presentation of key findings will contribute to ongoing discussions and considerations of Canadian foreign policy towards Iran.

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<sup>166</sup> IAEA Board of Governors, [“Implementation of the NPT Safeguards Agreement and relevant provisions of Security Council resolutions in the Islamic Republic of Iran.”](#) 30 August 2012.



# APPENDIX A –LETTER FROM THE MINISTER OF FOREIGN AFFAIRS



November 21, 2012

Senate Committee on Foreign Affairs and International Trade  
The Senate of Canada  
Ottawa, Ontario  
Canada, K1A 0A4

Honourable Senators,

As you conclude your study on Canadian foreign policy regarding Iran, I would like to commend you on the excellent work you have undertaken in examining the multitude of problems faced by the Iranian people as a result of the regime's oppressive policies, the threat posed by Iran to Canada, and the broader international community.

I believe that your study comes at a crucial time, and your commitment and dedication to raising awareness of the activities of the Iranian regime is instrumental in guiding the policy debate vis-à-vis Iran in Canada. As you begin consideration of your report and recommendations, I felt it timely to take the opportunity to update you on some of the recent measures taken by the Government of Canada in response to policies and actions of the Iranian regime.

As you know, on September 7<sup>th</sup>, 2012, I ordered the closure of the Embassy of Canada in Iran and declared *persona non gratae* all remaining Iranian diplomats in Canada. At the same time, Canada designated the Iranian regime as a state sponsor of terrorism under the *Justice for Victims of Terrorism Act* (JVTA).

The above decisions were taken as the result of the regime's own actions, and reflect Canada's view that Iran is the most significant threat to global peace and security in the world today. The Iranian regime is providing increasing military assistance to the Assad regime; it refuses to comply with UN resolutions pertaining to its nuclear program; it routinely threatens the existence of Israel and engages in racist anti-Semitic rhetoric and incitement to genocide; it is among the world's worst violators of human rights; and it shelters and materially supports terrorist groups.

Moreover, the Iranian regime has shown blatant disregard for the *Vienna Convention on Diplomatic Relations* and its guarantee of protection for diplomatic personnel. Our diplomats

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serve Canada as civilians, and their safety remains our number one priority. Under the circumstances, Canada can no longer maintain a diplomatic presence in Iran.

The decision to close the Embassy of Canada and to expel Iranian diplomats was the right course of action. It complements Canada's robust sanctions against the regime and clearly communicates our grave and urgent concerns that the regime must abandon its sensitive nuclear activities.

As I noted above, Canada's decision to suspend diplomatic relations with Iran were the result of the regime's own actions and not targeted at Iranian Canadians, who contribute in a vital way to Canadian society. Rest assured that Canada remains committed to providing consular services to Canadians, and visa services to Iranians. The Embassy of Canada in Ankara will provide routine consular services to Canadians, and is already providing the visa and immigration services previously offered in Tehran. We are pleased that Italy has agreed to act as Canada's Protecting Power in Iran, and will respond to critical consular emergencies on our behalf and provide other essential support.

I would also like to underscore Canada's unwavering support for the efforts of the Permanent Five + One (P5+1) group to urge Iran to comply with its international nuclear obligations and through diplomatic means. As I said during my speech at the United Nations General Assembly, "Iran needs to seize the opportunity provided by the P5+1 and negotiate in good faith, by showing demonstrable progress in meeting its nuclear obligations".

Canada will remain relentless in its efforts to safeguard our interests, and our government will continue to hold the Government of Iran to account for its policies. The people of Iran deserve to live in freedom and dignity, values which Canada intends to continue to advance.

Sincerely,



John Baird, P.C., M.P.

APPENDIX B – WITNESSES

Meeting Date	Agency and Spokesperson
February 8, 2012	Foundation for Defense of Democracies:  Mark Dubowitz, Executive Director;  Sheryl Saperia, Director of Policy (Canada).  As individuals:  Peter Jones, Associate Professor, Graduate School of Public and International Affairs, University of Ottawa;  Andrea Charron, Research Associate, Centre for Security and Defence Studies, Norman Paterson School of International Affairs, Carleton University.
February 9, 2012	Foreign Affairs and International Trade Canada:  Barbara Martin, Director General, Middle East and Maghreb Bureau;  Donald Sinclair, Director General, International Security Bureau.
February 15, 2012	As individuals:  Payam Akhavan, Associate Professor, Faculty of Law, McGill University;  Houchang Hassan-Yari, Professor and Special Assistant to the Principal for National and International Liaison, Royal Military College of Canada;  Aurel Braun, Professor of International Relations and Political Science, Department of Political Science, University of Toronto.
February 16, 2012	As individuals:  James Devine, Assistant Professor, Mount Allison University;  Mojtaba Mahdavi, Assistant Professor, Department of Political Science, University of Alberta.

May 9, 2012      As individuals:

Ramin Jahanbegloo, Associate Professor of Political Science,  
University of Toronto;

Ali Ehsassi, Lawyer;

Kaveh Shahrooz, Lawyer.

May 10, 2012      Columbia University:

Gary Sick, Adjunct Professor of International and Public Affairs, Senior  
Research Scholar, School of International and Public Affairs.

Fondation pour la recherche stratégique:

Bruno Tertrais, Senior Research Fellow.

May 16, 2012      Human Rights Watch:

Faraz Sanei, Researcher, Middle East and North Africa.

Amnesty International:

Nassim Papayianni, Campaigner, East Gulf Team.

Iranian Canadian Congress:

Farrokh Zandi, President;

Samad Assadpour, Secretary of the Board of Directors.