

# The Assembly of Experts

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- The Assembly of Experts for the Leadership (*Majles-e Khobragan Rahbari*) is Iran's only constitutional body with the authority to appoint and dismiss the supreme leader.
- The members are popularly elected every eight years. But candidates, all Islamic scholars and jurists, have been vetted to exclude reformers or critics since 1991.
- The body has had 86 members. In 2015, it voted to reject increasing its membership to 99. The group, however, will reconsider the issue in 2024.
- For all its powers, the assembly has served as a rubber stamp organization that has never seriously questioned the actions of either of the two supreme leaders who have led Iran since the 1979 revolution.
- The absence of a real check has allowed the office of leadership, even under Ayatollah Khamenei who began as a relatively weak political and religious figure, to become increasingly powerful.

## Overview

The idea for an assembly of experts dates back to the 1979 Iranian Revolution, when a constituent assembly was needed to draft a new constitution. Debates over the nature of that body ultimately led to the formation of a small, expert-based group rather than a larger assembly of representatives from all over the country. The first assembly was dissolved after the constitution was ratified in December 1979.

The Assembly of Experts in its current form was established in 1982 under Article 108 of the constitution. It officially began work in 1983. Subsequent elections were held in 1991, 1999, and 2007. The scheduled 2015 election was delayed for a year until February 2016 based on the 2009 electoral law, which synchronized the parliamentary elections held every four years with the assembly's elections held every eight years. The assembly is designed to play a key role during periods of transition, as it did after the sudden death of Ayatollah Ruhollah Khomeini 1989. It elected Hojatoleslam Ali Khamenei as the new supreme leader.

The assembly was not designed to reflect political views, although members have different political tendencies. As of mid-2011, the assembly is divided largely between traditional and hardline conservatives, with traditional conservatives still in the majority. Because of the vetting process and written examinations, most high-ranking

clerics from the reformist camp have either been disqualified or refused to take part in the vetting process.

In the 1979 constitution, the supreme leader could be selected through direct election by a “decisive majority of the people” or through the selection of elected experts. But the constitution was revised in 1989 to make the assembly the sole body responsible for the supreme leader’s election.

## **Membership and tasks**

The Assembly of Experts is currently a body of more than 80 scholars of Islamic Law; the number has fluctuated due to deaths after the last election in 2006. The membership will increase to 99 based on the population increase in several provinces. Members are elected by direct public vote for eight-year terms from 30 electoral districts (provinces). Candidates do not need to be residents of or even to be born in the province from which they are elected.

The Iranian constitution defines the assembly’s tasks to be:

- Select the supreme leader (Article 107 and 111).
- Dismiss him if he is unable to perform his constitutional duties or it becomes known that he did not possess some of the initial qualifications such as “social and political wisdom, prudence, courage, administrative facilities and adequate capability for leadership (Article 111).”
- Supervise the supreme leader’s capabilities to determine whether he is able to perform his duties. The assembly also has a committee to oversee “the continuation of qualifications for the leader specified in the constitution.”

The last task is the most ambiguous. A committee is tasked to monitor the supreme leader’s activities but all the deliberations and proceedings of the assembly are kept confidential. The assembly’s bylaws also state that it does not see supervision to be “in contradiction to absolute guardianship.” So legally, the mandate is not clear about how much the assembly can challenge the supreme leader over his conduct if he does not show signs of incapacity or if he lacks qualifications.

In practice, the assembly has never challenged or criticized the supreme leader, although individual members have expressed their concerns about the country’s direction. In 1991, changes in the assembly’s procedural laws reduced chances of dissent or a more dynamic oversight role since they accorded the 12-man Guardian Council a supervisory role for assembly elections. The changes assured that candidates

would not get a seat on the assembly unless the leader and conservative-controlled council attested to their religious qualifications.

The assembly has a leadership council and six committees. The leadership is elected by secret ballot for two years and consists of the assembly's chair, two vice-chairs, two secretaries, and two assistants. The assembly has had four chairs up to date. Former president Akbar Hashemi Rafsanjani was elected chairman in 2007 after the death of Ayatollah Ali Akbar Meshkini, who had led the assembly since its inception in 1983.

Rafsanjani's election was the result of the first real contest for the post. He beat hardline Ayatollah Ahmad Jannati, secretary of the Guardian Council. The vote was close in 2007 but hardline clerics were unable to block Rafsanjani's chairmanship and in 2009 he was reelected decisively.

Rafsanjani was pressured not to run for the chair of the assembly in 2011 after Ayatollah Mohammad-Reza Mahdavi Kani, a traditional conservative, agreed to run. After Mahdavi Kani's death in 2014, another heated contest for his replacement witnessed Rafsanjani's defeat by Mohammad Yazdi, former judiciary chief and current secretary of the Society of Seminary Teachers of Qom. He considers absolute loyalty to the supreme leader to be a must for the survival of the Islamic Republic.

## **Controversial assembly elections**

- First Assembly of Experts (1983-1991)

This body chose Grand Ayatollah Hossein Ali Montazeri as the designated successor to Khomeini in 1985. But Montazeri was stripped of his title after fallout with the supreme leader. There was no immediate replacement.

The assembly chose Khamenei as the Leader after Khomeini's death in 1989. But the Iranian constitution at the time required the Leader to be a *marja'* (source of emulation), which Khamenei was not. So the assembly reconfirmed Khamenei as the leader, after the elimination of the constitutional criteria of *marja'* was approved by voters in 1989.

- Second Assembly of Experts (1991-99)

For the 1991 election, many candidates -- mainly reformists--either withdrew in objection to the imposed written test or were disqualified due to the Guardian Council's new vetting powers. Voter turnout also dropped from 77 percent in 1983 to 37 percent in 1991, suggesting voter disinterest, disillusionment or unease about the vetting process.

- Third Assembly of Experts (1999-07)

The presidency of reformist Mohammad Khatami in 1997 emboldened the reformist camp to challenge the Guardian Council's vetting process during the 1999 assembly elections. They ultimately failed to reduce the council's vetting powers. But for the first time the election saw the candidacy of non-clerics, though they were all disqualified.

Also for the first time, all members of the Guardian Council – the body in charge of the assembly's vetting process – announced candidacy. The body rejected the charge of conflict of interest and went ahead to disqualify many other candidates. Ironically, only one candidate from the city of Qom – Iran's center for religious teaching – was approved.

- Fourth Assembly of Experts (2007- present)

The latest elections took place during the presidency of Mahmoud Ahmadinejad. The long-standing chair of the assembly, Ayatollah Ali Meshkini, died soon after his election, prompting the first ever contest for chairmanship. Hardline cleric and Guardian Council Secretary, Ayatollah Jannati, ran against Rafsanjani who in the assembly election had won decisively in Tehran--with more votes than any other candidate, including the deceased Meshkini. Rafsanjani won in a close vote but was able to retain his chairmanship two years later in a more convincing manner.

In one shift, the Guardian Council did allow women and non-clerics to register for the first time as candidates. But it then disqualified them all for not having sufficient Islamic credentials.

## **Rivalry over chairmanship**

On March 8, 2011 the Assembly of Experts effectively pushed Rafsanjani out of the leadership and replaced him with ailing conservative Ayatollah Mohammad-Reza Mahdavi Kani. The defeat was a significant setback for a man long considered to be one of Iran's most resilient politicians. Mahdavi Kani, 79, was reportedly brought into the chamber in a wheelchair.

Mahdavi Kani had not sought the chairmanship. He agreed to run only under tremendous pressure, which led Rafsanjani to withdraw his name as a candidate. So Mahdavi Kani ran unopposed. Supreme Leader Khamenei almost certainly played a background role in ousting Rafsanjani.

After Mahdavi Kani's death in 2014, the deputy chair and another former judiciary chief, Mahmoud Hashemi Shahroudi, became the acting chair. The expectation was for

him to become the next chair of the assembly in March 2015. But in a surprise move, Hashemi Shahroudi withdrew his name and, in the subsequent contest between Rafsanjani and Yazdi, the latter assumed the chairmanship of the assembly by defeating Rafsanjani in a 47 to 24 vote. Yazdi's chairmanship will last at least until the next meeting of the Assembly of Experts, which will be held right after the February 2016 election.

Considering that many current members of the Assembly are very elderly, the make-up of the Assembly could substantially change in the near to medium term. This possibility is enhanced by the increased motivation of many centrists and reformist clerics to face the Guardian Council's vetting cudgel because of the likelihood that the next assembly will face the question of what to do if and when the 76-year old Khamenei passes away due to illness or old age. Meanwhile the Guardian Council also has every reason to impose strict vetting standards to prevent a change in the Assembly's conservative make-up.

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