

## **Written Evidence Submitted by the Foreign and Commonwealth Office (UKI0033)**

### **Introduction**

1. This evidence supplements and updates the written evidence provided by the Foreign and Commonwealth Office on 8 October 2019 to the Foreign Affairs Committee inquiry into the UK and Iran's regional role.
2. As set out in that evidence, the UK-Iran bilateral relationship is an important part of our policy and a key enabling tool in achieving our wider nuclear, regional and security objectives. We remain committed to the Joint Comprehensive Plan of Action (JCPOA) as the best way of constraining Iran's nuclear programme. We have engaged with all relevant parties to de-escalate regional tensions, which recently saw a spike following the killing of Major General Qasem Soleimani in January. Meanwhile, we continue to engage with Iran publicly and privately to pursue our bilateral objectives, including supporting human rights and securing the permanent release of all British dual nationals detained in Iran.
3. A key principle underlying all our engagement is to incentivise Iran to play a responsible role, as befits a significant regional power, in the rules-based international system.
4. The UK's power to engage directly with Iran, including through our embassy in Tehran, is a key asset – and one that is not available to some of our closest allies. We continue to disagree with the US policy of maximum pressure, and to regret the US's withdrawal from the JCPOA and its re-imposition of sanctions against Iran. Instead, the UK view remains that appropriate pressure, combined with diplomatic engagement, is the best way to advance our objectives. History suggests that pressure alone is unlikely to bring Iran to the negotiating table, and that Iran is only likely to compromise when it sees an immediate and tangible benefit. For this reason, it is important to keep channels of engagement open.
5. A policy of engagement and maintaining dialogue is preferable to the alternative of isolating Iran. The ability to communicate clearly and directly mitigates the risk of misunderstanding and miscalculation as we navigate a critical period in our relations. It is essential that we maintain direct channels of communication with Iran, in particular with senior decision-makers in the Iranian government, as part of our efforts to resolve international concerns about Iran's nuclear programme, de-escalate tensions in the region and resolve our longstanding bilateral disputes.

### **The UK's priorities with regard to Iran**

## Preventing a nuclear-armed Iran

6. The UK priority remains preventing Iran from acquiring a nuclear weapon. We remain committed to the JCPoA as the best current way of constraining Iran's nuclear programme. We have worked hard with our partners to preserve it and remain clear that it is in our national security interests.
7. The UK, France and Germany (the E3) have fully upheld their commitments under the JCPoA to lift sanctions on Iran. And we have sought to support a legitimate trade relationship with Iran. Working with our European partners, we have developed the Instrument in Support of Trade Exchanges (INSTEX), a mechanism designed to deliver economic benefits for Iran that go beyond our JCPoA commitments. On 30 November 2019 the UK, France and Germany welcomed Belgium, Denmark, Finland, the Netherlands, Norway and Sweden as INSTEX shareholders. On 31 March, INSTEX announced the completion of its first transaction, facilitating the export of medical goods to Iran from a European company. This, we hope, will be the first of many transactions through INSTEX, and our efforts to grow INSTEX will continue. It is vital that the Iranian people have access to much-needed humanitarian and medical goods.
8. Despite the E3's efforts to deliver economic benefit to Iran, Iran has continued to reduce its compliance with the JCPoA, culminating in Iran's announcement on 5 January 2020 that it would no longer abide by any of the nuclear limits of the JCPoA.
9. Iran's actions raise serious proliferation concerns and questions about Iran's claims to be developing its nuclear programme for peaceful purposes. We have raised those concerns clearly and consistently with the Iranian government, both via the British Embassy Tehran and in multilateral fora alongside the other parties to the JCPoA. Iran's increasing non-compliance left the E3 with no choice but to trigger the JCPoA's Dispute Resolution Mechanism (DRM) on 14 January 2020. We triggered the DRM in good faith, in order to deescalate tensions and find a resolution to achieve our ultimate goal of preventing Iran from acquiring a nuclear weapon.
10. Nonetheless, we – along with France and Germany – are clear-eyed about our ability to bring Iran back into compliance on our own. US maximum pressure and Iran's response of maximum resistance have undoubtedly complicated our efforts and increased tensions; without a major shift in US and Iranian policy, our work will continue to be challenging. And we have always been clear about the limitations of the JCPoA. We need to define a long-term framework for Iran's nuclear programme. The only sustainable solution to current tensions is to negotiate a new and comprehensive deal between the original parties to the JCPoA, as well as regional countries. This framework will need to address issues of regional stability and security, as well as Iran's nuclear programme, if it is to secure the support of all sides and deliver a sustainable solution that works for

all. It is therefore of the utmost importance to work with our partners, including the US, to try and find a pathway to negotiation.

#### Addressing Iran's destabilising activity

11. We remain deeply concerned by Iran's destabilising activity across the Middle East, including through its proliferation of weapons technology to a number of state and non-state actors. We have been clear that such activity contributes to regional tensions and increases the risk of escalation into conflict. Iran continues to arm the Houthis in Yemen, who have launched a number of attacks against Saudi Arabia. This action is inconsistent with UN Security Council resolution 2216 (2015). Iran also provides support to a number of Shia militias in Iraq, who have attacked diplomatic missions and Coalition bases in Iraq. Whether or not Iran directs such behaviour, its support to these groups makes their violent activity possible. We continue to publicly and private urge Iran to cease this reckless and destabilising behaviour.
12. The death of Major General Qasem Soleimani in a US strike on 3 January 2020 was a significant development, and we continue to assess the impact of the incident on the region. As the head of the Islamic Revolutionary Guard Corps Qods Force (IRGC-QF), Soleimani was responsible for directing Iranian support to proxy and militia groups across the region. As the Prime Minister said on 5 January, General Soleimani posed a threat to all our interests and was responsible for a pattern of disruptive, destabilising behaviour in the region.<sup>1</sup> In the days that followed his death, the Prime Minister, Foreign Secretary and Defence Secretary led international calls for restraint on all sides and engaged with their counterparts around the world to de-escalate tensions. The UK has been consistently clear that a conflict in the region is in no-one's interests. We continue to urge restraint and de-escalation on all sides in recognition that the risk of further escalation in the region remains high.
13. The UK remains committed to ensuring the safety of shipping in the Strait of Hormuz as part of the International Maritime Security Construct (IMSC), an international construct to formalise maritime security arrangements. We share the aim with allies of reassuring the shipping industry; we are committed to the important principle of freedom of navigation, and we will ensure that it is upheld.
14. Iran continues to conduct ballistic missile activity that is inconsistent with UN Security Council resolution 2231 (2015), including satellite launches that use related technology. The UN has called upon Iran not to undertake any activity related to ballistic missiles designed to be capable of delivering nuclear weapons. Iran must abide by this. The E3 have significant and longstanding concerns over Iran's ballistic missile programme, which is destabilising for the region and poses a threat to regional security. We have highlighted our concerns in joint letters to the UN Secretary General, and we continue to raise the issue with the Iranian government.

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<sup>1</sup> <https://www.theguardian.com/politics/2020/jan/05/boris-johnson-qassem-suleimani-was-threat-to-all-our-interests-lament-death>

15. Furthermore, Iran is a competent cyberspace actor and is widely considered to be active in conducting cyber-attacks in the aerospace, finance and oil and gas industries. For example, cyber industry experts consider Iran responsible for the 2012 and 2017 Shamoon cyber-attacks targeting Saudi Aramco and related companies. The 2017 attack in particular targeted computers and servers in the Middle East, India, Italy and the UK.
16. In line with the National Cyber Security Strategy, the UK is increasing its deterrence posture by publicly attributing unacceptable cyber activity and introducing new tools to respond (such as the EU cyber sanctions regime and work on a UK sovereign cyber sanctions regime). Importantly, this work is underpinned by increased cooperation with our partners, who are increasingly responding to state-directed malicious cyber activity with us. For example, in 2018, the UK and US condemned criminal actors based at Iran's Mabna Institute for committing cyber-attacks against universities around the world. The UK also publicly supported the US indictments against those responsible. In addition to deterring this activity, we are also increasing the capability of our partners to defend against cyber threats. The UK maintains strategic relationships with GCC states to help them develop their defences against Iranian subversion and asymmetric cyber-attacks.

#### Resolving bilateral tensions between the UK and Iran

17. The Prime Minister and Foreign Secretary have been consistently clear that we attach the highest priority to securing the permanent release of all British dual nationals arbitrarily detained in Iran. We are relieved that Mrs Zaghari-Ratcliffe has been granted temporary release from prison in Iran following concerns over the risk of COVID-19 infection, and was temporarily released into the care of her family on 17 March. We continue to urge Iran to ensure she receives any necessary medical care. While the extension to her furlough is a welcome next step, we continue to press the government of Iran to permanently release all arbitrarily detained British dual nationals, and enable them to return to their families in the UK.
18. We are in regular contact with the families of those detained, and we continue to take action on all consular cases in Iran in line with what we believe will produce the best outcomes in each case. Iran does not recognise dual nationality and, as such, does not grant consular access to our dual-national detainees. We have repeatedly pressed, and will continue to press, for exceptional consular access and appropriate medical care, including at the highest levels. The Prime Minister raised his concerns with President Rouhani on 9 January, and the Foreign Secretary reiterated our call for the immediate release of all dual nationals in his call to Foreign Minister Zarif on 16 March.

19. We note that the Committee has shown particular interest in the notion of state 'hostage taking'. The Foreign and Commonwealth Office does not consider that the detention of any of the British-Iranian dual nationals detained in Iran amounts to hostage-taking under the Hostages Convention 1979. In particular, the Convention expressly states that it does not apply to situations where the offence takes place wholly within a single State and in which both the hostage and perpetrator are nationals of that State.
20. The UK remains deeply concerned by the human rights situation in Iran, which is one of the FCO's Human Rights Priority Countries. We are particularly concerned about the persecution and discrimination of religious minorities in Iran, including Baha'is and Christian converts. We regularly call upon Iran to cease harassment of all religious minorities and to fulfil its international and domestic obligations to protect freedom of religion or belief for all Iranians.
21. We have grave concerns about the deteriorating right to freedom of expression. In November 2019, we witnessed the most deadly crackdown against internal unrest in Iran for decades, alongside an unprecedented near-total shutdown of the internet. Following reports of significant numbers of deaths in the course of the protests, we have urged the Iranian authorities to ensure transparent and credible investigations to clarify the number of deaths and arrests, and to ensure that due process is followed in all cases. After the protests, Iran intensified harassment against media organisations, arresting the relatives of journalists and confiscating passports.
22. We condemn the judicial persecution of family members of employees and ex-employees of BBC Persian and the many individuals who have had their assets frozen and banned from leaving the country. BBC Persian is a legitimate journalistic organisation with editorial independence from the UK Government. Other legitimate organisations such as the British Council continue to face false accusations. We regret the Iranian decision to ban all cooperation with the British Council.
23. We remain committed to ensuring the safety and security of our diplomatic staff in Iran. On 11 January, Her Majesty's Ambassador to Iran, Rob Macaire, was arrested and illegally detained for several hours after attending a vigil for the victims of Ukraine International Airlines Flight PS 752. He was accused by the Iranian system of inciting protests; as the Foreign Secretary made clear to the House on 13 January, this is untrue.<sup>2</sup> The Foreign Secretary summoned Iran's Ambassador to the UK, Hamid Baeidinejad, on 13 January to make clear that the arrest was an unacceptable breach of the Vienna Convention on Diplomatic Relations. We have sought full assurances from the Iranian government that this will never happen again.

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<sup>2</sup> <https://hansard.parliament.uk/commons/2020-01-13/debates/44B1EA65-94AE-4167-A2B3-CFA6720DF31F/Iran>

24. The International Military Services (IMS) debt is a longstanding case and relates to contracts signed over 40 years ago with the pre-revolution Iranian regime. The UK Government recognises that there is an outstanding debt owed by IMS to the Iranian Ministry of Defence. There is a legal process underway and it would be inappropriate to comment further while litigation is ongoing.

## **Other issues**

### Ukraine International Airlines Flight PS 752

25. On 8 January, Ukraine International Airlines Flight PS 752 was shot down shortly after take-off in Tehran. All 176 passengers and crew were killed, including nationals from the UK, Iran, Canada, Ukraine, Sweden and Afghanistan. The incident occurred in the hours following Iranian ballistic missile strikes on US bases in Iraq in retaliation for the US strike on Qasem Soleimani. On 11 January, Iran admitted responsibility for downing the aeroplane, attributing the incident to human error. The tragedy reinforced the continued importance of de-escalating tensions in the region.

26. As the Prime Minister made clear on 9 January, the tragic downing of Flight PS 752 requires a full and transparent investigation.<sup>3</sup> The UK, alongside Canada, Sweden, Afghanistan and Ukraine, is part of a response group whose aim is to engage with Iran to ensure the justice and closure that the victims and their families deserve. The group is working to ensure a thorough and transparent safety investigation in compliance with International Civil Aviation Organisation (ICAO) standards and practices, timely and equitable compensation consistent with international precedents and a full and transparent criminal investigation by Iran into the downing. The group's last ministerial meeting was held via teleconference on 15 April; it last met in person on 15 February. Minister of State James Cleverly represented the UK at both meetings. Iranian Foreign Minister Zarif attended part of the 15 February meeting. We continue to do all we can to support the families of UK victims.

### COVID-19

27. Iran was particularly seriously affected by COVID-19 when the virus first spread outside China. The UK responded rapidly to requests for assistance from Iran and the UN to tackle the coronavirus outbreak in Iran. We committed £2 million towards a €5 million E3 package of support through the WHO. We will continue to carefully consider all requests made for further assistance in order to help Iran respond to the pandemic.

28. The UK Government has no plans to call for the suspension of EU or UN sanctions on Iran in light of the coronavirus pandemic. These sanctions, including

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<sup>3</sup> <https://www.gov.uk/government/speeches/pm-statement-on-ukrainian-international-airlines-flight-752>

sanctions related to Iran's nuclear programme and its human rights violations, are both targeted and appropriate and have no significant impact on the ability of the Iranian authorities to respond to the pandemic.

## **Conclusion**

29. The UK's view remains that the benefits of engaging with Iran far outweigh those of not engaging. We will therefore continue to use all available bilateral and multilateral channels to pursue our nuclear, regional and bilateral objectives. Our current priority remains preventing Iran from acquiring a nuclear weapon. Meanwhile, we will continue our efforts to de-escalate tensions in the region and secure the release of all British-Iranian dual nationals arbitrarily detained in Iran.

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