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Iran's Interpretation of the Law of the Sea and Japan's FOIP Strategy

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Given Japan's heavy reliance on maritime routes for foreign trade, its 'Free and Open Indo-Pacific' (FOIP) strategy is closely tied to the rule of law at sea, maritime security, and freedom of navigation. Furthermore, due to Japan's dependence on energy supplies from the Persian Gulf and the critical importance of securing energy transit routes, this strategy also extends to the Persian Gulf region. In this context, Tokyo emphasizes the 1982 UN Convention on the Law of the Sea (UNCLOS) and its own Ocean Policy. Meanwhile, Iran, despite having signed UNCLOS, has not ratified it and implements its provisions selectively. Nevertheless, to achieve its maritime-based economic development goals, Iran requires an interpretation of the Law of the Sea that aligns with UNCLOS. This could create an overlap between Iran's interpretation of maritime law and the principles pursued under Japan's FOIP strategy.

Introduction

Japan's 'Free and Open Indo-Pacific' (FOIP) strategy has emerged as a key framework in its international relations, particularly with the Gulf States, in the 21st century. The past two decades have witnessed the growth and expansion of friendly and extensive relations between the Arab Gulf States and Japan. These ties have primarily been economic, involving significant bilateral

trade. More recently, signs of security cooperation, cultural exchanges, and educational collaboration have also begun to emerge.¹

It should be noted that Japan's FOIP strategy is not limited to East Asia and the Indian Ocean; rather, the Persian Gulf and the Red Sea also hold significant importance in this strategy due to economic, security, and logistical considerations.

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Understanding the role of these regions for Japan requires an appreciation of its energy dependence, maritime security concerns, and strategic partnerships. The FOIP strategy extends its geopolitical significance to the Persian Gulf, where energy resources, competition over trade routes, and market potential grant Iran a strategic position in Tokyo's policy.

Iran's role is pivotal in balancing regional dynamics, particularly by avoiding overreliance on China. Beyond supplying Japan with energy and offering investment opportunities in hydrocarbons and port infrastructure, Iran stands to benefit from Japanese technology. Collaboration on initiatives like the International North-South Transport Corridor (INSTC)—linking India to Europe via Central Asia—could help counterbalance China's Belt and Road influence. This alignment not only supports India's connectivity goals but also aligns with Japan's strategic interests.²

Accordingly, the interpretations of Iran and Japan regarding maritime security within the FOIP strategy are of great significance.

Importance of the Persian Gulf in Japan's FOIP Strategy

Approximately 80 percent of Japan's imported oil comes from the Persian Gulf. The Strait of Hormuz, a vital energy lifeline, is critical to Japan's economy. Any disruption to security in the Persian Gulf—whether due to Iranian threats, sanctions, or regional conflicts directly impacts Japan's energy security.

Despite Japan's active commitment to transitioning to a carbon-neutral future, it remains heavily reliant on oil, which constituted over 36 percent of its total energy usage during the 2021 fiscal year (April 2021 to March 2022).³

Japan was one of the major importers of Iranian oil. In 2014, when approximately 80 percent of Japan's crude oil imports came from the Middle East,

Iran accounted for 5 percent of that share. This marked a significant decline from 2003, when Iran represented 16 percent of Japan's oil imports. Prior to the sanctions imposed on Iran in 2006, Japan had relied on Iran as one of its key external energy sources. Even during the sanctions period, Japan's imports of Iranian oil remained significant—accounting for approximately 12 percent of its total energy imports—until the Obama administration intensified pressure on allies in 2012 to enforce the sanctions regime more strictly.

Since the Russian invasion of Ukraine began in early 2022, Japan's oil imports have become heavily concentrated in the Persian Gulf, which now accounts for over 95 percent of its oil supply.⁶

Japan's long-standing oil security strategy has prioritized Iran and Saudi Arabia as its main suppliers in the Persian Gulf. Despite the 1979 revolution, Japan has maintained better relations with Iran than most Western countries, due to its non-colonial history and its willingness to resist U.S. pressure to reduce economic cooperation. There have been instances, like the financing of the Masjid E. Soleiman dam and the Azadegan oilfield negotiations, where Japan and the U.S. held opposing stances on Iran.⁷

Accordingly, Japan remains keen to resume energy imports from Iran—imports that were largely restricted due to UN Security Council sanctions prior to the nuclear agreement.

Japan and Persian Gulf Security

In recent years, Japan has deployed naval vessels to the Persian Gulf to protect its commercial shipping (particularly following the 2019 tanker attacks). Concurrently, it has cooperated with NATO, the U.S., and international coalitions on Strait of Hormuz security.

Under its constitutional reinterpretation, Tokyo has facilitated overseas military deployments for self-defense purposes.⁸ From January 2020 onward,

Japan's Maritime Self-Defense Force (MSDF) operated in key Middle Eastern waterways, including the Gulf of Oman and the Red Sea, but its involvement was confined to surveillance and information collection due to legal constraints. By abstaining from joint military operations with the U.S.-led coalition, Tokyo signaled a carefully calibrated approach aimed at avoiding strain in its ties with both Washington and Tehran.⁹

Japan's efforts in this regard stem from its unique position as the only nation to have suffered nuclear attacks, which has instilled in it both a profound understanding of the tragedy of nuclear weapons and a responsibility to work toward a nuclear-free world—as explicitly stated in its National Security Strategy.¹⁰

Japan's need to secure Middle Eastern oil supplies is widely seen as the key factor behind its diplomatic outreach to Iran. Despite Iran's vast energy resources and economic significance as the

While Japan's constitutional reinterpretation enables expanded participation in collective security frameworks, Tokyo has consciously avoided involvement in U.S.-initiated military actions targeting Iran. This policy stems from Japan's broader objective to maintain constructive engagement with Tehran—countering regional isolation while cultivating mutually beneficial economic ties.

MENA region's second-largest economy, Tokyo has had to carefully constrain its Iran policy to avoid conflicting with the United States' adversarial stance toward Tehran.

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Japan's vital interests in the stability of the Persian Gulf stem from its need for oil and gas resources and the centrality of Sea Lines of Communication (SLOCs) in its Free and Open Indo-Pacific vision. Despite economic decline, Japan remains one of the largest energy buyers in the region. Yet the Gulf also painfully exposes Japan's strategic limitations. Except for a brief period of apparent alignment with the U.S. during Iraq's stabilization in 2003, Japan has largely maintained a hedging posture that preserves engagement with as many regional actors as possible.¹²

Since 2010, Japan has sought to expand and diversify its relations with Gulf countries beyond energy ties. Technology transfer, renewable energy development, and tourism are growing areas of cooperation, as Japan leverages its strengths in these fields to become an indispensable partner to the Gulf States—particularly in their efforts to reduce oil dependence.

Security cooperation is also taking shape with Saudi Arabia and the United Arab Emirates, including military officer exchanges and the signing of strategic partnership agreements with these nations.

In Japan's first National Security Strategy document published in 2013, the country formally announced its 'Proactive Contribution to Peace'

policy. The strategy emphasizes Japan's willingness to collaborate with like-minded partners and specifically highlights "maritime routes stretching from the Persian Gulf to the South China Sea and Japan." ¹³

In November 2017, Taro Kono became the first Japanese Foreign Minister to participate in the Manama Dialogue. He attended the forum again in 2019 as Defense Minister, emphasizing in his speech Japan's willingness to play a more active role in the region: "The challenges related to maritime security in the Middle East have provided an opportunity for Japan, as an advanced economic nation, to take on a more responsible role in the international community."

Kono highlighted Japan's efforts to maintain maritime security and freedom of navigation in the region, including:

- The post-1991 Gulf War mine-clearing operation codenamed 'Gulf Dawn,' which marked the first overseas mission of Japan's Self-Defense Forces since World War II.
- The presence of Japanese Maritime Self-Defense Force commanders and officers at the Combined Task Force 151 headquarters in Bahrain (a multinational anti-piracy force).

Kono also referenced Japan's anti-piracy operations in the Gulf of Aden and naval exercises with partners such as India.

Japan's security perceptions regarding the Persian Gulf also stem from threats closer to home—particularly Iran's relationship with North Korea. During Prime Minister Abe's visit to Iran in 2016, he urged Tehran to sever its military ties with Pyongyang. Some estimates indicate that approximately 45 percent of North Korea's trade between 1995 and 2004 was conducted with Iran. One expert has claimed that certain components of North Korea's 'Hwasong-14' missiles bear a strong resemblance to Iranian designs, suggesting the possibility that Iran may have provided missile technology to North Korea.¹⁴

Meanwhile, Japan has continued to conduct its regional policies in a manner that avoids damaging its relations with Iran. For instance, during then-Prime Minister Shinzo Abe's visit to Iran—which marked the first visit by a Japanese prime minister to Iran since the 1979 Revolution—an incident occurred involving a Japanese-owned tanker in the Sea of Oman. Despite the Trump administration's accusations of Iranian involvement in the tanker incident, Japan distanced itself from the American accusations in quite a surprising and uncharacteristic fashion—despite being a U.S ally. Tokyo sought to maintain a neutral, middle-ground position amid U.S.-Iran tensions in the Persian Gulf. Tokyo

Although Japan suspended oil imports from Iran under pressure from the Trump administration, it continued pursuing good relations with Tehran to ensure uninterrupted oil and LNG flows through the Strait of Hormuz. Once again, such behavioral patterns perfectly reflect the underlying assumptions of hedging theory.

The Bay of Bengal, which connects the waterways of the Persian Gulf with the Indian and Pacific Oceans, has emerged as a new arena for Japan to engage more closely with Gulf partners in maritime security and defense matters. Japan's dependence on Persian Gulf oil and the importance of Gulf maritime security have influenced Tokyo's foreign policy toward regional countries and Iran, leading Japan to pursue a form of economic and infrastructure diplomacy in the Persian Gulf. Investments in energy and port projects in countries such as the UAE, Saudi Arabia, and Oman are being made to diversify energy transit routes and collaborate with Gulf littoral states to reduce dependence on China (particularly in technology and infrastructure).

Differing Iranian and Japanese Interpretations of Maritime Security

One of Japan's concerns is how Iran's interpretation of security in the Persian Gulf, Strait of Hormuz,

and Red Sea differs from Tokyo's interpretation of the law of the sea.

Japan's maritime strategy is closely linked to the FOIP strategy, which Japan supports along with allies such as the United States, Australia, and India. Japan's FOIP strategy emphasizes fundamental principles regarding maritime security such as "Adherence to the rule of law", "Freedom of navigation," and "Openness".¹⁸

The strategy also focuses on opposing unilateral control of sea lanes by powers like China and supporting freedom of passage in international waters in accordance with the United Nations Convention on the Law of the Sea (UNCLOS) 1982. In this context, Japan emphasizes maritime security and the protection of Sea Lines of Communication (SLOCs). As the country heavily depends on maritime imports of energy and goods, the security of shipping routes is vital for Japan,

Given the broad scope of ocean-related policies that contribute to comprehensive maritime security, Japan's ocean policies are closely aligned with the FOIP strategy. These policies include the rule of law, freedom of navigation, the pursuit of economic prosperity, a commitment to peace and stability through capacity building in maritime law enforcement, as well as cooperation in humanitarian assistance and disaster relief.

which consequently supports the rule of law at sea based on UNCLOS.

It is important to note that three core principles—freedom, transparency, and the rule of law—form the foundation of the FOIP strategy regarding maritime security. With respect to the rule of law in the international maritime order, states should make and clarify their claims based on international law and must refrain from using force or coercion in pursuing their claims. Furthermore, disputes should be resolved by peaceful means.²⁰

The FOIP should be understood through a comprehensive definition and interpretation of maritime security, often referred to as 'comprehensive maritime security.' This concept extends beyond the focus on military threats. It encompasses measures to combat military threats, terrorism, weapons proliferation, transnational crime, piracy, environmental and resource destruction, and illegal seaborne migration.²¹

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Geographically, the Red Sea plays a significant role in Japan's FOIP strategy, and the security of trade routes via the Suez Canal is crucial for Tokyo. The Red Sea and the Suez Canal are among Japan's most important shipping routes for trade with Europe, Africa, and the Middle East. Threats such as Houthi attacks in Yemen (on ships in the Red Sea) could increase Japan's trade costs.

For example, on November 19, 2023, the car carrier MV Galaxy Leader (Galaxy) was attacked



by helicopters operated by Houthi rebels while transiting the Red Sea. The *Galaxy* was a Japan-affiliated vessel. The incident occurred approximately 50 miles off the Yemeni port of Hodeidah, outside Yemen's territorial waters—an area where the principle of freedom of navigation applies.²³

Since late 2023, similar violent incidents have taken place in the Red Sea and surrounding maritime regions, raising a range of issues, including those related to the Law of the Sea and the use of force.²⁴

UN Security Council Resolution 2722 adopted on January 10, 2024, "Affirms the exercise of navigational rights and freedoms by merchant and commercial vessels, in accordance to with international law, must be respected, and takes note of the right of Member States, in accordance with international law, to defend their vessels from attacks, including those that undermine navigational rights and freedoms." ²⁵

However, Iran's interpretation of the Law of the Sea has key differences with Japan's. The Iranian government has signed the 1982 UNCLOS but has refrained from ratifying it. As of date, no bill or proposal for its ratification has been submitted to the government or parliament.

With the adoption of Iran's Maritime Zones Law in 1993, several states including the United States and the European Union objected to certain provisions. According to these states, the law, particularly regarding the drawing of straight baselines and the conditions for passage of foreign warships through Iran's territorial waters, contradicts customary international law and the provisions of UNCLOS.²⁶

Some of Iran's legal reservations regarding UNCLOS include:

- The issue of compulsory dispute settlement among member-states, particularly in relation to disputes with the UAE over three islands;
- The passage of military vessels through territorial waters;

Iran claims special regulatory rights over the Strait of Hormuz, considers it part of its territorial waters, and emphasizes its right to regulate maritime traffic. Tehran's position is based on claims of historical sovereignty and the necessity of maintaining security to prevent external threats.

- Transit passage through international straits, which holds military, political and economic importance for Iran, especially in the Persian Gulf and Strait of Hormuz; and,
- The delimitation of maritime zones.

In fact, the main reasons for Iran's non-ratification of UNCLOS are:

- Concerns over the convention's restrictions on national sovereignty (e.g., in the Strait of Hormuz);
- Disagreements with provisions related to Exclusive Economic Zones (EEZ) and resource exploitation.

Accordingly, Iran claims special regulatory rights over the Strait of Hormuz, considers it part of its territorial waters, and emphasizes its right to regulate maritime traffic. In practice, Iran has at times used the strait as a political pressure tool—for example, by threatening to close it during periods of heightened sanctions.

However, it should be noted that even during the June war between Iran and Israel—and despite Iran's warning that it would close the Strait of

Hormuz if the U.S. entered the conflict—Iran ultimately refrained from doing so when the U.S. did intervene. In reality, closing the strait would escalate international pressure on Iran and impose significant economic and political costs on the country.²⁷

UNCLOS recognizes the Strait of Hormuz as an international waterway with transit passage rights. In contrast, Iran argues that it has the right to impose special regulations on the strait. Tehran's position is based on claims of historical sovereignty and the necessity of maintaining security to prevent external threats.

With respect to territorial waters, Iran accepts the 12-nautical-mile limit consistent with UNCLOS but asserts broader oversight rights, It conditions the innocent passage of foreign military vessels on prior notification or authorization. In practice, however, the Iranian navy has repeatedly disrupted the passage of U.S. warships (e.g., by deploying fast-attack boats). UNCLOS supports unconditional innocent passage.

Regarding Exclusive Economic Zones (EEZ), Iran emphasizes exclusive rights to resource exploitation and defines its EEZ in the Persian Gulf and Sea of Oman as extending 200 miles. However, it opposes joint resource extraction (such as the Dorra gas field with Kuwait) unless through bilateral agreement. Iran also objects to the presence of foreign military in its EEZ, particularly the U.S. fleet in the Persian Gulf. More broadly, on the issue of international straits, Iran believes in the right to regulate and restrict passage, while UNCLOS emphasizes free transit passage.

In terms of shared maritime resources, Iran prioritizes national sovereignty while UNCLOS emphasizes equitable distribution. Also, Iran does not accept the jurisdiction of the International Tribunal for the Law of the Sea (ITLOS), while UNCLOS underscores the importance of accepting international dispute resolution mechanisms.

Despite not being a party to UNCLOS, Iran does comply with some customary provisions, such as:

- The 12-nautical mile territorial sea limit
- The right to rescue sinking vessels in its waters
- Combating piracy in the Gulf of Aden (through participation in international missions).

However, Iran generally views the Law of the Sea as a political tool and prefers to rely on a combination of domestic laws, customary norms, and a security-oriented approach rather than fully adhering to UNCLOS. This strategy gives Iran more flexibility but has consistently led to tensions with neighboring states and maritime powers such as the U.S. As a result, Iran's interpretation of the Law of the Sea is security-centric, unilateral, and driven by national interests, even if it contradicts international standards.

Factors Influencing Iran's Review of the Law of the Sea

Believing that the world is undergoing fundamental changes, Iran has prioritized a maritime-oriented strategy as the central pillar of its national development agenda. Accordingly, the government of Masoud Pezeshkian has formulated a comprehensive and actionable plan for the development of ports, maritime transport, and the establishment of a regional supply chain.²⁸

Even before Pezeshkian's government took office, Ayatollah Khamenei, Iran's Supreme Leader, issued the General Policies of Maritime-Oriented Development on November 7, 2023, directing the government and other institutions to take action. According to these policies, seas—particularly open seas and oceans—with their abundant resources, serve as a foundation for scientific and technological advancement, job creation, wealth generation, securing vital needs, and building national power, while also providing a suitable platform for civilizational development.

Given Iran's privileged geographical position, situated between two seas and possessing thousands

of kilometers of coastline, numerous islands, and untapped potential, it seeks to actively engage in coastal, offshore, and oceanic activities, leveraging them as a driving force for national development to secure a fitting regional and global position in maritime utilization.²⁹ Currently, considering all activities along Iran's 5,800-km-long coastline—including urban and rural areas, ports, and military installations—only 5 percent of Iran's coastal capacity is being used, while 95 percent remains neglected.³⁰

Statistics indicate that Iran's share of the global maritime economy (excluding oil and gas resources) is about 1 percent, and when including these resources, it rises to 2.5 percent. Meanwhile, in terms of maritime potential, Iran ranks 40th among 184 countries.³¹

The North-South Corridor: A Key Maritime Infrastructure

The International North-South Transport Corridor (INSTC) plays a crucial role in realizing Iran's maritime-based economic goals. This corridor serves as a central axis for enhancing multimodal and intermodal transport efficiency at regional and transregional levels, contributing to sea-, port-, and coast-based economic development. Iranian ports will act as value-added drivers in the supply chain, increasing Iran's share in maritime transport and transit within the INSTC network. Iran seeks to shorten the path to achieving these goals through the synergy of various ideas and solutions.³²

Strategic Importance of the Indian Ocean

The Indian Ocean region holds significant importance for Iran. Iran believes this region has always been at the heart of global transformations and now plays a decisive role in shaping the future of the international economy. In a world undergoing fundamental shifts, where dependence on new trade routes and the need for regional security and cooperation have become more critical than ever, the Indian Ocean is not just a

transit route but a hub for strategic and economic partnerships.³³

In this context, Abbas Araghchi, Iran's Deputy Foreign Minister, stated at the 8th Indian Ocean Conference (IOC) in Muscat, Oman (February 17, 2025): "None of Iran's plans for the Makran Sea can be realized without sustainable maritime security. Today, maritime security is more fundamental to the global economy than ever before. The Islamic Republic of Iran, alongside its economic and trade roles, also bears responsibility for ensuring maritime security."³⁴

Notably, the conference discussed ways to "Strengthen maritime partnerships," "Enhance trade connectivity," "Support sustainable development," "Address maritime security issues," "Ensure freedom of navigation" and "Utilize modern technology for port security."

In this regard, Badr bin Hamad bin Hamood Al Busaidi, Oman's Foreign Minister, stated: "Maritime security and freedom of navigation can only be guaranteed through unity and cooperation, not domination and hegemony."³⁵

Iran's Need for a Revised Interpretation of the Law of the Sea

The development of Iranian ports, strengthening of maritime routes, attraction of foreign investment, and joint security assurance of these routes require an interpretation of the Law of the Sea that also safeguards the interests of other nations.

Although Iran is not currently a party to UNCLOS, as a signatory to the Third UN Conference on the Law of the Sea, it holds certain rights and obligations under international treaty law. Most importantly, under Article 18 of the 1969 Vienna Convention, Iran must refrain from actions that undermine the treaty's purpose (UNCLOS).³⁶

Iran can rely on principles such as "Freedom of



navigation in international waters" and "Coastal states' rights in EEZs (present in both UNCLOS and Iran's domestic laws)."

Regarding the Strait of Hormuz, Iran can argue that it adheres to the transit passage regime under Article 38 of UNCLOS, even without formal membership. Many UNCLOS provisions (e.g., the 12-nautical-mile territorial sea) have become customary international law, which Iran can invoke. Iran can also defend its positions at ITLOS or other international bodies, as it did in the ICJ case against U.S. sanctions.

These factors may lead to greater alignment between Iran's interpretation of the Law of the Sea in the Indian Ocean, Persian Gulf, and Red Sea and Japan's FOIP strategy.

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