

**27 January 2025**  
**Free and Open Indo-Pacific:**  
**under Japan's Ocean Policy and the Iran-Japan**  
**Relationship**

1

**ATSUKO KANEHARA**  
**RESEARCH DIRECTOR FOR THE CANON**  
**INSTITUTE FOR GLOBAL STUDIES**  
**SENIOR FELLOW FOR THE SASAKAWA**  
**PEACE FOUNDATION**  
**FORMER PRESIDENT OF THE JAPANESE**  
**SOCIETY OF INTERNATIONAL LAW**

# Speaker

2

Expert on Public International Law

Research Director for the Canon Institute for International Studies

Senior Fellow for the Sasakawa Peace Foundation

Former Professor of International Law at Sophia University

Former President of the Japanese Society of International Law

Member of the Governing Board of IMO International Maritime Law Institute

Advocate for the Government of Japan in “Southern Bluefin Tuna” Cases

Counsel for the Government of Japan in “Whaling in the Antarctic” Case

Member of the Committee on Submarine Cables and Pipelines under the International Law Association.

Former Councilor of the Headquarters for Ocean Policy of Japan,  
Appointed by Prime Minister, Government of Japan

Policy Adviser for the Japan Coast Guard

# References

- In August 2016, Prime Minister Abe announced his vision for “Free and Open Indo-Pacific” in his keynote address at TICAD (International Conference on African development) VI, “Towards Free and Open Indo-Pacific,” <https://www.mofa.go.jp/files/000407643.pdf>
- New Plan for a “Free and Open Indo-Pacific (FOIP),” 2023 <https://www.mofa.go.jp/files/100477660.pdf>
- \*”Strategy” was replaced by “view.” Generally, it is called as “Free and Open Indo-Pacific.”
- Javad Heiran-Nia, “Japan’s Indo-Pacific Strategy: The Link with Iran,” <https://www.isdp.eu/publication/japans-indo-pacific-strategy-the-link-with-iran/>
- H. AlBadawi, “Japan and the Gulf States: Friendship Prospects Under the FOIP Initiative,” In Social Change in the Gulf Region, (eds) M. M. Rahman, and A. Al-Azm, (Singapore: Springer, 2023), [https://doi.org/10.1007/978-981-19-7796-1\\_33](https://doi.org/10.1007/978-981-19-7796-1_33)
- Hiroyuki Suzuki, “Japan’s Leadership Role in a Multipolar Indo-Pacific,” Center for Strategic and International Studies, October 23, 2020, <https://www.csis.org/analysis/japans-leadership-role-multipolar-indo-pacific>
- Atsuko Kanehara, Lectures in India, Bangladesh and Sri Lank, The Lecture in India, “Japan’s Ocean Policy and Free and Open Indo-Pacific Strategy,” <https://www.in.emb-japan.go.jp/files/000416279.pdf>

# References

- The Basic Plan on Ocean Policy, the Third (Cabinet Decision of the 18<sup>th</sup> of May, 2018), tentative English translation  
[https://www8.cao.go.jp/ocean/english/plan/pdf/plan03\\_e.pdf](https://www8.cao.go.jp/ocean/english/plan/pdf/plan03_e.pdf)
- The Basic Plan on Ocean Policy, the Fourth (Cabinet Decision of 28th of April, 2023), tentative English translation of its gist  
[https://www8.cao.go.jp/ocean/english/plan/pdf/plan04\\_gaiyou\\_e.pdf](https://www8.cao.go.jp/ocean/english/plan/pdf/plan04_gaiyou_e.pdf)
- Excerpts from the Keynote Address by Prime Minister Shinzo Abe in Singapore, May 30, 2014, the 13<sup>th</sup> Shangri-la Dialogue  
[https://www.japan.go.jp/tomodachi/2014/summer2014/the\\_shangri-la\\_dialogue.html](https://www.japan.go.jp/tomodachi/2014/summer2014/the_shangri-la_dialogue.html)
- Atsuko Kanehara, “The Houthi Rebels’ Attack against Japan-Related Vessel in the Red Sea: An Idea of ‘The Right to Protect Uses of Sea’,”  
[https://cigs.canon/en/article/20241224\\_8535.html](https://cigs.canon/en/article/20241224_8535.html)
- Atsuko Kanehara, “Japan’s Request of Extradition of the Founder of Sea Shepherd: Recovery and Maintenance of the Common Interests of International Society and the Inherent Interests of Japan, a Sovereign State,”  
[https://cigs.canon/en/article/20240826\\_8292.html](https://cigs.canon/en/article/20240826_8292.html)

# Structure of the Lectures

5

## **Introduction**

### **1. The Main Pillars of FOIP (New Plan of 2023)**

### **2. FOIP under the Japan's Ocean Policy**

### **3. FOIP under the Iran-Japan Relationship**

## **Concluding Remarks**

# Introduction

6

## 1. Japan's New Plan for a “Free and Open Indo-Pacific (FOIP)” March 2023

\* 'Strategy' in “Free and Open Indo-Pacific Strategy” was replaced by 'View,' as 'strategy' could be provocative.

Generally, it is called FOIP, not FOIPV

The international community is at a history's turning point.

- Rise of emerging countries and developing countries
- A compound crisis with entanglement of different issues



FOIP is a vision that is gaining in relevance in order to seek cooperation in the international community.

Core principles of FOIP are defending “freedom” and “the rule of law,” and respect for “diversity,” “inclusiveness” and “openness.”

# Introduction

7

## **2. FOIP under the Iran-Japan Relationship**

① Iran: A Major Oil Producer

② Iran: A Bordering State of the Persian Gulf and the Straits of Hormuz, important international sea routes that are critically important for energy shipping (oil and gas) to Japan and to the world



Japan's Energy Security

Energy Transit (Sea Lanes) Security

# Introduction

8



## **1. The Main Pillars of FOIP (New Plan of 2023)**

From a Perspective of Maritime Safety and Security

## **2. FOIP under the Japan's Ocean Policy**

The 3<sup>rd</sup> Basic Plan on Ocean policy (2018)

The 4<sup>th</sup> Basic Plan on Ocean Policy

## **3. FOIP under the Iran-Japan Relationship**

(1) Iran as among the Major Suppliers of Energy (Oil Producers) to Japan

(2) Maintenance of Security of the Sea Lanes for the Energy Supply to Japan



① The Rule of Law for the International Maritime Order:

Three Principles Declared by Late Prime Minister Shinzo Abe

② The Protection of Uses of Sea



# 1. The Main Pillars of FOIP (New Plan of 2023)

9

## **【New Pillars of Cooperation for FOIP】**

### **1. First Pillar: Principles for Peace and Rules for Prosperity**

**The backbone of FOIP.** Defend “peace”, and create an international environment where freedom, transparency, and the rule of law are upheld and **the weak are not beaten by force.**

### **2. Second Pillar: Addressing Challenges in an Indo-Pacific Way**

**The new focus of cooperation for FOIP.** Expand cooperation for FOIP with the dramatic increase in the importance of "**global commons**", **such as climate and the environment, global health and cyberspace**, and thereby enhance the resilience and sustainability of societies.

# 1. The Main Pillars of FOIP (New Plan of 2023)

10

## 3. Third Pillar: Multi-layered Connectivity

**Core element of the cooperation for FOIP.** In order to achieve vigorous growth of the entire region, countries need to stay connected in various aspects. Japan will increase each country's options and help them overcome their vulnerabilities through initiatives to further enhance connectivity.

## 4. Fourth Pillar: Extending Efforts for Security and Safe Use of the “Sea” to the “Air”

**Ensure the security and safety of the entire “public domain,”** having “marine routes” at the center as the “focus of FOIP” and incorporating ensuring the safe and stable use of air domain.

● “Three principles of the rule of law at sea”



# 1. The Main Pillars of FOIP (New Plan of 2023)

11

## **“Three Principles of the Rule of Law at Sea“**

### **c. f. The Rule of Law in Domestic Laws**

### **The Rule of Law for the International Maritime Order**

**【The Keynote Address by Prime Minister Shinzo Abe in Singapore, May 30, 2014, at the 13<sup>th</sup> Shangri-La Dialogue】**

The first principle: states shall make and clarify their claims based on international law.

The second principle: states shall not use force or coercion in pursuing their claims.

The third principle: states shall seek to settle disputes by peaceful means.

# 1. The Main Pillars of FOIP (New Plan of 2023): The Main Pillars of FOIPS of 2016

12

## 【The Three Main Pillars of FOIPS of 2016】

**First**, promotion and establishment of the rule of law, freedom of navigation, free trade, and etc.

**Second**, pursuit of economic prosperity by improving connectivity and strengthening economic partnership including Economic Partnership Agreements and/or Free Trade Agreements and investment treaties.

**Third**, commitment for peace and stability by capacity building on maritime law enforcement, humanitarian assistance and disaster relief cooperation.

## 2. FOIP under the Japan's Ocean Policy

13

### **(1) FOIP(S) and the Basic Plans on Ocean Policy Enacted “Side-by-Side”**

- ① FOIPS of 2016, and the 3<sup>rd</sup> Basic Plan on Ocean Policy of 2018
- ② (New Plan for) FOIP of 2023, and the 4<sup>th</sup> Basic Plan on Ocean Policy of 2023

### **(2) Common Principles in FOIP(S) and the Basic Plans on Ocean Policy**

While they are enriched and expanded the main pillars of the New Plan for FOIP of 2023 are the same in substance as the main pillars of FOIPS of 2016



Focusing upon

Third Pillar: Multi-layered Connectivity

Fourth Pillar: Extending Efforts for Security and Safe Use of the “Sea”

## 2. FOIP under the Japan's Ocean Policy

### **(3) A Wide Understanding of “Maritime Security” as “Comprehensive Maritime Security”**

- ① The 3<sup>rd</sup> Basic Plan on Ocean Policy introduced a wide understanding of maritime security as “comprehensive maritime security,” which the 4<sup>th</sup> Basic Plan on ocean policy endorsed.
- ② A wide understanding of maritime security relates to the recent usage of “security” in various fields, such as, economic security, energy security, and food security.
- ③ FOPI are to be realized by the ocean policies for the maritime security, as widely understood.

## 2. FOIP under the Japan's Ocean Policy

15

### **(3) A Wide Understanding of “Maritime Security” as “Comprehensive Maritime Security” (continued)**

④ A wide understanding of maritime security has been established in scholarly writings in the fields of international law and international politics as encompassing various issues.

e. g. “Maritime security does not confine itself to traditional concept of maritime security in relation to military threats. Maritime security is understood by the measures combatting military threat, terrorism, weapons proliferation, transnational crime, piracy, environmental/resource destruction, and illegal seaborne migration.”

(Douglas Guilfoyle, “Maritime Law Enforcement Operations and Intelligence in an Age of Maritime Security,” 93 *International Law Studies*, Published by U. S. Naval College, 2017, p. 299.)

## 2. FOIP under Japan's Ocean Policy

16

### **(4) A Sketch of the Wide Range of Ocean Policies for Comprehensive Maritime Security under the 3<sup>rd</sup> Basic Plan on Ocean Policy**

[Policies for Maritime Security]

- ① Policies for Maintaining the Peace and Order of the Oceans by Law Enforcement
- ② Policies for Realization of the Safety of Marine Traffic
- ③ Policies for Coping with Ocean Oriented Natural Disasters



## 2. FOIP under Japan's Ocean Policy

17

### **(4) A Sketch of the Wide Range of Ocean Policies for Comprehensive Maritime Security under the 3rd Basic Plan on Ocean Policy (continued)**

[Policies Forming the Foundations for Contributing to Reinforcement of Maritime Security]

First: Policies Forming Bases of Maritime Security

- ① Establishment of Maritime Domain Awareness (MDA) System
- ② Preservation and Management of Remote Islands That Form National Borders
- ③ Development of Marine Scientific Research and Marine Observation
- ④ Enhancement of Scientific Technology and Research Development
- ⑤ Development of Human Resources and Improvement of Understanding by Nationals of Ocean Matters

Second: Policies that Support Maritime Security in a Complementary Manner

- ① Policies for Economic Security
- ② Policies for Protection and Preservation of the Marine Environment.

## 2. FOIP under Japan's Ocean Policy

18

### (5) The 4<sup>th</sup> Basic Plan on Ocean Policy

Maintains the substance of the 3<sup>rd</sup> Basic Plan on Ocean policy

- Adding one more pillar to that of the comprehensive maritime security, a pillar of “sustainable use and development of the ocean”
- Re-categorizing the ocean policies



The relationship between FOIP(s) and the ocean policies of Japan is the same for both the 3<sup>rd</sup> and 4<sup>th</sup> Basic Plan on Ocean Policy

## 2. FOIP under Japan's Ocean Policy

### **(6) Deep Integration of FOIP(s) into the 3<sup>rd</sup> Basic Plan on Ocean Policy**

① One principal philosophy of the 3<sup>rd</sup> Basic Plan on Ocean Policy relates to FOIP(S)

“Liberty, democracy, protection of human rights and the rule of law form the basis for the peace, security and prosperity of the world.”

② FOIP(S) is mentioned as a tool to maintain and strengthen the ocean order based upon the rule of law and the principle of the freedom of the sea.

③ FOIP(s) in cooperation with foreign countries is one of the basic policies for “comprehensive maritime security.”

## 2. FOIP under Japan's Ocean Policy

20

With the broad range of ocean policies that contribute to the comprehensive maritime security, the ocean policies of Japan have a close relationship to FOIP(S)



“promotion and establishment of the rule of law,” “the freedom of the sea; pursuit of economic prosperity; commitment for peace and stability by capacity building on maritime law enforcement,” and “humanitarian assistance and disaster relief cooperation.”

The policies for the comprehensive maritime security under the 3<sup>rd</sup> Basic Plan on Ocean Policy, and the policies for realization of FOIP(S), are inseparably intertwined to each other.

It is true also for the 4<sup>th</sup> Basic Plan on Ocean Policy.

### 3. FOIP under the Iran-Japan Relationship

21

#### (1) Iran-Japan Relationship

Iran

##### ① Iran: A Major Oil Producer

Japan imports about 90 percent of its oil from the Persian Gulf and was the largest oil importers of Iranian oil

② Iran: A Bordering State of the Persian Gulf and the Straits of Hormuz, important international sea routes that are critically important for energy shipping (oil and gas) to Japan and to the world



Japan's Energy Security

Energy Transit (Sea Lanes) Security

### 3. FOIP under the Iran-Japan Relationship

22

#### **(2) Japan's Energy Security**

##### ① The 7<sup>th</sup> Strategic Energy Plan

The Agency for Natural Resources and Energy of the Ministry of Economy, Trade and Industry, is drafting the 7<sup>th</sup> Strategic Energy Plan.

A Cabinet Decision on it is expected to be issued shortly.

Strong require for the energy security based upon serious considerations on the Russian invasion against Ukraine and the tense situations in the Middle East region



### 3. FOIP under the Iran-Japan Relationship

23

## **(2) Japan's Energy Security (continued)**

### ② Energy Security

Stable power supply and optimal energy mix required to combat possible energy crisis

e. g. Renewable energy, nuclear energy, and other energies, such as coal, gas, firepower.

## **(3) Stable Energy Supply with Stable Energy Shipping**



### 3. FOIP under the Iran-Japan Relationship

24

#### **(3) Stable Energy Supply with Stable Energy Transit**



##### **① The 4<sup>th</sup> Basic Plan on Ocean Policy**

##### **【 7 Main measures to be steadily promoted 】**

(1) Promotion of industrial use of the ocean

• Securing maritime transport

(5) International collaboration and cooperation

A. Assuming a leading role in the promotion of the rule of law at sea and the formulation of international rules

B. Strengthening international collaboration particularly with the countries in the Indo-Pacific region for comprehensive maritime security

e. g. Expansion of maritime safety and security policy program (MSP)



### 3. FOIP under the Iran-Japan Relationship

25

#### (3) Stable Energy Supply with Stable Energy Transit (continued)

##### ② FOIP

#### 4. Fourth Pillar: Extending Efforts for Security and Safe Use of the “Sea” ...

Ensure the security and safety of the entire “public domain,” having “marine routes” at the center as the “focus of FOIP” and incorporating ensuring the safe and stable use of air domain.

#### ● “Three principles of the rule of law at sea”

##### The rule of law for the international maritime order

【The Keynote Address by Prime Minister Shinzo Abe in Singapore, May 30, 2014, at the 13<sup>th</sup> Shangri-La Dialogue】

The first principle: states shall make and clarify their claims based on international law.

The second principle: states shall not use force or coercion in pursuing their claims.

The third principle: states shall seek to settle disputes by peaceful means.

 In addition !

### 3. FOIP under the Iran-Japan Relationship

26

#### **(4) “Three principles of the rule of law at sea” + One**

① The Right to Protect Uses of Sea under the International Law of the Sea, Mainly the United Nations Convention on the Law of the Sea (UNCLOS)

In Order for Combating the Obstruction against Lawful Uses of Sea, sometime even with Violent Acts

### 3. FOIP under the Iran-Japan Relationship

27

#### **(4) “Three principles of the rule of law at sea” + One (continued)**

##### ② Obstructions against Lawful Uses of Sea

e. g. Violent Attacks against Commercial Vessels in the Red Sea and Neighbouring Sea Areas



The Freedom and the Right of Navigation in the Exclusive Economic Zones and at High Sea under UNCLOS

e. g. Frequent Cut of Submarine Cables and Pipelines



The Freedom and the Right to Lay Submarine Cables and Pipelines under UNCLOS

### 3. FOIP under the Iran-Japan Relationship

28

#### **(4) “Three principles of the rule of law at sea”**

##### **+ One**

#### **② Obstructions against Lawful Uses of Sea (continued)**

e. g. Obstruction against Research Whaling by Japan in the Antarctic

- Before the Judgment of the International Court of Justice in 2014 That Japan’s Whaling Was not Research Whaling under the International Convention on the Regulation on Whaling

- Any State, Any NGO, Such As Sea Shepherd Does not have Competence to Unilaterally Decide the (Il)legality of Other State’s Conduct, and Prevent it Violently, Either.

### 3. FOIP under the Iran-Japan Relationship

29

#### **(4) “Three principles of the rule of law at sea”**

**+ One**

③ What responding measures are allowed under UNCLOS to combat with the violent attacks against commercial vessels in the red Seas and the Nighbouring sea areas?



A Critical Issue to Maintain the Stable and Safe Energy Transit

Safety and Security of Sea Lanes for International Shipping

### 3. FOIP under the Iran-Japan Relationship

30

#### ④ At High Seas and in the Exclusive Economic Zones

- The Flag State Principle
- Jurisdictions to Take Measures Conferred on the Designated States under UNCLOS (e. g. marine environment, fishing)
- Exceptions for the Flag State Principle

e. g. Piracy, Article 105

On the high seas, or in any other place outside the jurisdiction of any State, every State may seize a pirate ship or aircraft, or a ship or aircraft taken by piracy and under the control of pirates, and arrest the persons and seize the property on board. The courts of the State which carried out the seizure may decide upon the penalties to be imposed, and may also determine the action to be taken with regard to the ships, aircraft or property, subject to the rights of third parties acting in good faith.

### 3. FOIP under the Iran-Japan Relationship

31

#### ④ At High Seas and in the Exclusive Economic Zones

- Exceptions for the Flag State Principle (continued)

e. g. Boarding Inspection in Relation to the Designated Acts, Article 110

1. Except where acts of interference derive from powers conferred by treaty, a warship which encounters on the high seas a foreign ship, other than a ship entitled to complete immunity in accordance with articles 95 and 96, is not justified in boarding it unless there is reasonable ground for suspecting that:

(a) the ship is engaged in piracy; (b) the ship is engaged in the slave trade; (c) the ship is engaged in unauthorized broadcasting and the flag State of the warship has jurisdiction under article 109; (d) the ship is without nationality; or (e) though flying a foreign flag or refusing to show its flag, the ship is, in reality, of the same nationality as the warship.

### 3. FOIP under the Iran-Japan Relationship

32

When such provisions are not provided under UNCLOS, the victim States should be allowed to take responding measures against any obstructions to lawful uses of oceans.



**“The Right to Protect Uses of Sea”**

**Resolution 2722 (10 Jan. 2024) of UN Security Council  
Tabled by US and Japan**

3. *Affirms* the exercise of navigational rights and freedoms by merchant and commercial vessels, in accordance 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 (emphasis by *red letters* added)



# Concluding Remarks

33

**To Promote the Iran-Japan  
Cooperative Relationship Based  
upon FOIP That is Closely  
Interconnected to Japan's Ocean  
Policy and Energy Security**

END

34

**Thank You So Much for Your  
Very Kind Attention!**