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THE IMPERATIVES OF THE ISLAMIC REPUBLIC OF IRAN'S FOREIGN POLICY BASED ON THE CONSTITUTION AND INTERNATIONAL NORMS

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Abstract: The Constitution is the primary source for determining the principles governing the Islamic Republic of Iran's foreign policy. This research seeks to evaluate how the imperatives of Iran's foreign policy, based on the Constitution and international norms, align with each other. Through a descriptive-analytical study, the research identifies and elucidates the dimensions, characteristics, and imperatives governing these principles and assesses their alignment with international standards. It demonstrates that although principles such as "non-interference in the internal affairs of countries," "responsibility to protect the oppressed and Muslims under oppression," and "realization of Islamic world unity" may seem to contradict international norms, a detailed analysis based on the theoretical foundations of Iran's political system shows they are not contradictory to each other or to international legal norms. These principles have specific and defensible characteristics and imperatives derived from the revolutionary and religious approach of Iran's political system.

Keywords: Foreign Policy, Non-belligerent States, Iranian Constitution, Responsibility to Protect

1. INTRODUCTION

The Constitution must be regarded as the most important national document that represents the primary foundations, ideals, objectives, and values governing a political system. Furthermore, the Constitution internally delineates the form of government, the structure and organization of the three branches of power, the relationships between these branches, the limits and boundaries of sovereign power, and individual rights and freedoms. These characteristics underscore the importance and supreme value of the Constitution in any country.

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Following the Islamic Revolution in 1979, the Constitution of the Islamic Republic of Iran democratically established the most important foundations, ideals, objectives, and values in various domains.

In this context, the determination of principles and regulations governing "foreign policy" was addressed in various articles, particularly in Chapter Ten of the Constitution (Foreign Policy).

In this regard, Article 152 of the Constitution explicitly states that principles and regulations such as "the rejection of all forms of domination, both the exertion of it and submission to it, the preservation of the independence of the country in all respects and its territorial integrity, the defence of the rights of all Muslims, nonalignment with respect to the hegemonist superpowers, and the maintenance of mutually peaceful relations with all non-belligerent States" form the basis of the Islamic Republic of Iran's foreign policy. Despite the centrality of this article, a cursory examination of other constitutional articles reveals that the principles and regulations mentioned in Article 152 are not the only ones governing Iran's foreign policy. It is necessary to identify other principles governing Iran's foreign policy by examining the contents of other constitutional articles and explicating the regulations and imperatives governing each of them, where possible.

The next step, elucidating the imperatives and requirements governing each of Iran's foreign policy principles, is an undeniable necessity. This is because an examination of the principles governing Iran's foreign policy might create the impression that reconciling some of these principles is impossible and that they conflict or contradict one another. On the other hand, explicating the relationship between some of Iran's foreign policy principles (such as "defending the rights of all Muslims") and international principles and regulations concerning relations between countries (such as "non-interference in the internal affairs of countries") requires serious investigation.

Based on these premises, this research aims to answer the main question of how the imperatives of the Islamic Republic of Iran's foreign policy, based on the Constitution and international norms, are evaluated. This will be accomplished through a descriptive-analytical framework, examining the principles mentioned in Article 152 and other constitutional articles, and elucidating the dimensions, characteristics, and imperatives governing them.

1. FORMULATION OF THE FOREIGN POLICY BASED ON ISLAMIC CRITERIA

According to various principles of the Constitution, "Islamic standards" are recognized as the supreme norm in the political and legal system of the Islamic Republic of Iran. In this regard, Article 4 of the Constitution stipulates: "All civil, penal, financial, economic, administrative, cultural, military, political, and other laws and regulations must be based on Islamic criteria. This principle applies absolutely and generally to all

articles of the Constitution as well as to all other laws and regulations, and the Guardian Council judges are responsible for determining this matter."

The importance of this norm in the minds of the Constitution's drafters has led to its emphasis in various articles of the Constitution, using different terms and phrases such as "Islamic standards," "Islamic rulings," "Islamic foundations," or "criteria of Islam," despite the explicit mention of its importance in Article 4 and its governance over other constitutional principles.

Given the importance of foreign policy, the Constitution's drafters have explicitly emphasized the necessity of formulating Iran's foreign policy based on "Islamic criteria" in clause 16 of Article 3. Therefore, according to this criterion and norm, all policies and decisions, both general and specific, of the government in the realm of foreign policy must be formulated and adopted based on Islamic criteria.

Accepting that according to Iran's Constitution, the country's foreign policy must be based on Islamic criteria, and considering that Article 12 of the Constitution identifies the official religion of the country as "Ja'fari Twelver," it is natural that in practice, the Shi'a interpretation based on Imamiyah jurisprudence of Islamic criteria will be applied to define Iran's foreign policy.

In addition to this point, given the ambiguities regarding the concept of the term "Islamic criteria" and its relationship with similar terms such as "Islamic standards," "Islamic rulings," and "Islamic foundations," based on the studies conducted in this area, it can be said that the representatives of the Assembly for Final Review of the Constitution had a general understanding based on "common perception" and mental association, rather than a detailed understanding of these concepts, when using these terms. They were only seeking to express their concern and sensitivity regarding non-deviation from the Islamic nature of the Constitution and its principles. Therefore, the Constitution drafters' intention in using the term "Islamic criteria" should be considered equivalent to Islamic rulings and standards.

Accordingly, the foreign policy of the Islamic Republic of Iran should be based on Islamic criteria and standards, specifically the rulings of the Twelver Shi'a school. In this regard, considering that according to clause 1 of Article 110 of the Constitution, in the Islamic Republic of Iran, the general policies of the system are determined by the Supreme Leader as a just and pious jurist after consultation with the Expediency Discernment Council, it can be expected that this criterion will be considered at the level of macro policymaking. On the other hand, according to Articles 4 and 96 of the Constitution, undoubtedly, the authority for religious supervision of parliamentary approvals (proactively) and laws and regulations related to this area (retroactively) will be the Guardian Council jurists. From this perspective, those foreign policies determined at the level of laws and regulations have a relatively appropriate mechanism to ensure their Islamic nature. However, at the level of executive and micro policies, there is no specific mechanism in Iran's legal system to monitor the Islamic nature of the country's foreign policy, and one can only hold the President responsible in this

regard, considering that the President must be chosen from among religious figures (Article 115)

2. PRESERVATION OF THE COUNTRY'S COMPREHENSIVE INDEPENDENCE

The preservation and assurance of the country's independence was one of the most significant demands of the people during the formulation of the Islamic Republic of Iran's Constitution, and it was emphasized in various articles through different means.

To understand the concept of "independence," it is essential to note that in Persian lexicography, it is equivalent to "engaging in activities without interference or assistance from others, self-determination, freedom, and a country's autonomy in managing its internal and external affairs without the influence of another country" (Dehkhoda 2006, 1:142). In political context, it refers to "a country's freedom of action in legislating and implementing laws and conducting economic, social, and political activities pertaining to itself" (Anvari 1386, 1:386). In legal terminology, "independence" is defined as "the attribute of a country and government not under the domination of another state" (Jafari Langroudi 2007, 1:347). In public law discourse, "independence" is considered a consequence of recognizing sovereignty for states (Ghazi Shariat Panahi 2009, 72).

Based on these definitions, independence should be viewed as a "comprehensive" concept, encompassing political, military, economic, cultural, and other dimensions, as mentioned in Article 2 of the Constitution. The primary criterion for identifying a violation of independence is any imposition of foreign dominance over the country's affairs. The constitutional drafters primarily conceived independence as "not accepting domination."

Article 2 of the Constitution identifies the provision of "political, economic, social, and cultural independence" as one of the Islamic Republic of Iran's primary objectives. To achieve this, various clauses of Article 3 stipulate government responsibilities, including "complete rejection of colonialism and prevention of foreign influence" (clause 5), "strengthening national defense through general military training to preserve independence, territorial integrity, and the Islamic system" (clause 11), and "attaining self-sufficiency in scientific, technological, industrial, agricultural, and military domains" (clause 13).

Furthermore, the concept of independence is recognized in various constitutional articles addressing citizens' rights and freedoms or the country's economic foundations. For instance, Article 26 mentions "independence" as one of the conditions for the freedom of political parties, associations, and trade unions. Article 9 introduces political, cultural, economic, and military independence as one of the general limitations governing rights and freedoms. Article 43, which outlines the Islamic Republic's economic regulations, considers "ensuring the economic independence of society" as one of the country's economic system objectives.

Given the particular importance of "independence" in foreign policy, Article 152 of the Constitution identifies "rejection of all forms of domination," "preservation of comprehensive independence," and "non-alignment with domineering powers" as fundamental principles of the Islamic Republic of Iran's foreign policy.

Beyond the Constitution's repeated emphasis on the importance of independence, the drafters, considering factors including the country's "independence," have incorporated provisions in various articles to prevent compromise of national independence. At the primary level, they have absolutely prohibited certain actions that often lead to the undermining of national independence. For example, Article 153 prohibits "any agreement resulting in foreign control over natural resources, economy, army, culture, and other affairs of the country." Similarly, Article 146 forbids "the establishment of any foreign military base in the country, even for peaceful purposes." Article 82 of the Constitution also prohibits the "employment of foreign experts by the government," allowing it only in necessary cases and with the approval of the Islamic Consultative Assembly. Based on the aforementioned points, in various matters, in addition to the executive branch and policymakers who directly play a role in the country's foreign policy, the Islamic Consultative Assembly and even the Guardian Council (as the authority overseeing parliamentary approvals) have a determining role and competence for the "preservation of the country's comprehensive independence." Therefore, in case of negligence by the executive branch, the Islamic Consultative Assembly will prevent the approval of decisions detrimental to the country's independence, and in case of negligence by the Islamic Consultative Assembly, the Guardian Council should, in principle, prevent damage to the country's independence. To support this practice, one can refer to the various clauses of Opinion No. 1537/21/80 dated 2001-03-19 of the Guardian Council regarding the "Bill on Encouraging and Supporting Foreign Investment," where parts of the parliamentary approval were considered contrary to the country's independence. For example, clause 1 of the mentioned opinion states: "The generality and explicitness of some of the provisions of the said approval, in cases including the unconditional acquisition of the country's lands by foreign governments, their agents, and nationals, even in the vicinity of neighboring countries, undermines the independence and possibly the territorial integrity of the country." Clause 2 of the same opinion also considers the generality of the said approval contrary in that, in some cases, it results in foreign domination of the country's economy and foreign influence.

3. PRESERVATION OF THE COUNTRY'S TERRITORIAL INTEGRITY

In public law discourse, one of the essential elements constituting nation-states is "territory" (Ghazi Shariat Panahi 2009, 60). This characteristic makes territory important for all governments, and they strive to defend their own territorial integrity to ensure their jurisdiction remains intact and not subject to any fragmentation (Abazari Fumashi 2013, 427). Therefore, infringing on territorial integrity is

tantamount to aggression against the country and its public authority (Zarei and Zaki 1390, 231).

Given the importance of countries' territorial integrity, Article 2, clause 4 of the United Nations Charter (1945) states: "All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state." Considering the importance mentioned and the fact that Iran's territorial integrity has been severely damaged over the centuries, recognizing "territorial integrity of the country" as one of the imperatives of Iran's foreign policy is necessary. Accordingly, this issue is identified in various principles of the Islamic Republic of Iran's Constitution. In this regard, Article 9 of the Constitution considers "freedom, independence, unity, and territorial integrity of the country" as inseparable and defines their preservation as the duty of "the government and the people." Furthermore, the subsequent clause of this article explicitly states that "no individual, group, or authority has the right, in the name of using freedom, to inflict the slightest damage on the political, cultural, economic, military, and territorial integrity of Iran." Article 153 of the Constitution also introduces "preservation of the country's territorial integrity" as one of the foundations of the Islamic Republic of Iran's foreign policy.

Based on the aforementioned qualifications, undoubtedly, preserving the country's territorial integrity is considered one of the foundational principles of the Islamic Republic of Iran's foreign policy.

NON-INTERFERENCE IN THE INTERNAL AFFAIRS OF OTHER COUNTRIES

Non-interference or the prohibition of interference in the internal affairs of countries is one of the fundamental principles of international law, rooted in the principle of "sovereignty" (Sadeghi 2011, 95). The realization of this principle is facilitated by the acceptance of the principles of independence and territorial integrity for countries. In this regard, Article 2, clause 4 of the United Nations Charter, which prohibits any use of force or even threats against the territorial integrity and political independence of countries, effectively addresses non-interference in the affairs of countries. This issue is more explicitly evident in clause 7 of the mentioned article, which states: "Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the Members to submit such matters to settlement under the present Charter; but this principle shall not prejudice the application of enforcement measures under Chapter VII."

Interference in the affairs of countries is often carried out to gain material benefits or influence political developments for political gains. The most significant examples of such interventions can be observed in the form of colonialism or the exploitation of weaker countries by stronger ones. Based on the characteristics of this type of interference in the affairs of countries, it can be considered a reprehensible phenomenon. Given the historical background of such interventions in Iran and the

fact that, prior to the Islamic Revolution, Iran was among the victims of the domination of global powers, the Islamic Republic of Iran's Constitution has taken note of the effects and consequences of this reprehensible phenomenon and has prohibited Iran from interfering in the affairs of other countries in various ways. Accordingly, just as the necessity of preserving the country's independence and territorial integrity has been explicitly stated in various principles, any form of domination and hegemonic pursuits by the Iranian government have been rejected. For example, clause "c" of Article 2 of the Constitution explicitly rejects any "oppression" and "domination." Article 152 of the Constitution also explicitly identifies the "rejection of all forms of domination" as one of the governing principles of the Islamic Republic of Iran's foreign policy.

Based on the explicit statements, the Islamic Republic of Iran's Constitution has absolutely rejected interference in the affairs of other countries for the purpose of "oppression" and "domination, both its imposition and its acceptance." However, based on certain considerations that will be detailed in the next section, the Islamic Republic of Iran's Constitution, according to its doctrinal and humanitarian foundations, is obligated to defend and support the oppressed, especially the oppressed Muslims in different parts of the world, and in these cases, the principle of non-interference is replaced by the principle of the responsibility to protect, although the legal nuances in this regard should be noted.

5. RESPONSIBILITY TO PROTECT THE OPPRESSED AND MUSLIMS UNDER OPPRESSION

As explained in the previous section, the principle of non-interference in the affairs of other countries for the purpose of domination or oppression has been absolutely rejected in the Islamic Republic of Iran's Constitution.

It is evident that an examination of the various principles of the Constitution reveals that subjects such as "unwavering support for the world's oppressed" (Article 3, Clause 16), "defense of the rights of all Muslims" (Article 152), or "support for the righteous struggle of the oppressed against the oppressors in any part of the world" (Article 154) are explicitly recognized as obligations of the Islamic Republic of Iran and are among the principles governing Iran's foreign policy. By recognizing and accepting this responsibility as one of the foreign policy obligations of the Islamic Republic of Iran, the elucidation of the relationship between this principle and the principle of non-intervention in the affairs of countries - in cases where the support of the oppressed and persecuted Muslims necessitates intervention in the affairs of another country - is one of the most important issues that must be examined in this section. Therefore, the following will attempt to elucidate and delineate the principle of the responsibility to protect the oppressed and persecuted Muslims and its dimensions and characteristics, as well as its relationship with the principle of non-intervention in the internal affairs of countries.

5.1. THE SCOPE OF THE PRINCIPLE OF THE RESPONSIBILITY TO PROTECT

It is clear that the protection of two groups is recognized as an obligation of the government of the Islamic Republic. According to the explicit provisions of Articles 3 and 154 of the Constitution, "the oppressed" should be understood as the broadest concept whose protection is recognized as an obligation of the Iranian government. Based on the detailed discussions of the Assembly for the Final Review of the Constitution, "the oppressed" is also considered synonymous with "the wronged" (Detailed Discussions of the Final Review Assembly of the Constitution of the Islamic Republic of Iran 1985, vol. 1: 300). In religious and Quranic literature, "oppression" is also derived from the root "weakness" and in the form of "istif'al," it is understood to mean "considering weak" (Shu'arani and Qarib n.d., vol. 2: 75). Based on the latter meaning, the "oppressed," which is the passive participle of the word "oppression," means those who have been reduced to weakness by others. Therefore, in the concept of the "oppressed," the oppression and tyranny of the oppressors is undoubtedly implicit, and it is through their oppression and tyranny that individuals have been reduced to weakness.

Based on the broad definitions mentioned, the term "the oppressed" is undoubtedly not limited to a particular group of people (such as Muslims or Shias) or a particular type of oppression (such as material oppression), and in this respect, the government of the Islamic Republic of Iran is obliged to always defend and protect the oppressed against the oppressors and tyrants, and this obligation of the government is not limited to a particular domain and is an absolute obligation.

Despite the broad applicability of the term "oppressed" and its inclusion of Muslims, given the particular importance that religious affinities hold for the drafters of the Constitution, the necessity of "defending the rights of all Muslims" is recognized in Article 152 of the Constitution as one of the foundations of the foreign policy of the Islamic Republic of Iran. Regarding this obligation of the government, it must be said that while the explicit wording of Article 152 considers the protection of the rights of "all" Muslims, until the rights of Muslims are violated and they are under oppression, the defense of their rights is not generally relevant. Therefore, the fulfillment of the government's obligation to defend the rights of all Muslims is contingent upon the violation and infringement of those rights by others, and therefore, the obligation of the Iranian government is only applicable to the defense of the rights of those Muslims whose rights have been violated and who are under oppression.

With the identification of the recipients of the Iranian government's protection, it is necessary to point out that the basis of this principle of Iran's foreign policy can be derived from the content of some of the principles of the Constitution. Specifically, given the revolutionary and Islamic foundations of the Islamic Republic of Iran and according to the explicit provisions of Article 154 of the Constitution, the Islamic Republic of Iran considers the welfare of humanity in the entire human society as its

ideal and regards independence, freedom, and the rule of justice and righteousness as the "right of all the people of the world." This approach, according to the detailed discussions of the Constitution, is explicitly derived from the "Islamic ideology" of the drafters of the Constitution (Detailed Discussions of the Final Review Assembly of the Constitution of the Islamic Republic of Iran, 1985, vol. 1: 300), as this point has been emphasized in various parts of the detailed discussions of the Constitution, that "according to the principles of Islam, we must support the oppressed non-Muslims to the extent of removing oppression" (301). Or elsewhere, it is explicitly stated that "by the command of the Quran, we must support all the oppressed of the world with all our might, and this is the command of the Quran" (304). In addition to the mentioned cases, one of the most important statements that expresses this thought of the drafters of the Constitution is this statement: "Our goal is that all Muslims in all countries be freed from the burden of tyranny, colonialism, and oppression, and Islamic programs be implemented... We must have attention to Islam and all Islamic countries in the revolution and should not only focus on our own country" (450).

The importance of this issue can also be directly observed in the authentic Islamic sources. In this regard, the Holy Quran in Verse 57 of Surah An-Nisa' rebukes Muslims for not fighting in the way of God and for the oppressed men, women, and children, saying: "And what is wrong with you that you fight not in the Cause of Allah, and for those weak, illtreated and oppressed among men, women, and children" (Quran 4:75). Similarly, Imam Ali, in his last will and testament to his children, said: "Be an enemy of the oppressor and a helper of the oppressed" (Nahj al-Balagha, Letter 47). Therefore, the protection of the oppressed has been an Islamic ideal and obligation for the drafters of the Constitution and has been approved as one of the principles of the foreign policy of the Islamic Republic of Iran by the voters of the Constitution.

5.2. IMPOSITION THE RELATIONSHIP BETWEEN THE PRINCIPLE OF NON-INTERVENTION AND THE RESPONSIBILITY TO PROTECT

With the clarification of the dimensions and foundations of the Iranian government's obligation to protect all oppressed and persecuted Muslims, and with the acceptance of the premise that a significant portion of the oppressed and persecuted Muslims addressed by the constitutional mandate live within the territories of other countries, there may be the perception that the protection of these oppressed and persecuted Muslims necessitates intervention in the internal affairs of other countries. However, Article 154 of the Constitution stipulates the obligation to support the righteous struggle of the oppressed against the oppressors in any part of the world "while completely refraining from any interference in the internal affairs of other nations."

Given this premise, in explaining the relationship between the two principles of non-intervention in the internal affairs of countries and the responsibility to protect the oppressed and persecuted Muslims, the protection of the oppressed and persecuted Muslims may be recognized as an exception to the principle of non-intervention in the internal affairs of countries, which would effectively negate the principle envisioned by

the Constitution, namely the complete abstention from any interference in the internal affairs of other nations. Alternatively, these two issues may be recognized as distinct principles, and the protection of the oppressed and persecuted Muslims may be considered outside the scope of the principle of non-intervention in the internal affairs of countries and parallel to it.

In elucidating this issue, it is noteworthy that the drafters of the Constitution, during the ratification of Article 152, were cognizant of the apparent conflict between "hegemonic pursuits" and the necessity of "defending the righteous struggles of the oppressed"; however, they fundamentally perceived these two matters as distinct in terms of objective and foundation (Detailed Discussions of the Final Review Assembly of the Constitution of the Islamic Republic of Iran 1985, vol. 3: 2341). Consequently, the principle of responsibility to protect the oppressed and persecuted Muslims is distinct from the principle of non-intervention in the affairs of countries. From the perspective of the Constitution's drafters, when a group of people in a country is oppressed, invoking the principle of non-intervention in internal affairs is not applicable. What is meant by non-intervention is hegemony and interference for the purpose of domination.

Aligning the Constitution drafters' rationale with international norms yields the conclusion that this concept has been discussed and accepted in international law, leading to the emergence of the "Responsibility to Protect" (R2P) doctrine. Regarding this theory, it should be noted that after World War II, the United Nations Security Council was recognized as the exclusive authority for intervention in countries' affairs in cases of violations of fundamental rights and freedoms. However, given the Council's shortcomings in addressing tragic humanitarian crises, such as those in Somalia, Rwanda, Bosnia, and Kosovo in the 1990s, some international officials and scholars of international law sought to devise a more robust and reliable mechanism to safeguard these rights and freedoms. Consequently, the "Responsibility to Protect" doctrine emerged, stipulating that states are not only responsible for protecting people within their own territories but also for oppressed people anywhere in the world, albeit this protection must adhere to specific principles and criteria to maximize benefits while minimizing harm to the country being protected and the international community at large.

Based on this theory, the primary responsibility for protecting citizens' rights in a society lies with the state that has sovereignty over that society. However, sometimes due to racial, ethnic, religious, or political differences, the state in question may deliberately or unintentionally express inability or unwillingness to fulfill this duty. Under these circumstances, according to the R2P theory, the responsibility for preserving and guaranteeing the rights of citizens in that society is transferred to the international community, subject to certain conditions. Thus, the R2P doctrine is now proposed as a method for optimal protection of human security, involving both national and international law (Savari and Hosseini Baluchi 2011, 177). This theory emphasizes the accountability of sovereignty to citizens and the international

community, thereby positioning itself in opposition to powerful and controlling sovereignties, reflecting an evolution in the concept of sovereignty (Ghavam and Ravan Bad 2010, 175-176). Therefore, with the international acceptance of this theory, in addition to the internal obligation of governments, other states are also obligated to support oppressed people. From this perspective, this theory can be loosely described as a reinterpretation of the idea of "duty to intervene" (Savari and Hosseini Baluchi 2011, 186).

Although the proposal of this theory was not free from political implications and improper motives benefiting hegemonic powers, the superiority of the interest in protecting the oppressed over potential abuses led to its serious consideration in academic and international forums. In other words, the R2P doctrine should be viewed more from the perspective of those seeking and needing protection rather than those interested in intervention (Soltanzadeh 2009, 943). However, given the aforementioned considerations, the R2P doctrine is currently officially accepted only in cases of genocide, war crimes, ethnic cleansing, and crimes against humanity - as specifically defined in international law. Member states of the UN General Assembly have agreed that if any country fails to fulfill its responsibilities in these areas, all countries worldwide will be held responsible for those crimes.

Furthermore, such agreements have extended from the international level to the regional level, with some regional unions accepting this responsibility in their accords. For instance, the Association of Southeast Asian Nations (ASEAN), which has cultural, social, economic, technical, educational, and research objectives (Mousazadeh 2008, 329), accepted the responsibility to protect its populations concerning the four aforementioned crimes at its 2005 general summit (Caballero-Anthony 2012).

Based on the aforementioned points, it can be discerned that even from the perspective of international norms, the principle of non-intervention is not accepted absolutely. Other principles, such as the responsibility of sovereignties and the responsibility of other states to protect oppressed citizens, have been recognized alongside this principle. Accordingly, the recognition of the principle of responsibility to protect the oppressed and persecuted Muslims by the drafters of the Constitution as one of the foreign policy principles of the Islamic Republic of Iran can be considered aligned with the theoretical foundations and norms accepted in international documents, although these two approaches differ significantly in terms of the scope of state responsibility and the purpose of protection.

6. ESTABLISHING RELATIONS WITH MUSLIM NATIONS AND NON-BELLIGERENT STATES

Establishing relations with Muslim nations and non-belligerent states is considered one of the principles of the foreign policy of the Islamic Republic of Iran. This section will elucidate this principle and its requirements.

6.1. ISLAMIC WORLD UNITY

The realization of Islamic world unity emerges as a paramount principle governing the foreign policy of the Islamic Republic of Iran, as evidenced by various constitutional articles such as Clause 16 of Article 3 and Article 11. These provisions emphasize "fraternal commitment to all Muslims" and the formulation of Iran's foreign policy based on the coalition and unity of Islamic nations, aiming to achieve "political, economic, and cultural unity of the Islamic world."

A fundamental rationale for incorporating this principle into Iran's constitutional foreign policy framework stems from the historical observation that Islamic nations, despite their material and spiritual endowments, have been subjugated by colonial powers, impeding their material and spiritual development. This historical context propelled the Iranian revolutionaries, following the 1979 revolution, to prioritize the dissemination of revolutionary ideals and achievements to other Islamic nations, aiming to assist their Muslim brethren. This sentiment is corroborated in the constitutional deliberations: "According to the sacred teachings of Islam, when an Islamic system is realized in any part of the world, it creates a government whose responsibility is not confined within limited borders, but extends to all humans, especially all Muslims" (Detailed Discussions of the Final Review Assembly of the Constitution of the Islamic Republic of Iran 1985, vol. 1: 451).

Given this approach by the Islamic government of Iran, it was natural for colonial powers, apprehensive of the emergence and proliferation of this Islamic movement in other Muslim nations—which would jeopardize their illegitimate interests—to take measures to discourage other Islamic nations from unity and emulating the Iranian Islamic revolution. These factors prompted the Iranian Constitution to astutely delineate two levels of responsibility for its foreign policy to achieve Islamic world unity.

At the first level, the Constitution's preamble and Article 11, drawing from Quranic verses such as "Surely this community of yours is one community, and I am your Lord; so serve Me" (21:92), consider all Muslims as one community and, based on these principles, deem fraternal commitment to all Muslims a duty of the Islamic Republic of Iran. Consequently, the Islamic state is obligated to facilitate the liberation of Muslim societies from the dominion of arrogant and colonial powers by developing and promoting its freedom-seeking and anti-colonial ideals among Islamic societies and supporting liberation movements.

At the second level, acknowledging that colonial powers would strive to distance Islamic states from the Islamic Republic of Iran and its ideals to prevent Islamic unity, the Iranian government is mandated by Article 11 of the Constitution to base its general policy on the coalition and unity of Islamic nations and to persistently strive to achieve political, economic, and cultural unity of the Islamic world. Hence, establishing peaceful and unifying relations with Islamic nations should be a fundamental principle of the Islamic Republic of Iran's foreign policy.

In conclusion, it is imperative to clarify that the concepts of "exporting the Islamic revolution" to other countries and realizing "unity of Islamic nations" or "Islamic world unity," as envisioned by the Islamic revolution's founder and the Constitution's drafters, unequivocally do not imply expanding Iran's borders to dominate other Islamic countries or eradicating geographical boundaries among Islamic nations. Rather, these concepts primarily entail propagating Islamic revolutionary ideals to facilitate the liberation of Muslim nations from colonial domination, and secondarily, forming a powerful coalition of Islamic countries capable of resisting or countering political and economic pressures from colonial powers. This interpretation is corroborated by the statement of the Vice President of the Final Constitutional Review Assembly: "It does not mean that this government intends to expand its territory and forcibly annex other lands. Never. Rather, it means that it must hasten to aid these Muslims and, through mutual assistance, create a situation where they too find themselves with an Islamic system. When all these systems become Islamic, then the formation of a great global political unit under the banner of Islam is natural and correct. This is why our Islamic revolution has so many enemies today..." (Detailed Discussions of the Final Review Assembly of the Constitution of the Islamic Republic of Iran 1985, vol. 1: 451).

2-6. DEVELOPING PEACEFUL RELATIONS WITH NON-BELLIGERENT STATES

In determining the Islamic Republic of Iran's obligation to realize Islamic world unity, it is crucial to note that, in addition to Islamic states, Article 152 of the Constitution recognizes the development of peaceful relations with other non-belligerent states as a fundamental principle of Iranian foreign policy. This article explicitly identifies "developing peaceful relations with non-belligerent states" as a core tenet of the Islamic Republic's diplomatic approach. Consequently, the Iranian government is obligated to maintain peaceful relations with non-belligerent states and actively pursue their enhancement.

In this context, jurists have derived three conditions from Surah Al-Mumtahanah, verse 8, for establishing relations with non-belligerent states: 1) maintaining dignity; 2) avoiding close ties with unbelievers; and 3) reciprocal engagement and cautious interaction (Esmaeili and Ghamami 2010, 16). Regarding the mandate in Article 152, it is noteworthy that the qualifier "non-belligerent" was deliberately added by the Constitution's drafters, imbuing it with significant legal import. Initially, clause 16 of Article 3 proposed "establishing just relations with all nations" as a governmental duty. However, some representatives in the final constitutional review assembly objected, arguing that "establishing just relations with all nations is inappropriate, as we know some nations, like Israel or other oppressive ones, are unjust" (Detailed Discussions of the Final Review Assembly of the Constitution of the Islamic Republic of Iran 1985, vol. 1: 300). This led to the modification of the clause, ultimately resulting in the use of "non-belligerent states" in Article 152.

This semantic choice implies that: firstly, the Islamic Republic of Iran cannot maintain or develop peaceful relations with belligerent or oppressive states; secondly, Iran's obligation towards belligerent states is reciprocal action and support for oppressed individuals within such states.

CONCLUSION

The Constitution of the Islamic Republic of Iran, while delineating the most crucial goals, ideals, and legal norms governing Iran's political system, has also established directives for foreign policy across various articles. Analysis reveals that beyond Article 152, which can be considered the central principle in articulating Iran's foreign policy tenets, some guiding principles are defined in other constitutional articles, such as Articles 3 and 11. This suggests that Article 152 should be interpreted as illustrative rather than exhaustive.

The non-exhaustive nature of Article 152 in delineating the Islamic Republic of Iran's foreign policy principles necessitates a comprehensive analysis of the Constitution. This examination reveals several fundamental tenets:

- Alignment of foreign policy with Islamic criteria.
- Preservation of comprehensive national sovereignty, emphasizing autonomy and rejecting external influence across political, military, economic, and cultural spheres.
- Safeguarding territorial integrity, underscoring the state's obligation to protect Iran's geographical boundaries.
- Non-intervention in other nations' affairs, particularly for purposes of domination or oppression.
- Obligation to support the oppressed and Muslims under duress, which, while adhering to non-intervention principles, establishes this support as a humanitarian and religious duty of the Islamic Republic.
- Realization of Islamic world unity through the propagation of Iran's revolutionary ideals of liberty and anti-colonialism among Islamic societies, aiming to liberate Muslim nations from imperialist domination and foster unifying relations.
- Development of peaceful relations with non-belligerent states, mandating Iran to maintain and enhance such relations while adopting reciprocal measures against belligerent entities.

These principles, derived from various constitutional articles, collectively form the cornerstone of the Islamic Republic of Iran's foreign policy doctrine as enshrined in its Constitution. This multifaceted approach reflects Iran's commitment to Islamic values, national sovereignty, and global Muslim solidarity, while maintaining a pragmatic stance towards international relations.

In conclusion, this research demonstrates that through proper elucidation and interpretation of the principles governing the Islamic Republic of Iran's foreign policy as enshrined in the Constitution, and examination of their corresponding norms in international legal discourse, one can deduce that assertions of conflict between certain Iranian foreign policy principles and international standards stem from either

misinterpretation of Iran's foreign policy tenets or unfamiliarity with relevant international legal norms.

DISCLOSURE STATEMENT

No potential conflict of interest was reported by the author.

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