

## The Iran Crisis #19: Maryam Jamshidi on international law regarding Hormuz, and prospects for peace

*Transcript of the conversation Helena Cobban held with Prof. Maryam Jamshidi on 5/7/2026.  
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**[Helena Cobban]**

Hi, everybody. I'm Helena Cobban. I'm the president of Just World Educational.

And this is I want to say number 19 in our ongoing series on the Iran Crisis. Very, very happy today to have as my guest, Maryam Jamshidi, who is an associate professor of law at University of Colorado in Boulder. And she's a big expert on international law, you'll be glad to hear and she's been following the events in Iran very closely.

Maryam, great to have you with us.

**[Maryam Jamshidi]**

It's great to be here, Helena. I don't know if anyone still believes in international law, but I'm happy to be here to talk about that and other things with you.

**[Helena Cobban]**

Yeah, well, we will come on to international law. I had a good conversation last week with Richard Falk about like, 'Was it all a delusion in the first place?' which was kind of interesting. But let's start off by looking at the immediate situation.

I know, things are moving very, very speedily. Who knows, maybe they're not? Maybe we're just in this kind of stasis, which is what Trita Parsi said to me, I think last week, that there's a possibility of a long period of non-negotiated-- you know, nothing happening. But a lot obviously is happening behind the scenes and happening to the global economy. We are talking on May 7, at roughly 2:30 pm Washington DC time, I guess you guys are on Mountain Time. But anyway, sorry to take you away from your lunch...

So we've decided that we can't really talk about will there be war in the next three hours? Will there be peace in the next three hours? I know there can't be peace within the next three hours. But beyond that, how do you evaluate the interests of the two sides? Because there's a lot of disinformation and misinformation about what their interests are.

And to be frank, it's really hard to tell what Donald Trump's negotiating position is. But how do you evaluate, you know, American interests and Iranian interests at this present point?

**[Maryam Jamshidi]**

I mean, they're certainly at loggerheads. I think the Americans, broadly speaking, you know, want far more than what they articulate publicly, so Trump keeps saying, 'Iran can't have a nuclear weapon, Iran can't have a nuclear weapon' over and over and over again, when we know that for decades, if not from the very beginning of the Islamic Republic, Iran has eschewed any interest, really, in a nuclear weapon.

There were, you know, certain things that happened in the 90s, that we could talk about where they were sort of exploring whether or not they could develop the know-how, if necessary, to build that kind of a weapon primarily in response to the experience they had with Iraq during the Iran-Iraq war. But, you know, I don't know any credible source expert that has claimed that Iran has actually actively pursued weaponization ever, certainly not under the Islamic Republic. So that interest is sort of meaningless for the United States, because it's not something Iran has really ever pursued in any kind of effective way.

And of course, the Americans also talk about ballistic missiles, they talk about support of non-state actors in the region by Iran. But I think really what we're talking about what the United States wants, what Trump wants, what he has reportedly said to, you know, his confidants is that he wants to bring an end to the Iranian revolution. He wants to bring an end to the Islamic Republic of Iran.

And from my perspective, what that means is basically an end to Iranian independence and sovereignty. So the end of Iran as an actor in the region that is not fully within the U.S. orbit or sphere of influence, that [becomes] a country that is no longer pursuing foreign policy as well as domestic policies that it sets based on its own interests, but rather, instead, a country that is, to some extent, much like what Iran was before the revolution, a country that's very much aligned with the United States, allowed the United States to determine all sorts of different domestic and foreign policy objectives for it. I think that's ultimately what the U.S. wants.

And obviously, Iran wants the opposite. Iran does not want to be, you know, a vassal of the United States. Iran wants to maintain and bolster, substantially bolster, its sovereignty and independence.

And I think Iran sees itself, I don't actually... This is what Iran says. Iran sees itself as having been victorious in this war, as having achieved really meaningful successes. And I think it has reasons, I think it has good reasons for believing that. And so it doesn't just want, it's also not willing, to go back to the status quo pre February 28th, right? So it's not simply that it wants to maintain its sovereignty. I think it wants to enhance that sovereignty because Iran has, despite, you know, the last 47 years of effectively undoing the very direct level of U.S. control of the United States as a result of the revolution, Iran has still been very much under U.S. pressure, Western pressure because of sanctions, the presence of military bases in the region, and Iran wants to get out from under that, too. Right? So Iran is looking for things that are diametrically opposed to what the United States wants.

**[Helena Cobban]**

So at present, you say that the Iranians have some reason to feel victorious. And how would that go forward in terms of gaining what they want from any potential negotiations?

**[Maryam Jamshidi]**

Right. I mean, right now, as we all know, their key leverage is the Strait of Hormuz. It's the way that Iran has been able to effectively put enormous amounts of pressure on the global economy.

That is the key to Iran's leverage right now, and the key to its ability to realize other interests that it has in this moment. You know, whether or not it's going to actually be able to do this is a whole 'nother conversation. But I think what Iran, I think what has been clear in terms of what Iran has put forward in the negotiations with the United States is a full end to all U.S. sanctions, as well as a new security arrangement within the region. I have seen reporting suggesting that Iran is basically saying no U.S. bases around the country either. And on that score, another point of leverage that the Iranians have is the clear damage they have done to many of these bases in the region. I mean, the reporting is now becoming more and more clear.

And we're talking from places like the *Washington Post*, you know, the *Wall Street Journal*, like not exactly outlets that are out to make Iran look good, but nevertheless have demonstrated that Iran really did some significant damage to many key U.S. military assets in the region.

So now the question is, will those be rebuilt? Who will pay for it?

And I think Iran is using this opportunity of uncertainty around those questions to also try and ensure that the rebuilding of those bases either doesn't happen at all, or that the architecture around U.S. military presence in the region is very different from what it was. So, you know, again, how does Iran achieve these two very big asks? I mean, Iran also wants a new arrangement within the Strait of Hormuz, as we also know.

So I think the end of sanctions, a regulatory architecture within the Strait, that is to Iran's liking, as well as a, you know, the effective end of the U.S. military's presence in the region is what Iran is looking for. And what can it leverage to achieve that? You know, to some extent, the Strait of Hormuz itself is, again, as I mentioned, part of that leverage. Its nuclear program is to some extent part of that leverage as well.

But, you know, it's dealing with an actor that, as I already mentioned, is looking for capitulation, effectively. So can Iran, does Iran have enough leverage to be able to actually obtain what it wants? I think that's a really hard question to answer.

**[Helena Cobban]**

Oh, that is a great, very comprehensive answer. The only thing that I have heard, in addition that the Iranians are asking for is reparations.

**[Maryam Jamshidi]**

Yes, right.

**[Helena Cobban]**

For the damage inflicted by this, you know, completely unjustified war of choice. But it may be that that's something they could let slip if they get what they want on the other items.

**[Maryam Jamshidi]**

Well, I think, you know, the arrangement around the Strait is, I think, their approach to being able to get reparations effectively. So if they can develop a regulatory architecture that includes some kind of payment system, that payment system...

**[Helena Cobban]**

Which they have rolled out.

**[Maryam Jamshidi]**

Which they have rolled out. They've started rolling out. It's really, you know-- a lot of this conversation is made difficult by the fact that the information that comes out comes out very piecemeal.

It usually isn't directly from the Iranians. It's usually from, you know, somebody else, whether it's Lloyd's, some shipping insurance company or Axios or the Americans. So it's hard to know exactly what's happened.

But certainly it does seem like there's enough evidence out there that they have charged at least some ships passing through the Strait at some point, some kind of fee. And it does seem like they want to continue. They're trying to develop a domestic legal architecture around this so that there's a pending bill within Parliament that will institutionalize this within Iranian law and that there is an element of that law that will have some kind of fee-based arrangement.

But, you know, what that will look like, again, unclear. But it does seem like the Strait of Hormuz is really going to be probably very central to Iran's demands around reparations.

**[Helena Cobban]**

So put on your international lawyer hat and tell me about what... Well, I think neither Iran nor the United States is a member of the UN Convention on the Law of the Sea. Is that correct?

**[Maryam Jamshidi]**

That is correct.

**[Helena Cobban]**

The UN Convention does have something to say about straits. And then we have, for example, in the Turkish Straits, we have the Montreux Convention of 1937, which, as I

understand it, allows in normal time, non-military vessels can pass easily, but they have to pay a fee for lighthouse services or some kind of services that Turkey... Because the Turkish Straits, it's two straits, the Dardanelles and the Bosphorus, and they go through all Turkish territory. And in time of war, there's a different set of things that happen in the Montreux Convention.

Now, in the Strait of Hormuz, you don't have unilateral Iranian control because it's split between Iran and Oman.

**[Maryam Jamshidi]**

Correct. That is correct.

**[Helena Cobban]**

So how does that all work? How might it work?

**[Maryam Jamshidi]**

So let's take the Turkish, the Bosphorus, the Dardanelles first, because we can sort of get rid of that pretty easily. So the Montreux Convention predates, you know, the UNCLOS by several decades. It is a separate, independent arrangement specifically for those straits, which are considered international straits, even though they are fully within Turkish territory, they are still considered international straits.

And under that treaty, Turkey is permitted to charge certain kinds of fees to ships that pass through those straits. It's not really a useful parallel here, because again, this arrangement predates, you know, the sort of laws we're discussing that are relevant to the Strait of Hormuz.

**[Helena Cobban]**

So hang on, it's a treaty? It's a treaty. So it's only the governments that have signed on to it, which presumably include all the states that are coastal states of the Black Sea?

**[Maryam Jamshidi]**

I mean, so I'm going to be honest with you, I don't know exactly the details in terms of the states that have signed on to the treaty. My understanding is, though, that I would assume that the states that use the straits frequently have agreed to have ratified the Montreux Treaty as a condition of being able to use these straits. But I don't know enough to be able to say exactly what all the state parties are.

But my general understanding is that this is the treaty that governs the Bosphorus and the Dardanelles, that there aren't a lot of debates about that. And so the countries, the flagships that pass through those straits have agreed to the arrangements of that treaty. But the broader point really is that that is a unique and very specific arrangement for a particular international strait that isn't really useful for understanding the kind of arrangement, the kind of laws that apply to the Strait of Hormuz.

**[Helena Cobban]**

Darn, I mean, I thought I had the answer there.

**[Maryam Jamshidi]**

No, I mean, that's fair. I mean, I guess I think one way that it can be useful is that, you know, everyone is freaking out, you know, we're going to do this and like everything is going to fall apart.

You know, all international straits will now become subject to, you know, regulatory regulation by coastal states that will start charging fees. And I think all of that is very overblown. And if anything, the Bosphorus and Dardanelles situation shows that the world *doesn't* fall apart when an important international strait is now subject to fees.

You know, canals, which are not international straits are very regularly subject to fees, right? Like the Suez Canal. And again, people use them, the world doesn't end, just because these very important waterways are now regulated and subject to some kind of fee arrangement.

So in that sense, the Montreux Convention, as well as other arrangements to do with other waterways are helpful in demonstrating that this is not something that like, would fully unravel the entire shipping industry, you know, globally. Yeah, okay.

But when it comes to the law that does apply to the Strait of Hormuz, so, so Iran is not party to this treaty UNCLOS from 1982, it did sign the treaty, but it never ratified the treaty.

The United States also has not ratified the treaty. And the law that many of Iran's critics point to as being applicable to the Strait of Hormuz comes from UNCLOS. So there are the regime that comes from UNCLOS, that governs international straits is known as transit passage.

And transit passage basically says that, you know, there's freedom of navigation through international straits, coastal states have very, very few rights in terms of regulating that passage, and they cannot charge any kind of fee for passage.

**[Helena Cobban]**

So when you when you're talking about coastal states, is that only applies when there is more than one coastal state? Or does it also apply for Turkey?

**[Maryam Jamshidi]**

So again, Turkey is subject to the Montreux Convention. And those straits are considered international straits. So you don't necessarily need to have multiple coastal states.

**[Helena Cobban]**

Got it.

**[Maryam Jamshidi]**

For the sake of having an international strait.

**[Helena Cobban]**

Obviously, if you're looking at the Strait of Hormuz, then you the Iranians would need to have some solid arrangement with Oman. I mean, Oman is kind of important.

**[Maryam Jamshidi]**

I think it's an open question. I think certainly they're trying to work with the Omanis on this. But so let me let me I think if I explain a little bit more about the law, then it'll, I think your question won't get answered in that way.

So the coastal states are the states that basically that are obviously on the coast of these international straits. The Strait of Hormuz is composed exclusively of the territorial waters of Oman, and Iran. It's actually the Iranian side of the Strait of Hormuz that is the deepest--

**[Helena Cobban]**

... and navigable,

**[Maryam Jamshidi]**

... is navigable and the most conducive to the passing of, like, large oil tankers and these sorts of things. So most of these very large vessels have to pass on the Iranian side.

Okay, so transit passage, which is the regime established by UNCLOS basically says it doesn't matter if they're, these ships are going through your territorial waters, if they're passing through an international strait, you have very few regulatory rights, you can't charge fees.

Iran never ratified UNCLOS because Iran has never accepted the transit passage regime. And this goes back to the time of the Shah.

So even under the Shah, Iran did not accept transit passage as the regime applicable to international straits because it was the coastal state for the Strait of Hormuz. Instead, the regime that Iran accepts and the regime that is arguably considered customary international law. Customary international law is different from a treaty. So customary international law binds all states, there are some exceptions we'll get to in a second. And 'innocent passage' is arguably customary international law, and the regime that Iran accepts.

And under innocent passage, states have far more regulatory rights within international states that fall in their territorial waters. And they can even charge fees for specific services rendered to ships that pass through their territorial waters.

So some people do argue that transit passage has actually become customary international law. They say, oh, it's not even about whether or not you're part of a treaty. Actually, transit passage has become customary international law itself. Even if that's the case, Iran has objected to transit passage since before it would have crystallized into customary international law, has consistently objected to it. And so on that basis, too, it would not be subject to transit passage, but instead to the earlier... 'Innocent passage' predates transit passage.

Innocent passage is the regime that applied to international straits before UNCLOS came into effect. And so it's that older regime, again, that Iran has accepted and that Iran is subjected to. So under innocent passage, Iran can, for example, regulate straits for security based reasons.

So it can regulate the Strait of Hormuz within its territorial waters where it has a valid security based reason for doing so. It can charge specific services to ships for things related to security, safety, environmental issues, as long as it does so in a non-discriminatory way.

So does this mean that Iran is absolutely and necessarily doing something lawful in the strait by regulating passage, by charging fees? Not necessarily because it doesn't have the absolute right to do whatever it wants. But as long as it's following the requirements of innocent passage, then what it does in the strait from a regulatory standpoint is arguably lawful.

So in terms of Oman, Iran is able to regulate its own territorial sea. So in that sense, it doesn't necessarily need Oman, right, in order to regulate passage through Iranian territorial waters within the strait. Because the deep water is in, is in Iran.

### **[Maryam Jamshidi]**

But I mean, Iran clearly wants to work with Oman on this. Oman is a party to UNCLOS. It has ratified UNCLOS.

So Oman is actually subject to the *transit passage* regime, not to *innocent passage*. So, you know, I'm not entirely sure what Iran is trying to obtain from the Omanis, given the fact that they are obligated under a very different regime. And to go back to the point I made earlier about like, is everything going to fall apart?

You know, like a lot of states have ratified UNCLOS, you know, including coastal states of other straits. And so, you know, it is going to be more difficult for those countries to come out now and say, I mean, they can certainly try and exit from the treaty. They can do that.

I mean, assuming the treaty allows for that, allows for withdrawal, they could do that. But, you know, short of that, assuming UNCLOS allows for withdrawal, you know, it's hard to see how other states that are subject to UNCLOS or coastal states, there are coastal states in international straits would be able to do what Iran is doing. Iran is in a relatively unique position, in other words.

### **[Helena Cobban]**

So this term: innocent passage, it's interesting to me, because it implies a contrast with something that is not innocent. I mean, under innocent passage, can US warships just, you know, come on through?

**[Maryam Jamshidi]**

Right. So that's the thing, right. And that was part of why Iran was not comfortable with transit passage, because transit passage does allow warships to go through the straits.

There's also a big question as to whether or not transit passage could be suspended even in times of war. I mean, arguably, if you're at war with another party, then you should be able to suspend transit passage in terms of allowing their warships to go through.

**[Helena Cobban]**

And certainly that is in the Montreux Convention, which, as you noted, predates UNCLOS and everything else.

**[Maryam Jamshidi]**

Predates UNCLOS. But innocent passage, again, it doesn't allow straits to regulate, sorry, allows coastal states to regulate straits for security-based reasons, even if there is no armed conflict ongoing. So even if there's no war, it's not wartime.

Innocent passage allows coastal states to say, well, this passage, like you said, is not innocent. You know, we are facing security consequences or certain security-based risks as a result of allowing certain ships, whether they're naval ships, warships, other kinds of ships to pass through. So we're not going to allow them to pass through because they threaten our security.

Innocent passage gives coastal states the flexibility to say that.

**[Helena Cobban]**

Oh, interesting.

**[Maryam Jamshidi]**

Outside times of war.

**[Helena Cobban]**

Yeah.

**[Maryam Jamshidi]**

And inside times of war, obviously. It's more conducive.

**[Helena Cobban]**

So if you had like a cruise ship that was full of people who have this hantavirus, and we want to send that, you know-- that would not be innocent passage.

**[Maryam Jamshidi]**

Maybe not. I mean, you know, you need to show that there's a, you know, you need to...

**[Helena Cobban]**

A real threat.

**[Maryam Jamshidi]**

Yeah, right. You know, states are obligated to adhere to international law, according to principles of good faith, you know, so you need to have a good-faith basis for complaining or claiming that, you know, the particular ship is not actually engaging in innocent passage. You couldn't just fabricate an argument.

**[Helena Cobban]**

By the way, thank you so much. That was like an amazing seminar on the whole matter of international maritime law that I think is really, really valuable.

**[Maryam Jamshidi]**

Who knew anyone really cared? But you know, it's been like, the topic! It's been the cocktail conversation, cocktail party conversation, you know, can they or can't they in the Strait of Hormuz.

**[Helena Cobban]**

So let's move on. I just want to get your take on the evaluation of the prospects for any meaningful role by the United Nations Security Council right now. I mean, the Security Council has played almost no role regarding the genocide, the ongoing genocide in Gaza.

And, you know, what role it, tiny role that it did have, and of course, there are historic UN resolutions 242 and everything else that should regulate the situation in Gaza, but it's all been overtaken by the Board of Peace, which is, you know, Donald Trump's personal kind of King Leopold-style project for not only Gaza, but who knows what else? And we've also seen the Security Council completely sidelined in Lebanon. Might it play a role regarding the US Israeli attack on Iran?

I do just note that there was that occasion, was it April 7th, April 8th, April 7th, it was when China and Russia actually cast their veto. You know, which means earlier, I thought, you know, when they let, I forget the numbers of all these resolutions. I think it was Resolution 2803 that by which the Security Council last November, adopted the Board of Peace wholesale.

And, and China and Russia did not object. I mean, they could have used a veto then but failed to and I thought, oh, they don't give a damn about the Security Council. On April 7th with this proposal that I think it was Bahrain and the United Nations, sorry, the United States put together, then China and Russia used their veto.

So how do you how do you evaluate the role of the Security Council right now?

**[Maryam Jamshidi]**

Yeah, you know, the Security Council, you know, obviously on Palestine has done virtually nothing other than the worst thing possible, which is allow for the Board of Peace to effectively have control over the future of the Gaza Strip. And, you know, the fact that the resolution was not vetoed, you know, at least based on what the Russians and Chinese have said, or my understanding of it is that, you know, the state of Palestine supported this, the Arab countries supported this. So who were they to veto it?

You know, everything is such a blur. But my recollection is that, you know, the statements that Russia and China made about the board were not very flattering. At the Security Council, they were not happy about it.

But they also didn't feel like they could veto this if the state of Palestine in particular was supporting it. So I think there are a lot of things to unpack when it comes to that particular resolution.

When it comes to the unlawful US-Israel war against Iran, you know, the Security Council has so far either actually played or been on the verge of playing a very destructive role in all of this. You know, I think it was March 11, the first resolution about the Strait of Hormuz and the Gulf Arab states being, you know, quote unquote, aggressed against by Iran.

**[Helena Cobban]**

Yeah, with no mention at that point.

**[Maryam Jamshidi]**

No mention of the fact that what had started all of this, which was an illegal US and Israel war against Iran, or of the arguments Iran had made about the ways in which those Gulf countries had been used as staging grounds to attack Iran, you know, which would make those states themselves liable for the crime of aggression and would give Iran the right to self defence against them. No mention of any of that. Only condemnation of Iran for its attacks on those states as well as for its actions in the Strait.

But that resolution was not brought under Chapter Seven, it didn't purport to green light, you know, war against Iran by these other states, but it wasn't, it wasn't a great resolution. And it had a lot of support.

**[Helena Cobban]**

Chapter Seven is the is the portion of the UN Charter that allows armed action to redress wrongs.

**[Maryam Jamshidi]**

It allows the Security Council to take forcible and non forcible measures against states that threaten international peace and security, which is something that the Security Council itself determines, and for which there is no clear definition in the UN Charter. So the March 11 resolution had like something like 140 members of the United Nations that supported it. But it wasn't under Chapter Seven.

It did condemn Iran, it did, I believe, don't quote me here, demand that Iran stop blocking passage through the Strait. And it was not vetoed by Russia and China. And again, my understanding is that Russia and China did not veto it because it had such broad support.

**[Helena Cobban]**

But that one didn't pass.

**[Maryam Jamshidi]**

No, it did pass. That was March 11. Okay, that was the first resolution.

Then there was the second resolution that you mentioned on April 7, which was far more problematic, very problematic, because that resolution basically did greenlight, armed attacks against Iran by all UN member states, that's over 190 states, for purposes of opening the Strait. Really just for purposes of opening the Strait.

**[Helena Cobban]**

You know, I completely forgot about the March resolution. I was-- Well, it's been a while.

**[Maryam Jamshidi]**

It's all a blur. It's all a blur! And, you know, which is a wild proposition, you know, to allow to now basically allow the entire world to go to war with Iran, just for purposes of imposing a particular legal regime, transit passage within the Strait, and basically saying, 'Iran, you have no regulatory authority here.' The resolution, in addition to all of its problematic ways in which it would have greenlit war, which is itself just utterly unbelievable, it also sought to take this legal regime that Iran had objected to for decades, and impose it unilaterally onto the Strait of Hormuz against Iran's will, which is, again, not the way international law is supposed to work.

You know, the Security Council does have a lot of latitude under Chapter 7, including in terms of authorizing forcible measures, authorizing armed attacks against other countries. But at the same time, you know, the Security Council arguably cannot deprive states of their core international rights, you know, states can go to, can attack other states if they have a right to self defense against those states. Beyond that, the Security Council being the other exception, beyond that, you know, you can't just go to war with another country because

you don't like the way it's regulating an international waterway, you don't have the right to attack that country, because they claim a different legal regime applies to that international waterway than the one that you prefer.

So the notion that the Security Council could somehow overcome that, and effectively allow states to do what they cannot, allow states to do, what they cannot otherwise do, which is use armed force to impose their will on another country, I think really strains the notion of what the Security Council is.

So, you know, so what the Security Council has done so far with respect to this war has been quite frightening. And there's now another resolution that's very similar to the resolution that China and Russia vetoed on April 7, that is again being put forward in the Security Council to once again, allow all the states, all member states of the United Nations to go to war with Iran to open the Strait of Hormuz.

And now there is no, you know, 'The Emiratis claim that the Iranians attacked the Port of Fujairah.' The Iranians have denied it. But people inside, media personalities inside the Emirates are now saying Saudi did it. Whatever. But the point is, there is no kinetic activity right now, between Iran and the Gulf States. April 7, maybe there was, maybe there was some justification. Again, I don't think there really was at all.

But there's nothing now, beyond simply opening the Strait of Hormuz. And yet they're still trying at the Security Council to push this resolution too. And it would be a disaster, would be disastrous.

So my hope, frankly, because I think it's the best thing. And the only thing that is really, you know, one can hope for at this stage, is that the Security Council does not make things worse than they already are.

**[Helena Cobban]**

Well, that's a good bar to establish anyway. And maybe when President Trump is in Beijing next week, that should be something that they discuss. Do you have any hopes from that?

**[Maryam Jamshidi]**

I don't. I think it'll be interesting. You know, the Treasury Department sanctioned some Chinese entities that are very important to China, and China responded by blocking Chinese businesses from complying with US sanctions, because they were so upset by this, you know, yet another, you know, very...

**[Helena Cobban]**

Beyond sanctions, beyond secondary sanctions.

**[Maryam Jamshidi]**

Yeah, beyond secondary sanctions, really going way beyond anything that can even be remotely justified on any level. So it'll be interesting to see what comes out of that visit to

China. I think Trump will certainly try and pressure, or convince China to try and put pressure on Iran, given the relationship between those two countries.

But you know, I think China is also very capable of withstanding coercion from the United States and willing to do so, as we've seen them do on the tariffs, as we just saw them do with the [sanctions-]blocking statute. So I think China will do what is in China's interest.

And it seems like the visit that Araghchi had in China earlier this week, at least seems to have been positive. So I think it's good that the Iranians were there first. And, you know, we'll see how that influences China's response to Donald Trump's visit next week.

**[Helena Cobban]**

Yeah, I mean, it is an interesting prospect that China may end up being the kind of the pivotal mediating power here. And we've seen already, by working with Pakistan, Pakistan has been, let's say, a kind of a good post box and a good providing a good neutral place for those meetings, April 10th, 11th between the American and Iranian teams. So I guess there is some hope.

I just want to note one thing that you said is, is that all these Security Council resolutions have been about the Strait of Hormuz. They have not been about the nuclear file.

**[Maryam Jamshidi]**

They haven't been about the unlawfulness of the war. They have focused on the Strait of Hormuz, and then the, you know, Iranian attacks on the Gulf Arab states. That's really what they have focused on.

**[Helena Cobban]**

So one really simple question to you to finish up with, like, is there any hope for for international law at this point?

**[Maryam Jamshidi]**

You know, I mean, that is the million dollar question that people have been asking over the last couple of years. And there's so much to unpack about, you know, the role of international law over the last few years, and its future. I mean, I would say this, I would actually, you know, paraphrase what I think he's the Deputy Foreign Minister of Iran said a few weeks ago.

He said in response to a question from a reporter, 'Iran refuses to be to be treated unequally under international law. Iran refuses to basically be treated as a second class state under international law. Iran wants to be treated equally and demands equality within the international legal system.'

I think if international law was useless, or destructive, wholly destructive, wholly a tool of Western empire, I don't think you would see states like Iran, wanting, you know, to be treated equally under international law. I don't think you'd be seeing, you know, the state of

Palestine for all of its issues. You know, trying to leverage international law to further Palestinian liberation and the occupation and end to settler colonialism.

I don't think you'd be seeing Palestinian human rights NGOs, grassroots activists doing the same. I don't think you'd be seeing civil society actors anywhere in the global South, invoking international law, over and over again, if it was exclusively this like tool of US and Western power. The reality of international law is much more complicated than I think a lot of its detractors describe.

It has not just been a cudgel used by one side, it has also been a very powerful tool and form of advocacy used by the Global South for decades. You know, the right to resist under international law was created by the Global South. The entire notion of the right to self-determination as being a core, vital, central principle of the international legal system was pushed by global South states during the period of decolonization.

Iran's arguments around this really technical transit passage, innocent passage, this is yet again, a Global South state trying to use international law to say we have the right to do this. We are going to do this. We have a basis for doing this.

This is not illegitimate. The prohibitions around, you know, the use of force, you know, that doesn't just come out of the global South. But certainly, in order to be a sovereign and equal state within the international legal system, you cannot be constantly subject to attack.

And what what countries are best positioned to use war as a tool of foreign policy? Powerful states, by and large Western states. It's the global South that needs these prohibitions, more so than states like the United States.

So I would say that if the future of international law is that it comes completely unraveled, we are going to be living in a far more terrible, more violent, more destructive world for the vast majority of people who live in it. The vast majority of people who live in that world being people who live in the third world and the global South. So instead of, you know, deriding international law, telling people to stop talking about it, because it doesn't matter, you know, like, we should be looking at and watching and listening to these global South actors who are desperately clinging to international law, not saying that it's perfect, not saying that there are, you know, not deep problems with the way international institutions like the United Nations work, not saying that there isn't deep hypocrisy in the ways international law has been leveraged.

They're criticizing it, too. But they're also saying, we still want it, we still need it, because it is what protects us. It's what empowers us.

It's what allows us to actually exist in this world, with some safety and some security so that we can actually determine our own futures for ourselves instead of just being subject to, you know, the will of more powerful states. So we should be bolstering international law, we should be trying to improve it, we should be trying to make it work better. We shouldn't be abandoning it.

**[Helena Cobban]**

Wow, you just persuaded me. Professor Maryam Jamshidi, thank you so much. This has been such a valuable conversation.

It's, I think, the 19th in our ongoing series on the Iran crisis. And I hope that we can talk to you again very, very soon.

I want everybody to go to our website, [www.justworldeducational.org](http://www.justworldeducational.org), where you'll find not only the records of this conversation, but also all the other conversations and look forward to talking to you again soon. Thank you.

**[Maryam Jamshidi]**

Thank you so much. It was a pleasure.