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WEAPONISING THE WATERS: THE STRAIT OF HORMUZ, THE IRAN-UNITED STATES-ISRAEL CONFLICT, AND THE INTERNATIONAL LAWS OF THE SEA

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ABSTRACT

The Strait of Hormuz; is a 34-kilometre international passage. It connects the Persian Gulf to the Gulf of Oman and responsible for carrying approximately 20 percent of the world's oil supply (Energy needs). Hence, it represents one of the single most important maritime chokepoints in the global energy system. The on-going skirmishes as of April 15, 2026, between Iran, the United States, and Israel has transformed this waterway from a commercial corridor into the central arena for battlefield of an economic and strategic war, which raises fundamental questions of international maritime law. This paper examines what international law actually states about the Strait of Hormuz, or any other Strait for the matter; whether Iran has the right to lawfully block or charge tolls on merchant vessels transiting through the Strait; whether the United States may lawfully deploy secondary sanctions to prevent third-state trade with Iran through this corridor; whether United States Navy has the right to block the ships trying to enter, or exit the strait and Iranian ports. In fact, the United States presents a harder case. Its secondary sanctions system uses financial exclusion rather than naval force which amounts to blockade of Iranian oil exports. The ICJ's 1986 Nicaragua ruling on economic coercion provides the closest available legal framework for evaluating this conduct, and the analysis is uncomfortable for Washington. The paper covers the legal framework governing the broader comparatives; such as, China in the South China Sea, India and the Strait of Malacca.

Through systematic analysis, this paper argues that both Iran's blockade and the United States' blockade and secondary sanctions regime are legally indefensible under international law, and whether the UN is capable of preventing conflicts which involves major powers. It is in fact is a deeper structural failure of the UN's very own reason for its existence, for which it was created. The paper concludes by identifying reform pathways and suggests that law is clear than geopolitics, but the observance and enforcement between them is too wide.

Keywords: *Strait of Hormuz, UNCLOS, Transit Passage, Freedom of Navigation, Corfu Channel, International Maritime Law, US-Iran-Israel conflict*

I. INTRODUCTION

"The sea is common to all mankind, because it is so limitless that it cannot become a possession of any one, and because it is adapted for the use of all."

- Hugo Grotius, *Mare Liberum* (1609)¹

The ancient Arab geographers were the ones who named the passage at the mouth of the Persian Gulf after the trading port of Hormuz. For hundreds of years it has been the gateway between the Persian world and the wider Indian Ocean trade. During the 1515, the Portuguese figured out a n logic. Under Afonso de Albuquerque, the Portuguese captured the Hormuz because controlling this waterway meant controlling the spice trade and the open Indian Ocean waterways and Persian Gulf. Today, centuries later, everything remains the same except that the commodity at stake is petroleum rather than pepper, and the competing powers are Iran and the United States rather than Portugal and the Ottomans.

Today, the Strait of Hormuz carries about one-third of all seaborne traded petroleum². A closure of the Strait even for a short period means an immediate global oil price rise with cascading effects on inflation, GDP growth, and economic stability across every oil-importing economy. Actions like the Iran's 2019 mine attacks on the Norwegian tanker *Front Altair* or the July 2019 seizure of the British tanker *Stena Impero*³ are carried out to inflict real damage or the US' secondary sanctions planned for achieving the effect of a blockade without the legal form of one, which would require Congressional authorisation as a formal act of war.

Hence, this paper addresses four questions. Can Iran lawfully block the Strait? Can it charge

¹ Hugo Grotius, *The Freedom of the Seas, or the Right which Belongs to the Dutch to Take Part in the East Indian Trade* 28 (Ralph Van Deman Magoffin trans., Oxford Univ. Press 1916) (1609). Grotius challenged the philosophical and legal foundations of freedom of the seas. He argued that the ocean was common property of all mankind and could not be subjected to the sovereignty of any single state. His thesis was a response to Portuguese and Spanish claims of monopoly over the ocean.

² The Strait of Hormuz connects the Persian Gulf to the Gulf of Oman at its narrowest point of approximately 34 kilometres. It is separated by a three nautical mile buffer zone. The International Energy Agency estimates that approximately 20-21 million barrels of oil per day transit the Strait, representing roughly 20 percent of global oil demand and approximately one third of all seaborne traded oil.

³ Reuters, *Iran seizes British tanker Stena Impero in Strait of Hormuz* (July 19, 2019). IRGC forces boarded the vessel using helicopters and speedboats while it was transiting the Strait. Iran cited an alleged collision with an Iranian fishing vessel and claimed the tanker had violated maritime regulations. The British government categorically rejected this account.

tolls? Can the United States lawfully use financial mechanisms to cut off commercial traffic that might otherwise transit or trade through the Strait? And does the same legal framework constrain analogous situations for China in the South China Sea, or India in relation to the Strait of Malacca?

II. THE LEGAL FRAMEWORK

There are three main legal enactments apply to the International maritime law; Treaty law, International law and general principles applicable to the countries. The foundational treaty provision is Article 16(4) of the 1958 Geneva Convention on the Territorial Sea and the Contiguous Zone⁴. Iran ratified the 1958 Geneva Convention on the Territorial Sea in 1958. The United States ratified this in 1961. Article 16(4) of that Convention states plainly that there shall be no suspension of innocent passage through straits which is used for international navigation between one part of the high seas and another. This is a binding treaty text regardless of whether Iran has ratified UNCLOS, which it has not. Article 18 of the same Convention settles the toll question equally clearly⁵.

Hence, both states are therefore bound by this prohibition as a matter of treaty obligation. The provision's drafting history confirms that it was intended to prevent precisely what Iran has periodically threatened: the unilateral closure of an international strait on grounds of national security or political leverage. Any charge or blanket fee imposed would violate the treaty Iran had entered before most of its current leadership was even born.

Then there is the judgement in the **U.K. v. Alb.**, more famously known as the Corfu Channel case.⁶ This was ICJ's very first judgment, issued in 1949. Albania had mined a strait between Corfu and the Albanian coast. British warships were damaged. The Court confirmed that states have a customary international law right to use straits for international navigation during peacetime, and that coastal states near the straits cannot obstruct this right by mining or otherwise blocking passage. The Strait of Hormuz is, by any measure, a more consequential

⁴ Convention on the Territorial Sea and the Contiguous Zone art. 16(4), Apr. 29, 1958, 516 U.N.T.S. 205 [hereinafter 1958 Geneva Convention] (There shall be no suspension of the innocent passage of foreign ships through straits which are used for international navigation between one part of the high sea and another part of the high sea or the territorial sea of a foreign State). This is the operative treaty provision binding Iran; even without UNCLOS, Iran is bound by this prohibition on suspending passage through international straits under a Convention it has been party to for over six decades.

⁵ Refer Foot Note no 4.

⁶ Corfu Channel Case (U.K. v. Alb.), 1949 I.C.J. Rep. 4 (Apr. 9).

international strait than the Greek island of Corfu and Albanian mainland.

The United Nations Convention on the Law of the Sea of 1982 was drafted upon this foundation with the concept of 'transit passage' in Part III of Articles 37 to 44.⁷ Transit passages are more robust right than innocent passage in three respects: it cannot be suspended under any circumstances as stated by Article 44⁸. It covers aircraft as well as ships, and military vessels may transit without prior notification. Article 38 provides that all ships and aircraft enjoy the right of transit passage, which shall not be impeded.⁹ Iran has signed but not ratified UNCLOS and therefore declares that it applies transit passage only to UNCLOS state parties. For non-parties like the United States, Iran says the 1958 Convention applies instead.

Hence, through both the instruments, we can interpret the same conclusion; that is that Iran cannot suspend passage through the Strait.

These provisions states that there is larger consensus among the international community on the sacredness of international strait passage. Most of the major maritime powers, including China and India treats the transit passage provisions of UNCLOS as a customary international law binding on all states regardless of their ratification status. This position is consistent with the approach taken by the International Law Commission and the majority of international law scholars.¹⁰

The UN Charter is the third layer. Article 2(4) prohibits the threat or use of force against the territorial integrity or political independence of any state.¹¹ Iran's repeated explicit threats to

⁷ UN Convention on the Law of the Sea arts. 37- 44, opened for signature Dec. 10, 1982, 1833 U.N.T.S. 3 [hereinafter UNCLOS]. Part III of UNCLOS establishes the transit passage regime for straits used for international navigation.

⁸ UNCLOS, supra note 4, art. 44 ('States bordering straits shall not hamper transit passage and shall give appropriate publicity to any danger to navigation or overflight within or over the strait of which they have knowledge. There shall be no suspension of transit passage.'). This provision, which the US and most maritime states treat as reflecting customary international law, provides a prohibition on suspension of transit passage, a stronger right than innocent passage in that it cannot be suspended even on national security grounds and applies to both military vessels and aircraft, not merely commercial shipping.

⁹ UNCLOS, supra note 4, art. 38(1) ('In straits referred to in article 37, all ships and aircraft enjoy the right of transit passage, which shall not be impeded.').

¹⁰ James Kraska, *Maritime Power and the Law of the Sea: Expeditionary Operations in World Politics* 228-234 (Oxford Univ. Press 2011). Kraska provides a comprehensive analysis of US Freedom of Navigation operations in the Persian Gulf, noting that the US has conducted over 200 Freedom of Navigation challenges in the Gulf region since 1979.

¹¹ U.N. Charter arts. 2(4), 51. Article 2(4) prohibits the threat or use of force against the territorial integrity or political independence of any state. Article 51 preserves the inherent right of individual or collective self-defence against an armed attack. Iran's repeated, explicit threats to 'close' the Strait - made in public statements by senior

'close' the Strait constitute threats of force against the freedom of navigation of all states. Similarly, the law prohibiting economic coercion established in the ICJ's Nicaragua judgment of 1986 applies equally to the US secondary sanctions regime, which aims through economic pressure to force changes in Iranian state response.¹²

III. CURRENT SCENARIO

The present crisis has its roots in the 1980s 'Tanker War'. During the Iran-Iraq conflict, both states attacked neutral commercial shipping in the Gulf. Iran mined shipping lanes. Iraq attacked tankers loading at Iranian ports¹³. The legal consequences of this period eventually reached the ICJ in the Oil Platforms Case of 2003,¹⁴ in which Iran claimed that the US destruction of Iranian oil platforms violated the 1955 Treaty of Amity. The Court's nuanced judgment finding that the attacks were not lawful.

After the JCPOA nuclear deal of 2015 provided a period of partial de-escalation, the Trump administration's withdrawal from the agreement in May 2018 restarted the pressure spiral. Iran began what analysts called a 'maximum resistance' posture: graduated escalation short of open conflict. Tanker harassment increased. In June 2019, limpet mine attacks on the *Front Altair* and *Kokuka Courageous* were attributed by US intelligence to Iran. The following month, IRGC forces seized the British tanker *Stena Impero*.¹⁵ In April 2024, the IRGC seized the

IRGC commanders and political officials - constitute, at minimum, threats of force against the freedom of navigation rights of all states, engaging the Article 2(4) prohibition.

¹² Military and Paramilitary Activities in and Against Nicaragua (Nicar. v. U.S.), Judgment, 1986 I.C.J. Rep. 14, 111-112 (June 27). The ICJ held that the United States had violated customary international law by mining Nicaraguan internal or territorial waters without giving notification required by international law, as established in Hague Convention VIII of 1907. The Court further held that the principle of non-intervention in the domestic affairs of states encompasses a prohibition on economic coercion intended to compel a state to change its political or economic policies. This decision has direct relevance to the US secondary sanctions regime, which aims through economic pressure to alter Iranian behaviour.

¹³ Tanker War (1984-1988): During the Iran-Iraq War, both Iran and Iraq attacked neutral merchant vessels in the Persian Gulf. Iran used mines, naval vessels, and aircraft to attack tankers carrying Iraqi oil exports. The US responded by escorting Kuwaiti tankers reflagged as US vessels under Operation Earnest Will (July 1987 - September 1988), making them subject to US Navy protection. The US Navy destroyed Iranian naval facilities at the Sassan and Sirri oil platforms in October 1987 and April 1988 in retaliatory operations. See Martin Navias & E.R. Hooton, *Tanker Wars: The Assault on Merchant Shipping During the Iran-Iraq Crisis 1980-1988*, at 161-175 (I.B. Tauris 1996).

¹⁴ Oil Platforms Case (Islamic Republic of Iran v. United States of America), Judgment, 2003 I.C.J. Rep. 161, 186-189 (Nov. 6). This case arose from the Iran-Iraq War 'Tanker War' period, when the US Navy destroyed Iranian oil platforms in 1987-1988 in response to Iranian attacks on tankers reflagged as US vessels. Iran alleged violations of the 1955 Treaty of Amity, Economic Relations, and Consular Rights. The ICJ found that while US forces had attacked Iranian oil platforms, the legal basis for the US claim of self-defence under Article XX of the Treaty of Amity and Article 51 of the UN Charter had not been satisfied because there was insufficient evidence of Iranian responsibility for specific attacks on US-flagged vessels.

¹⁵ Refer Foot Note no.3.

container ship MSC Aries near the Strait using helicopter-borne forces.¹⁶

The US re-imposed the sanctions following its withdrawal from the JCPOA in 2018.¹⁷ It has created an economic barrier around Iranian oil exports. Any foreign entity whether a Chinese refinery, an Indian shipping company, a Turkish trading house that purchased Iranian oil faced the threat of exclusion from the US financial system and US markets. They prevented any state with US market exposure from trading Iranian oil, regardless of whether Iranian oil trade is lawful in their own jurisdiction. Interestingly, the EU has responded with its Blocking Statute,¹⁸ which prohibits EU persons from complying with US's secondary sanctions. The collision between these two systems of extraterritorial legal authority presents a conflict of sovereignties that the current framework of international law has no mechanism to resolve.

Oman's role warrants particular attention. As the state controlling the southern shore of the Strait, Oman is structurally essential to any resolution of the Hormuz crisis.¹⁹ The narrowest navigable section of the Strait falls within Iranian and Omani territorial waters combined. No vessel can legally pass without crossing into at least one of those territorial zones. Oman has ratified UNCLOS. It maintains diplomatic relations with both Tehran and Washington. Its neutrality is structural.

¹⁶ BBC News, 'Iran Seizes Container Ship in Strait of Hormuz' (Apr. 13, 2024). The seizure occurred hours after Iran launched its first direct missile and drone attack on Israel (Operation True Promise), dramatically escalating the regional military situation.

¹⁷ The extraterritorial application of US sanctions on Iranian oil trade was dramatically intensified following the Trump administration's withdrawal from the Joint Comprehensive Plan of Action on May 8, 2018, and the reimposition of sanctions under the Iran Freedom and Counter-Proliferation Act and the Iran Sanctions Act. The secondary sanctions provisions threaten any foreign entity doing business with Iran's oil sector with loss of access to US financial markets. European, Chinese, Japanese, and Indian companies have been coerced into ceasing Iranian oil purchases despite having no legal obligation to do so under the law of their own jurisdictions. See European Commission, Questions and Answers: EU Blocking Statute (2018).

¹⁸ EU Council Regulation 2018/1100 (amending Regulation No. 2271/96 of Nov. 22, 1996), expanding the EU Blocking Statute to include US secondary sanctions reimposed after JCPOA withdrawal. The Blocking Statute prohibits EU persons from complying with US secondary sanctions and establishes a right to recover damages caused by such sanctions from US courts. The statute represents the most direct legal challenge from a major jurisdiction to the extraterritorial application of US economic sanctions law. It reflects the position, shared by China and Russia, that the extraterritorial application of US sanctions violates the principle of state sovereignty and the customary international law prohibition on intervention in the domestic affairs of states.

¹⁹ The Oman 'Tanker Corridor': Following the 2019 escalation in the Strait, Oman proposed a joint maritime safety initiative. Muscat maintains diplomatic relations with both Tehran and Washington and has historically served as a back-channel for US-Iran communications. See Council on Foreign Relations, The Strait of Hormuz: America's Achilles Heel in the Gulf (2019).

IV. IDENTIFYING THE LEGAL ISSUE: CHOKEPOINT, COERCION, AND COLLECTIVE HARM

Can Iran legally block the Strait? The answer is no. The 1958 Geneva Convention, which Iran ratified, prohibits it. The Corfu Channel principle in customary international law prohibits it. The UNCLOS transit passage regime, which Iran's own declaration partially accepts, prohibits it. There is no credible legal argument for an affirmative answer.

Can Iran charge tolls? Also no. Article 18 of the 1958 Convention, again, a treaty Iran ratified, prohibits charges for mere passage²⁰. The toll question has a shorter answer than the closure question, but the same legal source. The legal analysis is unambiguous. The practical question is who would enforce this prohibition and by what means enforcement depends on the political will of the major naval powers, primarily the United States, to maintain open passage.

The same prohibition appears in UNCLOS Article 26. No treaty or customary law legitimises a toll regime on commercial shipping transiting an international strait. Any attempt by to impose such tolls would be immediately unlawful and would constitute a discriminatory trade practice under the general principles of international economic law. If other states bordering international straits - Indonesia and Malaysia in the Malacca Strait, Greece and Turkey in the Aegean straits attempts similar toll regimes, the same legal prohibition would apply. The principle derives from the status of the "waterways as an international strait", not from the identity of the bordering state.

The question of whether the United States may block commercial vessels that have paid (hypothetical) tolls to Iran is more complex. Because it raises the issue of extraterritorial sanctions. The US secondary sanctions regime does not physically block the Strait. Instead, any company anywhere in the world that buys Iranian oil, insures an Iranian oil shipment, or provides financial services to an Iranian oil transaction faces the exclusion from US financial markets.

The legal basis of these secondary sanctions in international law is deeply contested. The EU's Blocking Statute and the diplomatic protests lodged by China, Russia, and the EU against US

²⁰ Chapter XXI. LAW OF THE SEA; 2. Convention on the High Seas. Geneva, 29 April 1958; Article 18: The art.18 states that no charge may be levied upon foreign ships by reason only of their passage through the territorial sea.

secondary sanctions reflects that these extraterritorial application of US law to transactions between non-US parties in non-US jurisdictions violates the principle of state sovereignty and the prohibition on intervention in the domestic affairs of states.

The ICJ's 1986 Nicaragua judgment provides that economic coercion constitutes unlawful intervention. The Court held that the United States had violated the principle of non-intervention by supporting the Contras and by mining Nicaraguan waters, and articulated the principle that economic pressure designed to coerce a state into changing its political or economic policies²¹.

V. WHO PAYS FOR THE DAMAGE: STATE RESPONSIBILITY

The Strait of Hormuz is a global economic artery. When it is threatened, not even blocked, just threatened, the oil prices move. During the 2019 harassment campaign, prices rose roughly 15 percent over several weeks. A genuine month-long closure would, by most economic modelling, add \$50-80 per barrel. The states that would bear those costs are India, China, Japan, South Korea, and the oil-importing states of Africa and Southeast Asia.

Under the ILC Articles on State Responsibility, a state that commits an internationally wrongful act is obligated to make full reparation for all injury caused²². This includes material damage to third states whose vessels are denied passage rights. In principle, states whose shipping is unlawfully blocked or whose economies suffer from an unlawful chokepoint closure have legal claims. In practice, these claims are hard to pursue: jurisdiction is narrow, causation is difficult to prove with legal precision, and political barriers are significant.

The secondary sanctions present a similar theoretical claim against the United States. If the regime is itself internationally wrongful which the Nicaragua principle suggests it may be then states coerced into abandoning Iranian oil trade have suffered economically from the US conduct. The EU Blocking Statute creates a domestic mechanism for EU persons to seek

²¹ ICJ - Judgment of 27 June 1986- [70 - Military and Paramilitary Activities in and against Nicaragua \(Nicaragua v. United States of America\)](#); The Court found that the US did violate the principle of non-intervention through direct military actions and indirect paramilitary support. The US insisted its refusal to take part in the proceedings. Nicaragua did not wish to continue the proceedings; subsequently the case was removed from the courts list.

²² Articles on Responsibility of States for Internationally Wrongful Acts arts. 16, 31, in Report of the Int'l Law Comm'n, U.N. Doc. A/56/10 (2001). Article 16 establishes that a state bearing responsibility for aiding or assisting in an internationally wrongful act must have known of the circumstances. Article 31 requires full reparation, including restitution, compensation, and satisfaction for all injury caused by the internationally wrongful act.

compensation. An international equivalent does not yet exist, but the doctrinal building blocks are available in the ILC Articles.

Human rights consequences are real and are underweighted in most analysis. Iranian civilians faced shortages of medicines during peak sanctions periods partly because even formally exempted goods like pharmaceuticals became inaccessible as international financial channels dried up. Gulf shipping workers, crews aboard commercial vessels, and port communities in Oman, the UAE, and India are affected when the Strait is under threat. These harms fall on people with no role in the decisions that create them.

The US secondary sanctions regime presents a more complicated liability analysis. If these sanctions constitute unlawful economic coercion under the Nicaragua principle, the principle states that the state which imposes extraterritorial measures causing economic harm to third states without lawful basis bears responsibility for those harms.²³

The 'weaponisation of waters' concept is treating a maritime route as an instrument of economic warfare against civilian populations has both IHL and human rights dimensions. It is condemned by UN Security Council Resolution 598²⁴. The San Remo Manual on International Law Applicable to Armed Conflicts at Sea (1994) prohibits attacks on vessels carrying humanitarian cargo or vessels clearly identified as civilian.

VI. THE UN, THE SECURITY COUNCIL, AND ITS INADEQUACY

The United Nations was created to save succeeding generations from the curse of war. The Security Council was given principal responsibility for the maintenance of international peace and security. In the case of the recent skirmish, the UN has proven unable to fulfil this order. It has turned more of a toothless tiger before the major powers.

The US veto prevents any Security Council resolution that would impose accountability on Israel or on the US. The Russian and Chinese vetoes prevent any resolution that would impose consequences on Iran. The result is a Council that can only adopt resolutions, as it did in

²³ Barcelona Traction, Light & Power Co., Ltd. (Belg. v. Spain), Judgment, 1970 I.C.J. Rep. 3, 32 (Feb. 5). The ICJ established the concept of obligations erga omnes- obligations owed by states to the international community as a whole, in whose fulfilment all states have a legal interest. The ICJ identified as paradigmatic examples of such obligations the prohibition against genocide and the basic rules of humanitarian law.

²⁴ UN Security Council Res. 598, U.N. Doc. S/RES/598 (July 20, 1987).

Resolution 598 in 1987 but cannot enforce compliance against major powers or their allies. It could, theoretically, call for respect of freedom of navigation in the Strait. It cannot compel Iran to stop seizing commercial vessels. It cannot require the United States to modify its sanctions regime. Hence, it has become a paralyzed organization, whose organs are not in its control.

The General Assembly's Uniting for Peace Resolution (GAR 377 of 1950)²⁵ provides a partial alternative: that is when the Security Council is blocked by a veto, the General Assembly may convene an Emergency Special Session and recommend collective measures. While General Assembly resolutions are not binding, legal position create political accountability for states that violate these norms, which in fact no state observes.

Rosalyn Higgins, Lady Higgins, the former ICJ President, observed that international law's legitimacy lastly depends on the equal application of its norms to powerful and weak states alike.²⁶ The most destructive feature of the Israel-US-Iran crisis is not that powerful states have violated its rules, this has always occurred. But the violation that takes place in the full view of the international community, with no effective consequence. The signal this sends to other states contemplating similar measures like China in the South China Sea, for instance is profoundly destabilising.

VII. WAY FORWARD: REFORM PROPOSALS

The first realistic step is the UNCLOS ratification. This would not solve the political conflict, but it would eliminate the ambiguity that Iran exploits by declining treaty membership. If Iran ratified UNCLOS, the transit passage obligations would be clearer and more comprehensive. If the United States ratified UNCLOS, it could no longer invoke the treaty's protections for its own warships while declining the same treaty's disciplines on its conduct. Both positions are analytically inconsistent.

²⁵ G.A. Res. 377(V), U.N. Doc. A/RES/377(V) (Nov. 3, 1950) (Uniting for Peace Resolution), established the procedure by which the General Assembly may convene an Emergency Special Session to recommend collective measures when the Security Council fails to exercise its primary responsibility for the maintenance of international peace and security. While General Assembly resolutions are not binding, they carry significant political and normative weight and can mobilise international opinion in ways that constrain the behaviour of powerful states.

²⁶ Rosalyn Higgins, *Problems and Process: International Law and How We Use It* 82-86 (Clarendon Press 1994). Dame Higgins, former President of the ICJ, argues that the international legal order's legitimacy depends critically on its equal application to powerful and weak states alike, and that the practice of selective enforcement - in which powerful states invoke international law against adversaries while shielding allies or themselves from equivalent scrutiny - corrodes the normative authority of international law in ways that ultimately harm even the powerful states that practice it.

A multilateral governance framework for any Strait is a more ambitious proposal, but not a fantastical one. The Suez Canal has a treaty framework. The Panama Canal has a treaty framework. The Hormuz Strait could have one, an instrument negotiated between Iran, Oman, and the major user states (China, India, Japan, South Korea, EU members, the US) establishing monitoring mechanisms, dispute resolution procedures, and incident protocols. Iranian accession would be the goal, not the precondition.

With relation to the US's blackmailing sanctions side, if the EU, China, India, and Japan, South Korea executes a formal instrument for mutual commitments against the extraterritorial application of secondary sanctions on international trade, it would create a meaningful legal counterweight to US's hegemony. The political difficulty is real which is that no state wants to pick a bout with the United States.

UN Security Council's (The Toothless Tiger) reform is the last option but an urgent one. A Code of Conduct against veto use in situations involving grave threats to international peace, war crimes, crimes against humanity that creates political and mandatory legal accountability for vetoes shielding clearly wrongful conduct should be adopted with immediate effect.

VIII. CONCLUSION

In 1609, Hugo Grotius argued that the sea belongs to all mankind and cannot be made the possession of any one state. That principle, which has survived four centuries of state practice and been codified in successive layers of international law, faces its most systematic contemporary challenge in the 21st Century. The challenge comes from two directions simultaneously: from Iran, which uses the threat of closure as a strategic deterrent, and from the United States, which uses financial exclusion to achieve the blockade.

The law, on the substance, is clear. Iran may not close the Strait, suspend passage through it, or charge tolls for mere transit - obligations that derive from the 1958 Geneva Convention, from the customary international law principle established in the Corfu Channel Case, and from the transit passage provisions of UNCLOS. The United States may not use secondary sanctions to achieve, through economic coercion, what it could not lawfully achieve through a physical blockade. It is a conclusion supported by the Nicaragua principle and the customary law prohibition on intervention in the domestic affairs of states.

Both states' conduct constitutes, in different legal forms, the weaponisation of a global maritime commons against civilian commerce. The harm falls on third states and their populations like the Chinese consumers, Japanese manufacturers, Indian farmers, who have no standing in the US-Iran-Israel conflict but who bear its economic consequences.

The implications for analogous situations are clear. China's assertion of sovereign control over the South China Sea, already rejected by the Permanent Court of Arbitration in the Philippines arbitration of 2016, would if realised in operational terms, will create precisely the same illegal chokepoint control that Iran is attempting in the Hormuz.

The Strait of Hormuz will not be permanently closed. The economic consequence for Iran itself, which depends on oil exports for its fiscal survival, is severe. Plus, if Iran can weaponise the waters, what's stopping other countries from doing so? Nothing! But the things may not go that far. Any settlement to this war will include the Strait of Hormuz (It is the ultimate bargaining power for Iran). Blocking it is a war time move but imposing a toll, will mean over playing this upper hand. That is what the law is for.

