

2. International Maritime Law – International Relations

Recent escalations in the Strait of Hormuz involving Iran detaining ships and the US intercepting vessels have raised critical questions about the legality of such actions under international maritime law.

1. Background

The Strait of Hormuz has historically served as one of the world's most critical maritime chokepoints, channelling nearly one-fifth of global oil supplies through its narrow waters. For decades, this strategic waterway remained relatively stable under established international maritime norms. However, rising geopolitical tensions between Iran and Western powers, particularly the United States, have transformed this vital passage into a flashpoint for international law disputes. Iran's detention of commercial vessels and America's interception operations on the high seas challenge the foundational principles established under the United Nations Convention on the Law of the Sea. These actions expose fundamental weaknesses in international maritime enforcement mechanisms—while UNCLOS provides clear legal frameworks for navigation rights and jurisdictional boundaries, it lacks robust enforcement tools when powerful states act unilaterally based on domestic law or national security imperatives rather than universally accepted international legal standards.

2. Legal Framework Governing Maritime Spaces

UNCLOS Foundation

1. The United Nations Convention on the Law of the Sea, which entered into force in 1994, serves as the primary legal framework governing global maritime order.
2. UNCLOS treats the world's oceans as shared global commons, establishing comprehensive rules for navigation, resource exploitation, and jurisdictional boundaries.
3. The convention balances coastal state sovereignty with the international community's interest in freedom of navigation and maritime commerce.

High Seas Regulations

1. High seas areas lie beyond any nation's jurisdiction and guarantee freedom of navigation to vessels from all states regardless of coastal or landlocked status.
2. Interception of vessels on the high seas is permitted only under strictly limited conditions specified in international law.
3. Permissible grounds for high seas interception include combating piracy, apprehending stateless vessels, conducting hot pursuit from territorial waters, or acting under explicit UN Security Council authorization.
4. Without these specific justifications, unilateral interception violates the principle of flag state jurisdiction that governs vessel regulation on international waters.

Territorial Waters Framework

1. Coastal states exercise full sovereignty over territorial waters extending up to 12 nautical miles from their baselines.
2. Despite this sovereignty, foreign vessels enjoy the right of "innocent passage" through territorial waters under customary international law.
3. Innocent passage requires that foreign ships navigate continuously without threatening the coastal state's peace, security, or good order.
4. Coastal states can regulate certain activities but cannot arbitrarily deny passage to merchant vessels engaged in legitimate international commerce.

International Straits Regime

1. Straits used for international navigation operate under the specialized principle of "transit passage" rather than simple innocent passage.
2. Transit passage guarantees continuous and unhindered movement of ships and aircraft through international straits without coastal state interference.

3. This regime ensures global commerce flows freely through strategic chokepoints critical to international trade and energy security.
4. Coastal states may designate shipping lanes and establish traffic separation schemes but cannot suspend, deny, or impose discriminatory conditions on transit.

3. Iran's Rights and Limitations in Strait of Hormuz

Geographical Realities

1. At its narrowest point, the Strait of Hormuz measures only about 21 nautical miles wide between Iran and Oman's territorial waters.
2. The territorial waters of Iran and Oman overlap completely across the strait, leaving no high seas corridor for unrestricted navigation.
3. This geographical configuration places the entire strait under the transit passage regime established by UNCLOS rather than high seas freedom.

Regulatory Powers and Constraints

1. While Iran maintains sovereignty over its territorial waters within the strait, it cannot suspend or deny transit passage to merchant vessels.
2. Iran may regulate certain navigational aspects including designated shipping lanes, traffic separation schemes, and vessel reporting requirements.
3. These regulatory powers must serve legitimate safety and environmental protection purposes without discriminating against foreign vessels.
4. Any attempts to impose tolls, restrict passage based on cargo content, or deny transit for geopolitical reasons would violate international law.

Compliance Requirements for Transiting Vessels

1. Ships exercising transit passage must navigate continuously and expeditiously through the strait without unnecessary delays or diversions.
2. Vessels must adhere to internationally recognized traffic separation schemes established for safe navigation through congested waters.
3. Transiting ships must refrain from activities that breach the coastal state's laws, threaten security, or pollute the marine environment.
4. Military vessels must proceed with normal operational readiness but cannot conduct exercises or intelligence gathering activities within territorial waters.

4. Legality of United States Actions

Justifications for Vessel Interception

1. The United States has justified its interception operations against Iranian-linked vessels as enforcement of sanctions preventing illegal trade activities.
2. However, these sanctions derive from domestic American law and lack universal legitimacy unless explicitly authorized by United Nations Security Council resolutions.
3. Unilateral sanctions imposed by individual countries do not create legal obligations for third-party states or their flagged vessels.

International Law Constraints

1. Under established international maritime law, interception on the high seas requires specific legal grounds recognized by the international community.
2. Permissible bases for high seas interception include piracy suppression, stateless vessel apprehension, hot pursuit continuation, or UN Security Council mandate.
3. Without explicit Security Council authorization or flag state consent, American interception operations raise serious questions about their international legal validity.
4. Such unilateral enforcement actions may be viewed as violations of flag state jurisdiction and freedom of navigation principles.

Enforcement Legitimacy Gap

1. The absence of UN Security Council backing for US sanctions creates a legitimacy deficit in enforcement operations against vessels.
2. Flag states whose vessels are intercepted can legitimately protest such actions as violations of their sovereign rights over registered ships.
3. This enforcement gap highlights fundamental tensions between domestic legal systems and international maritime law frameworks.

5. Critical Issues in Maritime Law Enforcement

Geopolitics Versus Legal Norms

1. Both Iranian detention operations and American interception activities demonstrate how geopolitical interests can override established maritime legal principles.
2. Powerful states increasingly interpret international law selectively to justify actions serving national security or foreign policy objectives.
3. This selective application undermines the universal applicability and predictability that form the foundation of effective international legal systems.

Weaponization of Strategic Waterways

1. The Strait of Hormuz crisis illustrates how strategic waterways are increasingly weaponized as leverage in international conflicts.
2. Coastal states threaten to close vital passages while distant powers claim enforcement rights, both stretching international law beyond its intended limits.
3. Such weaponization threatens the principle that global commons should remain accessible for peaceful commerce regardless of political disputes.

Enforcement Mechanism Deficiencies

1. UNCLOS and related maritime conventions provide comprehensive legal frameworks but lack robust enforcement mechanisms for compliance.
2. No international maritime police force exists to prevent violations or punish states that breach transit passage obligations or freedom of navigation rights.
3. Enforcement relies primarily on flag state action, diplomatic pressure, and voluntary compliance—mechanisms easily circumvented by determined violators.

6. Implications for India's National Interests

Energy Security Vulnerabilities

1. India imports over 85% of its crude oil requirements, making it heavily dependent on secure and affordable energy supplies.
2. Approximately 40–50% of India's crude oil imports transit through the Strait of Hormuz from Gulf producers.
3. Any prolonged disruption in this strategic waterway would trigger severe energy shortages, price spikes, and economic instability.

Liquefied Natural Gas Dependency

1. A large share of India's LNG imports, especially supplies from Qatar, pass through the Strait of Hormuz route.
2. Qatar serves as one of India's most important LNG suppliers, and alternative sources cannot immediately replace this volume.
3. Disruptions would force India to purchase spot LNG at significantly higher prices, increasing energy import bills substantially.

Fertilizer Supply Chain Risks

1. India depends heavily on imports of fertilizers and fertilizer inputs including ammonia and urea from West Asian producers.
2. These agricultural inputs transit through the Strait of Hormuz en route to Indian ports.
3. Supply disruptions during critical sowing seasons could jeopardize agricultural production and threaten food security.

Seafarer and Vessel Safety

1. India employs one of the world's largest seafaring workforces, with over 2.5 lakh Indian mariners serving on international vessels.
2. Escalating tensions in the Strait of Hormuz region expose Indian seafarers to detention risks, security threats, and operational hazards.
3. Vessel detentions or military incidents could endanger Indian crews while disrupting maritime trade and increasing insurance premiums for Indian shipping.

7.Way Forward

Strengthen International Maritime Governance

1. The International Maritime Organization must play a more active facilitation role in preventing conflicts over strategic waterways and ensuring adherence to UNCLOS principles through diplomatic engagement and technical assistance to coastal states.

Promote Diplomatic De-escalation

1. Regional and global powers should engage in sustained diplomatic dialogue to prevent military confrontations in strategic chokepoints, utilizing multilateral forums to address underlying geopolitical tensions driving maritime disputes rather than resorting to unilateral enforcement actions.

Ensure UNCLOS Compliance

1. The international community must emphasize strict adherence to UNCLOS provisions, particularly transit passage rights and freedom of navigation principles, while strengthening dispute resolution mechanisms to address violations through legal rather than military means for long-term maritime stability.

Conclusion

The Strait of Hormuz crisis exposes critical weaknesses in international maritime law enforcement despite comprehensive UNCLOS frameworks. Iran's detention operations and US interception activities both challenge established legal norms, weaponizing strategic waterways for geopolitical leverage. India's heavy energy dependence on Gulf supplies makes Hormuz disruptions existentially threatening. Strengthening IMO facilitation, promoting diplomatic de-escalation, and ensuring UNCLOS compliance remain essential to protecting freedom of navigation and global maritime commerce.