

Hormuz in War and Peace: The Capacities of International Law in the New legal Regime of the Strait of Hormuz (Original Research)

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Extended Abstract

The Strait of Hormuz, containing approximately 65 percent of the world's oil reserves and facilitating the transit of nearly 40 percent of the world's seaborne crude oil, is regarded as the pulsating "energy heart" in the region and as one of the main energy arteries in the world, which, at the same time, is fragile and vulnerable. Following oil sanctions, Iranian officials repeatedly threatened to block the Strait of Hormuz; however, Iran, fourteen years after the first oil sanctions, when it became the victim of military aggression for the third time in 2026, proceeded to impose military control over this strait.

The question is raised that to what extent does Iran's claimed management during and after the war correspond with existing international law? The present research, using a descriptive method and inductive and deductive logical analysis, examined this hypothesis that in international law there exist various capacities in affirming Iran's claims in the Strait of Hormuz.

The findings demonstrate that according to international law, during armed conflict, there exists the possibility of "prohibition of passage of enemy vessels" and "restriction of passage of neutral vessels" in Iran's territorial sea. In addition, there exists the possibility of military action against "warships," "government vessels in military service," and "merchant vessels in a military role," and offending vessels in a "prohibited-danger zone," and control "in the immediate vicinity of naval operations" throughout the strait including Omani territorial waters when it has lost its neutrality. The examination of the new legal system sought by Iran in the Strait of Hormuz after the conflict, as mentioned in the Islamabad Memorandum of Understanding, is legally defensible according to "applicable international law." The prohibition

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of passage of unauthorized military vessels, enemy vessels, or those violating innocent passage is defensible. Also, there exist legal arguments for imposing tolls on submarine cables and cargo aboard vessels, and for charging fees for "special services" such as pilotage, and "dedicated services" like security provision, and mandatory services such as environmental issues. The basis for seeking compensation from vessels associated with states that are in violation of the law or indebted to the Islamic Republic of Iran is not legally excluded. Iran's enforcement actions in Omani territorial waters require Oman's cooperation in initiatives such as a joint insurance fund, and the registration of a new Traffic Separation Scheme (TSS) and a Particularly Sensitive Sea Area (PSSA) with the International Maritime Organization. Enforcement actions throughout the Strait of Hormuz, in some cases, require a redefinition of the concept of co-belligerent state, or war zone, or violation of neutrality in domestic law.

Keywords

Strait of Hormuz, Blockade, Closure of the Strait, Innocent Passage, Transit Passage, Tolls, Ramadan War.

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