



THE LEGALITY OF THE DUAL BLOCKADE IN THE STRAIT OF HORMUZ

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ABSTRACT

The 2026 Iran–Israel–United States conflict created a unique situation in the Strait of Hormuz, with two simultaneous and mutually reinforcing blockades by opposing belligerents on the same maritime chokepoint. The outbreak of hostilities saw Iran close the Strait to any shipping connected to the United States, Israel, and their allies on 28 February 2026, citing self-defence and declaring it a “management supervision area.” The United States responded to the collapse of the Islamabad talks by imposing its own naval blockade of Iranian ports on 13 April 2026, intercepting and disabling vessels including neutral third-state shipping trading with Iran. This paper analyses the legality of this “dual blockade” in light of the provisions of the United Nations Convention on the Law of the Sea (UNCLOS), the provisions of the UN Charter regarding the use of force, the customary international humanitarian law applicable to naval warfare (as reflected in the San Remo Manual), and the law of neutrality. It looks at whether either blockade meets the accepted criteria for a lawful belligerent blockade effectiveness, proportionality, non-discrimination, and proper notification and evaluates the harm done to third-state interests, including the killing of neutral nationals on board the vessels intercepted. The paper concludes by identifying deficiencies in the current legal regime governing simultaneous, competing blockades at strategic maritime chokepoints and suggests avenues for reform.

Keywords: Strait of Hormuz, Blockade, UNCLOS, Freedom of Navigation.

INTRODUCTION

The Strait of Hormuz is at once a legal corridor, a military pressure point, and a commercial lifeline. The 2026 crisis placed these three identities in direct collision. Public reporting described a “war of blockades” in which both Iran and the United States used force, or threats

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backed by force, to control movement through or into one of the world's most sensitive maritime routes.¹ The legal problem is not merely whether one blockade was lawful and the other unlawful. It is whether public international law has a coherent answer when opposing belligerents impose overlapping restrictions in the same chokepoint and when the heaviest burdens are borne by neutral traders, crews and energy-importing states.

The strategic significance of Hormuz explains why the question matters beyond the immediate parties. The United States Energy Information Administration describes the Strait as one of the world's most important oil transit chokepoints, and search-result data associated with its 2025 chokepoint update indicate that China, India, Japan, and South Korea together accounted for 74 per cent of Hormuz crude oil and condensate flows in the first half of 2025.² What is interrupted in Hormuz is therefore not only the maritime access of a belligerent but also the economic stability of multiple neutral states.

This paper advances three central propositions. First, the baseline legal regime for the Strait is the law of transit passage, which strongly disfavours unilateral closure. Secondly, blockade remains a recognised instrument of naval warfare under customary international law, but its lawfulness depends on both *jus ad bellum* and *jus in bello*; compliance with one cannot cure a defect in the other. Thirdly, the 2026 dual blockade reveals a regulatory gap because the classic law of blockade presumes a relatively clear geography of belligerent and neutral space, whereas modern chokepoint conflict externalises costs onto dozens of non-belligerents. Methodologically, the paper is doctrinal and analytical. It synthesises treaty law, the International Court of Justice's Corfu Channel case, the San Remo Manual, and recent commentary and reporting on the 2026 crisis. Where the chronology depends on media reporting, that fact is made explicit. The scope of the paper is limited to public international law; it does not attempt a full strategic or economic forecasting exercise. It also proceeds cautiously because some 2026 operational facts remain contested in public reporting.

¹ Paul Adams, "US and Iran in Blockade Standoff as Pakistan Pushes for Talks" (BBC, 22 April 2026) <<https://www.bbc.com/news/articles/c0q9xq7knq2o>> accessed 13 July 2026

² US Energy Information Administration, "World Oil Transit Chokepoints" <https://www.eia.gov/international/analysis/special-topics/world_oil_transit_chokepoints> accessed 13 July 2026

FACTUAL MATRIX: CHRONOLOGY OF THE DUAL BLOCKADE

On the factual matrix adopted for this study, hostilities broke out on 28 February 2026, and Iran responded by closing the Strait to shipping linked to the United States, Israel and their allies. Publicly available legal commentary and reporting then depict a second phase in mid-April, when attempted negotiations in Islamabad collapsed, and the United States announced a maritime interdiction regime directed at Iranian trade. NPR reported on 12 April 2026 that face-to-face talks in Islamabad failed and that US Central Command (CENTCOM) stated the blockade would begin at 10 a.m. Eastern Time on Monday, 13 April 2026. According to the same report, CENTCOM also claimed that ships not using Iranian ports would not be impeded, even while President Trump publicly described the measure as a process of “BLOCKADING any Ships trying to enter, or leave, the Strait of Hormuz”.³

By 22 April 2026, the BBC described the situation as a “war of blockades” in which both sides were using force to intercept and seize commercial vessels. It also reported that Pakistan continued trying to revive the Islamabad process after the initial collapse of talks. These reports matter legally because they suggest both simultaneity and overlap: Iran’s conduct was not merely a background threat, and the US measure was not merely a sanctions programme. Both involved coercive maritime control backed by force.

The most legally salient later incident concerned the M/T Settebello. gCaptain reported that IOS Marine FZE, manager of the Palau-flagged tanker, demanded an international investigation into a 9 June 2026 strike in the Gulf of Oman. The report states that India confirmed three Indian crew members had been found dead and twenty-one others rescued. CENTCOM’s position, as relayed in the same report, was that US forces disabled the vessel because it allegedly attempted to transport Iranian oil and allegedly failed to comply with directions; the vessel manager disputed both propositions and claimed no warning communication had been successfully established.⁴ The incident is important not only as a use-of-force episode but also as a concrete example of third-state human loss tied to blockade enforcement.

³ Aya Batrawy, “U.S.-Iran Peace Talks in Islamabad Collapse; U.S. Announces Blockade” (NPR, 12 April 2026) <<https://www.npr.org/2026/04/12/nx-s1-5782538/u-s-iran-peace-talks-islamabad-collapse>> accessed 13 July 2026.

⁴ “Ship Manager Demands International Probe into Fatal U.S. Attack on Tanker” (gCaptain) <<https://gcaptain.com/ship-manager-demands-international-probe-into-fatal-u-s-attack-on-tanker/>> accessed 13 July 2026

Developments in June further demonstrate that the crisis was treated internationally as a shipping emergency. The International Maritime Organisation (IMO) Council, meeting on 18–19 March 2026, strongly condemned threats and attacks against vessels and the purported closure of the Strait, reiterating that navigational rights and freedoms of merchant and commercial vessels in accordance with international law must be respected⁵ The IMO's Hormuz topic page later recorded that on 15 June the Secretary-General welcomed a US–Iran agreement, on 23 June the IMO announced an evacuation plan, on 25 June that plan was paused following an attack, and on 8 July new attacks on ships were condemned. The same page states that the IMO was implementing an evacuation plan for around 6,000 seafarers and participating in a UN-led task force.⁶ Thus, even the factual record already shows why the legal analysis cannot be confined to bilateral claims between Iran and the United States. The measures affected commercial navigation, neutral crews, foreign-flag shipping and international institutions charged with safeguarding maritime safety.

LEGAL FRAMEWORK GOVERNING MARITIME BLOCKADES

UNCLOS and Transit Passage: Part III of the United Nations Convention on the Law of the Sea (UNCLOS) governs straits used for international navigation. Article 37 applies the regime to straits connecting one part of the high seas or exclusive economic zone with another. Article 38 provides that all ships and aircraft enjoy the right of transit passage, “which shall not be impeded”. Article 42 permits bordering states to adopt certain navigation, pollution, fisheries and customs-related rules, but these must neither discriminate nor have the practical effect of denying, hampering or impairing transit passage. Article 44 adds the strongest language of all: states bordering straits “shall not hamper transit passage” and “[t]here shall be no suspension of transit passage”.⁷

The text leaves little room for an orthodox peacetime closure of Hormuz by a littoral state. It also matters that Article 39 requires ships and aircraft exercising transit passage to refrain from any threat or use of force against bordering states. UNCLOS therefore rests on reciprocal

⁵ International Maritime Organization, “IMO Council Condemns Attacks on Merchant Ships and Urges International Coordination to Safeguard Civilian Shipping” (18–19 March 2026) <<https://www.imo.org/en/mediacentre/pressbriefings/pages/imo-calls-for-safe-passage-framework-in-strait-of-hormuz.aspx>> accessed 13 July 2026.

⁶ 7 International Maritime Organization, “Middle East: Strait of Hormuz” <<https://www.imo.org/en/mediacentre/hottopics/pages/middle-east-strait-of-hormuz.aspx>> accessed 13 July

⁷ United Nations Convention on the Law of the Sea (adopted 10 December 1982, entered into force 16 November 1994) 1833 UNTS 3 arts 37–44; official text at <https://www.un.org/depts/los/convention_agreements/texts/unclos/part3.htm> accessed 13 July 2026

discipline: the strait state may not suspend passage, but transiting vessels may not turn transit into combat operations.

Iran's treaty position complicates but does not dissolve this analysis. The American Society of International Law notes that Iran signed UNCLOS but has not ratified it, and that upon signature Iran declared it would apply the transit passage regime only to states that had ratified the Convention. For states such as the United States, Iran claimed it would instead apply the 1958 Geneva Convention on the Territorial Sea and Contiguous Zone. Yet the same ASIL analysis emphasises that, whichever instrument is invoked, unjustified blocking of passage remains prohibited.⁸

Customary Law, Corfu Channel and the San Remo Manual: Customary international law reinforces the anti-closure baseline. In Corfu Channel, the International Court of Justice held that the United Kingdom had exercised a right of innocent passage through an international strait, though it separately condemned later British minesweeping in Albanian waters as a violation of Albanian sovereignty⁹ The decision predates UNCLOS's transit passage regime, but it remains foundational because it confirms that straits used for international navigation are not reducible to ordinary territorial seas controlled at the coastal state's discretion.

The law of blockade, by contrast, belongs to the law of naval warfare. The San Remo Manual does not create treaty law, but it is widely used as an authoritative restatement of customary principles applicable to armed conflict at sea. Its blockade provisions are exacting. A blockade must be declared and notified to all belligerents and neutral states; the declaration must specify commencement, duration, location, extent and the period within which neutral vessels may depart; it must be effective; it must not bar access to the ports and coasts of neutral states; and it must be applied impartially to the vessels of all states¹⁰ Paragraph 102 further prohibits a blockade if its sole purpose is starving the civilian population or denying it other essentials, or if expected civilian damage is excessive relative to the concrete and direct military advantage

⁸ James Kraska, "Transit Passage Rights in the Strait of Hormuz and Iran's Threats to Block the Passage of Oil Tankers" (ASIL Insights, vol 16, issue 16) <<https://asil.org/insights/volume-16-issue-16/>> accessed 13 July 2026

⁹ Corfu Channel (United Kingdom v Albania) Merits [1949] ICJ Rep 4; case overview at International Court of Justice, <<https://www.icj-cij.org/case/1>> accessed 13 July 2026

¹⁰ Louise Doswald-Beck (ed), San Remo Manual on International Law Applicable to Armed Conflicts at Sea (International Institute of Humanitarian Law 1995) paras 93–100, official PDF at <<https://iihl.org/wp-content/uploads/2022/07/SAN-REMO-MANUAL-on-INTERNATIONAL-LAW-APPLICABLE-TO-ARMED-CONFLICTS-AT-SEA-2.pdf>> accessed 13 July 2026.

anticipated. Paragraphs 103 and 104 require passage of foodstuffs, essential supplies and medical supplies under stated conditions.

These requirements show that blockade is not a free-standing licence to coerce all shipping near an enemy coastline. Rather, it is a tightly conditioned method of warfare embedded within a matrix of humanitarian and neutrality constraints.

The UN Charter and the Use of Force: The Charter overlays the entire analysis. Article 51 preserves the inherent right of self-defence if an armed attack occurs, subject to necessity, proportionality and reporting to the Security Council. Article 42 expressly recognises that the Security Council may authorise blockade as an enforcement measure where non-forcible measures are inadequate¹¹. The implication is straightforward: absent Security Council authorisation, blockade undertaken by a state is not rendered lawful simply because blockade is mentioned in the Charter. It must be justified, if at all, under self-defence or another accepted basis for the use of force. That blockade amounts to force is itself important. A recent Just Security analysis of the 2026 US blockade argues that blockade qualifies as a use of force under Article 2(4) even before force is actually employed against breaching ships, and stresses the autonomy of *jus ad bellum* and *jus in bello*.¹² That distinction is persuasive. A blockade impeccably notified and operationally effective can still be unlawful if the blockading state had no right to resort to force in the first place.

Neutrality and Third-State Shipping: The law of neutrality sits at the centre of this dispute because Hormuz is not a bilateral lake. San Remo paragraph 99 protects access to neutral ports and coasts, while other neutrality rules prohibit hostile actions in neutral waters and preserve a measure of neutral control over belligerent passage. Neutral vessels are not immune from all interference in naval warfare, but the premise of classic neutrality law is that belligerent operations should not engulf neutral commerce without legal justification. When neutral nationals die aboard foreign-flagged merchant ships, the question is no longer only whether cargo interdiction was tactically useful. It becomes whether the enforcement architecture gave adequate weight to neutral rights.

¹¹ UN Charter arts 42 and 51, official text at <<https://www.un.org/en/about-us/un-charter/chapter-7>> accessed 13 July 2026.

¹² Just Security, “Blockade and Article 2(4) of the UN Charter” <https://www.justsecurity.org/142005/blockade-article-2-un-charter/> accessed 13 July 2026

LEGALITY OF IRAN'S CLOSURE OF THE STRAIT OF HORMUZ

Iran's legal case, on its own terms, depends on self-defence. If Iran had suffered armed attack, Article 51 allows responsive force until the Security Council takes necessary measures. Yet even a valid claim of self-defence does not automatically permit closure of an international strait to commercial traffic. Self-defence is constrained by necessity and proportionality, and those concepts must be read against the special legal status of Hormuz.

The first difficulty for Iran is structural. Part III of UNCLOS treats transit passage as non-suspendable, and Article 44's language is emphatic. Even accepting Iran's non-ratification of UNCLOS, the combination of Corfu Channel, the 1958 Geneva framework, and the strong weight of state practice makes it difficult to defend a general closure of Hormuz as a matter of contemporary international law. ASIL's analysis is particularly important here: Iran's treaty objection may affect the doctrinal route, but it does not produce a lawful entitlement to unjustifiably block passage.

The second difficulty concerns the claimed "management supervision area". On the presently verified record, that concept appears to be a unilateral legal characterisation rather than a recognised category in the law of the sea. UNCLOS does permit traffic separation schemes, navigational safety regulation and certain non-discriminatory measures by strait states. It does not permit the invention of a sui generis zone through which an entire class of foreign shipping may be denied passage because of geopolitical alignment.

Thirdly, proportionality in a chokepoint is unusually demanding. The Lawfare analysis is persuasive in identifying a doctrinal gap: classic self-defence assesses proportionality in relation to the attacking state, but closure of Hormuz predictably imposes high costs on third states dependent on the route¹³. A response that paralyses neutral shipping may therefore exceed what is reasonably necessary to repel or prevent further armed attack, even if the defending state faces grave security threats.

Iran might reply that self-defence can include maritime exclusion measures against enemy-linked shipping, especially where the strait is being used to support hostile operations. That proposition cannot be dismissed out of hand. In armed conflict, belligerents do enjoy significant powers of visit, search and interdiction. But a targeted belligerent control measure is not the

¹³ Lawfare, "The Strait of Hormuz and the Limits of Maritime Law" <<https://www.lawfaremedia.org/article/the-strait-of-hormuz-and-the-limits-of-maritime-law>> accessed 13 July 2026.

same thing as closure of a strategic international strait. The more general and indiscriminate the impediment becomes, the harder it is to reconcile with both transit passage and neutrality. Accordingly, the better legal view is that Iran's closure was presumptively unlawful unless confined to narrowly tailored operational acts directly necessary for defence against imminent hostile military use of the strait. On the present facts, the closure as described in the source material appears broader than that and therefore difficult to justify.

LEGALITY OF THE US NAVAL BLOCKADE OF IRANIAN PORTS

The American position was framed more narrowly than Iran's. NPR reported that CENTCOM stated ships not using Iranian ports would not be impeded. If true, that formulation resembles a blockade of Iranian ports rather than a closure of Hormuz as such. Yet legal narrowing at the level of announcement does not end the matter.

Under the San Remo Manual, the first question is whether the US measure satisfied the formal conditions of blockade. There was a public announcement and a specified start time. Public reporting, however, does not clearly establish that neutral states were properly notified in the sense contemplated by paragraphs 93 and 94, or that a departure window for neutral vessels was specified. Nor do the verified materials show the full declared geographical extent, a matter of obvious importance where blockade enforcement occurs in or near a global chokepoint. Effectiveness presents less difficulty. CENTCOM figures, as reported by gCaptain, state that since 13 April US forces had disabled nine non-compliant vessels, redirected 135 ships that complied, and allowed 42 humanitarian vessels to proceed. If accurate, those figures suggest the measure was not merely a paper blockade. But effectiveness alone is never enough. Impartiality and neutrality are harder. Paragraph 100 of San Remo requires impartial application to the vessels of all states, while paragraph 99 forbids a blockade from barring access to the ports and coasts of neutral states. A blockade directed at trade with Iran may in principle still satisfy those rules if it targets destination rather than nationality. Yet once enforcement extends to neutral third-state shipping, the burden shifts to the blockading state to show scrupulous compliance with warning, search, evidence and necessity requirements. The Settebello incident illustrates the stakes. CENTCOM claimed a lawful disabling of a non-compliant tanker allegedly transporting Iranian oil; the vessel manager denied non-compliance and denied Iranian affiliation. Even if the cargo nexus were established, the killing of neutral nationals triggers a demanding proportionality inquiry.

The deeper problem lies in *jus ad bellum*. If blockade is itself a use of force, then the United States needed a valid legal basis beyond the operational law of blockade. Just Security's two-box framework is convincing: a blockade may satisfy aspects of *jus in bello* and remain unlawful if the underlying resort to force was unlawful. On the source base used here, no Security Council authorisation for a US blockade appears. Article 42 is therefore unavailable as direct cover. The remaining route is self-defence. But that requires a showing that the blockade was necessary and proportionate to repel or prevent armed attack. Public reporting surrounding the blockade announcement tied it to failed Islamabad talks and US demands concerning Iran's nuclear posture, which sounds closer to coercive pressure than immediate defensive necessity.

A state can, of course, use force in an ongoing armed conflict without each measure being independently triggered by a fresh armed attack. Yet the broader the strategic object of the blockade becomes, for example, choking off commerce to compel political concessions, the harder it is to classify the measure as strictly defensive rather than coercive. That concern is especially acute where force is used against neutral merchant shipping far from any immediate battle engagement.

The United States has a stronger case than Iran on one issue: it did not, at least on its announced position, purport to suspend all transit passage through the Strait. But it has a weaker case if the blockade formed part of a wider unlawful resort to force or if enforcement practices against neutral shipping were disproportionate. The legality of the US measure is therefore mixed at best: more plausibly compliant with some classical blockade criteria than Iran's closure, but vulnerable on both *jus ad bellum* and neutral-harm grounds.

THE DUAL BLOCKADE PROBLEM: OVERLAPPING AND COMPETING CLAIMS

Can two opposing blockades affecting the same waterway both be lawful? In theory, international law does not make mutual belligerent measures conceptually impossible. In practice, however, the Strait of Hormuz is not an ordinary coastal frontage. It is a shared international chokepoint governed by a non-suspendable passage regime and used by large volumes of neutral shipping. For that reason, simultaneous opposing restrictions create a near-insoluble compatibility problem.

If Iran's measure is characterised as closure of the strait, it conflicts directly with the transit passage regime. If the US measure is characterised as a blockade of Iranian ports enforced in

and around the approaches to Hormuz, it risks operationally converging with, rather than legally displacing, the Iranian interference. The result is that neutral vessels may face coercion from both sides despite owing belligerent duties to neither. That outcome is precisely what the classical law of neutrality sought to minimise.

The dual blockade also complicates attribution of commercial disruption. Neither side can plausibly disclaim responsibility by pointing to the other's illegality. Under general principles of state responsibility, concurrent wrongful conduct does not erase each actor's own obligations toward injured third states. Where separate coercive measures combine to produce shipping paralysis, cargo loss, crew death or insurance shocks, each state's contribution remains legally relevant. The *Sette Bello* example shows how this might translate into reparation claims by injured third states such as India, subject, of course, to proof of breach, attribution and causation. Lawfare is therefore right to describe a doctrinal gap. Blockade law assumes a geography in which neutral shipping can often route around the blockaded coast. In Hormuz, route-avoidance may be commercially or physically impossible for Gulf-bound traffic. Competing belligerent claims therefore transform what was once a bilateral method of warfare into a system-wide interruption of global commerce.

IMPACT ON INTERNATIONAL SHIPPING, TRADE AND GLOBAL ENERGY SECURITY

The effect on freedom of navigation is obvious. UNCLOS contemplates continuous and expeditious transit; dual blockade practice produces delay, diversion, disabling strikes, crew danger and institutional evacuation plans. The IMO's March 2026 condemnation and later evacuation activity demonstrate that the problem was not abstract legal anxiety but an operational crisis in civilian shipping.

Economically, chokepoint disruption magnifies third-state harm. EIA's designation of Hormuz as a leading oil transit chokepoint, and the concentration of flows toward major Asian importers, underscore that the burden of maritime coercion falls well beyond the immediate belligerents. The Straus Centre's Tanker War review offers a useful historical caution: even intense anti-shipping campaigns may fail to halt oil movements, but they nevertheless cause commercial fear, insurance escalation, casualties and route insecurity. Modern markets may absorb some supply shock, yet that does not diminish the legal salience of exposing neutral seafarers and cargoes to belligerent force.

The role of the IMO in 2026 is particularly significant because it illustrates a governance function not fully anticipated by classical blockade doctrine. The IMO called for a safe maritime framework, worked on evacuation, and coordinated within a UN-led task force. In effect, an organisation built primarily around safety and regulation found itself managing the humanitarian and navigational consequences of interstate coercion in a strategic strait.

STATE AND INSTITUTIONAL RESPONSES

The institutional record presently verified for this paper is strongest in relation to the IMO and the United Nations system. The IMO Council expressly linked its condemnation of threats to shipping with Security Council Resolution 2817 (2026), and public reporting associated with that resolution indicates condemnation of actions or threats aimed at closing or obstructing international navigation through Hormuz.¹⁴ Even so, the institutional response appears to have stopped short of robust enforcement. That gap between condemnation and implementation is itself part of the legal story: the Security Council can authorise blockade under Article 42, but where it does not act decisively, states are left to self-justify maritime coercion.

A full mapping of the positions of the United Kingdom, the European Union, Australia and regional states would require a broader evidentiary record than the one verified here. What can safely be said is that the crisis generated discussion of internationally coordinated maritime protection rather than reliance on unilateral coastal control alone. In legal terms, that points to a preference for collective navigation-security arrangements over unilateral exclusionary claims, even if such arrangements remained politically incomplete.

COMPARATIVE ANALYSIS WITH HISTORICAL PRECEDENTS

Two historical analogies are especially instructive. The first is the Iran–Iraq Tanker War. The Strauss Centre records that during the 1980s both belligerents targeted commercial shipping as part of broader economic warfare and that Iran also used mines to threaten shipping lanes. Lawfare similarly notes the Tanker War as a precursor to current mining and anti-shipping tactics. The lesson is not that precedent validates closure of Hormuz, but that anti-shipping coercion in the Gulf is historically recurrent and predictably injurious to neutrals.

¹⁴ International Maritime Organization, “IMO Council Condemns Attacks” (n 4); Security Council Report, “S/RES/2817” <<https://www.securitycouncilreport.org/un-documents/document/s-res-2817.php>> accessed 13 July 2026

The second analogy is the Cuban Missile Crisis. President Kennedy's Proclamation 3504 ordered the interdiction of offensive weapons bound for Cuba, authorised visit, search and diversion, and specified that force would be used only if necessary after reasonable efforts at communication or in self-defence¹⁵. Contemporary US practice famously used the term "quarantine" rather than "blockade" to avoid the connotation of belligerent war. The relevance to Hormuz is twofold: first, naming a maritime coercive measure something other than blockade does not prevent it from constituting force; secondly, even carefully limited interdiction regimes are judged by necessity, communication and proportionality.

The comparison also shows what is novel in 2026. Neither the Tanker War nor the Cuban quarantine involved two opposing powers simultaneously asserting overlapping coercive control over the same internationally indispensable chokepoint while large neutral trade flows continued through it. The dual-blockade structure is therefore not simply old doctrine in new clothes.

CRITICAL ANALYSIS AND FINDINGS

The preceding analysis supports three main findings: First, Iran's closure of the Strait was very likely unlawful as formulated. Even if Iran could invoke self-defence in response to armed attack, the general closure of an international strait sits in direct tension with the non-suspendable regime of transit passage and with the broader customary law reflected in Corfu Channel. Iran's non-ratification of UNCLOS complicates the doctrinal path but does not create a legal vacuum. On the present record, the claimed "management supervision area" lacks a convincing foundation in the law of the sea.

Secondly, the US blockade of Iranian ports is legally more complex. It may have come closer than Iran's measure to the classic law-of-blockade template because it was publicly announced, apparently operationally effective, and formally targeted at Iranian trade rather than universal closure of the strait. Yet these advantages do not settle legality. A blockade is a use of force. Without Security Council authorisation, its lawfulness depends on a valid self-defence rationale and on necessity and proportionality. Moreover, enforcement incidents affecting

¹⁵ John F Kennedy, "Proclamation 3504—Interdiction of the Delivery of Offensive Weapons to Cuba" (23 October 1962) <<https://www.presidency.ucsb.edu/documents/proclamation-3504-interdiction-the-delivery-offensive-weapons-cuba>> accessed 13 July 2026

neutral shipping, especially the contested Settebello strike, expose the fragility of the US case where warning, evidence or proportionality are disputed.

Thirdly, the existing legal framework is underdeveloped for dual chokepoint blockades. UNCLOS was drafted to preserve passage; blockade law was refined to regulate belligerent exclusion; neutrality law was designed to shield third states from being swallowed by war. In Hormuz, all three bodies of law interact, but none squarely answers how to allocate legal responsibility when opposing coercive measures overlap in a route that much of the world cannot avoid. The result is a doctrinal asymmetry: the law recognises the permissibility of blockade under certain conditions, yet inadequately accounts for the special status of maritime chokepoints whose obstruction causes system-wide externalities.

CONCLUSION AND RECOMMENDATIONS

This paper has argued that the 2026 dual blockade in the Strait of Hormuz is best understood as a stress test for public international law. Iran's closure of the Strait was difficult to reconcile with the law of transit passage and with the customary protection of navigation through international straits. The US blockade of Iranian ports was not automatically lawful merely because it was narrower in form or more operationally structured; as a use of force, it had to satisfy *jus ad bellum* as well as *jus in bello*, and its impact on neutral shipping remains deeply problematic. In short, neither side can persuasively rely on the vocabulary of wartime necessity to escape the stringent legal disciplines that govern strategic waterways.

Three reforms follow. First, international law should recognise a special category of "critical maritime chokepoints" in which any belligerent interference with transit triggers heightened duties of notification, transparency and review. Secondly, the San Remo framework should be clarified to address dual or competing blockade claims explicitly, including stricter rules on neutral shipping, evidentiary thresholds for disabling vessels, and mandatory humanitarian corridors supervised by an impartial body. Thirdly, the Security Council, the IMO and interested maritime states should develop standing procedures for emergency safe-passage arrangements in major straits so that civilian shipping does not depend solely on *ad hoc* diplomacy after violence has already escalated.

The Strait of Hormuz crisis shows that the classic law of blockade remains necessary but insufficient. The future of maritime order at chokepoints will depend on integrating

navigational freedom, humanitarian protection and third-state economic security into a more explicit and modern legal settlement.