The Strait of Hormuz: A Study in Geopolitical Rivalry and International Law

مضيق هرمز: دراسة في التدافع الجيوسياسي والقانون الدولي

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Abstract:

This study focuses on the transformative role of the Strait of Hormuz, as it shifts from an international maritime facility governed by international law to a strategic platform for managing hybrid proxy conflicts during the first quarter of 2026.

The study is based on the premise that the interpretative gaps in the 1982 United Nations Convention on the Law of the Sea (UNCLOS), particularly the conflict between the principles of "innocent passage" and "passage through" are no longer mere jurisprudential disagreements. Instead, they have become geopolitical tools used by regional powers to legitimize disruptive and harassing actions without escalating into full-scale military confrontation. This study aims to analyze the interplay between geopolitical competition and the international legal framework governing straits, with a particular emphasis on the delicate balance between the sovereignty of coastal states and the freedom of navigation.

Keywords: Strait of Hormuz, hybrid conflicts, transit passage, freedom of navigation, maritime geopolitics, global energy securit.

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Introduction

The Strait of Hormuz presents a unique legal and geopolitical dilemma. While the international legislature, in the 1982 Convention, aimed to create maritime stability, the strait has transformed into a testing ground for hybrid warfare in the third decade of the 21st century. The crux of the problem lies in the stark contradiction between international legal texts and operational realities. Under the United Nations Convention on the Law of the Sea, the Strait of Hormuz is classified as an international waterway subject to the inviolable right of transit passage. However, the reality in 2026 demonstrates that the strait has become a gray area where this right is undermined not through physical closure, which would be considered an act of war, but through soft power tactics and the militarization of maritime security.

This study argues that the shift from "static geography" to "functional geography" has made the strait a central tool in "lawfare" strategies and geopolitical pressure, particularly given the inherent limitations of some international legal frameworks in resolving complex sovereign disputes.

The main research problem: To what extent has the geopolitical exploitation of interpretive loopholes in the 1982 United Nations Convention on the Law of the Sea transformed the Strait of Hormuz from a mere international maritime facility into an arena for proxy hybrid conflict management؟

The central hypothesis: The continued state of “systematic legal ambiguity” in the Strait of Hormuz- resulting from conflicting interpretations of transit and innocent passage- is no longer simply a technical issue, but has become a deliberate geostrategic tool that allows regional and international actors to exercise deterrence without resorting to war.

This inevitably shifts the security of navigation from the responsibility of international law to the vagaries of the maritime insurance market and direct militarization, threatening the very concept of the high seas as a global commons.

Firstly: A Theoretical Approach to the Geopolitics of Waterways in Great Power Strategies: This can be limited to the perspectives of the Mackinder and Mahan schools:

1.The Perspective of Alfred Thayer Mahan's School of Maritime Power Theory: According to this school, which is adopted in the American naval strategy, sovereignty is incomplete without control of shipping lanes. Therefore, any threat to the Strait of Hormuz is considered by the American administration to be a threat to world peace, thus justifying a military presence (the Fifth Fleet) in the region[1], The

strait is thus transformed from a natural geographical feature into a tool for legitimizing international intervention and maritime hegemony, by linking freedom of navigation to political issues such as the nuclear agreement or sanctions.

The legitimacy of the Western military presence has become tied to guaranteeing freedom of navigation, which transforms the strait from a natural geographical given into a security variable and makes it a bargaining chip in international relations. Any tension within it provides great powers with political justification to strengthen their regional presence and alter the balance of power.

2. Mackinder's Perspective: The Struggle for "The Heartland"[2]:

Mackinder provided the world with a unique lens for understanding politics through the lens of geography, profoundly influencing the position and shifts of power. He argued that whoever controls Heartland (Eurasia) controls the world. In this context, the Strait of Hormuz represents the southern rim that either prevents or allows land powers to access warm waters. Using Hormuz as a political variable to contain rising land powers (Russia and China) is the alternative if these powers manage to secure a foothold or alternative shipping routes, thus making Mackinder's theory of controlling the heartland a reality.

On the other hand, for Iran, as a regional power with land-based tendencies, the threat of closing the strait is an attempt to break the encirclement imposed by the maritime powers of America and its allies, and a line of defense to prevent the expansion of land powers toward global hegemony.

Secondly: The Geopolitical Importance of the Strait of Hormuz:

The geopolitical importance of the strait stems from three main dimensions:

1. **The Energy Dimension**: The geopolitical importance of the strait cannot be understood in isolation from energy security. The strait represents the lifeline of the global economy, as approximately 20-30% of the world's seaborne oil passes through it. Any disruption to the flow of shipments not only leads to price spikes in oil markets but also impacts global supply chains, making the security of the strait a transnational security issue of concern to major powers such as China, the United States, and the European Union[3].

Some of the geoeconomic characteristics of the Strait of Hormuz include[4]:

- The depth of the waterways: The shipping lane consists of two channels, each 3.2 kilometers wide (one for entry and one for exit), separated by a buffer zone of the same width.

- Tanker traffic: Approximately 50 to 60 large tankers transit the strait daily during peak times, including Very Large Crude Carriers (VLCCs), each carrying two million barrels.

Energy resources that pass through the strait[5]:

1/ **Oil**: The strait is the world's leading waterway in terms of oil volume, with an average of 20.5 to 21 million barrels of crude oil and petroleum products flowing through it daily. This represents approximately 21% of total daily global oil consumption and nearly 30% of the world's total seaborne oil.

2/ **Liquefied Natural Gas (LNG):** More than 20% of the world's total LNG trade passes through the strait. Qatar is the largest exporter of gas via this waterway, and countries such as Japan, South Korea, and India rely almost entirely on these shipments to fuel their power plants.

Asian countries (China, India, Japan, and South Korea) receive approximately 75% to 80% of the oil passing through the Strait of Hormuz. China alone, as a major consumer, imports roughly 6-7 million barrels per day that pass through this waterway, making the security of the strait intrinsically linked to Chinese national security[6].

Studies show a limited ability to bypass the strait in the event of crises, as the bypass pipelines (via Saudi Arabia and the UAE) have a capacity of only about 6.5 million barrels per day. This means that if the strait were closed, there would be a shortfall of at least 14 million barrels per day that could not be transported to global markets. This would immediately lead to a severe shortage in global supply, capable of driving oil prices to record levels, potentially exceeding $150 per barrel, making it the most significant quantitative variable in the equation of global inflation and economic growth.

2/ **The Military and Strategic Dimension**: Militarizing the Strait and Neutralizing Technological Superiority[7].

The Strait of Hormuz derives its military importance from its geographical location, which imposes significant constraints on overall naval power, transforming numerical and technological advantages into a strategic liability in asymmetric conflicts. This dimension can be broken down as follows:

1/ Spatial Denial Architecture (A2/AD Architecture) :

The military strategy in the strait revolves around the concept of denying access and depriving the region of access. Due to the narrowness of the shipping lanes, which do not exceed a few kilometers in width—the strait is approximately 33 kilometers wide at its narrowest point, but the actual shipping lanes for large vessels are no more than 3 kilometers wide in each direction—the geography becomes a natural ambush. This architecture allows regional actors to use low-cost weapons systems (naval mines, coastal missiles, and drones) to neutralize the capabilities of large fleets, which lack sufficient defensive depth for maneuvering in this narrow space.

2/ The Doctrine of Asymmetric Warfare :

The Strait of Hormuz represents the prime testing ground for naval swarm tactics. This approach relies on replacing large, costly naval units with small, fast, and highly concentrated ones[8]. Examples include:

- Smart Sea Mines: Iran possesses a stockpile of thousands of sea mines that can be rapidly deployed by fast boats, effectively paralyzing maritime traffic.

- Fast Boats: Employing swarm tactics to overwhelm the defense systems of large warships.

- Coastal Batteries: Deploying anti-ship cruise missiles such as the Noor and Qader along the rugged, cave-riddled coastline, making them difficult to detect or destroy with preemptive strikes.

The strategic objective of these tactics is not the complete destruction of the enemy, but rather the overwhelming of its defense systems and the dispersal of its radar capabilities through simultaneous attacks from multiple directions This makes securing maritime navigation extremely costly, both materially and politically.

3/ The Tactical Value of "Fixed" Islands

The islands scattered throughout and around the Strait of Hormuz (such as Qeshm, Larak, Hormuz, and the three disputed islands of Greater Tunb, Lesser Tunb, and Abu Musa) are considered in strategic thinking to be unsinkable aircraft carriers. These islands provide intelligence and operational strongholds, granting the controlling party a comprehensive view and the ability to intervene rapidly at any point within the waterway, thus reinforcing the concept of military field dominance[9].

4/ The Political Dimension (A Tool of Influence):

In the context of international conflicts, littoral states resort to using the Strait as a tool of asymmetric deterrence. When a state faces political pressure or international isolation, it brandishes the ability to disrupt navigation in the Strait. This threat aims to compel the international community and major powers to intervene to de-escalate the conflict, fearing a collapse of energy markets and transforming any political action against the littoral state (such as sanctions) into a global economic gamble. Likewise, when imposing economic sanctions, the strait is used to undermine the effectiveness of these sanctions, as the legal detention of ships or maritime interception is employed as coded political messages to pressure Western powers on negotiating issues (such as nuclear files or regional conflicts).

The interplay between geopolitics and geoeconomics in the management of the Strait of Hormuz:

The Strait of Hormuz constitutes a crucial convergence point between geography and global strategic interests. To understand the dynamics of managing this waterway, it is necessary to address:

The Geopolitical Approach: This focuses on power struggles, regional sovereignty, the balance of power, and the military capabilities of littoral states and international actors. Here, the Strait is viewed as an instrument of strategic deterrence and political influence.

The Iranian approach to managing the Strait is based on a concept of geopolitics that is simultaneously defensive and offensive. The Strait is used as a "geopolitical pressure card" in the face of Western sanctions[10]. The constant threat of closing the Strait or disrupting navigation represents an asymmetric deterrence mechanism aimed at altering the regional balance of power.

In contrast, the United States and Western powers seek to impose a "collective security" approach and freedom of international navigation through the establishment of maritime military alliances, such as the International Maritime

Security Construct (IMSC). This mechanism transforms the strait from a purely sovereign space into an area of international influence subject to constant technological and military monitoring.

The Geoeconomic Approach: Geoeconomics does not negate geopolitics but rather reshapes its tools. Addressing crises in the strait is subject to calculations of economic profit and loss for major consuming nations, particularly in East Asia (China, Japan, and South Korea). China's rise through its Belt and Road Initiative makes the security of the strait a geoeconomic imperative for diplomatic maneuvering aimed at securing Beijing's interests.

Realistic projection throughout history:

The "Tanker War[11]," which erupted during the Iran-Iraq War of 1980-1988, is considered the most prominent historical example of the intersection of geopolitical and geoeconomic approaches in the Strait of Hormuz and the Arabian Gulf[12]. At this stage, maritime geography transformed from a mere theater of military operations into a tool for mutual economic strangulation and the internationalization of the conflict[13] , This was because:

-The Iraqi approach revolved around depriving Iran of oil revenues through Iraq's systematic targeting of Iranian oil ports (especially Kharg Island) and tankers bound for them, beginning in 1981 and intensifying in 1984. This aimed to dry up Iran's financial resources and prevent it from funding its land-based war machine, exploiting the new situation in which Iraqi oil flowed via overland pipelines (through Turkey), no longer entirely dependent on the Arabian Gulf[14].

-The Iranian approach was based on Iran's retaliatory targeting of oil tankers belonging to Gulf states supporting Iraq, particularly Saudi Arabia and Kuwait, according to the principle of "either everyone exports their oil freely, or no one does," given Iran's complete dependence on the Strait of Hormuz for its oil exports[15].

The escalating targeting of commercial vessels and tankers, with more than 500 ships targeted during the war, led to a structural geopolitical shift in the region's security[16], through the following:

-The "International Protection" strategy: In 1987, Kuwait employed a shrewd geopolitical mechanism to ensure the security of its exports, requesting that its tankers be re-registered under American and Soviet flags. This transformed the conflict from a regional confrontation into a direct confrontation with the superpowers.

-Operation Serious Will: The United States launched its largest naval escort operation since World War II to protect American-flagged tankers in the Gulf and the Strait of Hormuz. This intensified geopolitical presence resulted in direct military clashes between the US Navy and Iranian forces, such as Operation Praying Mantis in 1988, limiting Iran's ability to use the threat of closing the Strait militarily.

The tanker war established geoeconomic concepts that were employed in managing subsequent crises in the region through:

-Increased cost of maritime insurance: This demonstrated to the world that the security of the Strait of Hormuz is not a local issue, but rather a key determinant of oil prices and global inflation.

- The emergence of the idea of alternative routes: This war was the primary catalyst for Gulf geoeconomic thinking regarding the construction of overland pipelines bypassing the Strait of Hormuz toward the Arabian Sea and the Red Sea.

Thirdly: Employing the "Law of the Sea" (1982 Convention) as a geopolitical tool to serve economic interests:

Beyond Mackinder and Mahan, a new approach has emerged in research centers called “Lawfare”, which uses the Law of the Sea (the 1982 Convention) as a geopolitical tool[17]:

The legal framework for maritime areas, as articulated by the 1982 United Nations Convention on the Law of the Sea, rests on a fundamental compromise between the security aspirations of coastal states and the requirements of global commercial and military navigation. At the heart of this tension lies the concept of innocent passage, a concept that challenges the full extent of a state's sovereignty in its territorial sea.

1.Territorial Sea: Sovereignty Conditional on the Right of Passage:

Article 2 of the United Nations Convention on the Law of the Sea stipulates that the sovereignty of a coastal state extends beyond its land territory to include an adjacent maritime area known as the territorial sea. However, this sovereignty is not absolute; it is subject to an international right, the right of innocent passage.

The concept of passage encompasses navigation through the territorial sea, whether to cross it without entering internal waters, to enter internal waters, or to leave them. In order for passage to be innocent, it must not disturb the peace, public order, or security of the coastal state, as stated in Article 19 of the Sea Convention. However, the complexity lies in interpreting the list of activities that are considered not innocent. While the use of force or espionage is an objective criteria, other criteria, such as serious and deliberate pollution or fishing activities, leave room for interpretation by the coastal state, which may lead to abuse of sovereign power.

In the case of warships, debate continues regarding whether the innocent passage of this type of vessel is subject to prior notification or authorization. Although the United Nations Convention on the Law of the Sea does not explicitly require this, many national laws impose such restrictions, based on a broad interpretation of the concept of national "security," thus fragmenting the international standard.

2. International Straits and the Transit System: The Strait of Hormuz as an Example

Moving from territorial waters to straits used for international navigation, we find the transit system, which is more restrictive for the coastal state than the innocent passage system. Here, the coastal state may not suspend transit passage (Article 38).

Unlike innocent passage, this system allows overflights of straits and permits submarines to navigate while submerged, according to their usual operating procedures. Here, national sovereignty is subordinated to the higher interest of international maritime communications. On the other hand, states bordering strategic straits (such as the Strait of Hormuz or the Strait of Malacca) constantly strive to strengthen their environmental or security systems to regain influence over this continuous flow of maritime traffic. Thus, international legal policy becomes a delicate balancing act, with major maritime powers opposing coastal states' claims to expand their jurisdiction.

Article 21 of the United Nations Convention on the Law of the Sea allows coastal states to enact laws concerning navigational safety and environmental protection. However, the emergence of autonomous vessels raises unprecedented questions in the 21st century.

The question remains: can an unmanned vessel benefit from the right of innocent passage? And how is sovereign responsibility determined in the event of a technical accident in the territorial waters of a third state? This renders current international law inadequate in the face of the digital transformation occurring in international navigation[18].

The tensions in the Strait of Hormuz in 2026 cannot be understood separately from the failure to reconcile geopolitics and international law. The 1982 Convention, described as the "Constitution of the Oceans," is now structurally ineffective against what can be termed the law of force, in which legal loopholes are transformed into geopolitical traps.

Iran's invocation of the concept of innocent passage, granting it the right to monitor and inspect vessels, contrasts with the insistence of international powers on the principle of transit passage. This has resulted in ships passing through being caught between two conflicting legal jurisdictions simultaneously. Consequently, what Iran considers a legal detention is viewed as piracy by the United States.

This discrepancy is not a jurisprudential disagreement, but rather a gray area that has legitimized the detention of ships under the pretext of environmental inspection or alleged collisions. These are tools of hybrid conflict that do not necessitate a direct military response but achieve significant strategic gains under the guise of functional sovereignty. States exert their political influence through their own interpretations of international maritime law 1982.

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-States exploit the distinction between the "right of transit passage" and the "right of innocent passage." By imposing inspection procedures or environmental and security requirements, a state exercises a form of "procedural sovereignty" that enhances its political influence and demonstrates its ability to control the flow of international interests.

- Here, the law is transformed from a tool for regulating navigation into a political instrument for legitimizing measures to restrict adversaries.

Conclusion

In addressing the research problem, three pivotal concepts in international relations and maritime security become inevitably relevant:

-Functional Jurisdiction: This refers to the legal powers granted by agreements to a state bordering a strait to manage it (such as combating environmental pollution or regulating navigation), without implying absolute sovereignty over international waters. The maneuver lies in transforming this "regulatory duty" into a "geopolitical weapon".

-Hybrid Warfare: Managing crises in the "gray zone"—the space between outright peace and open war—a preferred tactic for states facing technologically advanced superpowers.

-Technical Pretext: Using non-political justifications (such as water pollution from a tanker, its failure to respond to radio calls, or a collision with a local fishing vessel) to provide legal cover before the International Court of Justice or the International Maritime Organization when a vessel is detained for purely political reasons.

The complexities of the Strait of Hormuz have transcended military theories, reaching the halls of legal diplomacy. The tension in the Strait is a stark manifestation of the structural failure to balance the 1982 United Nations Convention on the Law of the Sea (UNCLOS) with national sovereignty.

The transformation of the Strait of Hormuz from a fixed geographical entity to a political variable means that controlling it no longer requires its physical closure. Threatening maritime security is sufficient to destabilize global politics and markets.

In modern strategic theory, the Strait has become a political currency, wielded in power struggles and gambled with in regional security negotiations. Its value is determined by the ability of the actors involved to internationalize the crisis or confine it to a bilateral framework.

Margins:

1 - For further details, one can refer to one of the most prominent references that traces the development of "Mahanism" and its practical applications over a full century. The book devotes important analytical chapters to the adoption of Mahan's thesis on controlling major international straits after World War II to protect oil flows and global supply chains, see : Baer, G. W. **One Hundred Years of Sea Power: The U.S. Navy, 1890-1990**. Stanford University Press. 1994,pp 314-367.

And : Moran, D., & Russell, J. A. (Eds.). **Maritime Strategy and Global Order: Markets, Resources, security**. Georgetown University Press, 2016, (368 p).

2 - ibid, pp117-125.

3 - U.S. Energy Information Administration, **Iranian Geopolitics in the Strait of Hormuz: Strategies of Deterrence and Global Power Balances**. **Journal of Politics and Law**, Num 14(2), 2026, pp 115-138.

4 - U.S. Energy Information Administration,**World Oil Transit Chokepoints: Strait of Hormuz Analysis Report**, 2025.

5 - Tantray, T. L. India and the Strait of Hormuz: Strategic Vulnerabilities and Policy Responses in a Shifting Regional Order. **Journal of Defence Studies**, Num 20 vol (1), 2026, p 73.

6 Downs, E. **China's Energy Security and the Geopolitics of the Persian Gulf: Evaluating Vulnerabilities in Strategic Chokepoints**. Columbia University Center on Global Energy Policy. 2025, pp 28-30. See also: Alperen Yoncaci, **China's Energy Security In The Gulf**. Thesis Submitted To The Graduate School Of Social Sciences Of Middle East Technical University, 2023, pp 86-92.

7 - Sigit and Alexander Texas Meresin, China's Geopolitical Strategy in the Strait of Hormuz. **Chinese Journal of International Review**, Volume 02, Issue 02, December 2020, available at : https://doi.org/10.1142/S2630531320500092

8 - Cliff, R., Burles, M., Chase, M. S., Eaton, D., & Pollpeter, K. **Entering the Dragon's Lair: Chinese Anti-Access Strategies and Their Implications for the United States**. Mar 21, 2007

9 - Military field dominance, often associated with concepts like "full-spectrum dominance", refers to a fighting force's ability to completely control all dimensions of the battlespace. It involves overwhelming superiority across all five traditional and modern domains: land, sea, air, space, and cyberspace/information, for more details : Lachowski, Z, **Foreign Military Bases and the Dynamics of Regional Field Dominance**. Oxford University Press / Stockholm International Peace Research Institute (SIPRI), 2019, pp 145-147.

10- Wastnidge, E. **Iran's Strategic Deterrence and the Geopolitics of the Strait of Hormuz: Countering Economic Sanctions**. International Affairs & Security Studies, Num 38 vol(3), 2022, pp 312–329.

11 - On April 14, 1988, the USS Samuel B. Roberts struck an Iranian sea mine (M-08 type) in international waters of the Persian Gulf, injuring its crew and causing significant damage to the vessel.Washington considered the indiscriminate laying of sea mines in international shipping lanes a blatant violation of international law and the United Nations Convention on the Law of the Sea (UNCLOS), and a direct threat to the global economy. Consequently, it decided to launch a decisive punitive military strike to dismantle Iran's "encirclement of the zone." See : Crist, D, **The Twilight War: The Secret History of America's Thirty-Year Conflict with Iran**. Penguin Books. 2012, pp 412-416.

12 - Palmer, M. A. **On Course to Desert Storm: The United States Navy and the Persian Gulf.** Naval Historical Center, Naval Institute Press. 1992, pp 118-124. And Peniston, B. **No Higher Honor: Saving the USS Samuel B. Roberts in the Persian Gulf**. Naval Institute Press, 2006, pp 341-356.

13 - Fattouh, B. Anatomy of the Gulf Energy Sector: Infrastructure, Pipelines, and Strategic Chokepoints. Oxford Institute for Energy Studies / Oxford University Press. 2011.

14 -Contributing to the success of this approach was Iraq's success in breaking free from the 'Gulf's geographical determinism' by redirecting its oil flows overland through pipelines crossing Turkey (towards the port of Ceyhan), thus giving it a strategic advantage that enabled it to strangle its rival by sea without its exports being affected to the same degree, see : Razoux, P. **The Iran-Iraq War**. Harvard University Press. 2015, pp 316-318.

15- Ward, S. R. **Immortal: A Military History of Iran and Its Armed Forces** (Updated ed.). Georgetown University Press. (2014), pp 261-263.
16- Walker, G. K. (Ed.). **The Tanker War, 1980–88: Law and Policy** ,International Law Studies, Vol. 74, Naval War College Press, 2000, pp 15-20.
17- Kraska, J. **Maritime Power and the Law of the Sea: Expeditionary Operations in World Politics**. Oxford University Press. 2011, pp 114-121. See also : Roach, J. A., & Smith, R. W. **Excessive Maritime Claims** (3rd ed.). Martinus Nijhoff Publishers. 2012, pp 283-291.
18 - International law is facing a real dilemma in the face of autonomous (MASS - Maritime Autonomous Surface Ships) and cyber systems that manage navigation through the Strait of Hormuz and other chokepoints, For more details, see : Chircop, A., & Ringbom, H. (Eds.). **The Digitalization of Maritime Law: Autonomous Shipping, Cyber Security, and the Future of UNCLOS**. Palgrave Macmillan / Springer, 2025, pp 144-152.