



TRANSIT PASSAGE VS. SOVEREIGNTY: REINTERPRETING INTERNATIONAL LAW IN THE STRAIT OF HORMUZ AND ITS IMPLICATIONS FOR INDIA-IRAN RELATIONS

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RESEARCH ARTICLE



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Abstract

The Strait of Hormuz occupies a central position in global maritime trade and energy security. At the same time, it represents a site of persistent legal and political contestation between the principle of transit passage under the United Nations Convention on the Law of the Sea and assertions of coastal state sovereignty by Iran. This article examines these competing legal interpretations and evaluates their implications for India-Iran bilateral relations. It argues that India adopts a pragmatic legal approach that seeks to uphold international maritime norms while maintaining strategic engagement with Iran. By combining doctrinal legal analysis with foreign policy considerations, the study highlights how legal ambiguity in international straits shapes diplomatic behavior and regional stability. The article contributes to the literature by bridging the gap between international law and applied geopolitics in a critical maritime chokepoint.

Keywords: Strait of Hormuz, Legal Status of the Strait of Hormuz, Iran's Interpretation of Maritime Sovereignty vs Transit Passage, Implications for India-Iran Relations.

Introduction

The Strait of Hormuz is one of the most critical waterways in the global maritime system. A significant proportion, approx 20% of the world's oil and liquefied natural gas passes through this narrow corridor, making it indispensable for energy-importing countries such as India. However, beyond its economic importance, the Strait represents a complex legal space where competing interpretations of international law intersect with national interests. The 1958 Convention on the High Seas emerged from early efforts to codify customary international law during the first United Nations Conference on the Law of the Sea (1958), where the principle of freedom of the seas was formally recognised but key issues remained unresolved. Over time, growing disputes over maritime boundaries, resource control, and navigation rights led to further negotiations under the Third United Nations Conference on the Law of the Sea, culminating in the adoption of the United Nations Convention on the Law of the Sea. This later convention provided a more comprehensive and structured legal order for the oceans, integrating earlier principles with new rules on territorial seas, exclusive economic zones, and transit passage.[United Nations ,1982] At the heart of this contestation lies the doctrine of transit passage, as codified in UNCLOS, which guarantees the right of continuous and unobstructed navigation through international straits. Iran, as a littoral state(*nations or political entities possessing a territory that borders a sea or ocean.*), has at times advanced a more restrictive interpretation rooted in sovereignty and security concerns. This divergence raises important questions about the applicability of international legal norms in geopolitically sensitive regions. This article seeks to address three interrelated questions: What is the legal status of the Strait under international law? How does Iran interpret its sovereign rights in relation to global maritime norms? And how does India navigate this legal and strategic tension? The central argument advanced here is that India follows a pragmatic legal strategy that balances normative commitment with geopolitical realism.



Literature Review

The existing literature on international straits and maritime law has extensively engaged with the legal regime established by UNCLOS, particularly the concept of transit passage. Scholars such as Donald R. Rothwell and Tim Stephens emphasize that transit passage represents a compromise between coastal state sovereignty and the interests of the international community in maintaining navigational freedom [Rothwell & Stephens, 2016]. Similarly, Satya N. Nandan argues that the legal rules for straits try to keep global trade moving without interruption, while giving only limited control to coastal states [Nandan & Rosenne, 1993]. These studies show that the legal system is clear in theory, but they often ignore the practical problems that arise when states apply these rules in real situations. In the context of the Strait of Hormuz, scholars such as James Kraska highlight the strategic importance of the Strait and the challenges posed by Iran's interpretation of sovereignty. [Kraska, 2011] ³ The literature suggests that Iran's position reflects a broader pattern where states reinterpret international law to align with national security concerns. From an Indian perspective, analysts like C. Raja Mohan argue that India's maritime strategy is shaped by the need to secure sea lines of communication while maintaining diplomatic flexibility. [Mohan, C. R., 2012] However, there remains a gap in the literature regarding how India reconciles legal principles with its bilateral engagement with Iran. Harsh V. Pant in his article *India's strategic balancing in the Middle East* stated that the economic impact of disruptions in the Strait of Hormuz is a major concern for India, which imports nearly 88 per cent of its crude oil. Any disturbance in this key energy route quickly affects prices and increases the import bill. However, recent policies on diversification and strategic petroleum reserves have helped reduce this risk. With reserves covering about two months of consumption and alternative supplies from Russia, the United States, and other regions, India has been able to manage short-term shocks. This shows that building resilience in energy policy is now essential for sustaining India's economic growth [Pant, 2024]

Research Gap

The existing studies on the Strait of Hormuz focus mainly on three areas: international law, geopolitics, and energy security. However, these areas are often studied separately, which creates important gaps. First, legal studies discuss rules like transit passage under UNCLOS but do not fully explain how countries, especially Iran, apply these rules in practice. Second, geopolitical studies focus on power rivalry and security issues but give less attention to legal aspects. Third, there is limited research on India's role, particularly how it balances legal norms with its strategic and energy interests in relation to Iran. Therefore, there is a need for an integrated approach that connects law, strategy, and foreign policy. This study aims to fill this gap by examining how legal ambiguity in the Strait of Hormuz influences India-Iran relations and by explaining India's approach as a form of pragmatic legal balancing.

Theoretical Framework

This study adopts an interdisciplinary theoretical framework combining legal institutionalism and realist geopolitics. Legal institutionalism views international law as a system of rules and norms that structure state behavior and promote cooperation. Within this framework, the United Nations Convention on the Law of the Sea represents a formalized regime governing maritime conduct, including navigation rights, sovereignty, and dispute resolution. It assumes that states generally follow agreed rules because they create stability, predictability, and mutual benefit in international relations. However, the realist perspective, as articulated by scholars like Hans J. Morgenthau, emphasizes that state behavior is ultimately guided by power and national interest. From this viewpoint, legal norms do not operate independently but are interpreted and applied in ways that align with strategic priorities. States may comply with international law when it supports their interests, but they may also reinterpret or selectively apply these rules in sensitive geopolitical contexts [Morgenthau, 1948]. In the context of the Strait of Hormuz and India-Iran relations, strategic autonomy is reflected in India's effort to balance legal commitments under the United Nations Convention on the Law of the Sea with its energy security and geopolitical interests. India supports freedom of navigation in principle but avoids direct confrontation with regional actors like Iran. Scholars like Harsh V. Pant argue that India practices strategic autonomy through multi-alignment, where it builds relations with competing powers such as the United States, Russia, and Iran simultaneously. This approach allows India to avoid rigid alliances while maximizing its strategic and economic benefits.

Legal Status of the Strait of Hormuz

United Nations Convention on the Law of the Sea article 38 'Right of transit passage' - "all ships and aircraft enjoy the right of transit passage, which shall not be impeded; except that, if the strait is formed by an island of a State bordering the strait and its mainland, transit passage shall not apply if there exists seaward of the island a route through the high seas or through an exclusive economic zone of similar convenience with respect to navigational and hydrographical characteristics." [United Nations, 1982]. Under UNCLOS, the Strait of Hormuz qualifies as an international strait connecting two parts of the high seas or exclusive economic zones. As such, it is governed by the regime of transit passage, which differs significantly from innocent passage. Transit passage allows ships and aircraft of all states to move through the strait without prior authorization, provided such movement is continuous and expeditious. This legal framework limits the regulatory authority of coastal states. While states bordering the strait retain sovereignty over their territorial waters, they cannot suspend transit passage. This principle is designed to ensure the stability and predictability of global maritime trade. However, the application of this legal regime is not without challenges. The Strait's narrow geography and its proximity to national coastlines create conditions where legal jurisdiction and strategic control often overlap. As a result, the interpretation of transit rights becomes subject to political contestation.

Iran's Interpretation of Maritime Sovereignty vs Transit Passage

Iran's position on the Strait of Hormuz must be understood within a wider framework of national security, regional power politics, and historical experiences of external intervention. While Iran signed the United Nations Convention on the Law of the Sea (UNCLOS), it has not fully ratified it. More importantly, it has expressed clear reservations about certain provisions, especially the regime of transit passage. This selective acceptance reflects Iran's cautious approach toward international legal commitments that may constrain its strategic autonomy. From the Iranian viewpoint, the Strait of Hormuz is not simply an international maritime corridor. It lies adjacent to its territorial waters and is closely linked to its coastal defense system and economic lifelines, particularly oil exports. Therefore, Iran frames the Strait as an area where sovereign rights and security concerns cannot be separated from legal rules. This interpretation differs from the dominant global understanding, which treats the Strait primarily as an international strait open to uninterrupted transit passage.

Iranian authorities have, at different times, argued that foreign military vessels-especially those belonging to extra-regional powers such as the United States Navy-should obtain prior authorization before passing through the Strait. Such a position directly challenges the UNCLOS principle that allows continuous and expeditious passage without prior notification. By advancing this claim, Iran seeks to expand the scope of coastal state control beyond what is generally accepted under international maritime law. This stance can be better explained through a realist perspective in international relations. As theorized by Hans J. Morgenthau, states interpret legal norms in accordance with their national interests and power considerations. In this context, Iran does not reject international law outright; rather, it reinterprets it in a way that aligns with its strategic needs. Control over the Strait becomes a form of geopolitical leverage, especially during periods of tension with Western powers. By signaling the possibility of restricting access, Iran enhances its bargaining position in broader political and security negotiations.

At the same time, this approach generates significant friction with established maritime norms and the expectations of the international community. Major trading nations and naval powers view any restriction on transit passage as a threat to global commerce and energy security. As a result, Iran's position contributes to the securitization of the Strait, where a legal issue increasingly becomes a matter of military preparedness and strategic deterrence. This dynamic not only complicates legal interpretations but also increases the risk of miscalculation and conflict in one of the world's most critical maritime chokepoints.

India's Legal and Diplomatic Position

India's engagement with the Strait of Hormuz is shaped by its dual identity as a major energy importer and an emerging maritime power. India relies heavily on energy supplies that transit through the Strait, making the principle of freedom of navigation a matter of national interest. At the same time, India maintains historically significant and strategically valuable relations with Iran. This includes cooperation in connectivity projects such as the Chabahar Port, which provides India with access to Afghanistan and Central Asia. India's legal position broadly aligns with the principles of UNCLOS, particularly the right of transit passage. However, in practice, India avoids overt confrontation with Iran over legal interpretations. Instead, it adopts a cautious and balanced approach, emphasizing dialogue and mutual respect. This pragmatic stance reflects India's broader foreign policy doctrine of strategic autonomy. Rather than rigidly adhering to legal formalism, India seeks to reconcile normative commitments with geopolitical realities. This approach allows India to safeguard its economic interests while sustaining bilateral cooperation with Iran.

Implications for India-Iran Relations

The legal and strategic contestation surrounding the Strait of Hormuz has direct and multi-layered implications for India-Iran relations. These implications extend beyond legal interpretation and enter the domains of energy security, diplomacy, and regional strategy.

Energy Security and Economic Vulnerability: For India, the Strait represents a vital maritime route through which a substantial proportion of its crude oil imports pass. A significant share of India's energy supplies originates from the Gulf region, making uninterrupted navigation through the Strait essential. Any disruption-whether due to military escalation, political signaling by Iran, or external intervention-can immediately affect oil prices, supply chains, and domestic economic stability in India. Recent developments highlight this vulnerability. Periodic tensions between Iran and the United States, including naval build-ups and incidents involving commercial tankers, have raised concerns about the security of sea lanes. For instance, Iran's seizure of foreign-linked oil tankers in 2023-2024, and recurring warnings about potential closure of the Strait during periods of heightened sanctions pressure, demonstrate how quickly the situation can escalate. The ongoing conflict involving Iran, Israel, and the United States in 2026 has significantly intensified this vulnerability. The crisis began with joint military strikes by the United States and Israel on Iran, followed by Iranian retaliation and the effective closure or restriction of the Strait. This has resulted in a sharp decline in maritime traffic and attacks on commercial vessels, severely disrupting global energy flows.

Recent reports indicate that nearly 20% of global oil supply passing through the Strait has been affected, leading to a steep rise in oil prices and creating uncertainty in global markets. Oil prices have crossed \$110 per barrel in some cases, reflecting the scale of the crisis and its global economic impact [Federal Reserve Bank of Dallas, 2026]. For India, the consequences are immediate and serious. The country depends heavily on energy imports from the Gulf, and disruptions in the Strait have already caused shortages of liquefied gas and delays in tanker movement. In some cases, Indian vessels have been stranded or allowed to pass only under special conditions set by Iran, highlighting the fragility of supply chains. [Reuters, 2026]. Moreover, the conflict has expanded beyond the Strait. Attacks by Iran-aligned groups and the involvement of regional actors have increased risks to other

key shipping routes, raising concerns about a broader maritime crisis. This situation increases insurance costs, disrupts trade logistics, and adds pressure on India's balance of payments and inflation levels [The Guardian,2026]. From a strategic perspective, India faces a complex policy dilemma. It maintains important relations with all three actors-Iran for energy and connectivity (such as Chabahar Port), Israel for defense cooperation, and the United States as a key strategic partner. The current conflict complicates India's position of strategic autonomy, forcing it to balance diplomatic engagement while protecting its economic interests. In this context, Such incidents directly affect India's strategic calculations, forcing it to diversify energy sources while maintaining engagement with Iran.

Diplomatic Engagement and Strategic Balancing: The Strait issue also shapes the diplomatic architecture of India-Iran relations. India must carefully balance its commitment to international maritime law-particularly the principles embedded in the United Nations Convention on the Law of the Sea-with its desire to sustain a cooperative relationship with Iran. This balancing act has become more complex in the current geopolitical environment. India's growing strategic partnership with the United States, alongside its participation in broader Indo-Pacific frameworks, places implicit pressure on New Delhi to support freedom of navigation. At the same time, Iran remains a critical partner for India in terms of connectivity and access to Central Asia. Diplomatic engagement, therefore, needs regular talks, building trust step by step, and careful communication so that neither side feels ignored or offended.

Regional Connectivity and Geopolitical Strategy: The Strait of Hormuz is closely linked with wider regional initiatives that are central to India-Iran cooperation. Projects such as the Chabahar Port and the International North-South Transport Corridor are designed to enhance connectivity between India, Iran, and Eurasia. Stability in the Strait is essential for the success of these initiatives, as maritime insecurity can undermine investor confidence and logistical efficiency. At the same time, the Strait issue intersects with great power competition in the region. China's expanding presence in the Gulf and its investments in Iranian infrastructure, along with Russia's strategic alignment with Iran, create a complex geopolitical environment. India's ability to maintain constructive relations with Iran, while simultaneously engaging with Western powers and preserving adherence to international legal norms, strengthens its position as a pragmatic and responsible maritime actor.

Conclusion

The case of the Strait of Hormuz ultimately reveals a fundamental contradiction at the heart of contemporary international law. While the United Nations Convention on the Law of the Sea provides a clear and structured legal regime for transit passage, its effectiveness remains contingent upon state consent, political will, and strategic context. In practice, the Strait demonstrates that legal norms do not operate in isolation; they are continuously negotiated, contested, and reshaped by power politics and security concerns [Kazemi,2009]. Iran's interpretation of sovereignty is not merely a legal deviation but a strategic assertion rooted in its geopolitical environment and historical experience of external intervention. This challenges the universality of UNCLOS by exposing its limited enforceability in regions where national security is deeply interlinked with territorial control. As a result, the Strait becomes a space where law is not absent, but selectively applied and strategically interpreted. India's response, often described as pragmatic balancing, also invites critical reflection. While this approach allows India to safeguard its immediate interests-energy security, regional access, and diplomatic stability-it simultaneously reflects the constraints faced by middle powers in an asymmetric global order. India's reluctance to take a firm legal position on transit passage in the Strait indicates that even states committed to international norms may prioritize strategic flexibility over normative clarity. In this sense, India's strategy is effective but not without cost, as it risks reinforcing legal ambiguity rather than resolving it. In conclusion, the Strait of Hormuz is not only a maritime chokepoint but also a conceptual site where law, power, and strategy intersect. It demonstrates that international law is neither fully autonomous nor entirely subordinate to politics. Rather, it exists in a dynamic relationship with geopolitical realities. For India-Iran relations, this means that long-term stability will depend not simply on legal alignment, but on the ability to manage ambiguity through pragmatic diplomacy and cooperative frameworks.

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