

What rules govern international waters?

Can Iran legally restrict transit through the Strait of Hormuz? Is the U.S. blockade of the strait lawful? What is the legal position on interceptions? And in cases such as this, which organisation steps in and how? What can happen next?

Updated - April 26, 2026 09:16 am IST

M. KALYANARAMAN



U.S. forces patrol the Arabian Sea near Touska, an Iranian-flagged cargo ship, on April 21. | Photo Credit: AFP

The story so far: In an escalation of the conflict on the **Strait of Hormuz**, Iran has attacked three ships, detaining two in its territorial waters. This is allegedly in response to U.S. forces seizing two ships, including a very large crude carrier linked to Iran, between Sri Lanka and Indonesia on the high seas.

What was the situation at Strait of Hormuz when war broke out?

Within a day of the **war breaking out on February 28**, transits across the Strait of Hormuz dwindled from some 100 vessels on a typical day to a handful. Iran put in place a system of allowing transits based on geopolitical considerations and a toll fee that media reports suggested ran to more than a million dollars per ship. India was among the biggest beneficiaries of the system, with Iran allowing some 10 Indian flagged ships and many foreign flagged ships carrying India's oil and gas supplies to pass.

The Indian Government has said it has not paid any toll and was only exercising free navigation rights given to merchant ships as per international law and practice. Hundreds of Iranian vessels and vessels linked to Iran have crossed the strait, meanwhile.

What did the U.S. do?

In talks with the U.S., Iran brought the Strait of Hormuz on the negotiating table, demanding the right to regulate and control the passage of ships and to charge a toll fee, partly to rebuild its economy.

Following the collapse of the peace talks on April 12, U.S. President Donald Trump announced a blockade of Iranian ships. This was less a physical blockade using naval ships and more a declaration of control exercised through measures such as radio warnings. The aim was partly to dismantle the regime Iran had put in place to control ship transits, and to deter Iranian ships that had until then navigated freely through the strait. Dozens of Iranian ships are reported to have been turned back.

On April 19-20, the U.S. intercepted, disabled and boarded the ship container *Touska*, an Iranian-owned and managed container ship with a cargo-carrying capacity of more than 60,000 tonnes. The U.S. said it suspects the ship was carrying cargo that could be used for military purposes.

At around the same time, U.S. forces intercepted *Tifani*, a very large crude carrier that can carry 2 million barrels of oil, between Sri Lanka and Indonesia in international waters. The U.S. says the ship was involved in the Iranian oil trade. Both vessels are in the custody of U.S. armed forces. These actions are part of efforts to cut off Iran's income sources.

How has Iran reacted?

On April 16, Mr. Trump said the strait was fully open. However, with the U.S. blockade of Iranian ships in full swing, nearly a dozen India-flagged and foreign ships bound for India lined up to transit the strait on April 17–18.

The Islamic Revolutionary Guard Corps Navy fired on two Indian-flagged ships — Sanmar Herald and Jag Arnav — and ordered them to go back. Along with these two, all ships barring one returned to the Persian Gulf. India lodged a protest with the Iranian Ambassador over this.

On April 23, Iran captured Francesca and Epaminondas, two container ships seeking to exit the strait, and fired at a third one, as retaliation against the U.S. blockade of Iranian ports and the capture of Iranian ships. Iran had said the two vessels had “endangered maritime security by operating without the necessary permits and tampering with navigation systems.” The two vessels are in Iran’s custody.

A third ship, Euphoria, with Indian crew, which was shot at, is reportedly not in Iranian custody. Iran has said unless the U.S. blockade is lifted, the strait cannot be reopened for traffic.

What is the legal position on such interceptions?

Straits have long been a focus of conflict or provided leverage to belligerent parties during wars. Various treaties and agreements were signed, especially in the 20th century, establishing rights and duties for many naturally forming straits, such as across Turkey and Egypt and the Tiran Island near the Gulf of Aqaba.

To create a comprehensive legal framework for the world’s waters, the United Nations Convention on the Law of the Sea (UNCLOS) was negotiated over nearly two decades and came into force in 1994. Its core principle is that the seas are a shared global commons that must be collectively managed. Freedom of navigation, especially for merchant ships, is to be upheld, with minimal exceptions. The high seas fall outside the jurisdiction of any single nation.

The U.S. imposes sanctions on government agencies and companies linked to countries it is in conflict with, as a form of economic warfare. These sanctions restrict access to funds and make business transactions difficult. However, they are based on U.S. law, not international law, and are not authorised by the United Nations. The U.S. has also intercepted ships trading in Venezuelan oil and carrying oil to Cuba.

International law upholds unfettered freedom of navigation of merchant ships on the high seas. Exceptions include hot pursuit of vessels that have committed crimes in territorial waters, explicit authorisation by the UN Security Council, vessels without nationality, or cases where the flag state consents to interception. At times, the U.S. has cited the latter grounds.

Outside the high seas, such as in territorial waters, “innocent” passage rights apply to merchant ships and even warships. ‘Innocent’ means the ship does not pose a threat to the nation.

Does Iran have any rights over the Strait of Hormuz?

The strait is an international passage. But at its narrowest point, the territorial waters of the two border states — Iran and Oman — intersect, which means there is no high seas or exclusive economic zone there. As per UNCLOS, instead of the freedom of navigation accorded in the high seas, the concept of “transit” is applied.

As per UNCLOS, transit recognises free, unhindered passage to foreign ships. Iran cannot regulate ship traffic nor deny permission to merchant ships seeking to transit. But a few restrictions are allowed: ships must move continuously and without delay; designated traffic routes, recently revised by Iran, must be followed; ships should enter solely for the purpose of transiting the strait; and vessels must not load or unload goods in violation of the laws of Iran or Oman.

What can happen next?

The UN agency that could potentially resolve the issue is the International Maritime Organization (IMO). The IMO has indicated it is working with Iran to resolve the issue. It has proposed a plan to facilitate the evacuation of ships while upholding freedom of navigation. The IMO has decried tolls and permits. The IMO Council had passed a resolution severely condemning Iran for attacks on commercial vessels and seeking to choke the Strait of Hormuz, but it has not been critical of the U.S.’s actions and blockade.

Published – April 26, 2026 05:15 am IST