

## Policy Brief

### Series Information:

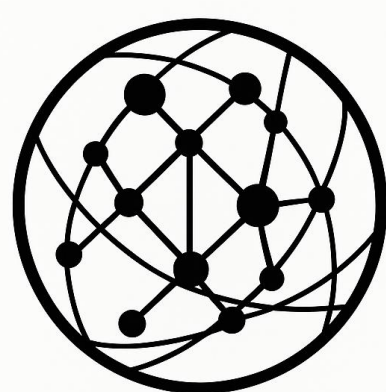
This policy brief is part of the EPINOVA Policy Brief Series on Strategic Competition, AI-Enabled Warfare, and Information Conflict.

### Recommended Citation:

Wu, Shaoyuan (2026), *From Selective Restriction to Universal Blockade: Legal Contestation and Third-Party Naval Intervention in the Strait of Hormuz*, Policy Brief No. EPINOVA-2026-PB-32, Global AI Governance and Policy Research Center, EPINOVA LLC, <https://doi.org/10.5281/zenodo.19568379>.

### Disclaimer:

This policy brief is an institutional publication of EPINOVA, prepared by Dr. Shaoyuan Wu in his capacity as Director of the Global AI Governance and Policy Research Center, EPINOVA LLC. The analysis is based on publicly available information and does not represent the official positions of any government. The publication is intended solely for research and policy discussion purposes and does not constitute legal, military, or operational advice.



GLOBAL AI  
GOVERNANCE  
RESEARCH CENTER

## From Selective Restriction to Universal Blockade:

### Legal Contestation and Third-Party Naval Intervention in the Strait of Hormuz

**Author:** Shaoyuan Wu

**Affiliation:** Global AI Governance and Policy Research Center, EPINOVA LLC

**Date:** April 14, 2026

### Key Judgments

- The Iran–U.S. distinction is structurally decisive: bounded coercion versus system-wide disruption.
- Iran’s appeal to the United Nations transforms the crisis into a test of maritime order and legal governance.
- The U.S. blockade externalizes conflict costs onto neutral actors and the global economic system.
- Third-party deployment is legally defensible under transit passage and national protection doctrines.
- The most viable response is defensive maritime assurance, not counter-blockade enforcement.
- Improperly framed intervention risks cross-domain escalation through intensified system coupling and feedback loops.

### Why This Matters

- The Strait of Hormuz is a critical node in the global system, carrying roughly one-fifth of global oil trade.
- Disruption at scale transforms a regional conflict into a systemic crisis of maritime governance.

### Executive Summary

This brief identifies a structurally decisive distinction between two models of maritime coercion in the Strait of Hormuz: Iran’s bounded, selective restriction regime and the United States’ system-wide port-access blockade. While Iran’s approach operates within a conflict-limited framework, the U.S. model extends coercive effects across a global maritime corridor, generating externalities for neutral states and international commerce.

This shift has legal and systemic consequences. Under the transit passage regime of the United Nations Convention on the Law of the Sea (UNCLOS) and the United Nations Charter, restrictions on maritime access, particularly those with extraterritorial reach, raise challenges not only to navigational rights but to the governance of international straits. As the scope of impact expands, the crisis transitions from bilateral confrontation to a question of global maritime order.

## Policy Brief

In this context, third-party naval involvement becomes both legally defensible and strategically consequential, provided it is framed as navigation assurance rather than coercive enforcement. The viability of such involvement depends on maintaining a defensive posture that preserves transit continuity while minimizing direct confrontation.

If sustained, the current trajectory will expand the legitimacy space for third-party intervention while increasing systemic escalation risk. The most effective response is a defensive, multi-layered maritime assurance framework integrating escort operations, humanitarian support, and maritime domain awareness, designed to stabilize maritime flows without reinforcing conflict dynamics.

### 1. Analytical Distinction: Divergent Models of Maritime Coercion

A clear analytical distinction must be drawn between the maritime strategies of Iran and the United States. While both interfere with maritime flows in the Strait of Hormuz, they differ fundamentally in scope, legal character, and systemic impact.

#### 1.1 Iran: Selective Restriction Regime

Iran's approach constitutes a selective and discriminatory restriction regime, characterized by:

- Conditional or permission-based access;
- Targeted pressure on adversarial or disfavored actors;
- Throughput limitations and discretionary flow control.

Legally, these practices raise concerns under UNCLOS transit passage regime, as they interfere with non-suspendable navigation rights. However, they remain bounded and differentiated in application.

Accordingly, Iran's conduct represents a localized distortion of navigational rights, rather than a comprehensive restructuring of access to the strait.

#### 1.2 United States: Universal Port-Access Blockade

The United States has adopted a qualitatively different model: a universal port-access blockade.

By restricting all vessels entering or leaving Iranian ports, regardless of flag, and enforcing these measures with extraterritorial reach, the U.S. approach extends beyond the immediate conflict dyad. It transforms maritime coercion from a targeted instrument into a system-wide mechanism of exclusion, imposing costs on neutral states and disrupting global commerce.

#### 1.3 Comparative Insight

The distinction is structural, not scalar. Iran's model remains conflict-bounded, whereas the U.S. model introduces a generalized exclusion regime that reshapes the operational environment of a global chokepoint.

## Policy Brief

The consequence is a shift from localized contestation to systemic disruption. Once neutral shipping is affected, the issue becomes one of international maritime governance rather than bilateral conflict.

This transformation expands the space for third-party involvement. As coercion moves from selective interference to universalized exclusion, external actors can frame intervention not as participation in conflict, but as efforts to restore transit passage and preserve global maritime stability.

## 2. Legal Escalation: Internationalization Through the United Nations

### 2.1 Iran's Appeal to the United Nations

Iran's formal communication to the United Nations constitutes a structural shift from operational confrontation to legal-institutional contestation. By engaging both the Secretary-General and the Security Council, Tehran relocates the dispute into a framework of international legal accountability.

Its submission advances three core claims: violation of navigational freedoms, unlawful use of force under Article 2(4) of the United Nations Charter, and infringement of sovereignty. These claims function not as isolated allegations, but as a coherent legal reframing, recasting the blockade as an issue of international responsibility rather than unilateral strategy.

### 2.2 Strategic Effect: From Conflict to Governance

The significance of this move lies in its reframing effect, not immediate institutional outcomes. Once embedded within the UN system, the crisis is no longer confined to bilateral interaction but becomes a question of international maritime governance.

This transformation shifts the blockade into a contested legal act, expands the legitimacy space for third-party involvement, and reorients the crisis toward the preservation of global maritime order. In this sense, Iran's appeal operates as a form of legal escalation, enlarging the audience, multiplying stakeholders, and positioning the crisis as a test of the resilience of international legal frameworks.

## 3. Legal Basis for Third-Party Naval Deployment

### 3.1 Transit Passage and the Limits of Control

The primary legal basis for third-party deployment rests on the transit passage regime under UNCLOS, which guarantees uninterrupted navigation through international straits and prohibits discretionary control by any single actor.

Because transit passage cannot be suspended or selectively denied, sustained restrictions—whether selective or universal—constitute a direct challenge to the integrity of the strait regime.

This establishes a defensible operational basis for third-party deployment: naval presence framed as ensuring navigational continuity reinforces the legal order rather than violating it.

## Policy Brief

### 3.2 Collective Security and Institutional Authorization

A second pathway derives from the UN collective security framework. Under the United Nations Charter, the Security Council may authorize maritime operations to restore international peace and security, providing the strongest formal legal mandate for intervention.

In practice, however, this pathway is constrained by great power veto dynamics. As a result, while it defines the upper bound of legal legitimacy, it is unlikely to determine operational realities in the near term.

### 3.3 Legal–Operational Synthesis

Taken together, these frameworks establish a dual structure: formal legitimacy versus operational feasibility. Security Council authorization offers maximal legal clarity but limited attainability, whereas the transit passage regime enables practical, defensively framed deployment.

This creates a legally ambiguous but operationally viable space in which third-party forces function not as coercive actors, but as mechanisms for preserving navigational continuity and mitigating systemic disruption.

## 4. Operational Models for Third-Party Intervention

Third-party naval involvement must be structured as a layered operational architecture integrating security, humanitarian, and informational functions. Effectiveness depends on strict operational discipline and clear sequencing, rather than deployment scale.

### 4.1 Defensive Escort Framework

The core operational priority is a defensive escort framework, including:

- Protection of neutral commercial shipping;
- Establishment of coordinated transit corridors;
- Continuous communication and deconfliction mechanisms.

Escort operations must be explicitly framed as navigation assurance, not enforcement. Maintaining this distinction is operationally critical: protective escort stabilizes flows, whereas enforcement-like behavior increases escalation risk.

### 4.2 Humanitarian and Evacuation Support

A second operational layer should integrate humanitarian and evacuation capabilities, including:

- Deployment of hospital ships and medical support;
- Organized civilian evacuation mechanisms.

These functions serve both operational and strategic purposes. They enhance legal and political legitimacy while reducing escalation perception by signaling that the mission is not exclusively coercive.

## Policy Brief

### 4.3 Maritime Domain Awareness (MDA)

A third pillar requires sustained investment in **maritime domain awareness (MDA)**:

- Real-time surveillance and intelligence collection;
- Risk monitoring and navigation warnings;
- Systematic incident documentation and attribution.

MDA is essential not only for operational safety but for evidence generation and narrative control in a legally contested environment.

### 4.4 Integrated Effect

These components must be implemented as a **coordinated system**:

- Escort ensures physical continuity of flows;
- Humanitarian functions reinforce legitimacy;
- MDA enhances transparency and reduces uncertainty.

The balance among them is decisive. Defensively structured operations can stabilize the system, whereas coercion-heavy postures increase escalation probability.

## 5. Diplomatic Pathways for Third-Party Involvement

Third-party engagement must align with available diplomatic pathways, each reflecting a trade-off between legitimacy, feasibility, and coordination.

### 5.1 Pathway A: UNSC Authorization

The most legally robust pathway runs through the United Nations Security Council. Authorization under the United Nations Charter establishes the clearest mandate for coordinated maritime operations.

However, feasibility remains limited. Veto dynamics constrain practical implementation, making this pathway unlikely to determine near-term operational outcomes despite its legal clarity.

### 5.2 Pathway B: Multinational Navigation Coalition

A more operationally viable option is a **multinational navigation coalition** based on shared interests in maritime stability.

Participating states should:

- Define operations as navigation assurance, not enforcement;
- Maintain a defensive and non-aligned posture;
- Coordinate escort and deconfliction mechanisms.

Effectiveness requires strict operational discipline and consistent framing. Any perception of alignment with a conflict party will significantly increase escalation risk.

## Policy Brief

### 5.3 Pathway C: Independent National Deployment

Independent national deployments provide maximum flexibility and rapid response capability, particularly for states with high exposure to regional energy flows.

However, such deployments should be:

- Carefully deconflicted with other actors;
- Limited in scope to defensive protection roles;
- Avoidant of parallel enforcement behavior.

Without coordination, overlapping missions increase friction, miscalculation risk, and systemic complexity.

### 5.4 Comparative Insight

These pathways reflect a structural trade-off between legitimacy and feasibility. Highly legitimate options are often politically constrained, while operationally feasible approaches risk fragmentation.

The policy challenge is therefore to enable intervention without fragmentation, preserving navigational continuity while avoiding escalation and competing enforcement dynamics.

## 6. Escalation Risk and System Dynamics

Third-party intervention reconfigures the conflict system rather than entering a neutral space. Within the MCCM v2.0+ framework, it introduces simultaneous stabilizing and destabilizing pressures across interconnected domains.

On the stabilizing side, third-party presence sustains commercial flows and relaxes systemic constraints in energy and economic systems. On the destabilizing side, additional military actors increase interaction density and compress decision space, tightening cross-domain coupling across operational, informational, and political layers. As coupling intensifies, localized incidents acquire systemic propagation potential.

At the same time, expanded actor presence accelerates feedback dynamics and shortens escalation cycles. Maritime encounters are more rapidly observed, interpreted, and acted upon, increasing both the speed and amplitude of escalation processes. Intervention therefore produces a dual effect: immediate stabilization alongside heightened systemic sensitivity to shocks.

Escalation risk derives from interaction sequences rather than deliberate intent. A defensively framed escort mission can evolve along a recognizable pathway: **escort** → **interdiction attempt** → **confrontation** → **direct engagement**.

This progression emerges endogenously from misperception, contested authority, or incompatible rules of engagement, rather than requiring explicit escalation decisions.

The decisive variable is not presence, but operational framing and behavioral discipline. System-preserving operations, defined by navigation assurance, minimal contact, and non-enforcement, dampen escalation despite increasing systemic complexity. System-competing operations, characterized by control assertion, access denial, and visible alignment, activate reinforcing escalation loops across domains.

## Policy Brief

In this sense, the Strait of Hormuz functions as a high-density systemic stress test, where the critical question is whether external intervention can stabilize flows without triggering self-sustaining escalation dynamics. The margin between stabilization and escalation is narrow and defined less by intent than by interaction structure.

### 7. Policy Recommendations

The effectiveness of third-party involvement depends on framing, coordination, and operational discipline. Policy must balance restoring navigational continuity with preventing systemic escalation.

#### A. For Third-Party States

Third-party actors should define their role as navigation assurance, not conflict participation.

- Maintain a strictly defensive posture and avoid enforcement roles;
- Minimize direct interference with other forces;
- Integrate escort, humanitarian, and evacuation functions to enhance legitimacy.

Framing is decisive: how operations are perceived directly shapes escalation dynamics.

#### B. For International Institutions

The priority is to prevent operational fragmentation.

- Facilitate communication, transparency, and deconfliction mechanisms;
- Support informal or ad hoc coordination frameworks where formal mandates are unavailable;
- Avoid the emergence of competing enforcement regimes.

Uncoordinated deployments risk transforming a navigation crisis into multi-actor security competition.

#### C. For Strategic Stability

The Strait of Hormuz should be treated as part of the global commons, not a coercive instrument.

- Prioritize continuity of access over control;
- Reinforce norms of openness and predictability in maritime flows;
- Treat restraint as a strategic asset.

Policies that preserve access reduce the likelihood that localized tensions escalate into system-wide disruption.

### 8. Limitations

This brief provides a structured analytical assessment rather than a definitive prediction. Several limitations apply.

## Policy Brief

First, it relies on **open-source and evolving information**, which may be incomplete or subject to revision.

Second, the distinction between coercion models **simplifies complex operational realities**, including variations in enforcement and signaling.

Third, the legal analysis reflects **interpretive applications of international law**, which remain contested in practice.

Fourth, the assessment of third-party intervention is **scenario-based**, and does not account for classified capabilities or real-time decision-making.

Finally, within the MCCM v2.0+ framework, escalation is treated as a **non-linear process**, and the model cannot fully capture rare shocks or threshold discontinuities.

### Conclusion

The current crisis marks a transition from localized confrontation to systemic contestation over maritime order. What began as a bilateral interaction has evolved into a broader challenge to the governance of an international chokepoint and the resilience of established navigational norms.

Iran's appeal to the United Nations reframes the dispute within a legal and institutional context, while the U.S. blockade extends its effects beyond the immediate conflict, generating system-wide externalities that affect neutral states and global commerce. The crisis is therefore no longer confined to the original actors, but embedded within a wider structure of international maritime governance.

Under these conditions, third-party naval involvement emerges as both a strategic possibility and a legally defensible response, yet its legitimacy is contingent on how it is framed and operationalized. Interventions that prioritize the preservation of transit passage and the continuity of maritime flows contribute to systemic resilience, whereas actions perceived as coercive or aligned with conflict dynamics reinforce escalation pathways and intensify system instability.

The Strait of Hormuz thus functions not only as a geographic chokepoint, but as a test case for the governance of the global commons under conditions of conflict. The outcome will depend less on the presence of external actors than on whether their engagement reinforces an open, rules-based maritime order or **accelerates its fragmentation**.