MILITARIZATION OF INTERNATIONAL STRAITS AND MARITIME CHoke POINTS

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ABSTRACT

Historically, maritime navigation has been one of the most important transportation means of human history; straits, strategic passages and maritime choke points have been important in ancient and modern events, being a fundamental part of strategic conducts of nations in all continents. Nowadays, two thirds of total petroleum transportation is performed by maritime shipping, showing that the global energy system and economy are both extremely vulnerable to maritime passages. Besides, the military mobilization capacity of the countries is dependent on maritime transportation, so their power projection find a great barrier in the closure of sea lines of communication. There are four key maritime choke points that, in the case of growing militarization or even blockade, would represent a higher risk for international economy, security and politics: the Straits of Hormuz, Malacca, Bab–el–Mandeb and Bosphorus. These focal points are here case studies, analyzed considering the maritime commerce, their proximity to politically unstable nations, maritime disputes, piracy and the international security dynamics.

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INTRODUCTION

Previous to the explanation of the historical and current militarization of international straits and maritime choke points, it is important to clarify some key concepts used to analyze the matter. For this reason, in this first session, concepts like Sea Lines of Communication (SLOCs), Straits, Choke Points, and others are elucidated, serving as a conceptual and theoretical basis for the further analysis on the four most important international straits: Bosphorus, Hormuz, Bab El-Mandeb and Malacca. They were selected based on their economic and strategic importance, having in mind the flow of vessels per day and the relevance for the world’s energy supply (EIA, 2014a). Therefore, these straits will be analyzed in light of three main aspects: economy, international law and security—also explored below.

According to Martín (2010), to be considered an international strait the maritime passage must comply with some preconditions: (i) to be a natural maritime passage separating two land masses and uniting two portions of sea; (ii) encompass the territorial sea of one or more States; and (iii) be used for international navigation. This definition, hereby used, implicates that no maritime passage will be recognized as a Strait when it is human-made—such as the Panama and Suez Canals. Also, the passage has to be narrow and include the territorial sea of at least one State, often called the “Strait State”, which is also the most likely to militarize it. The four Straits selected here are in accordance with this category.

The United Nations Convention on the Law of the Sea (UNCLOS) (1982) is the most important multilateral document on maritime matters, including international straits regulations. Considering conceptualization, the Convention does not evolve any discussion and solely uses the term “straits used for international navigation”. The UNCLOS, however, is important to understand the international law involving straits: the Convention determines that all states have the right of “transit passage” through
international straits. This means that there is “freedom of navigation and over flight solely for the purpose of continuous and expeditious transit of the strait” (United Nation 1982, 37). The same convention also prescribes some responsibilities to the Strait States: they must not interfere, complicate, or suspend the transit passage through the strait and shall also warn all the states of any possible danger in the passage (United Nations 1982). However, it is important to have in mind that this Convention does not exclude preexisting long-term specific regulations of straits and actually encourages common efforts to complement its dispositions (Emmerson and Stevens 2012).

According to Emerson & Stevens (2012, 9):

“Overall, the balance of rights and duties afforded to maritime states and states bordering the straits under UNCLOS is clearly weighted towards maintaining free passage through international straits, as against allowing coastal states to exercise unilateral control over parts of their territorial waters that constitute straits used for international navigation.”

Having in mind: (i) that the final objective of UNCLOS is maintaining unimpeded movement through straits and (ii) that the document is the most important effort of international law in the matter, it is important to know the strait countries that ratified it. The charter below clarifies it:
Regarding the maritime choke points, they are here defined as maritime passages contextualized in their strategic relevance. Therefore, maritime choke points are international straits that: (i) cannot easily be bypassed; (ii) have huge economic importance for the international trade of oil and

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<tr>
<th>State/Strait</th>
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<td>Bosphorus and Dardanelles</td>
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<td>Turkey</td>
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<td>Bab el-Mandeb</td>
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<td>Yemen</td>
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<td>Eritrea</td>
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<td>Strait of Hormuz</td>
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<td>Oman</td>
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<td>Iran</td>
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Made by the authors. Data: EIA, 2014.
gas; and (iii) offer the opportunity to prevent the movement of an opponent military force (Emmerson and Stevens 2012). There is also another important concept related to the maritime choke points: the Sea Lines of Communication (SLOCs). The SLOCs are maritime commercial routes with global importance that would be affected in case of blockade or insecurity (piracy, militarization) in choke points (Nunes 2013). The four maritime passages exposed further are at the same time international straits and maritime choke points due to their relevance for the normal and safe transit in the world’s SLOCs.

The concepts exposed conduct directly to the discussion on the economical relevance of international straits and choke points. The transit in maritime choke points is directly related to the world trade and distribution of oil and gas. According to EIA (2014a), “about 63% of the world’s oil production moves on maritime routes”, which makes the maritime choke points important parts of the world’s energy security. The world remains highly dependent on oil and gas and such resources are located geographically apart from the main consumer countries (the developed countries and, since the last decade, China) (Rodrigue 2004). It implicates a high level of dependence, by the consumer and producer countries, on the normal transit on the SLOCs and maritime choke points, areas of mandatory passage. In this context, the Straits of Hormuz and Malacca are “the world’s most important strategic choke points by volume of oil transit” (EIA 2014a, 1). The image below shows the global choke points by the estimate daily traffic of oil barrels. The four most important choke points are, respectively, Hormuz, Malacca, Bab el-Mandeb, and the Turkish Straits.

In case of political instability or complete blockade in any of these choke points, the oil and gas prices would change abruptly due to the high financial costs of longer alternative routes (Emmerson and Stevens 2012, Rodrigue 2004). Also, the expectations themselves of the consumer countries regarding the future impacts of such a crisis in the market would impact the oil prices (Emmerson and Stevens 2012). Finally, considering that a choke point is an area uneasy to be bypassed, it would also imply in delays in the goods delivery, probably causing several damages to global economy—mainly on energy matters due to the global dependence on fossil fuels.
It is also important to have in mind that there are different sizes of vessels and each strait has its maximum size affordable (Rodrigue 2004). It means that tankers transporting oil are specialized according to the route of transportation. So, changing the route may not even be possible in some cases. The image below shows the scale and types of tankers nowadays.
The Malaccamax, for example, is the ship size supported by the Strait of Malacca, which is proximate to the Very Large Crude Carrier (VLCC) (Fukai, Tabira and Kuma 2010). The Strait of Hormuz is proper for the largest crude oil tankers, which are also the main passers-by, the VLCC (EIA 2012). The Suezmax oil tanker, in its turn, is equivalent to the Long Range 2, around 160 DWT only. The Panama Canal, for instance, affords neither the VLCC nor the ULCC vessels, even after its recent enlargement (Maritime Connector 2016).

Regarding the security issues involving straits and choke points, it is important to distinguish between blockade and militarization. To block a strait or a choke point means to directly impede transit through it, while militarizing is better characterized as the process of increased insecurity that may lead to the threat of use of force or even to the blocking of the strait. The process of militarizing a strait—by sea or by land—can be car-
ried by countries directly bordering the area or by other states interested in maintaining free passage or even in hampering the use of it by a competitor (Huber 2003). This situation generates a spiral regarding the security in international straits and choke points: while a Strait State raises its military power as a response to insecurity, another country may feel threatened and increase its own capabilities, generating even more insecurity and fueling the dispute over the passage.\(^7\)

In this sense, the threat of the use of force itself is enough to cause insecurity over a strait or choke point. The perceived threat depends highly on “the perceived stability and intentions” of the bordering States, as well as on the perceived possible reactions and capacities of the other States interested in the region (Emmerson and Stevens 2012, 5). For this reason, choke points and straits can be highly affected by factors ashore, such as the military capabilities of the states bordering the area, its internal political situation, allies and enemies. Lindsey (1988) also recognizes the relevance of land forces, more specifically the coastal artillery, for the control of the SLOCs and choke points.\(^8\) In this sense, the nation bordering it has great control over its peaceful use, since its military capacities could be used for anti-access purposes. On the other hand, for a nation outside the region to take control of an international strait, a choke point and the SLOCs linked to it, it would be necessary to combine air forces with amphibious landing and capabilities for combat ashore. Therefore, the narrower the maritime passage, the easier it is to militarize or even to block it (Lindsey 1988).

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\(^7\) This situation is an example of the security dilemma of International Relations. As argued by Jervis (1978), once the International System is anarchic, the countries must provide for their own survival, which means to create the material military conditions for this purpose. However, as a country assures itself more security, the other countries will naturally feel more insecure due to their relatively minor capacities. It creates a dilemma, a paradox very difficult to overcome, since the anarchic nature of the International System does not change.

\(^8\) Forrest Lindsey was a Major of the United States Marine Corps. His work is essentially a prescription for the Armed Forces of the United States on how to control the SLOCs, choke points, and, by extension, how to win the naval war with the Soviet Union. The importance of the coastal artillery for naval battle is justified with the example of the 1982 Falkland/Malvinas War and the importance of the Exocet missiles.

\(^9\) Nowadays, capacities of anti-access are usually associated with the concept of A2/AD, created by the United States and applied mainly to the Chinese defense strategy. This concept means “Anti Access (A2)/Area Denial (AD)” capacities, which include mainly anti-ship missiles, but also other forms of coastal artillery, the naval fleet and the naval aviation. Such military strength (Anti-Access) aims at guaranteeing control of the coastal sea of a country, preventing the enemy forces to enter (Katsanos, 2014).
Different military approaches to SLOCs, straits and chokepoints implicate on divergent analysis on the process of militarization. The first theoretical debate on such maritime matters is between the naval strategists Alfred Mahan and Julian Corbett. For Mahan, the sea has an importance itself and naval battles are decisive to war (Nunes 2013). In this sense, the most important objective in a war at sea is to defeat the enemy’s fleet, achieving the command of the sea. To reach such goal, the author did not see cooperation between the Navy and the Army—the task of the naval battle was a responsibility exclusively of the Navy (Vego 2009). Corbett, in its turn, defended that the main task of the Navy was to keep the lines of communication open and safe for a country’s own use, preventing other states from accomplishing the same objective. Differently from Mahan, he did not argue that it was necessary to defeat the opponent’s fleet: for Corbett, there are certain conditions in which local command of the sea can coexist with the general command and, eventually, be sufficient for a country (Vego 2009).

The theory of Julian Corbett regarding the control of SLOCs is justified due to the relevance of the supply lines to the war effort. This is explained by the necessity of maintaining the combat capacity, which depends on the delivering of all sources of supplies to the regions in conflict (mainly by means of sea transport) (Nunes 2013). Indeed, the importance of unimpeded traffic through international straits, SLOCs, and maritime choke points is strictly related, in times of war and peace, to resources supply. The world’s commerce is highly dependent on maritime routes: according to United Nations Conference on Trade and Development (UNCTAD 2015, 5), “around four-fifths of total world merchandise trade” was made by sea in 2014. The explanation is that this form of transport is cheaper and, theoretically, safer than land routes (Peele 1997). So, the economic development of the countries in peace and the capacity to resist in war, both depend on the resources that arrive by sea (for industrial production, energy generation, military supplies and consumer goods). Also, in the case of war, the free traffic is vital “to get forces, equipment and supplies to crisis areas” (Peele 1997, 9).

Another important debate on naval strategy is between the theories of Halford John Mackinder and Nicholas Spykman. Mackinder is well known by the concept of heartland: a portion of land that comprehends the Eurasian land mass (East Europe, the former USSR, Mongolia and Tibet). The country that controls the heartland holds large proportions of resources.
and, with the construction of railways, can even control the littorals. Around the heartland, for Mackinder, there are other categories of regions: the inner crescent (Germany, China, Austria), the outer crescent (United States, India, Great Britain), the coastal states and, lastly but not less important, the seapowers. Spykman, from the theory of Mackinder, creates the concept of rimland, uniting the Mackinder categories of inner crescent and coastal states into only one concept. The rimland countries are constantly forced to defend themselves from the heartland and also from the seapowers, resulting in multiple different scenarios, such as, alignment with seapowers, alignment with the heartland, etc. In this sense, the rimland is composed by potential centers of power, being as central as the heartland in the analysis. (Gerace 1991)

Here lays the most important difference between the two authors. While Mackinder considers only the possibility of conflict between the hinterland and the seapowers, Spykman sees another possibility: the dispute between the rimland and both the heartland and the seapowers (Gerace 1991). In Spykman’s perspective, it seems that the access to the heartland is as important as the territory itself—which renders a relevant role for minor powers, as well as for specific parts of the world’s oceans that may enable such access: the international straits, maritime chokepoints and SLOCs. Therefore, these theories may help to explain the further case study of the Strait of Dardanelles, for example, and the disputes between Turkey and Russia regarding the access to the Black and Mediterranean Seas. It is also an important concept to comprehend the Strait of Hormuz and the acting of rimland countries such as Iran. This country is located between the landmass and the seapowers, a position that may justify the building of defensive means—mainly for conventional deterrence—as a way to avoid being subjugated.

In fact, conventional deterrence is a form of defense used by a country to raise the costs of an opponent’s attack, turning them prohibitive. In short, the objective of conventional deterrence is achieved when the calculus of costs and benefits of an attack will not favor it. In this case, the construction of military capabilities intends to avoid an attack. On the other hand, coercion seeks to compel a country to change its current behavior, a situation that can turn into preventive offensive action. Military coercion, according to Pape (1996, 1), aims at the “military vulnerabilities” of the countries, disabling the opponent’s capacity to achieve political goals through its military means. In other words, coercion seeks to subjugate another country, turning the costs of resisting too high for being paid. It is not a
guarantee, however, that coercion will always be successful, because a country may not surrender to it. When this is the case, the probability of the escalation for war is higher (Pape 1996).

Both conventional deterrence and coercion are commonly used by countries in the International System, also in the case of maritime disputes. For the countries near maritime choke points it might be important to use conventional deterrence to avoid suffering coercion or being subjugated by seapowers or countries in military superiority. In this sense, the military capacities of coastal countries are often used for defensive purposes. Notwithstanding, there are specific cases in which such countries are well equipped militarily and may use of coercion against the seapowers or other states. They may prohibit free passage and raise the instability/insecurity in the maritime chokepoints and international straits. Each of the study cases further presents its own specificities. Even so, it is important to bear in mind that not only the enforcement of the legal regimes of free passage—mainly the UNCLOS—become very important, but also the capacity of the international system to impose it in times of war and peace (Emmerson and Stevens 2012).

1 HISTORICAL BACKGROUND

International straits and maritime choke points have been an important part of international relations from the Great Navigations to the 21st century. In this sense, the objective of this section is to highlight historical events that involved, in any extent, the militarization of maritime choke points. In order to fulfill this task, the section presents a narrative that chronologically shows how the importance of these strategic points grew with time.

1.1 THE GREAT NAVIGATIONS AND THE GREAT MARITIME EMPIRES

1.1.1 THE IBERIAN EMPIRES

One of the most important events in the Modern Age in which the blockade or militarization of a strait affected the international relations was the dominance of Bosphorus and Dardanelles by the Ottoman Empire, in 1453, undermining the European commercial system. Previously, the routes in the Mediterranean Sea were the main source of all the Asian goods:
spices, silk, oil, and others. With the fall of Constantinople and the complete Ottoman dominance of the Bosphorus and Dardanelles Straits, the Italian city-states—Genoa and Venetia—lost their access to the Black Sea and their commercial routes. This event impelled the Iberian nations, Portugal and Spain, to expand westward into the Atlantic Sea, with the Genovese financial support, searching for a new access to India and its valuable goods (Arrighi 1996, Krippendorff 1978).

This conjuncture led to the process known as the Great Navigations. The Portuguese Empire, in contrast with the territorial Spanish Empire, dedicated its forces to build up its commercial dominance between the Indian region and the European markets—an attempt for which the sea lines of communication were crucial (Kennedy 1989).

The major Portuguese objective was to monopolize the Asian commerce and to become the most important supplier of Eastern products in Europe. To achieve it, Portugal put great importance in controlling the main straits and ensuring its prominence in these strategic places (Krippendorff 1978). An illustration of this objective was the expansion of the Portuguese war fleets in the Indian Ocean, conquering the Strait of Hormuz in 1507 and preventing the commerce through the Red Sea and Persian Gulf, which demonstrated its military advantage against the Arab competitors (Sykes 1915). This event would greatly diminish the dependency on the land routes of the Arab kingdoms, of major importance until then (Sykes 1915). Another relevant choke point for the Portuguese Empire was the Strait of Malacca. Its control was important for the transportation of Indonesian spices and Chinese goods from Macau and Philippines to Europe, also being a valuable outpost for the Portuguese maritime control. Portugal could then establish its commercial and military presence in these straits and sea lines, becoming the largest naval power at the time (Kennedy 1989).

During the 16th and 17th century, Spain conquered large territories in Central and South America against the Aztec and Inca Empires, building an empire that extended from Texas to Buenos Aires. Although Spain had this huge territorial Empire in America, it depended on maritime routes and the control of straits to access its Pacific territories in America and Asia. This became even more important with the discovery of gold mines in the Mexican Peninsula and silver mines in the Bolivian Altiplano, when the transportation and the commerce of these mineral richness became essential for the Royal Treasure to finance the intra-European wars during the 16th and 17th centuries (Arrighi 1996, Kennedy 1989). The domination of the Strait of Magellan—as it became known the passage in the southernmost part of
America—became thus necessary for Spain to reach the Pacific American possessions and their silver mines, since it was the only viable way to access the Pacific Ocean before the construction of the Panama Canal, in 1914 (Krippendorff 1978).

1.1.2 THE BRITISH EMPIRE

Through the 18th and 19th centuries, Great Britain established itself as the world leader and the dominant power in all oceans and continents. Its hegemony in the International System was built due to its great empire in Africa and Asia, mainly in India and China, the biggest sources of incomes and markets for British industrial products (Arrighi 1996).

Because of this situation, the main maritime trade routes were of great value to guarantee the worldwide presence of the British Crown, which thus ensured its dominance in several choke points and straits. Thereby, Britain established warehouses throughout these routes, enabling the maintenance of its merchant and war fleets (Arrighi 1996, Krippendorff 1978). Regarding the commercial and military routes, the straits had large strategic importance, at first against other colonial rivals and, by the end of the 19th century, against industrializing capitalist rivals like Germany, Japan and the United States. For analytical purpose, we here divide the main routes by three: the “Eastern Route” through Africa; the “Western Route” through South America; and the “Arabic Route” through the Middle East.

The first route, the Eastern Route, was the same that Portugal and Spain had used, over almost three centuries, to access their possessions in India and Southeast Asia. To fortify and secure this route, Britain conquered several territories along the Western African Coast (Sierra Leone, Golden Coast, Nigeria), mainly at the Guinea Gulf. From there, its ships sailed towards South Africa, passing through the Cape of Good Hope. From the African continent, the ships traveled to Indian Ceylon and then to Hong Kong. For that purpose, the Strait of Malacca and Singapore were crucial to British domination: the dominance of the Strait Settlements—that included also Penang and Labuan, Malaysian territories—assured the access to Australia and New Zealand colonies and to the main routes for Chinese goods, that included silk and spices (Koh 2014).

The second route, the Western Route, was through the South American continent, via the Strait of Magellan or the Passage of Drake. It served to reach Hong Kong by traversing the Atlantic, and then crossing the
Pacific Ocean. In order to fulfill this objective, the strategic locations of the many British islands in the South Atlantic were essential for the full-dominance of this area. The control of the Falkland Islands and the later creation of the English “island belt” in the South Atlantic are examples of the geostrategic importance attributed to such territories. Besides serving as ports and checkpoints for repairing the fleets, they could also be used to control the South American Straits, the only route between Atlantic and Pacific Oceans until the creation of the Panama Canal.

Lastly, the Arabic Route was the most important for the British Empire. With the construction of the Suez Canal, in 1869, all the transit between Britain and its Asian colonies, mainly India and Australia, crossed this choke point. Called the British Imperial Lifeline, the control over the Suez was the most important question for the maintenance of its stability (Ogen 2008). In addition, the control over the straits of Gibraltar, in the Mediterranean, and Bab-el-Mandeb, in the Red Sea, was vital for the safety of the communication routes with India, the central part of the British Empire. The British conquests of Aden (1838), Cyprus (1878), Egypt (1882) and British Somalia (1884), only reveal how strategic was the domination of territories close to these straits and choke points. In this sense, the Great Britain established strategic naval bases in Gibraltar, Malta, Alexandria, and also in Aden to conquer full control of this vital route (Kennedy 1989).

Regarding the European affairs, the power balance in the continent was crucial for the hegemony of Great Britain and consequently for the dominance of Sea Lines of Communication cited above. However, both in Europe and in the colonies, Russia was a frequent danger for the British prominence, mostly in the Indian subcontinent due to the Russian expansion over Turkestan (Kennedy 1989). To prevent any strategic challenge, Great Britain sought to restrain Russian expansionism to the Ottoman territories and along Central Asia, having in mind its proximity with India (Duroselle 1985). Thus, the denial of Russian access to the warm waters of the Mediterranean Sea was an important factor in the European power balance, for which the control over the Turkish Straits (Bosphorus and Dardanelles) was vital.

This situation over the control of the Turkish Straits was known as the “Eastern Question” and every time tensions grew, Britain dispatched its war fleet to Constantinople, militarizing the region and maintaining the status quo (Duroselle 1985, Kennedy 1989). According to the British War Cabinet, the importance of Constantinople to the British Empire derives from its strategic value as being a land bridge between Europe and Asia and
a sea passage too. Through this city, European forces easily could access the British territories in the Middle East and Eurasia, being an important line of advance to India (British War Cabinet 1918). This situation explains why Great Britain fought against Russia in the Crimean War (1853–1856), undermining Russian attempt to rule this entire region (Strachan 1978). If the results of the war were different, this would damage the British power over the Suez Canal, the Eastern Mediterranean and over the route to India as a whole, albeit its military presence in Gibraltar, Malta, and Alexandria (Kennedy 1989, Taylor 1980).

In sum, the disputes of the British Empire with Russia—known as the “Great Game”—can be seen as an historical example of the theoretical debate between Mackinder and Spykman regarding the importance of the control of the access to the heartland (the land mass), which comprehends, indeed, the control over the international straits. After all, it is clear that the hegemony of Great Britain in the 19th century was grounded most of all by the dominance of the main maritime access routes and choke points throughout the world. The constant presence and dispatch of its great Royal Navy and colonial armies were the most important factors for the deterrence of any international challenger. Being present in the strategic points whenever it was necessary, Great Britain could deny with this military strategy, as long as possible, the emergence of other hegemonic competitors in the European continent or in its huge Empire (Kennedy 1989, Kissinger 2014).

1.2 THE OPENING OF THE PANAMA CANAL AND THE TWO WORLD WARS

Great Britain’s hegemony in maritime affairs was challenged in the beginning of the 20th century when countries like the United States, Japan, and Germany empowered their navies and understood how important maritime projection was for a global power. This shift in maritime power started with the events surrounding the opening of the Panama Canal and lasted through the World Wars: this period saw the United States as a growing hegemonic power (Zucatto 2015).

1.2.1 THE OPENING OF THE PANAMA CANAL

When Theodore Roosevelt ascended to presidency in 1901, the United States was becoming a global power. After the Spanish–American War in 1898, Spain’s colonial empire in the Western Hemisphere ended, leaving
Guam and Puerto Rico to the US. Besides that, Spain also ceded the Philippines, which made the United States not only a prominent power in the American continent, but in the Asia-Pacific as well. Roosevelt wanted to solidify this new status, marking his decisions with the intent of maintaining capacity to project American power overseas. For a state, this means “the ability to extend its influence via modern weaponry and to provide tactical support for ground troops in distant theaters of operation” (Williams 2012, 99). In the early 20th century this could mainly be provided by naval power, and to guarantee this capacity in the region the United States needed a connection between the Atlantic and Pacific Oceans.

US leaders debated the idea of a water passage between these two oceans for years. Alfred Mahan, for instance, stated that a canal in Central America was essential for the United States’ defense. It would not only enable the country to gain better control of those new spheres of influence, but also provide reduced distance for its trade routes and a strong connection between the markets in the Atlantic and Pacific Oceans (Wagtendonk 2014). In 1902, the US Senate approved the construction of a canal through the Isthmus of Panama, which belonged to Colombia at the time. Both countries did not come to an agreement about the financial terms of the treaty and the Colombian government rejected the offer. In spite of the Colombian disagreement, the plan went along and the US supported the Panamanian independence movement with money and war ships to guarantee its military presence. Panama declared its independence in 1903 and the United States was then able to negotiate and sign the Hay-Bunau-Varilla Treaty, which allowed perpetual control of the canal (Office of the Historian 2016).

The Panama Canal opened in 1914 and dramatically reduced the distance of crossing the two oceans from the West to the East Coast. It also increased American commercial and military potential, and fostered great advances in engineering and technology. The Panama Canal Zone also represented a major stage for US military forces in the region, allowing them to move its fleet between the oceans during the world wars (before the creation of two separate fleets). All those factors helped to strengthen the US position as a global power (Miller Center of Public Affairs 2016).

1.2.2 THE TWO WORLD WARS

Allied command of the sea was essential in their World War I victory due to supply lines access. Great Britain’s navy was able to impose a blocka-
de against German supply of raw materials, weapons, and food, countering the Central Powers and guaranteeing the other Allied countries access to those supply lines (Kennedy 1989). The control of the North Sea, one of the main theaters of war, was another example of Allied superiority in the war. Great Britain positioned the British Grand Fleet against the German High Seas Fleet, enabling the Allies to block the Central Powers in the region (Kennedy 1989).

The biggest threat coming from the Central Powers regarding maritime control was the German submarines campaign, also known as the U-boats Campaign. The lack of tracking devices allowed them to roam freely, and the development of defense against submarine attacks was premature. U-boats were not effective against warships but they were able to attack several merchant ships in the Atlantic, causing serious harm to Allied supply lines. Many US merchant ships were damaged as well, which contributed to their ultimate decision of joining the war (Bruton 2016).

In 1915, the Allied powers launched the Gallipoli Campaign in an attempt to secure a sea route to the Russian Empire, which aimed at connecting the Allies through the Dardanelles Strait in its way to the Black Sea. Britain and France planned a naval attack in the Strait with an amphibious attack on the Gallipoli Peninsula, in order to conquer the Ottoman capital of Constantinople and the Turkish Straits. The Ottoman Empire repelled the attack and, after eight months, the allies retreated to Egypt (Vizentini 2006).

During World War II, the Allied grand strategy relied heavily on controlling the North Atlantic Ocean to secure the SLOCs that connected the United States to Europe. The strategy was to keep Great Britain in conditions to fight the war and use that as a platform to invade Western Europe. Securing those SLOCs would enable Great Britain to receive the supply coming from the US and to preserve their military-industrial base. Great Britain could also sustain its role as ground for the Allied strategic bombing campaign and port of departures for most of the convoys heading to Russia and the Mediterranean (Kennedy 2014). German U-boats, however, again threatened the allied control of the North Atlantic—especially during 1942, when Allied merchant ships suffered severe losses. The damage to those supply routes lead to the later development of the Persian Corridor as an alternative route to the URSS (Coakley 1977).

The Allies were able to regain control of the North Atlantic in 1943, as they assumed a more aggressive stance and attacked the U-boats, not only defending the convoys from them. This new attitude was combined
with other factors that widened their advantage: improvements in aircraft (essential to secure sea power), use of smaller aircraft carriers that could patrol the region faster, continuous air cover for the convoys, and improved radars (Kennedy 2014). Ultimately, the Allies guaranteed their control over the region once the SLOC’s in the North Atlantic were militarized.

Meanwhile, in the Asia-Pacific, Japan—prompted by their recent industrialization and modernization brought by the Meiji Restoration—conquered territories like the Philippines and the Malaya Peninsula (including Singapore) in order to restrain the Western Allies presence in the region and to create the so-called “Greater East Asia Co-Prosperity Sphere”. The United States was only able to change the situation when they imposed a counter-offensive from the Southwest Pacific region, which offered them advantage considering how easily they could transfer troops and supply from Hawaii, Samoa, and Northern Australia (Kennedy 2014).

1.3 FROM THE COLD WAR TO MULTIPOLARITY

The emergence of the Cold War brought many situations in which its bipolar tension became visible, some to the point of becoming real military engagements. Within these clashes, the geopolitical factor was always present, determining and influencing the actions taken by the majority of countries. Then, either in times of peace or of war, the military usage of straits, canals, and other choke points was a constant in strategic interactions.

One of the first circumstances in which choke points were militarized at this time was the Turkish Straits Crisis. This crisis was caused mainly by two factors: first, the Soviet claims of territories whose sovereignty was claimed by Turkey and, second, the Soviet complains about the permission conceded by Turkey for ships of non-Black Sea countries to pass across these straits (Ro’i 1974). These two events deteriorated the situation in the region, pointing towards growing tensions between Turkey and the Soviet Union. Then, from 1946 on, Soviet military presence near the strait area grew every day. In that year, the Soviets sent vessels to perform maneuvers near Turkish shores and ground troops to the Balkans. Turkey, in its turn, requested support from Washington, which helped by sending a naval task force and US$ 100 million in financial aid (Hasanli 2011). It is important to state that the Turkish Straits were very meaningful to Turkey and its Black Sea neighbors, since it was the most important passage of the vessels coming from the ports of Black Sea states, such as the Soviet Union.
Tensions among developed and underdeveloped nations also became more intense and likewise the fight for regional predominance in the Middle East. This was the case of the many events during which the Suez Canal was militarized. The militarization and closure of the Suez Canal occurred in two periods: in 1956, with the Suez Canal Crisis and from 1967 to 1975, with the Arab–Israeli Wars.

The 1956 Suez Crisis was an armed conflict between a coalition composed by Great Britain, France and Israel against Egypt. Among the causes of this war was the nationalization of the Canal by Gamal Abdel Nasser—president of Egypt at the time—in 1956, enhancing ties between Egypt and the Soviet Union, and the resistance posed by the Egyptian leader to the British plans to maintain its influence in the Middle East (McLean and McMillan 2003). The economic importance of the Canal, moreover, had increased due to the growing oil trade from the Persian Gulf towards the Mediterranean Sea. The war began when Israel, together with a coalition assembled after Egypt closed the Tiran Strait to Israeli shipment, invaded the Egyptian territory (Operation Kadesh), just 50 km far from the Suez Canal (Herzog 1982). As a response, the African state closed the Suez Canal until April 1957.

The second time the Canal was closed was from 1967 to 1975, starting at the aftermath of the Six-Day War and finishing two years after the Yom Kippur War. The Six-Day War was an armed conflict between Israel and an Arab coalition composed by Egypt, Jordan, and Syria. This war was caused for two main reasons: first, the rearmament that took place in the Middle East by the Arab countries; and second, the increasing resentment of these states towards Israel. On June 5, 1967, the Israeli Air Force attacked the Egyptian territory in a campaign known as Operation Moked. Six days later, the war ended with the victory of Israel, which established control over the Golan Heights, the Sinai Peninsula and the west bank of the Suez Canal, and Jordan River’s West Bank (Aloni 2001). After this war, the Egyptian government declared the closure of the Suez Canal, which impacted trade in the region, provoking total economic losses estimated at the rate of US$ 7 billion between 1967 and 1971.

In 1969, Egypt resumed the military activities against Israel in what was called War of Attrition, a conflict along the Suez Canal. By mid-1969, the Israeli Air Force started bombing the African country’s territories in order to coerce it into a cease-fire. Afterwards, the Egyptian government called for Soviet assistance, which changed the course of events both in tactical and strategic ways. The war came to an end in July 1970, with Egypt
retaking control of the Suez Canal west bank (Aloni 2001). In 1973, another Israeli–Arab conflict entered in course, the Yom Kippur War. In October of this year, the Egyptian ground forces, along the Canal, attacked Israel, whose forces barred the troops of the Arab state and then crossed the Canal towards the west bank (Aloni 2001).

In 1979, an Islamic Revolution took place in Iran and the Western economies became even more worried with sea passages in the Middle East. With the ascension of Ayatollah Ruhollah Khomeini, Iran’s relations with its neighbor Iraq deteriorated—at that time commanded by Saddam Hussein. In 1980, the Iraqi forces invaded Iran with two main objectives: take control of the Iranian crude oil reserves and turn Iraq into a strong regional power (Brogan 1989). It was the beginning of the Iran–Iraq War, which lasted until 1988.

During the conflict, the Persian Gulf and the Strait of Hormuz were strongly militarized by both sides, starting what was called the “Tankers War”—when both Iraq and Iran started to attack enemy tanker vessels in order to hamper the other’s oil revenues. Iran did so by lying “mines in the Gulf to disrupt tanker traffic and used Chinese-made Silkworm cruise missiles to damage oil tankers and oil loading facilities” (CRS 2012, 7). The US Navy also sent vessels to the Persian Gulf in order to indirectly assist Iraq. This was made clear in many occasions, such as in the Operation Earnest Will and with the destruction of Iranian shipments and military facilities, with the excuse that it was necessary to protect the tankers traffic in international waters (Fuser 2005). In this war the role of sea mines was significant, since it kept US ships away from the Iranian coast. An example of it is that “the guided-missile frigate USS Samuel B. Roberts almost sank [...] after striking an Iranian contact mine” (Benes and Sandel 2009, 5).

After the Iran–Iraq War, the last conflict that took place in the Hormuz Strait was the 1991 Gulf War. This is also the last major war before the fall and fragmentation of the Soviet Union. The conflict has its root in the 1990 invasion of the Kuwait by the Iraqi forces under the pretext that it was deliberately pushing down the oil prices—and thus damaging the Iraqi economy. Also, at that time, Hussein claimed that Kuwait was a part of the Iraqi territory. As an answer to the military action taken by Iraq, a United States-led coalition of 34 countries was formed and attacked this country.

The most important campaign of this conflict was that known as Operation Desert Storm, which included the sending of two American carrier battle groups and one British standing force, the Armilla Patrol, to
assure the military presence of the coalition in the Persian Gulf (Finlan 2003). The latter was a group of warships that had permanent military presence in Gulf waters, and was composed by an aircraft carrier with a task group or frigates and destroyers.

According to Finlan (2003, 42), yet, “[t]he roles of the US Navy in Operation Desert Storm encompassed supporting the air campaign and poising in the Gulf with amphibious forces”. The country also deployed six carrier battle groups, divided in two commands: Battle Force Yankee (with the aircraft-carriers Saratoga and John F Kennedy), in the Red Sea; and Battle Force Zulu, stationed in the Persian Gulf and composed by four aircraft-carriers (Independence, Ranger, Theodore Roosevelt and America) (Finlan 2003). Although this operation was meaningful to the definition of the war, is also important to note that in the United States also had great difficulty to establish control over the sea lines of communication in the Hormuz Strait, due to the sea mines located in that region—thus, it cannot be said that the US managed to achieve command of the sea.

2 STATEMENT OF THE ISSUE

Bearing in mind the concepts present in the first session, together with the theoretical and historical discussions, the four most important international straits and choke points are here analyzed. The study cases are introduced considering the several aspects of these maritime passages, such as: physical characteristics, strategic importance—in economic and geopolitical terms—, regional dynamics, applicable international laws, military capacities of the border states, and others. Even though the cases are exposed separately, they are all part of the bigger discussion involving maritime security of the international straits.

2.1 BOSPHORUS

The Bosphorus Strait is a small sea passage that connects the Black Sea to the Mediterranean Sea and intermediated by the Sea of Marmara, located as a whole inside Turkish territory and in the coast of Istanbul. It is a chokepoint that comprises a small Sea Line of Communication, which extends itself for 31 km, taking almost two hours to cross it completely, and its narrowest point is about 800 meters, at the Bebek Kandili area. The water stream that flows through this passage runs from the northern area to the southern area at a considerably high speed, which, added to the high amount of bends through its course, makes the strait a relatively hard navi-
Considering such geographical factors, this maritime chokepoint has a strategic importance that emanates from both its systemic impacts and its conjunctural importance in international relations. Its systemic relevance lies on its continental link characteristic, as a passage that connects Asia, Europe, and Africa through maritime navigation. This implicates in the important role it has for both commercial and military affairs. Commercially, it is one of the fastest trade routes between Asia and Europe, taking into consideration that railway connections and even other maritime lines have bigger physical constrains. Militarily, it represents the main route for ships and troops movement between the Black Sea and the surrounding areas, having extreme importance for Russian operational strategy in Europe and the Middle East.

As for its contemporary relevance, the Turkish strait of Bosphorus is used for everyday transportation of goods from the Russian and the Caucasus to the world. More strictly, it is a transportation route for the oil and gas extracted in the Caspian Sea and Central Asia—mainly Turkmenistan and Kazakhstan—and used by European countries. Every year, around 48,000 vessels transit through this route with civilian and commercial purposes.
and every day oil tankers transport around 3 million barrels through this chokepoint, being 70% of it crude oil in Ultra Large Carriers\textsuperscript{10} (EIA 2014, Komiss and Huntzinger 2011). Moreover, the Bosphorus has a major geopolitical importance for Russian politics, since the strait is halfway between its naval bases in Crimea (Sevastopol) and its naval base in Syria (Tartus), being the latter of supreme importance for its strategy in the Mediterranean.

Knowing its geographic and oceanographic aspects, alongside with its strategic importance for global politics, it is essential to analyze how international law assesses this chokepoint. Primarily, Turkey refused to sign the general document that regulates international maritime affairs, the United Nations Convention in the Law of Sea, of 1982. Therefore, it recognizes that the major legal document that regulates passage and administration of Bosphorus is the Montreux Convention of 1936, signed between countries with direct interest in the strait\textsuperscript{11}. This convention establishes the provisions under which ships may or may not be authorized to cross the passage, and which role does Turkey takes in determining this authorization (France 1936).

According to the document, in times of peace, there shall be freedom of passage to either commercial/civilian ships or military ones, even if Turkey considers itself to be threatened with the imminent danger of war. In times of war, Turkey not being belligerent, commercial/civilian and military ships shall still have freedom of passage. If, however, Turkey is taking part in a war, merchant ships shall be granted passage only if they are not in any way helping Turkish enemies, and warships passage is left entirely under Turkish discretion. In any case, previous notification to the Turkish government on the specifications of each travel is mandatory, and no ship must remain in the strait waters for time longer then the required to cross for its destination (France 1936).

Such aspects make matters clear in order to understand the interests that are involved in this specific maritime chokepoint, and how it has become a significant aspect of international relations nowadays. On one side, there is Russia, a major military power, whose military equipment and troops

\textsuperscript{10} Ultra Large Carriers are huge size vessels that carry between 320 and 550 thousand deadweight metric tons (EIA 2014).

\textsuperscript{11} The signatories of the Montreux Convention were, at the time: the Kingdom of Bulgaria, the French Republic, Great Britain, Ireland and the British dominions, the Indian Empire, the Japanese Empire, the Kingdom of Romania, the Turkish Republic, the King of Yugoslavia, and the Union of Soviet Socialist Republics.

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are delivered to the battlegrounds in Syria—to support the government of Bashar al-Assad in the ongoing civil war—by crossing the Turkish straits area, and whose oil tankers cross Bosphorus on a daily basis. On the other side, there is Turkey, a regional power with direct interest in the Syrian situation, an open opponent of al-Assad’s regime and a member of the North Atlantic Treaty Organization (Campbell 2015).

Recent events have catalyzed such opposing forces and have threatened to undermine international stability. The annexation of Crimea (2014) by the Russian Federation, its later military intervention in Syria (2015) to back and maintain the al-Assad regime, and the downing of a Russian Su-24 bombing jet by Turkish air defense systems, have pointed towards growing tensions between the two biggest powers of the Black Sea. These diversions of interest may create a scenario that involves an enhancement of military assets around Bosphorus. In turn, this could have effects over regional stability, given the possibility for Turkish authorities to close passage for Russian vessels.

In order to fulfill this goal, Turkey could try to block this chokepoint with either legal or military means. Legally, its only means to control the passage through the strait would be through the clauses of sanitary control or collision avoidance, always referring to the safety of Istanbul and its population (France 1936)—although both justifications would come with high political suspicion.

Therefore, the militarization of Bosphorus by Turkey constitutes the most secure way of using this maritime chokepoint on its favor—that is, as a part of its own security imperatives—by taking advantage of anti-access/area denial (A2/AD) capabilities. This means that Ankara may rationally considers the indiscriminate passage of war ships through the middle of the country damaging for its national security and integrity. Turkey currently has military superiority over Russia in acting near the Bosphorus area, with a total of 8 Preveze and Gur class submarines with UGM-84 anti-ship missiles, and a numerical advantage in normal surface combat vessels (Kasapoglu 2015). Moreover, its defense assets have been enhanced in 2013 with NATO’s provision of Patriot batteries to augment its air defenses and possibly contain aircraft carriers actions through its coastal lines (Campbell 2015).

As for the impacts of this process, there could be serious economic setbacks for Russia, and consequently a disruption of the energy supply in the global market. Turkey’s compliance with its responsibilities regarding the freedom of passage are essential for the almost 25 million tons of
Russian oil that are exported from the Black Sea terminals (Sputnik 2015). Furthermore, this transportation blockade would have serious impacts over the European countries in general (Netherlands, Germany, and Italy in particular), since other transportation means—by land pipelines or by the Baltic Sea—are either slower or more expensive (OEC 2016, Rodrigue and Notteboom 2016). While these indiscriminate effects show an aggressive militarization is unlikely in this area, recent Turkish stance and actions may prove it is not impossible.

2.2 HORMUZ

The Strait of Hormuz is a maritime choke point that separates the Arab Peninsula from the Iranian territory, and connects the Persian Gulf and the Gulf of Oman to the Indian Ocean. It is a curvy sea passage that waters the coasts of Oman and the UAE, in the South, and Iran, in the North, with the latter having possession of the strategically positioned Qeshm Island. A Traffic Separation Scheme (TSS) divides the ship transiting in the Strait, whose narrowest point is about 48 kilometer-wide. The TTS consists of two 3.2 km-wide shipping lanes, one for the incomes and one for the outcomes, separated by a 3.2 km-wide buffer zone. Nevertheless, due to its geographic profile, it can still be considered a relatively large chokepoint, with plenty of space for navigation.

Image 4 The Strait of Hormuz and the Persian Gulf region

Source: K. E. Eduljee (2010)
Being currently the main maritime choke point in the world, its strategic importance derives from both economic and geopolitical factors. Economically, Hormuz hosts 26 oil tanker terminals and is the busiest oil passage of the global economy, with a quantity of approximately 17 million barrels crossing it every day in 2013. This amount represents around 30% of all oil transported by seaborne route, 85% of which are destined to Japan, India, South Korea, and China. Moreover, Qatar exported around 3.7 trillion cubic feet of liquefied natural gas (LNG) through the strait in the same year, accounting for more than 30% of the product’s global trade (EIA 2014).

Geopolitically, Hormuz is an important piece of broader regional dynamics, headed by the Saudi Arabia/Iran rivalry, although both countries depend on the viability to cross the strait in order to export oil. The two countries currently operate indirectly in other states’ political arenas, through proxy groups, forcing a sectarian division in the Middle East. In the choke point matter, however, there is a clearer dispute between the United Arab Emirates—traditional ally of Saudi Arabia—and Iran. This dispute is emulated over the control of three strategically located islands in the Hormuz area: Abu Musa, Great Tunb, and Lesser Tunb. Currently, Iran is sovereign over these pieces of land, but there is still contest among the UAE diplomacy in the matter, under the plea that it could be used by Tehran as a platform to militarize the chokepoint (Shelala II 2014).

For such reasons, it is also a point of growing interests of both traditional and emerging powers nowadays. The United States, as the biggest consumer of oil in the whole global economy, imported around 16% of its total oil supply—around 2.2 million barrels per day—from the Persian Gulf in 2015. Moreover, it has a strategic interest in keeping the passage through Hormuz safe, given it is the only way out for its 5th fleet assets based in Bahrain—whose area of responsibility (AOR) ranges from the Red Sea to the Indian Ocean. China and India, in a similar sense, have been expanding bilateral commercial relations with Iran and other Gulf countries. Alongside, both emerging actors have multibillion-dollar agreements with Iran regarding the exchange of investment, through the development of fields and pipelines for LNG and crude oil supplies (Gresh 2010).

Regarding the legal aspects that determine the freedoms and obligations of transiting through Hormuz, it is important to state that there are no documents treating strictly of this choke point. Thus, the rules under which navigation is allowed are provided by the UNCLOS, being the
freedom of navigation its major principle. In this case, however, neither Iran nor the UAE have ratified the agreement, being solely signatories of the Convention. This means that, although they politically support its frameworks, the treaty has not entered into force for any of them, and they are not bound by its legal determinations.

As for the militarization, like in any case, it could either be executed for contention or liberation purposes. Although very unlikely, due to its high dependency on oil and gas exports, the first type could be put in practice by the Iranian armed forces and its A2/AD capabilities. In 2012, with the establishment of sanctions on the country’s economy over its pursuit of nuclear capabilities, the Supreme Leader Ali Khameini threatened to close Ormuz and block all ships from passing. This movement, backed by the deployment of naval and aerial assets to the strait margins and islands, could serve as a strategic dissuasive instrument for Tehran—more as an attempt to shape the international debate on Iran policy than to actually close the waterway. In other words, it serves as another deterrence tool for Tehran to force regional and global powers—namely the United States, Israel and Saudi Arabia—to consider Iranian power in the region (Katzman et al. 2012).

The Iranian navy includes around 18,000 active-duty sailors from its regular forces, as well as another 20,000 from the Islamic Revolutionary Guard Corps Navy (IRGCN). The navy has bases all over the Iranian coast, including a main headquarter in the city of Bandar Abbas. Moreover, the IRGCN has military outposts in islands such as Abu Musa, from where it can conduct patrolling operations. Also from this operation sites, Iran could at first try to disrupt navigation through mine warfare. With its 200 small combat boats, 3 frigates, 3 RH-53D Sea Stallion minelayer helicopters and 2 corvettes, Iran has the ability to deploy around 2,000 sea mines over the passage. This quantity, although not very expressive by historical standards, could cover the area of both sea lanes plus the buffer zone (Talmadge 2008).

Another alternative would be the conduction of non-conventional warfare through the USS Cole-style naval terrorism\textsuperscript{12}, which consists of small attacks and harassments of small war boats near the coast against bigger military boats on port or crossing territorial waters. Iran has a large number of such assets and a big disposal of manpower to conduct these

\textsuperscript{12}USS Cole was an American destroyer boat that suffered a suicide attack while in the port of Aden, in Yemen, in the year of 2000 (Talmadge 2008).
activities. Although weak in its destroying capabilities, since it can only carry small rockets and machine guns, small boats hold a tactical advantage: usually, they are not detected by radar systems (Talmadge 2008).

Ultimately, Iran could count on its conventional warfare land and sea capacities. Iranian forces could attack Arab or North American naval capabilities by launching missile attacks from the mainland on the northern shores of the Persian Gulf. Even the most conservative estimates indicate that Iran probably possesses several hundred anti-ship cruise missiles with some dozens of batteries. These assets are mainly the C-801 and C-802 Saccade missiles, with at least 60 of them stationed at the Qeshm Island, and the Chinese CSS-N missiles, with around 300 of them around Bandar Abbas (Talmadge 2008). The country’s mobile coastal missile batteries represent an acknowledged threat for Washington, due to its capacity to create a barrage of missiles that would overwhelm the US Navy (Nazemroaya 2012).

The broader presence of Iran’s navy is estimated to be roughly 100 vessels strong, with submarine warfare capabilities. The assets are estimated in around 29 total submersible vessels, with 21 tactical subs and 8 swimmer delivery vehicles, being 3 of them Kilo class submarines with strong attack/anti-submarine weapons. For its naval aviation, Iran has an inventory of around 54 assets, with 18 anti-submarine planes and helicopters, 33 transport planes and helicopters, and 3 mine countermeasure helicopters. Although not extremely well-equipped in quantitative matters, Tehran still has the geostrategic advantage towards the US and Gulf Cooperation Countries on its favor (Shelala II 2014).

Militarization efforts by Iran would not come, however, without a strong response by the United States and its allies in order to guarantee the stability of the Hormuz chokepoint. The US navy is still the strongest military entity of the Persian Gulf, operating from Manama, Bahrain, with its powerful 5th fleet. The fleet has approximately 20 ships, with about 3,000 people ashore and 25,000 afloat. It consists in a Carrier Battle Group—1 Aircraft Carrier, 1 Guided Missile Cruiser (for Air Defense), 1 Destroyer Squadron, Light Airborne Multi-Purpose System focusing on Anti-Submarine and Surface Warfare, and 1–2 Anti-Submarine Destroyers or Frigates—Amphibious Ready Group, Combat Aircraft, and other support ships (Gresh 2010). This massive quantity of assets could be mobilized to navigate in Iranian territorial waters and destroy much of its naval structure, at the cost of transforming Hormuz into a battlefield.

However, given its disengagement strategy and the development of
new technologies that do not require physical presence for monitoring, the United States may continue to safeguard Hormuz through support for local governments’ navies. Most of the efforts materialized until now were multilateral operations backed by the US Navy, where Washington phases out its role as the primary security provider, beginning preparations for a regional naval security coordination. In 2001, the United States launched the “Arabian Gauntlet” joint exercise, bringing together eleven nations of the region, with more than 20 ships, to patrol the Strait of Hormuz. The exercise was repeated, with even more partner nations and assets, in 2005 and 2007 (Gresh 2010).

In order to obtain good results from this effort, the US has an extensive task in helping its regional partner’s strengthen their military capacities. Middle Eastern countries, especially the Gulf Cooperation Council states—Oman, UAE, Saudi Arabia, Qatar, Bahrain, and Kuwait—have received almost 30% of total United States arms exports between 2009 and 2013 (Rucks 2015). Bahrain, for instance, plans to host an extremely refined anti-missile system to protect oil exploration infrastructure in the peninsula. In terms of capacity, the Gulf Cooperation Council nations have, combined, around 30,000 in manpower, 3 destroyers, 6 frigates, 13 corvettes, and several small patrol boats (Shelala II 2014).

Regardless of the intentions behind it, the militarization of Hormuz would have major impacts for the world energy system and the economy of many countries. The United States and some Arab petro monarchies have been working on projects to bypass the importance of Hormuz and, in the long term, try to diminish its value as a chokepoint. Nevertheless, the strait is still vital for the global distribution of hydrocarbons. While Iraq, Kuwait, Bahrain, and Qatar depend on its stability to avoid the total collapse of their economies, the United States and various Asian countries depend on it to maintain a stable level of energy supply (Rucks 2015).

2.3 BAB-EL-MANDEB

The Strait of Bab-el-Mandeb is the maritime chokepoint that separates the African continent from the Middle East and connects the Red Sea to the Gulf of Aden—and further, the Indian Ocean. The strait is 32 km wide and it is divided by the Island of Perim, forming the Western channel (Dact-el-Mayun), 25.6 km wide, and the Eastern channel (Bab Iskender), 3.2 km wide. Its coastal countries are Yemen, on its Middle Eastern side, and Eritrea and Djibouti, on its African side, with the latter being sovereign over
a group of small islands near the shore called “Seven Brothers”. The sea current of the strait flows outwards, in the Western channel, and inwards, in the Eastern channel (Rodrigue 2004).

Image 5 - Bab-el-Mandeb and Regional Pipeline bypasses.

For its strategic importance, it is a passage that, alongside with the Suez Canal, allows ships to transit between the Asian and European continents without having to cross the Cape of Good Hope, in South Africa. Each year, approximately 14,000 ships cross the passage, with an average of 38 per day, accounting for 14% of total global trade (Rodrigue 2004). It is also of major importance for the global energy market, being the world’s 4th busiest chokepoint with around 3.8 million barrels of oil and refined petroleum products passing through it every day. In addition, it is the access point for oil tankers to reach the ports of three extremely important oil pipelines in the region: the SUMED pipeline, from Egypt, the Saudi East-West pipeline, from Saudi Arabia, and the Sudan oil pipeline, from Sudan (Rosen 2015).
Its relevance for the international economy makes it a point of sometimes diverging interests, both in regional and global dynamics. Regionally, it translates the long-standing tensions between Arab States, Israel and Iran—through Yemen. The Arab states have the absolute majority of the Red Sea coast, and most of these countries, like Saudi Arabia, Kuwait, Qatar, the UAE, and Bahrain depend heavily on oil exports, accounting for more than 90% of their total economic revenues. Israel, on the other hand, has a coast that does not exceed 7 miles (11.3 km) in the Red Sea, but is extremely vulnerable to the closing of Bab-el-Mandeb as its outlet can be blocked from reaching the Afro-Asian region (Al-Yadoomi 1991). As for Iran, it currently has the opportunity to, through the Houthi forces in Yemen, indirectly use the strait as a weapon to affect other regional powers—mainly Saudi Arabia.

The current situation in Yemen is part of a broader, longstanding, competition between Saudi Arabia and Iran as both aspiring regional powers compete for influence without ever directly confronting each other. It created a suitable scenario for the consolidation of the Tehran–Riyadh modus operandi of supporting domestic political factions as proxy forces in defense of their interests. Therefore, the rebel forces’ military achievements undermined the previous Arab favorable status quo in the country, as they gradually reached the surroundings of Aden. Hence, Iran now benefits from the control of an allied group in Yemen over the Bab-el-Mandeb, and can use this factor as a means of deterrence or bargaining in international politics (Reis, Machry, and Prates 2015).

In a wider perspective, global powers in general, but mainly Western countries and more recently China, have a common interest in the freedom of navigation through this chokepoint, both for its economic and military relevance. Economically, while it is the main route for the crude oil that leaves the Middle East towards industrialized countries in the West, it is also a short route for the huge quantity of Chinese goods that are exported for European markets. Militarily, the United States—with its 5th Naval Fleet, which navigates through the western sector of the Indian Ocean—and France—with its naval forces located in the Reunion Islands area and in Djibouti’s Camp Lemonnier—see the strait as an essential passage for its assets (Al-Yadoomi 1991). In the same sense, China’s new naval base projects in Djibouti will also require a clear passage for its military ships in the future.

Since there are no specific treaties or agreements governing this particular strait, it is considered within the general frameworks of the UN-
CLOS. Therefore, all states may have the right to transit freely through Bab-el-Mandeb, but not to remain on other countries’ territorial waters for a time longer than the required to pass. In the same sense, strait states—namely Djibouti, Yemen and Eritrea—cannot interfere in or complicate the passage of foreign vessels. Even further, these states have the obligation to warn nations with shipments to cross the chokepoint of any danger they might face while trafficking (UN 1982).

Taking such aspects into account, the militarization of Bab-el-Mandeb can be unfolded in, at least, two pressing issues of contemporary international relations: (i) the Somali piracy in the Horn of Africa and Gulf of Aden; and (ii) the ongoing Yemen Civil War. The fall of Siad Barre’s dictatorship in Somalia in the 1990’s led to the complete collapse of state institutions and widespread poverty among its population. From this context of complete instability, armed groups started a succession of attacks to boats and vessels that soon grew to form a complex and well-structured criminal activity. Thus, Somali pirates began to represent a real threat to international security and commerce, as every year boats crossing the Horn of Africa are attacked or hijacked by armed robbers (Maouche 2011).

Being non-state actors of international relations, pirates represent a diffuse and uncontrolled threat to all sovereign nations’ maritime routes. Specifically in the Gulf of Aden area, as a crossroad for all continents’ commerce, incidents have already gone from the hijack of a United States-flagged cargo ship carrying aid, to the hijack of a Saudi supertanker carrying US$ 100 million worth of oil. This phenomenon significantly raises the costs of maritime trade activities by either forcing route change towards the South African region, or raising the insurance prices over the ships and its cargo (Amr and Noor 2009).

Under this imminent threat and after a peak on piracy attacks frequency, in 2008, the United Nations Security Council passed Resolution 1851. The document calls on states and organizations that have the capacities to do so, to actively participate in combating and defeating piracy and armed robbery off Somalia’s coast by deploying naval vessels and military aircraft. As foreign military ships can now patrol Somali waters and serve as a deterrence force, the European Union started Operation Atlanta and currently has frigates, patrol vessels, and reconnaissance aircrafts monitoring the region. Also, NATO launched Operation Ocean Shield by deploying combat frigates, destroyers, and aircraft carriers (Amr and Noor 2009, Osei-Tutu

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13 Eritrea is not a signatory of the Convention.
The situation in Yemen also poses a real threat for the freedom of navigation in the Bab-el-Mandeb area. The country has serious political and religious divisions that create a fertile ground for political extremism, terrorism, and sectarian struggles, which led to a civil war situation. In 2015, Houthi rebel forces overthrew Abd Mansur Hadi, a Sunni-background president elected in 2012, and quickly took control of the country, now supposedly acting as proxies for the Iranian government—as explained above. This new official authority could allow Iran to deploy naval and air forces to Yemen and its islands in the Red Sea/Gulf of Aden area, and potentially disrupt the navigation through this sea lane (Cordesman 2016).

The Saudi government, alongside with other Arab countries in the region, feels directly threatened by the growth of Iranian influence in the Red Sea. Saudi Arabia formed a coalition with more than 10 countries—including the petro monarchies, Egypt, and Sudan—to protect the resistance forces of Hadi’s government. This was a major military effort to preserve the free access for the three most important oil pipelines of the Red Sea, and indirectly maintain the oil tankers access to the Suez Canal and the Mediterranean (Cordesman 2016). Thus, it could lead to an eventual naval and air forces deployment in the Red Sea by Arab states to protect the passage in Bab-el-Mandeb, but at the same time deteriorating navigation conditions for commercial and civilian ships.

The eventual control of the chokepoint area by Houthi forces would also spark a reaction by the United States and its armed forces, mainly the US Navy. Washington had already demonstrated its interest in using the Socotra archipelago, which belongs to Yemen, as a platform for the 5th Fleet and for the US Central Command (CENTCOM) operations in the region. With the pretext of combating Al-Qaeda’s actions in the Arab Peninsula and the Horn of Africa, General David Patraeus—commander of the US CENTCOM—stated the possibility to use Socotra’s aerial and harbor facilities. This could lead to an even broader process of militarization of the Indian Ocean, connecting with the already existing Diego Garcia base near the Maldives (Chossudovsky 2010).

In this sense, the militarization process itself can have two opposing objectives. On one side, it can be executed with aims of complicating the passage through the chokepoint, and further damaging those countries whose economies depend on it. Yemen, through its Iranian supported for-

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14 Bahrain, Kuwait, Qatar, and the United Arab Emirates
ces, could easily deploy sea mines in Dact-el-Mayun or Bab Iskender, or use small patrol boats to harass and interdict the passage of big oil tankers. In addition, Iran could also provide the Houthis with its anti-ship ground-based missiles Noor and Ghader in order to sink ships that approach the Yemeni coast, as was the case of three Saudi-led coalition vessels that were sunk in 2015 (Binnie 2015, Ryan 2015). On the other side, the United States could mobilize its aircraft carriers from the 5th, 6th, or 7th fleet towards the Red Sea, taking its combat planes and guided missiles, in an effort to maintain stability and the free flow of commerce across the strait (Ryan 2015).

The initial effect of troubling the passage would be a disruption in the shipment of oil that leaves the Persian Gulf and crosses Bab-el-Mandeb. Although it could be bypassed by the use of the East-West pipeline in Saudi Arabia, it can carry only 75% of the total oil transported through the strait. Thus, 25% of the shipments would have to cross the Cape of Good Hope, expressively elevating operational costs. With it, both the importers and exporters of oil, namely the Western countries and its Arab commercial partners like Saudi Arabia and Egypt, would have its economies damaged in some measure. Moreover, depending on the degree of military deployment, conventional traffic could be completely intricate in this passage, making both European and Asian markets suffer with lower supplies (Cordesman 2011).

On one side, Bab-el-Mandeb is a key part of the power dispute between the aspiring regional hegemonies and their rivalry—translated by the current situation in Yemen. On the other, it represents an opportunity for cooperation, as every nation—especially the United States, France, Great Britain and now China—is somehow threatened by the irregular menace posed by piracy.

2.4 MALACCA

The international Strait of Malacca connects the Indian and the Pacific Ocean (South China Sea), and the border countries are Malaysia, Indonesia and Singapore. It is about 900 km long, 70–250 km wide, and 25 m depth. It is known for being full of reefs, which implicates in different depths and widths: some parts can be shallow and narrow, complicating the traffic of larger vessels and raising the chances of accidents, grounding and oil spills (EIA 2014, Fukai, Kuma, and Tabira 2010). The Malaccamax is the biggest size of ship that crosses the strait and its size is near VLCC's,
reaching 300 DWT (Fukai, Kuma, and Tabira 2010, Graham 2015). The traffic of vessels accounts for approximately 250 per day, composed mainly by tankers and container ships (Graham 2015).

The international Strait of Malacca is under the general laws of the UNCLOS. In this sense, the right of transit passage must be preserved and the states bordering the Strait are responsible for ensuring it. Singapore, Malaysia and Indonesia, therefore, agreed in a Traffic Separation Scheme (TSS), to avoid collisions and possible environmental accidents (Graham 2015). The Strait has also a Cooperative Mechanism, established in 2007, aimed to collect funds from the user and bordering States to navigation aid (Graham 2015). The main contributor of this effort is Japan, but China, Greece, South Korea, Saudi Arabia, the United Arab Emirates and Bahrain foment the fund as well. The responsibility and ownership of the fund is of Malaysia, Singapore and Indonesia (Graham 2015). This mechanism is an example of a reliable management of a vital choke point for global economy (Emmerson and Stevens 2012).

Historically, Malacca is a very important passage of the main maritime commercial routes: from the Portuguese navigators in the XVI century to the British Empire in the XIX century, it has been an object of dispute. Nowadays its importance remains alive, with the tremendous increase of world commerce involving Asia since the last decades of the past century (Rodrigue 2004). The Strait of Malacca is the actual shortest sea route between the countries in the Middle East—energy suppliers such as Iran and Qatar—and growing Asian markets—energy consumers such as China, Japan, South Korea, Indonesia, Singapore and Taiwan (EIA 2014, Graham 2015). According to EIA (2014), in 2013, 15.2 million oil barrels per day passed through it, mostly (about 90%) composed by crude oil, and only about 10% of petroleum products. The Strait is also important for the gas transport from Persian Gulf and African suppliers to mainly Japan and South Korea (EIA 2014). The recent greater importance of the Strait is mainly due to the Chinese growing economy that demands high rates of energy supply and raw materials on the whole (Graham 2015, Rodrigue 2004).

Even though China is diversifying its energy suppliers it is still dependent on the maritime routes and straits. According to Graham (2015, 20) “about 80 per cent of China’s oil imports flow through the Indian Ocean; half are sourced from the Middle East, with the remainder shipped from Africa”. China is also the biggest world oil importer and its demand is expected to grow accordingly with its economy. Japan, South Korea and
Taiwan are countries that suffer with lack of natural resources, which also imply on high rates of dependence on gas and oil imports, mainly from Middle East. Since the nuclear accident of Fukushima, in 2011, Japan is more reliant on fossil fuels: about 93% of the energy consumption is of petroleum, coal and natural gas and virtually all is imported (EIA 2015a). South Korea, in its turn, imports 97% of the total energy consumed internally, being most of it fossil fuels—their consumption account for 80% of the total (EIA 2015b). Asian markets as a whole, account for 70% of total global imports of natural gas. These entire exports and imports flow through the Strait of Malacca (Graham 2015).

It is also important to understand the Strait of Malacca as a maritime connection with the South China Sea. There are two group of islands in this Sea, the Paracels and the Spratly, which are both object of dispute amongst several countries in the region, including China, Vietnam, Malaysia, Indonesia, Brunei and the Philippines. These countries claim part or even all the islands, as well as the surrounding waters, vindicating its claims on historical use or occupation. Such region is believed to contain natural resources such as gas and oil, which are vital to the economic development of Asian countries. These disputes are part of the regional geopolitical dynamics, which include also the regional dispute between India and China, the Chinese growth threatening the Southeast Asia countries, the US balancing against China—including its alignment with Japan and India—and others (Buzan 2012). Both the developments of the disputes and of the geopolitical framework of the region may impact on the Sea Lines of Communication and also in the choke points (the Malacca Strait) (Peele 1997, Rodrigue 2004).

Regarding the current security concerns, piracy and sea robbery are amongst the main maritime security issues in Malacca Strait and in Southeast Asia in general. Although they were more frequent and violent about a decade ago, the thefts and hijackings are still a risk in the region. The tankers account for one quarter of the reported incidents, being the smaller ones the most vulnerable. To combat maritime piracy and robbery, the three bordering countries created the Malacca Strait Patrols (MSP), in 2004, which increases military presence in the Strait. However, there are great difficulties on joint operations and intelligence sharing due to the lack of confidence amongst the States—mainly Indonesia and Malaysia, which have conflicting claims over parts of the Strait. Finally, the risks of maritime terrorism are also real: the explosion of a tanker blocking the Strait is a possibility and a factor of concern (Graham 2015).
Another risk of militarization for the region is related to the disputes over the South China Sea, explained above (Graham 2015, Noer and Gregory 1996). First, regarding the Spratly Islands, the claimant states are China, Malaysia, Taiwan, Philippines and Vietnam, which also maintain military bases in the region. According to Noer and Gregory (1996, 31), “conflict over the Spratlys could spill over into the north–south sea lanes of the South China Sea, particularly if China and Vietnam were the protagonists”. The other group of islands is the Paracels, closer to Vietnam, which are controlled by China since the 1970’s, but are claimed by Vietnam and Taiwan. Finally, it is worth noticing that the whole South China Sea is claimed by China as its EEZ, including the two groups of Islands mentioned (Sjaastad, 2007). The image below shows the two groups of islands, the Chinese claim and also the geographical proximity with the Malacca Strait and the SLOCs related. In sum, a military conflict involving any of these archipelagos would cause several damages for the maritime flow in the Asian SLOCs and a greater militarization of Malacca—because of its huge economical relevance.

Image 6 - SLOCs and disputed islands in Asia.

Source: Middlebury College
The way that most countries responded in the last years to the maritime and territorial disputes was by means of raising their military expenditure, aiming to modernize mainly the naval and air forces (IISS 2016). From 2014 to 2015, the Asian countries as a whole raised their defense spending on 5.6%, mainly for the purpose of modernization and new acquisitions—China, for example, announced 10.1% increase, while Singapore 5.7% (IISS 2016). According to Graham (2015, 26), “regional arsenals had unquestionably increased the military capability available for disrupting the flow of seaborne commerce, energy shipments included”. Procurements for the naval forces, for example, are mostly on frigates and patrol vessels (IISS 2016). This process has raised concerns and questionings, since several incidents happened at sea between Asian States, and also with extra-regional powers, regarding the disputed areas (Prabhakar 2007). The most recent example is the incident in October of 2015 when the USS Lassen Destroyer entered the territorial waters of two Chinese claimed islands on the South China Sea. This episode led to a Chinese response affirming that the country would not tolerate a second occurrence (IISS 2016).

Furthermore, it is important to consider not only the numbers of military expenditures, but also the actual capacities of the countries. In this regard, the most important capabilities are those related to Anti-Access/Area Denial (A2/AD). The country with greater A2/AD capacities is China: it has been modernizing its defensive military systems of weapons, mainly on naval forces, based on a complex net of systems that complement each other, from maritime mines to anti-satellite missiles. One of the most important systems developed is the anti-ship ballistic missile DF-21D, with range from 1500km to 2000km (Stratfor 2015). The country is also producing an intermediate-range ballistic missile (IRBM), DF-26, with range around 3000km, both able to destroy naval targets (Stratfor 2015). Even though the Chinese territory is not near the Malacca Strait, such A2/AD capability could reach the Strait and the SLOCs linked to it. For China, these capacities are related to the idea of conventional deterrence: they are a defensive response to avoid military coercion—raising the costs of an attack against its territory—from relatively better-equipped countries. From the perspective of Western “seapowers”, it only generates more insecurity in Asia, which is liable for retaliation. This entire dynamic explains the importance of China and other global powers in the process of the militarization of Malacca.

The countries directly bordering the Strait, namely Indonesia, Malaysia and Singapore, have also increased their defense budgets, focusing main-
ly on naval power (IISS 2016). Indonesia has nowadays the East (Surabaya) and West (Jakarta) Fleets, with eleven frigates, twenty-one corvettes and around sixty anti-ship missiles, mainly Exocett type (range from 70 km to 180 km). Malaysia, in its turn, has a fleet of ten frigates and thirty-seven patrol and coastal combatants (four corvettes amongst them). The amount of Malaysia’s anti-ship missiles is around thirty-four, also mainly composed by Exocett. Finally, Singapore is considered the best-equipped country in the Southeast Asia region: it has six frigates, six corvettes and sixteen Anti-Ship Missiles, basically Harpoons (range above 130 km) (IISS 2016). This current situation can be seen in light of the debate regarding conventional deterrence and minor powers of the “rimland”. The three countries find themselves in a tough position between huge “seapowers” and the Chinese growing economy, with an increasing flow of vessels per day near their territory. The three countries capacities are not equal to China’s, but their proximity to the Strait raises their importance in the discussion over the process of militarization of the area.

Finally, it is important to consider that the impacts of blocking Malacca are huge for global trade and economy: (i) approximately half of the world’s vessels would need to take different routes through the Lombok or Sunda Straits (the only two close viable alternative routes); (ii) reroute would cause delays and rise shipping costs, resulting in higher energy prices for the consumer countries (EIA 2014). Regarding the traffic of military forces and supplies, impeding passage through Malacca would mean delays on deploy of forces, ammunitions, fuel and other supplies, while at the same time would upgrade the costs and risks of transport (Peele 1997). In sum, the Strait is vital for global economy in times of war and peace and the current process of militarization of the South China Sea, along with the growth of naval capacities by Asian countries, could impact on Malacca, meaning great risks to the normal flow through the SLOCs.

3 PREVIOUS INTERNATIONAL ACTIONS

Given that the characteristics and importance of each strait and chokepoint were already exposed, it is necessary to analyze how the Inter-

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15 Peele (1997, 14) gives an estimate of the impacts of closing the Strait of Malacca for military naval forces: “[...] a battle group transiting from [...] Japan to Bahrain would have to reroute around Australia. Assuming a steady 15-knot pace, the six-ship battle group (all consuming conventional fuel) would require an additional 15 days to transit an additional 5,800 nautical miles. Additional fuel cost would be approximately $7.0 million”. 

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national Law views these cases. Due to the lack of specific legislations for the straits about military and navigation aspects, where the Turkish Straits are an exception, the most used legislation over the next cases is the United Nations Convention on the Law of the Sea (UNCLOS) regarding the Law of Sea in a general manner. Thus, in this section, it will be explained how the UNCLOS is applied and which are the regional disputes regarding each of these straits.

3.1 TURKISH STRAITS (BOSPHORUS AND DARDANELLES)

The international legislation in force regarding the Turkish Straits is the Montreux Convention Regarding the Regime of the Straits, signed in July 20, 1936, in Switzerland. Since the 19th century, the so-called “Turkish Straits Question” has been a central aspect in the European international relations, mostly about the access and the militarization of the Mediterranean and Black Sea. Before the Montreux Convention, two previous treaties are worth-mentioning: the Treaty of Unkiar Skelessi (1833) and the London Straits Convention (1841), both of which reflect the British–Russian rivalry and the question of the access for Russian warships to the Mediterranean. The Montreux Convention, by its part, was signed in a context of Fascists governments in Italy and Germany, when the Mediterranean was getting progressively militarized. In that scenario, Turkey would be a strategic ally in a potential world war against the Axis states. Therefore, it was essential to preserve the integrity and security of Turkey in face of Axis’ movements in the region, the reason why the great powers signed the Montreux Convention, in 1936.

The Montreux Convention states in its first and main article the “principle of freedom of transit and navigation by sea in the Straits” (Montreux 1936, 2), mostly in time of peace. Otherwise, in times of war, Turkey has the right to close the Straits for enemy vessels. In the case of war where Turkey is a belligerent, according to Article 20, “the passage of warships shall be left entirely to the discretion of the Turkish Government” (Montreux 1936, 4). It also states that non-Black Sea states naval forces shall not exceed 45,000 tons (and 15,000 each vessel), while Black Sea states have no limit of this kind. However, in both category of countries, it is mandatory the previous notification to the Turkish Government that include “the destination, name, type and number of the vessels, as also the date of entry for the outward passage and, if necessary, for the return journey”, which demonstrates the direct Turkish control over the passage (Montreux 1936, 4).
Moreover, it is important to say, “vessels of war belonging to non-Black Sea Powers shall not remain in the Black Sea more than twenty-one days, whatever be the object of their presence there” (Montreux 1936, 6).

Therefore, the Montreux Convention allowed Turkey to remilitarize the Straits, enabling it to control the passage throughout the Straits of Bosphorus and Dardanelles. If, on the one hand, the Convention assured the naval predominance of the Soviet Navy in the Black Sea (as it did not prescribe any limit to their presence), on the other it limited the Soviet access to the Mediterranean Sea, which was seen as a British sphere of influence. When the United Nations Convention on the Law of the Sea (UNCLOS) entered into force in 1994, Turkey denied signing it, remaining in force the Montreux Convention concerning the Turkish Straits and the Turkish sovereignty over the Straits.

3.2 STRAIT OF BAB-EL-MANDEB

Due to the lack of any previous and specific legislation about the Bab-el-Mandeb, nowadays this strait is regulated by the general terms from the United Nations Convention on the Law of the Sea (UNCLOS), which, as already viewed, is responsible for the regulation of the world seas. This lack of specific legislation can create regional problems among the countries from the region, bearing in mind the strategic importance of the Strait of Bab-el-Mandeb.

As well as with other strategic straits and chokepoints, there are divergences among the coastal states about the doctrine applied: the transit passage or the innocent passage. In the first case, the coastal states have no national rights to close the strait, being obliged to grant the freedom of navigation to all vessels, whilst in the second, the state have more rights and national prerogatives over the strait (United Nations 1982). Due to this juridical situation, Yemen recognizes its national sovereignty over the Bab-el-Mandeb, being granted the free navigation only to merchant ships and aircrafts; but “nuclear-powered craft, as well as warships and warplanes in general, must obtain the prior agreement of the Yemen” (Yemen Arab Republic 1982) to pass through Yemeni territorial waters. Thus, this position frames the strait from Yemen’s perspective as an innocent passage. Djibouti has the same position about the Bab-el-Mandeb’s status (Smith 1986).

This statement conflicts with positions of other states, most of them extra regional powers as the United States. The American position about
the Bab-el-Mandeb is that Yemen “may not legally condition the exercise of the right of transit passage through or over an international strait, such as Bab-el-Mandeb, upon obtaining prior permission” (United States Department of State 1992, 69). This statement is based that “transit passages is a right that may be exercised by ships of all nations, regardless of type or means of propulsion, as well as by aircraft, both state and civil” (United States Department of State 1992, 69). Due to its strategic importance as the shorter access between the West and the East, and the flow of Gulf oil that passes through it, the Red Sea and the Bab-el-Mandeb have been increasingly militarized by regional and extra regional states directly involved in the region.

### 3.3 MALACCA AND SINGAPORE STRAITS

The Straits of Malacca and Singapore have been used over the last centuries as an important passage for vessels of both categories, commercial and also military. Given the great flux of commercial and raw products that pass through Malacca, the international community decided to regulate its status in accordance with the UNCLOS. Doing so, the Straits of Malacca and Singapore are framed in the special regime called transit passage.

First of all, according to Article 37, straits framed as Transit Passage are “straits which are used for international navigation between one part of the high seas or an exclusive economic zone and another part of the high seas or an exclusive economic zone” (United Nations 1982, 30). The Straits of Malacca and Singapore satisfy this condition because they connect one part of the high seas, the Indian Ocean, with another part of the high seas, the South China Sea, being used for international navigation along the centuries. An important aspect of this, according to the Article 38(2), is the exercise of the freedom of navigation and over flight, but “solely for the purpose of continuous and expeditious transit of the strait” (United Nations 1982, 31), which means that no vessel can stop in this passage nor cease the navigation flux, being denied the right of freedom of navigation. However, the strait states still have sovereignty over its territorial waters, being able to regulate and formulate laws about the passage, and may cooperate with others coastal states for the maintenance of the transit passage and the safety of navigation.

Regarding specific security and defense aspects, the regime called innocent passage can be applied to these two straits, relating to the passage
of war vessels and submarines. According to the Article 19, it is an innocent passage when the activity do not present “any threat or use of force against the sovereignty, territorial integrity or political independence of the coastal State, or in any other manner in violation of the principles of international law embodied in the Charter of the United Nations” (United Nations 1982, 25). It is very important to put this in the context of the strategic importance of Malacca as a vital chokepoint for the security dynamics of Asia, bearing in mind the passage of war vessels from regional States—like China and Vietnam—as well as extra regional—such as the US 7th Fleet.

3.4 STRAIT OF HORMUZ

As an crucial strait for the passage of oil and commerce, the Strait of Hormuz is always a troublesome question in the Persian Gulf region. The Iranian threats of closing Hormuz have been generating constant tensions between this country and Oman, and other countries from outside the region.

In relation to the international law about Hormuz’s status, there is no treaty or convention that specifically regulates this strait. According to the legislation of 12-mile of national territorial seas, the area where most of the vessels pass through is within the territorial sea of Oman. Thus, the central document that can be used for the questions surrounding the Strait of Hormuz is the United Nations Convention on the Law of the Sea (UNCLOS), serving as an instrument for the regional and extra regional states, mostly Iran and United States, to pursue its strategic objectives. The conflicting matter is how Hormuz can be defined in terms of international doctrine: transit passage or innocent passage? In the first case, neither Iran nor Oman have the right to hamper the passage through the Strait, according to Articles 37-44 of UNCLOS of freedom of navigation; in the second case, the coastal states have the right to limit and block, if necessary, the passage through the strait (United Nations 1982).

The real problem is that neither Iran nor the United States, the two most influent States in Hormuz, ratified the UNCLOS in 1982. Unlike the United States that did not sign nor ratified the UNCLOS, Iran signed that Convention, but refused to ratify it years later. Therefore, although many states believe that freedom of navigation and passage are customary international law—like the United States (United States Department of State 1992)—Iran does not consider itself bound by international treaties like the UNCLOS, being independent over the Strait of Hormuz (Islamist Republic
of Iran 1982). Thus, Iran considers legitimate its threats to close Hormuz because it is also part of Iranian territorial waters.

4 BLOC POSITIONS

The United States of America is not a signatory of the United Nations Convention on the Law of Sea (UNCLOS) (“Chronological Lists Of Ratifications Of UNCLOS” 2016). Nevertheless, it agrees with the general clause for the determination of free passage through international straits. This posture is motivated by a central imperative of its hegemonic status: the “command of the commons”. It requires that the United States have free access to every area of the sea, space and cyberspace. Moreover, this concept converges with the country’s extreme dependence on the normal flow of global goods and its necessity to have open channels for military transport, determining its position against the militarization of international straits and maritime chokepoints (Posen 2003).

The United Kingdom of Great Britain and Northern Ireland is one of the country-parties of the UNCLOS. The United Kingdom, then, supports the principle of the freedom of the seas; so, the general and deregulated militarization of straits and choke points would be disturbing to the British interests. The country has a historical background of military action that depends on straits and maritime chokepoints, and still has this great capacity of power projection due to its military bases and other facilities around the world—which are located at: Ascension Islands, Belize, Brunei, Canada, Cyprus, Diego Garcia, Falkland Islands, Germany, Gibraltar, Kenya, Qatar and Singapore. It is important to notice that some of these facilities are located in territories close to straits and chokepoints, like the British bases in Cyprus, Gibraltar and Singapore—the latter composed by one major naval base in Sembawang, close to the Malacca Strait (Rogers and Simón 2009).

The French Republic is a signatory of the United Nations Convention on the Law of the Sea (UNCLOS) (“Chronological Lists Of Ratifications Of UNCLOS” 2016) and composes the Western European and Other States Group (WEOG) and European Union (EU) political groups in the UN. The country supports the principle of freedom of the seas, since it has interests in maintaining presence in seas outside of Europe. Just as the United Kingdom, France is also a state with great power projection capabilities due to its large navy and military facilities abroad. These facilities include military bases located near straits and maritime chokepoints, such as the
Abu Dhabi Base, a French Naval Air Station based in the United Arab Emirates, which represents the nation’s interests in being close to oil sources and potential markets for the French defense industry (Cody 2009). France also has military facilities located at the Djibouti International Airport, in the town of Ambouli, which include: a Foreign Legion Brigade, an Overseas Interarms Regiment, a French Air Force base, a Fighters Squadron and a Transport Squadron. The French Armed Forces are present in Lebanon, near the Suez Canal, through the United Nations Interim Force (UNIFIL) (Cody 2009).

**Italy**, as a member of both NATO and the European Union, has a similar position closer to those countries’, meaning that it defends free and safe passage for the main international straits and chokepoints. The country’s trade is more restricted to Europe itself, but it also includes, in a significant amount, Asian countries, mainly as import origins (OEC 2014a). Therefore, the chokepoints of greater concern for Italy are Bab-el-Mandeb and Malacca, the path to Asian markets. The entire EU is represented as a party in the UNCLOS Treaty on the Law of the Sea, which means Italy is a party itself (“Chronological Lists Of Ratifications Of UNCLOS” 2016).

Despite of being a country with a restricted access to sea, **Germany** has a huge economy: it is the world’s 3rd importer and exporter. The main destinations of the exports include: Europe itself, United States and China. On the other hand, the main imports origins are Netherlands and, once more, China (OEC 2014b). The significant commerce with Asia implies in dependence on certain maritime international routes, which makes Germany concerned on the maintenance of the free and safe passage through two important choke points, Bab-el-Mandeb and Malacca. It is important to highlight that the country is being attentive to new possibilities of Arctic routes, brought up by the recent melting of the ice cap. Germany is also a member of NATO and European Union, which implies, very often, in collective positions regarding this topic. The entire EU, as already stated, is represented as a party in the UNCLOS Treaty on the Law of the Sea (“Chronological Lists Of Ratifications Of UNCLOS” 2016). Finally, the country attended the Montreux Convention (1936), being an important part on the discussions over the Turkish Straits and the Black Sea.

The **Netherlands** is a central country regarding the refinery, storage and transport of oil and gas throughout Europe and even abroad (EIA 2015c). The country exports are mainly composed by refined petroleum for European countries like Germany, Belgium and the United Kingdom (OEC 2014c). Since the Netherlands itself is not a big producer of oil, it is depen-
dent on several maritime routes for the importation of such products. The country is a signatory of UNCLOS and defends free passage through international straits and choke points (“Chronological Lists Of Ratifications Of UNCLOS” 2016). The Netherlands is also an important member of the European Union and the NATO, which implicates on similar positions considering such matter.

Another member of the NATO and the European Union is Bulgaria, a Balkan country that borders Turkey, Greece, Macedonia, Serbia, Romania and also the Black Sea—very close to the Strait of Bosphorus and to the recently installed missile facilities in Deveselu, Romania. The country is a signatory of UNCLOS (“Chronological Lists Of Ratifications Of UNCLOS” 2016) and also of the Montreux Convention, which demonstrates its concern over the Turkish Straits and the free passage through them. Differently from the other coastal countries of the Black Sea, as Turkey and Romania, Bulgaria is concerned over the militarization of the Sea, because of the negative impacts it may cause on its tourism economy. Therefore, Bulgaria has expressed itself against a greater militarization by the NATO in the Black Sea (Krasimirov 2016).

Considering the chokepoints and international straits worldwide, the Russian Federation has closer maritime connections with one in specific: the Bosphorus Straits. Two events are related to this: the Ukrainian Crisis and the Syrian Civil War. Since the reintegration of Crimea to Russian territory (March 2014) and the military support to Assad’s government (September 2015), the Russian Naval Fleet has been actively present in the Black Sea and East Mediterranean Sea (Pejic 2016). This situation created tensions mainly with Turkey and resulted in threats and even actual attacks by Ankara to Russian Forces, as the shooting of a Russian Su-24 in Syria by Turkish forces showed in November 2015 (BBC News 2016). This region is strategically important for Moscow: the Turkish Straits provide an exit for warm-waters Seas to the Russian Fleet and the access to Naval and Air Bases in the East Mediterranean (Pejic 2016). The country is also a party of UNCLOS III (1982) (“Chronological Lists Of Ratifications Of UNCLOS” 2016) and the Montreux Convention (1936), being aligned with other countries that defend total free passage through international straits and choke points and condemns the abusive use of force by strait states. Recently, Russia dedicates increasing attention to the opening of new routes and straits in the Arctic Ocean. The melting of ice in the North Pole will open commercial routes in a future not so distant, bringing new elements to the discussion on international Straits (Klimenko 2016).
Ukraine has a strategic position in the Black Sea, being an important country in the issue of militarization of straits and chokepoints. As a result of the internal crisis the country is living since November 2013, it has lost the *de facto* jurisdiction over the Crimean Peninsula, a vital region for the country’s presence in the Black Sea. The Russian jurisdiction over Crimea, however not recognized by Ukraine and other countries, guarantees for Moscow a military base on the Black Sea, strengthening its presence in the region (“Ukraine: Timeline Of Events” 2016). In the Ukrainian understanding, this illegitimate action of Moscow justifies international counter actions to avoid a greater Russian expansionism and militarization in the region. Therefore, any precautionary measures (inspections, early warning obligations, missile deployments) regarding navigation through the Black Sea and the Turkish Straits—the exit route of the Black Sea—are supported by Ukraine.

Romania is one of the countries that border the Black Sea, and, therefore, has closer ties with the two straits linked to it: the Turkish Straits. Romania is a member of the North Atlantic Treaty Organization (NATO) and has recently (May 2016) received missiles and other military facilities in one of its Air Bases, Deveselu. These installations are part of the National Missile Defense of the United States of America, in partnership with NATO, and have range of approximately 700km, reaching the Turkish Straits and even beyond (“Romanian And US Officials Inaugurate At Deveselu Location To Deploy Antimissile System” 2016). The country is also a member of the European Union and, thus, a party on UNCLOS III (1982) (“Chronological Lists Of Ratifications Of UNCLOS” 2016). As a nation bordering the Black Sea, Romania is a party in the Convention of Montreux (1936), such as Turkey and Russia, which demonstrates previous experience on the matter of maritime, and especially strait, regulation.

Kazakhstan is a great exporter of hydrocarbons, mainly crude petroleum, which the country exports to China and European countries. For that reason, it is dependent on both the Caspian and the Black Sea—hence, on the Turkish Straits: the first for extraction sites of oil and gas and the second for transport and commerce. As a landlocked country, Kazakhstan depends on oil pipelines to reach the Black Sea ports: about a third of Kasakh oil exports are made through the Caspian Pipeline Consortium, which arrive in Novorossiysk Russian port and follows through Bosphorus to global market (EIA 2015d, Caspian Pipeline Consortium 2016). The country is a major oil producer amongst the former Soviet republics: it ranks in second, just behind of Moscow (EIA 2015d). The country is not a party of UN-
Turkmenistan is not a signatory of the UNCLOS, making it a State not bound by the legal determinations of the treaty. However, the country has direct interest in the safe passage through maritime chokepoints—especially the Bosphorus Strait. This interest is a consequence of this Strait’s characteristic as an export route for the oil and gas extracted from Turkmenistan’s sea shelf in the Caspian Sea. Therefore, it aligns with Russian defense for the demilitarization and free passage in the Turkish straits area (Komiss and Huntzinger 2011).

The Republic of Turkey is not a signatory of the UNCLOS as well. This means the Turkish government has no responsibilities to follow the legal determinations of this treaty. Instead, it manages the passage through Bosphorus with the prerogatives from the Montreux Convention, which enables the closure of the straits during wartimes (Montreux 1936). This legal structure can be interpreted by Turkey in order to be used as margin for a militarization process to threaten the free entry and exit of the Black Sea. Thus, Turkey is generally skeptical about a ‘universal right of free navigation’ due to the fragilities it could bring to Turkish assurance of national sovereignty and security, and the annulment of its capacity to use the strait as a political weapon (Montreux 1936, Campbell 2015).

Since the beginning of the internal instabilities in Syria, in 2011, the country is living a long civil war, involving several actors and different interests—both internal and external. The most recent impacting event is the Russian Federation military support to the Syrian government of Bashar al-Assad, since September 2015, having in mind the growth of the terrorist organization known as the “Islamic State” (ISIS). Since the military presence of the Russians, Turkey had also expanded its military operations in Syrian soil, which caused several tensions with Moscow, mainly regarding the Turkish Straits (Russia Today 2016). For Russia, the free passage through these Straits is important for the military operations of support to the Syrian government (Wesolowsky 2016). For this reason, is also important to Bashar al-Assad to maintain these routes opened, since the principal aid for its government depends on them. Therefore, Syria sustains a position to avoid unilateral actions of some countries to block or to militarize these Straits, even though it is not a party to the UNCLOS Treaty (“Chronological Lists Of Ratifications Of UNCLOS” 2016).

The Islamic Republic of Iran borders the world’s most relevant
chokepoint, the Strait of Hormuz, passage for oil and gas tankers in direction to the growing Asian markets and the European countries. Iran has already used tough rhetoric regarding the Strait, threatening its closing when some country abused of its right to free passage (Johnson 2016). Although the country has recently signed an agreement with the United States regarding its nuclear capacities, both countries still have some misunderstandings. Iran feels frequently threatened by the US–NATO expressive military presence near Iranian territory and the Strait of Hormuz (e.g. invasions in Afghanistan and Iraq, Turkey as NATO member, deployment of missiles in Romania, etc). Hence, Iran characterizes its own acts as defensive, meaning that every Tehran’s action regarding the Strait is actually a response to a previous Western affront (Piven 2012). For this reason, considering the militarization of the Strait of Hormuz, the country sustains that its main cause is related to West international practices. It is important to have in mind that the country is not a party to the UNCLOS III Treaty, as it is a signatory but did not ratify it (“Chronological Lists Of Ratifications Of UNCLOS” 2016).

The Kingdom of Saudi Arabia is a signatory and a party of the UNCLOS. Hence, the country agrees with the determination of free navigation through international straits and maritime chokepoints. This political position is determined by national economic needs, since the country is extremely dependent on oil exports and, therefore, on the safe passage of oil tankers. Thus, the Saudis have real concerns regarding the potential militarization of both Hormuz and Bab-el-Mandeb. The Kingdom deeply condemns any kind of threat or real obstruction of passage through this maritime chokepoints, especially those coming from Iran or Iranian-sponsored actors in the region, being an advocate of the demilitarization of international straits (Talmadge 2008).

The Kingdom of Bahrain is also a signatory and party of the UNCLOS. Siding with Saudi Arabia, it defends the freedom of navigation through international straits—specially through the Strait of Hormuz. This is mainly determined by the country’s economic and military interests. It has direct interest in the maintenance of safe passage both for the safety of its oil exports and for the safety of the United States 5th fleet vessels, for which Bahrain serves as a host/base country (Shelala II 2014).

While the State of Kuwait is a party of the UNCLOS, the United Arab Emirates is just a signatory of the document. Both of them agree, however, on the need to maintain a safe passage through maritime chokepoints—mainly the strait of Hormuz. They are both oil-exporting cou-
ntries whose revenues depend heavily on their participation in the global energy market and who have political and economic support from Saudi Arabia. Nevertheless, given the UAE status as a non-party state, it has the legal prerogative to somehow contest the free-passage principle at the Hormuz maritime chokepoint, enjoying a privileged geographic position to do so (Shelala II 2014).

The **State of Israel** is neither a signatory nor a party of the UNCLOS. Therefore, it is not bound by its legal determinations. However, due to its close ties with the United States and this country’s strategic interests, plus prior bad experiences with the Egyptian closure of the Suez Canal, it is an advocate of the freedom of passage through international straits. This can be applied directly to the strait of Bab-el-Mandeb, as it can serve as one of the Israeli Navy’s line of communication for operations abroad; and indirectly to the strait of Hormuz, to nullify the potential threat of militarization coming from Iran.

The **Republic of Yemen** is a signatory of the UNCLOS and composes the Group of Asian States, the League of Arab States, the Group of 77 + China (G-77), the Organization of Islamic Cooperation (OIC), the Non-Aligned Movement (NAM), and the Least Development Countries (LDCs). The Yemen is boarded by the Bab-El-Mandeb Strait to the west, which makes it an important maritime territory to the nation’s security. In regard to this issue, the United States had previously used Yemen to project its forces towards the Gulf of Aden, with the alleged purpose of combating terrorism. Then, Yemen agreed to permit the US to use drones and missiles on Yemeni lands. Also, the country agreed in leasing the Socotra Island, near the Bab-El-Mandeb Strait for the Americans to establish an air force and naval bases to counter pirates and al-Qaeda; in exchange, the US would increase its security assistance to Yemen (Chossudovsky 2010). It is important to notice that the Somali piracy problem has spread to Yemen waters, with pirates hijacking ships and kidnapping crews (Shaher 2012). It is also important to state that, since 2015, Yemen has been engulfed in a civil war between rebel groups—mainly the Houthis, which took the control of the nation's capital—and President Hadi’s group, which formed a parallel government in the central and eastern parts of the country. There has also an involvement of a military coalition led by Saudi Arabia against the Houthis—which have close ties to Iran.

The **Republic of Djibouti** is a party to the UNCLOS and a member of the following groups: Group of African States, Group of 77 and China (G-77), the Non-Aligned Movement (NAM), Joint Coordination Committee
(JCC), African Union, Least Developed Countries (LDCs), League of Arab States and Organization of the Islamic Conference (OIC). The country borders the Bab el-Mandeb Strait, making its territory very strategic due to the importance of that strait. For this reason, Djibouti is one of the African countries with the greatest number of foreign bases and troops, hosting facilities and weapons from United States, France, Italy and China (Oladipo 2015). Djibouti was also involved with a three-days armed clash with Eritrea, in 2008, after it has alleged that the latter invaded part of Djiboutian territory. During the conflict, France aided Djibouti with logistical, medical and intelligence support (CIA 2016).

The Federal Republic of Somalia is signatory of the UNCLOS and is member of the Group of African States, the Group of 77 and China (G-77), the Non-Aligned Movement (NMA), the Joint Coordination Committee (JCC), African Union, Least Developed Countries (LDCs), League of Arab States and Organization of the Islamic Conference (OIC). Somalia has a strategic location, close to the Bab el-Mandeb State. This country has suffered from piracy and illegal groups actions along the Gulf of Aden. To combat these groups, Somalia has been helped by the European Union, which has sent a maritime force to defend the region and troops to Uganda to train Somali government forces to fight Islamist insurgents (Toyer and Pawlak 2009).

The Republic of the Sudan is a party of the UNCLOS. It also composes the Group of African States, the Group of 77 and China, Non-Aligned Movement, the Joint Coordination Committee, African Union, Least Developed Countries (LDCs), League of Arab States and Organization of the Islamic Conference. Sudan has interests in the security of the Bab el-Mandeb Strait, since its forces are mainly concerned with illegal groups and the protection of the Nile River. Since the 1980s, there have been many clashes between the Sudan forces and rebel groups that came from the region that today is the South Sudan, once the latter has important oil fields. Although the independence of South Sudan was recognized by the international community and by the Sudanese government, there are still issues, such like the crude revenue sharing and armed conflicts between the two countries (EIA 2014b). It is also important to state that a militarization either of the Bab-El-Mandeb Strait or the Red Sea by South Sudanese rebel groups and pirates would be harmful for the Sudanese economy, since its oil is carried to China and the West mainly through its ports in the Red Sea—such as Port Sudan, that carries the oil of the South Sudanese fields.

The Arab Republic of Egypt is a signatory of the UNCLOS. It is
also a member of the Group of African States, G-77, NAM, JCC, AU, Arab League and OIC. The Egypt has one of the largest armed forces in Africa and has access to strategic locations, such as the Tiran and Sanafir Islands, in the Tiran Straits, which are contested by Saudi Arabia. The country also has the control of the Suez Canal, which is an important passage of oil and liquefied natural gas, and the Suez-Mediterranean (SUMED) Pipeline, an alternative route nearby the Suez Canal to transport crude oil from the Red Sea if ships are unable to navigate through the Canal (EIA 2016a). Then, a militarization of the Bab-El-Mandeb Strait and, more specifically, the Red Sea, would jeopardise the Egyptian oil and gas production in this region, affecting negatively its economy. That being so, with the Yemeni Civil War and the seizure of the country’s capital by the Houthis rebels, the Egyptian authorities say that the country would send troops to Yemen if the Houthis attempt to block Bab-El-Mandeb Strait and would use its navy to defend its territorial waters and the Red Sea (Hussein 2014).

The Sultanate of Oman is one of the parties of the UNCLOS and participates of several political groups, like the Group of Asian States, G-77, NAM, JCC, Arab League and OIC. Oman has a strategic location due to its closeness of the Hormuz Strait, one of the most important energy corridors in the world, which enhances Oman’s position in the global energy supply chain (EIA 2016b). The country is militarily supported by the United Kingdom and the United States. Due to its location (“stuck” between the two main Middle East regional powers, Saudi Arabia and Iran), Oman has good relations both with the Saudis and with the Iranians. Amidst an economic crisis, Oman has great interests in the natural gas of Iran, and also has announced a partnership with this country to develop an underwater natural gas pipeline through the Hormuz Strait (Cafiero 2016). On the other hand, the country also has supported Saudi efforts to counter extremists groups in the region. Regarding the Yemeni crisis, Oman has a conciliatory stance, as it declined to participate in the Saudi Arabia-led coalition (Barrett 2015).

The State of Eritrea is not a signatory of the UNCLOS and it is a member of the following groups: Group of African States, Group of 77 and China (G-77), the Non-Aligned Movement (NAM), Joint Coordination Committee (JCC), African Union and the Least Developed Countries (LDCs). The country has a strategic location, close to the Bab-el-Mandeb Strait and has territorial litigations with Djibouti, involving an island in that strait, which even evolved to a three-day military conflict. In recent years, with the Yemeni civil war, the country accepted to join the Saudi Ara-
bia-led coalition to counter the Houthis. Also, it allowed the coalition to use its Assab port, which is positioned near the Bab-El-Mandeb Strait (Ngaish 2015). Moreover, the Saudis and Emiratis have naval presence in Eritrea and UAE is seeking to open a naval base in Berbera, in the northern coast of Somalia (Korybko 2015).

The Republic of South Africa is a signatory and a party to the UNCLOS. In this sense, it comprehends the importance of maritime navigation for the world economy and is in compliance with the free navigation principle through the Cape of Good Hope (United Nations 1982). Nevertheless, due to its important geographical position in the connection between the Atlantic and the Indian oceans, it also holds the capacity to interfere over the navigation through this sea passage. Therefore, national sovereignty over its territorial waters and exclusive economic zones is in accordance with both international law and domestic security interests.

Brazil has been an important part on the international discussions involving the Law of Sea: the country is a State party of UNCLOS III (1982), being one of those responsible for the final document (“Chronological Lists Of Ratifications Of UNCLOS” 2016). Therefore, even though the country is not near nor borders any strait or chokepoint, it is a defendant of the free passage through international straits and also of the rights and duties of the bordering countries. Also, safe navigation through international trade routes are really important for Brazil, a great exporter of agricultural products. Brazilian exports are mainly of iron ores and soybeans, and the main exports destinations are China and the United States—the same countries for import origins (OEC 2014d).

The Republic of Colombia is one of the signatories of the UNCLOS. The country also composes the Group of Latin American and Caribbean States (GRULAC), G-77, NAM, JCC and Rio Group. Although it is not directly involved with the security of, nor have military presence in any strait, the militarization of these regions is important for Colombia, since the country is an important producer of coal and oil (EIA 2016c). Then, any blockade or disruption in Colombian exports of these products would rise its costs—which in a scenario of low commodity prices could significantly damage its whole economy. Another issue involving the importance of choke points to Colombia is the historical dispute with Venezuela over the Los Monjes Islands near the Gulf of Venezuela (CIA 2016), where much of the Venezuelan oil is extracted.

The People’s Republic of China is a signatory and a party to the UNCLOS. For China, it is important to secure stability and freedom of
navigation especially in the Strait of Malacca, as 80% of the country’s oil imports pass through it (Caesar-Gordon 2016). The country has been investing heavily in naval capabilities to guarantee its interests in the region, especially in the South China Sea. Even though China has been trying to explore alternative routes to minimize its dependence on Malacca, their vulnerability on this matter also emphasizes the need to create means of cooperation and naval diplomacy with the countries in the region in order to avoid shutdowns, blockades or other threats (Davis 2014).

Due to their interests and responsibilities over the Strait of Malacca, Malaysia, Indonesia and Singapore are very important actors in this discussion. The three countries are signatories and parties to the UNCLOS. They have been cooperating in this strait governance through the Malacca Straits Patrol (MSP) and the Eyes in the Sky joint air patrol (ASEAN 2015). Malaysia is willing to work within the UN framework in order to promote security, stability and freedom of navigation in international straits. Although the country takes part in multilateral forms of cooperation, Malaysia usually looks for self-reliance regarding the security issues in their surrounding region (ASEAN 2015).

The Republic of Indonesia is also committed to securing the Strait of Malacca. In this sense, the Malacca Straits Patrol (MSP) is one of the most important security involvements of Indonesia. The country also advocates maritime cooperation through several mechanisms and forums, including regional ones like ASEAN. Having their territory almost engulfed by the Strait of Malacca, the Republic of Singapore is extremely interested in this debate, having the best military capabilities of these three countries (IISS 2016). Aside from that, Singapore believes in enhancing regional maritime security through dialogue and practical cooperation in bilateral relationships or multilateral fora, not only with the neighboring countries but also with key countries from outside the region (ASEAN 2015).

Japan is a signatory and a party to the UNCLOS and, as one of the biggest economies in the world, is deeply interested in the free and safe passage through straits, especially Malacca. As Japan relies heavily on secure seas to guarantee their economic interests, it has kept military presence in the region. Moreover, the country provides assistance in order to enhance navigation safety via funding from the Nippon Foundation through the Malacca Straits Council (Khalid 2006). Japan’s efforts in the Strait of Malacca have focused especially in counteracting piracy (Raj 2009).

The Commonwealth of Australia is a signatory and a party to the UNCLOS. Considering its continental size and geographical position, ma-
Ritme security and freedom of navigation are vital to their economic and strategic interests. Over the past years, Australia has become increasingly vulnerable to maritime security threats given their growing reliance on oil imports (Vivoda 2012). The country relies mostly on SLOCs that go through strategic regions such as the South China Sea and the Strait of Malacca. Regarding non-Asian SLOCs of Australia, most of them go through the Middle East, and 17% of this country’s oil imports cross the Strait of Hormuz (Esfandiary 2014, Whitbourn 2016).

The Socialist Republic of Vietnam, being a signatory and a party of the UNCLOS, places great importance in the use of the Convention for the settlement of differences and disputes in maritime affairs. The country strongly believes in the use of peaceful means to address threats to freedom and safety of navigation, avoiding all types of unilateral actions that could escalate tensions (ASEAN 2015).

The Republic of the Philippines is not only a signatory and a party of the UNCLOS but also a strong advocate of the Convention, having hosted Seminars on UNCLOS—under the scope of the Asean Regional Forum—to promote the discussion of the UN jurisdiction on maritime disputes. The country believes in the enforcement of region-wide structures of interaction between armed forces that could put the principles of freedom of navigation in practice (ASEAN 2015).

The Republic of Korea is a signatory and party of the UNCLOS and, as a major and strongly open economy, has a strong dependence on free navigation through straits. Considering the fact that 84% of Korea’s oil imports comes from the Middle East, especially through the Strait of Malacca, South Korea is extremely concerned with the security of this region. The country has acted to counteract piracy and to support multilateral initiatives to increase security of navigation, especially in Southeast Asia (Coggins and Kim 2014).

The Republic of India is a signatory and party of the UNCLOS, and with its growing economy, is also concerned with the conditions of navigation through straits. In this sense, India’s engagement is particularly directed to the Strait of Malacca, which holds 40% of the country’s imports. India has cooperated extensively with coastal countries to insure security in this strait—which, being the linkage between the Indian Ocean and the South China Sea—represents a strategic point for the country (Vithiyapathy 2015).

5 QUESTIONS TO PONDER

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1. How to conciliate the different aspects and approaches to the process of militarization—or insecurity of use—of international straits and choke points? Should it be seen only through the perspective of the free passage or also in terms of sovereignty of strait states?

2. How to avoid the military capabilities of countries to be used for purposes of blocking or threatening the free and safe passage through choke points?

3. Does current international Law of the Sea take into account the several aspects of the process of militarization of straits and choke points?

4. How the militarization process of the international straits and choke points should be considered in a document: should it be done in different, separated documents regarding each strait or in a unified, general statement?

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