

Two distinct reasons striking Iran’s power plants is lawful, and why doing so may be the best path to peace

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March 24, 2026



[Iran](#) / [Law of the Sea](#) / [Law of War](#) / [Maritime Law](#) / [Middle East](#)

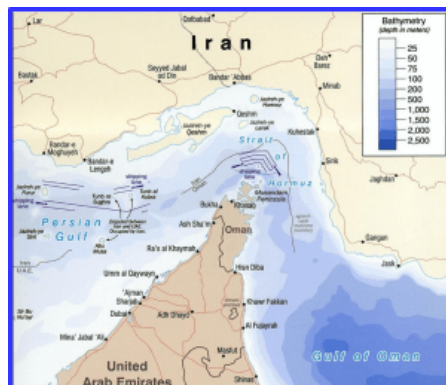


Last Saturday evening, President Trump warned Iran that if the Strait of Hormuz was not opened, Iran’s power plants would be struck. However, this morning, NBC News [reports](#) that “President [Donald Trump](#) said this morning he was postponing any [strikes against Iran’s power plants](#) for five days, citing what he said were ‘productive conversations’ with Tehran to end the war.”

Nevertheless, the *Wall Street Journal* reports that “Iran’s Foreign Ministry denied it was in talks with the U.S., according to state media, saying there was ‘no dialogue’ between Tehran and Washington.”

As the [diplomatic situation](#) is sorted out, let’s unpack the issues under the law of armed conflict (LOAC). As readers may recall, I addressed similar issues in the context of the Russia-Ukraine war in this 2022 post: “[Is attacking the electricity infrastructure used by civilians always a war crime?](#)” I will draw upon it in today’s essay.

You may observe that I reference the [Department of Defense Law of War Manual \(DoD LoW Manual\)](#). Just by way of information, the Manual is not a product of the current administration. It was originally issued during the Obama administration and was updated during the Biden administration. Neither Trump 1.0 nor Trump 2.0 has made any changes to it.



Context

Iran has illegally but effectively closed the Strait of Hormuz, striking neutral ships that try to navigate it. **Lawfire**[®] contributor and LENS speaker [Mark Nevitt explains](#):

Reports indicate that Iran has targeted civilian merchant vessels from Thailand, Japan, and the Marshall Islands; up to 16 [civilian vessels](#) have been struck in total. Crewmembers and the vessels themselves are neutral — not belligerents — to the armed conflict with Iran.

These Iranian strikes unlawfully target neutral, civilian objects and violate the fundamental principle of [distinguishing](#) between civilian and military objectives under international humanitarian law. (Emphasis added.)

The impact of the Strait's closure on oil markets is well-documented. The [Congressional Research Service](#) describes the harm:

The Strait, which borders Iran and Oman, is a key waterway, particularly for the transit of oil and natural gas and other commodities—including helium, fertilizers, and other industrial products—to world markets. **Roughly 27% of the world's maritime trade in crude oil and petroleum products goes through the Strait. Additionally, 20% of global liquefied natural gas (LNG) trade passes through the Strait.** The Strait's role as a critical conduit for oil and natural gas resources to reach global markets establishes its importance to the global economy. (Emphasis added.)

In particular, the closure is causing, according to the Council of Foreign Relations, “energy chaos” in Asia, CFR [warns](#):

The impact can be felt everywhere, but in Asia – where nearly every country is highly dependent on Middle Eastern oil – the war has caused outright energy panic, with governments scrambling to respond and having few short-term answers. After all, Asia is the most exposed to the effects of the war on oil prices, since it is the region that relies most heavily on oil and gas shipped through the Strait of Hormuz. The level of consumer panic, in particular, is so great in some Asian states that it could soon lead to not only major economic shocks but even violence over limited energy supplies.

The threat to food security: Is a famine to follow?

In addition to the harm to civilians from the loss of oil shipments, there is also the specter of another humanitarian crisis. Specifically, Project Syndicate, an international media organization, [contends](#):

While media coverage of Iran’s closure of the Strait of Hormuz has focused on oil prices, the implications for global food supplies are no less alarming. A prolonged closure could disrupt agriculture worldwide and place more than 100 million people at risk of a humanitarian catastrophe. (Emphasis added.)

Project Syndicate elaborates:

“[T]he most immediate and dangerous consequences of a prolonged closure may show up at the dinner table, not the gas pump. **The Strait of Hormuz, after all, is not just a shipping lane for oil tankers; it is a critical artery of the global food system.** Key food staples – including wheat, corn, rice, soybeans, sugar, and animal feed – travel through the Strait on their way to the Gulf countries, and farmers around the world depend on the fertilizers and fuel that flow out of it.” (Emphasis added.)



The Other Global Crisis Stemming From the Strait of Hormuz’s Blockage

Even if the Iran war stops, restarting production and transport for fertilizers and their components could take weeks—at a crucial moment for planting.

Citing a new [report](#) from the Carnegie Endowment for International Peace, another analyst [summarizes](#) why he believes that “**if the Strait of Hormuz stays shut, famine follows**”:

“The Strait of Hormuz is not merely an energy chokepoint. It is the single most critical bottleneck in the global food system. Approximately thirty-five per cent of the world’s urea exports, thirty per cent of its ammonia, forty-four per cent of its seaborne sulphur, and twenty per cent of its phosphate fertiliser transit that passage. These are not obscure commodities.

*They are the chemical foundation of modern agriculture. Without nitrogen fertiliser, synthesised from natural gas and ammonia, crop yields collapse. **Without sulphur and phosphate, the soil amendments on which billions of people's food supply depends simply do not get made.*** (Emphasis added.)

At particular risk are the Gulf states, which import over [70% of their foodstuffs through the Strait of Hormuz](#). As concerning as that may be, the reality is that, as the Carnegie Endowment notes, in terms of food insecurity, ["poorer countries will suffer the most"](#) from the closure of the Strait.

Iran's deliberate attacks on civilian targets

Notably, Iran has also violated LOAC in other ways. On March 17th, Human Rights Watch (HRW) [contended](#) that "[m]any of the Iranian attacks have struck civilian residential buildings, hotels, civilian airports, and embassies, and have unlawfully targeted civilian objects such as financial centers." HRW adds:



"Civilians, particularly migrant workers, across Gulf states are being threatened, killed, and injured by Iranian drones and missiles," said [Joey Shea](#), senior Saudi Arabia and UAE researcher at Human Rights Watch. "Rather than pretending to apologize, Iran's authorities should immediately take all possible measures to protect civilians across the Gulf." (Emphasis added.)

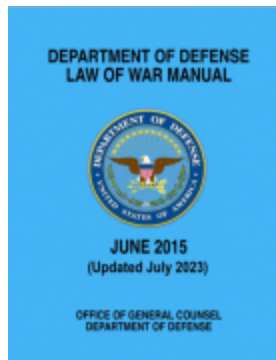


Iran has given no indication that it intends to take measures to protect civilians. Admiral Brad Cooper, the Commander of U.S. Central Command (CENTCOM), told the media just yesterday that ["In the last couple of weeks, \[Iran\] attacked civilian targets very deliberately, more than 300 times."](#)

Against the backdrop of Iran's repeated violations of international law, can its power plants be struck?

Can the electrical power system used by civilians be a lawful "military objective"?

Perhaps the most primary of all the LOAC rules is the *principle of distinction*, that is, the prohibition on directing attacks against [civilians](#) or [civilian objects](#), but this does not mean that Iranian power plants can't be attacked under certain circumstances.



What are those circumstances? As a threshold matter, the object must be shown to be a *military objective*. The DoD LoW Manual defines military objectives this way (§5.6.3):

“Military objectives, insofar as objects are concerned, include ‘any object which by its nature, location, purpose or use makes an effective contribution to military action and whose total or partial destruction, capture or neutralization, in the circumstances ruling at the time, offers a definite military advantage.’”

Can an electric power station qualify as a military objective? Yes. The DoD LoW Manual states:

5.6.8.5 Examples of Military Objectives – Economic Objects Associated With Military Operations. Economic objects associated with military operations or with war-supporting or war-sustaining industries have been regarded as military objectives.

Electric power stations are generally recognized to be of sufficient importance to a State's capacity to meet its wartime needs of communication, transport, and industry so as usually to qualify as military objectives during armed conflicts.²⁴⁶

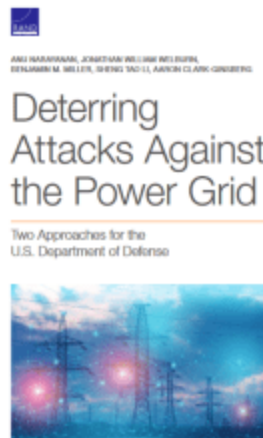
Indeed, attacks on electrical systems have long been a part of modern war. As one commentator [put it](#), “electrical systems [have been a favorite target](#) of air attacks since the 1930s.”

Do modern militaries really need electricity from the civilian grid?

Typically, yes. For example, a 2020 RAND Corporation [analysis](#) detailed the U.S. military's dependence on commercial power sources. It found that:

“The U.S. Department of Defense (DoD) **increasingly** relies on electric power to accomplish critical missions. As a result, ensuring that forces and facilities have access to a reliable supply of **electric power is critical for mission assurance**. However, DoD does not directly manage its supply of power; **most of the electricity consumed by military installations in the continental United States comes from the commercial grid**—a system that is largely outside of DoD control and increasingly vulnerable to both natural hazards and deliberate attacks.” (Emphasis added.)

Why this dependence? RAND says:



“Increased reliance on intelligence processing, exploitation, and dissemination; networked real-time communications for command and control; and a proliferation of electronic controls and sensors in military vehicles (such as remotely piloted aircraft), equipment, and facilities have greatly increased the [the U.S. military’s] dependence on energy, particularly electric power, at installations.

The **fact that most electricity** consumed by DoD installations in the continental United States **is drawn from the commercial electric power grid...underscores the significance of DoD’s reliance** on that power grid.” (Emphasis added.)

There is no reason to think that Iran’s military is any less dependent on the same power grid serving civilians than are America’s armed forces when they are operating here at home. In fact, it seems the situation is exacerbated as Iran’s military is moving into civilian areas powered by the same grid.

On March 8th, the U.S. Central Command [said](#):



The Iranian regime is using heavily populated civilian areas to conduct military operations, including launching one-way attack drones and ballistic missiles. This dangerous decision risks the lives of all civilians in Iran since **locations used for military purposes lose protected status and could become legitimate military targets under international law.** (Emphasis added.)

This is yet another violation of international law. It requires, as the International Committee of the Red Cross [puts it](#), defenders to take feasible precautions “to remove civilians and civilian objects from the vicinity of military objectives, to avoid locating military objectives within or near densely populated areas, and to take other necessary precautions to protect civilians and civilian objects from the dangers resulting from military operations.” Iran is doing exactly the opposite of what international law mandates.

In any event, it is entirely reasonable to conclude that Iranian forces relocating into heavily populated civilian areas to conduct military operations are connected to the same grid that civilians use.

Unique reasons showing that attacking the Iranian power grid comports with international law

Even if a power grid was not directly used by Iran’s military to conduct combat operations, it can still become, in the U.S.’ controversial (but [correct](#) in my opinion) view, a proper military objective if it is integral to “war-sustaining” enterprises. Specifically, the DoD LoW Manual says (§ 5.6.1.2):

“It is not necessary that the object provide immediate tactical or operational gains or that the object make an effective contribution to a specific military operation. Rather, **the object’s effective contribution to the war-fighting or war-sustaining capability of an opposing force is sufficient.** Although terms such as “war-fighting,” “war-supporting,” and “war-sustaining” are not explicitly reflected in the treaty definitions of military objective, **the United States has interpreted the military objective definition to include these concepts.**” (Emphasis added.)

In the case of Iran, not only does it appear that Iran’s military is relying upon the same grid as civilians to conduct operations, it also appears that the Islamic Revolutionary Guard Corps (IRGC), a military force [“parallel to that of Iran’s regular armed forces, with upward of 190,000 troops under its command,”](#) is also deeply and directly entwined in the economy in a way that supports a finding that the power grid supports its vast business empire.

According to a March 2nd article in [Fortune magazine](#):



Over the years, **the IRGC also developed a diversified business empire that helps finance the regime as well as its own military and ideological agenda. That empire includes core industrial sectors like oil and transportation as well as banking, telecommunications, agriculture, medicine, and real estate. The IRGC uses affiliates to engage in business activities. For example, the Khatam al-Anbiya engineering firm has built refineries, a railway line, a dam, and a natural gas pipeline. It also controls Tehran's international airport..**

As Euronews [says](#), "From construction and energy, to ports and telecommunications, Iran's powerful Revolutionary Guard or IRGC dominates large parts of the economy."

In short, attacking power plants not only erodes Iran's ability to conduct military operations, it also directly undermines the IRGC's finances and the war-supporting enterprises it controls. Furthermore, neutralizing power plants is likely to involve less risk to civilians than an effort to physically destroy warfighting capabilities that Iran has placed in heavily populated areas.

How is the principle of distinction applied in this instance?

In analyzing the legitimacy of attacking the electrical system that has both civilian and military uses, the DoD LoW Manual observes (§ 5.6.1.2):

"Sometimes, "dual-use" is used to describe objects that are used by both the armed forces and the civilian population, such as power stations or communications facilities. However, from the legal perspective, such objects are either military objectives or they are not; there is no intermediate legal category."

While military objectives may be directly attacked, the principle of distinction remains relevant. For example, although an electrical system may *generally* be considered a military objective, if part of it serves exclusively civilian areas or purposes, the principle of distinction would require that portion not to be attacked if it is reasonably feasible to segregate it out from the overall strike.

Regardless, it is difficult to imagine a practical way any [reasonable military commander](#) could identify a target in this kind of integrated electrical system that would *only* affect the military capabilities and the war-supporting industries that the IRGC controls.

How is the principle of proportionality applied in this instance?

Simply because something is a proper military objective doesn't automatically mean it can be legally attacked. It must still pass the proportionality test. The ICRC [says](#):



“Launching an attack which may be expected to cause incidental loss of civilian life, injury to civilians, damage to civilian objects, or a combination thereof, which would be **excessive in relation to the concrete and direct military advantage anticipated, is prohibited.**” (Emphasis added.)

The DoD LoW Manual similarly makes clear that the principle of proportionality applies to “dual-use” military objectives such as electrical power facilities. Specifically, it says in ¶ 5.6.1.2:

“If an object is a military objective, it is not a civilian object and may be made the object of attack. **However, it will be appropriate to consider in applying the principle of proportionality the harm to the civilian population that is expected to result from the attack on such a military objective.**” (Emphasis added; citations omitted).

However, the ICRC [contends](#) that more than the immediate effects must be considered. Specifically, it says that attackers must take into account “reverberating effects,” which the ICRC defines as “those effects that are not directly caused by the attack, but are nevertheless [a product thereof](#).”

Harm to civilians

It's important to understand what is—and isn't—“harm” that must be considered in the LOAC proportionality analysis. The analysis is principally concerned with *injury* or *loss of life* to civilians, or *damage* or *destruction* to civilian objects in the actual attack. **It does not necessarily include even significant interference to commerce, inconvenience, or hardship imposed upon civilians.**

Civilians who were not killed or injured in the actual attack but who may die at some future time because of the loss of electrical power should also be considered in the proportionality calculation, but the scope and extent of that consideration is the subject of [debate among some legal scholars](#).

The DoD LoW Manual (§ 5.12.1.3) sets out the U.S. view (using power plants as an illustration):



“For example, **if the destruction of a power plant would be expected to cause the loss of civilian life or injury to civilians very soon after the attack** due to the loss of power at a connected hospital, then such harm should be considered in assessing whether an attack is expected to cause excessive harm.” (Emphasis added.)

The DoD LoW Manual further explains (§ 5.12.1.3):

“The expected loss of civilian life, injury to civilians, and damage to civilian objects is **generally understood to mean such immediate or direct harms** foreseeably resulting from the attack. **Remote harms that could result from the attack do not need to be considered** in applying this prohibition.” (Emphasis added.)

It goes on to explain the practical rationale:

The exclusion of remote harms is based on the difficulty in accurately predicting the myriad of remote harms from the attack (including the possibility of unrelated or intervening actions that might prevent or exacerbate such harms) as well as **the primary responsibility of the party controlling the civilian population to take measures to ensure that population’s protection.**

In summary, given the enormous peril caused by the closure of the Strait to U.S. and neutral ships, it is easy to see that a reasonable commander acting in good faith could well conclude that the anticipated civilian harm from attacking the power plants would *not* be excessive.

An entirely separate legal basis exists to target the Iranian electrical grid: the law of reprisal

Though it hasn’t been mentioned yet, Iran’s violations of the law of war raise another complex question under international law: to what extent can otherwise protected civilian objects and civilians themselves become subject to direct attack under the [law of reprisal](#)? Here’s part of the discussion in the DoD LoW Manual:

18.18 REPRISALS

Reprisals are extreme measures of coercion used to help enforce the law of war by seeking to persuade an adversary to cease violations.

States may resort to reprisals only when certain conditions are met. In addition, there are certain treaty prohibitions on reprisal, and practical considerations may counsel against their use.

18.18.1 Definition of Reprisal. Reprisals are acts taken against a party: (1) that would otherwise be unlawful; (2) in order to persuade that party to cease violating the law.¹⁹⁴

Most countries are parties to [Additional Protocol 1 to the Geneva Conventions, which, in Article 51, forbids reprisals](#) against civilians or civilian objects. However, the U.S., Iran, and Israel are not parties to Protocol I. The US also explicitly rejects the notion that the prohibition on reprisals against civilians and civilian objects constitutes binding [customary international law](#).

The U.S. approach to reprisal is not the creation of any recent administration. A footnote in the Manual makes it clear that it is a U.S. position of long standing by quoting a 1987 statement of Judge Abraham Sofaer, then legal advisor to the U.S. State Department.

Sofaer explained that the U.S. would not sign on to the elimination of reprisals because “[h]istorically, reciprocity has been the major sanction underlying the laws of war.”

He added if the prohibition came into force for the U.S., an “enemy could deliberately carry out attacks against friendly civilian populations, and the United States would be legally forbidden to reply in kind.” He warned that to “formally renounce even the option of such attacks ... removes a significant deterrent that presently protects civilians and other war victims on all sides of a conflict.”

In my view, a case can be made that other [stringent prerequisites for lawful reprisals](#) have been fulfilled. Iran has committed very serious violations of international law that are imperiling not just the U.S. but also nations around the globe. Trump has issued an explicit warning, and diplomacy has (and continues to be) explored, but there is no sign of a likelihood of success.



Abraham Sofaer



Neutralization of power plants may also be the best from the perspective of civilians who might otherwise be killed or injured in a direct attack on Iranian forces embedded in locations with dense civilian populations. There doesn't appear to be any other reasonable means to secure compliance with LOAC.

As a practical matter, the law of reprisals allows for attacks to compel compliance with the LOAC even if they would not meet the requisites of traditional target analysis. To be clear, reprisals must be reserved for the most serious and dangerous situations, but the peril described above regarding the closing of the Strait appears to meet those demanding requirements.

Concluding thoughts

Everyone rightly hopes for a peaceful solution, but it seems that as of now, the Iranian regime is determined to block the Strait of Hormuz, attack neutral ships attempting to travel on it, and to [continue the war](#). Allowing this to go on would give the Iranians strategic control over one of the world's most important waterways, impacting not only oil, natural gas, and other commodities but also jeopardizing food production.

Striking the plants would require a significant military operation that [would not be easy](#). (but doable). And there is no question that the Iranian people would suffer (though it may give them a better chance to overthrow the regime that [has inflicted so much misery on them](#).)

But the threat is time-sensitive. As the *Wall Street Journal* [editorialized](#):

Armed with missiles and drones, Iran's regime has closed international waters and attacked neighbors' energy facilities. This is while Iran is relatively weak. Imagine how the regime would blackmail the world—and get away with it—if it were left to amass twice or three times the missiles, or nuclear weapons.

This post concludes that international law provides two distinct paths for lawfully attacking Iran's power plants: 1) traditional target analysis, and 2) the application of the law of reprisal.

Still, it seems to some that this situation is identical to the issue of Russian attacks on Ukraine's electrical infrastructure. In reality, the situations are factually very different, but that hasn't stopped a [cabal of international lawyers](#) from immediately condemning the idea of power-plant attacks as illegal, even as they show virtually no effort to apply the law to the *specific* facts.

In life—and especially in the law—facts matter. Law, and lawyers need to be willing to grapple with them in an informed, nonpartisan, and objective way.

Of course, the critics offer no alternative to submission to Iranian demands. More than that, they evince little empathy for the billions around the world who are already suffering — and will continue to suffer – from Iran’s illegal actions. Striking the power plants may be the best chance to terminate this war under terms that respect international law, as well as the freedom and safety of peoples everywhere.

Remember what we like to say on Lawfire®: gather the facts, examine the law, evaluate the arguments – and then decide for yourself!

(You may want to read [“Three independent justifications for the U.S./Israeli operations against Iran”](#))

Update: A reader asked about operations against a nuclear power plant. [Iran has only one working nuclear power plant, and it produces less than 2% of Iran’s electricity](#), so I would not be surprised if it wasn’t attacked at all. In any event, I don’t think it would be necessary to breach the reactor vessel or the containment building or otherwise release radioactive material to render the facility useless as an electricity supplier.

For example, nonkinetic cyber means might be designed to shut down the plant without releasing any radioactivity. If a kinetic means was used, targeteers doing [nodal or systems analysis](#) would certainly focus on the plethora of “soft” (but [hard to replace](#)) elements that are indispensable to a power plant’s ability to effectively contribute to the power grid, but whose destruction does not risk a release of radiation.

These targets could include electrical [transformers](#), [substations](#), [high voltage power lines](#) (and their [pylons](#)), etc., that are crucial to getting electricity to where it is needed but don’t involve nuclear material and striking them would not likely cause significant civilian casualties. It would be a [functional kill](#) of the plant’s value, but not a physical one carrying the peril of the dispersal of radioactivity.

Update: I should have referenced [UN Security Council Resolution 2817 \(11 Mar 2026\)](#). In the relevant part, it states (emphasis added):

Resolution 2396 (2017)

Adopted by the Security Council at its 8148th meeting, on
21 December 2017

The Security Council,

Reaffirming its resolutions 1267 (1999), 1325 (2000), 1568 (2004), 1773 (2007), 1888 (2009), 1929 (2009), 1994 (2011), 2008 (2011), 2133 (2014), 2156 (2014), 2170 (2014), 2178 (2014), 2195 (2014), 2199 (2015), 2242 (2015), 2249 (2015), 2253 (2015), 2309 (2016), 2322 (2016), 2311 (2016), 2341 (2017), 2347 (2017), 2354 (2017), 2367 (2017), 2368 (2017), 2370 (2017), 2379 (2017) and its relevant presidential statements,

Reaffirming that terrorism in all forms and manifestations constitutes one of the most serious threats to international peace and security and that any acts of terrorism are criminal and unjustifiable regardless of their motivations, wherever, whenever and by whomsoever committed, and remaining determined to contribute further to enhancing the effectiveness of the overall effort to fight this scourge on a global level,

Reaffirming that terrorism poses a threat to international peace and security and that countering this threat requires collective efforts on national, regional and international levels on the basis of respect for international law and the Charter of the United Nations,

Emphasizing that terrorism and violent extremism conducive to terrorism cannot and should not be associated with any religion, nationality, or civilization,

Reaffirming its commitment to sovereignty, territorial integrity and political independence of all States in accordance with the Charter of the United Nations,

Stressing that Member States have the primary responsibility in countering terrorist acts and violent extremism conducive to terrorism,

Reaffirming that Member States must ensure that any measures taken to counter terrorism comply with all their obligations under international law, in particular international human rights law, international refugee law, and international humanitarian law, underscoring that respect for human rights, fundamental freedoms and the rule of law are complementary and mutually reinforcing with effective counter-terrorism measures, and are an essential part of a successful counter-terrorism effort and notes the importance of respect for the rule of law so as to effectively prevent and combat terrorism, and noting that failure to comply with these and other international obligations, including under the Charter of the United Nations, is one of



Please recycle



Affirming its full commitment to promoting the maintenance of peace and stability in the Middle East,

1. Reiterates its strong support for the territorial integrity, sovereignty and political independence of Bahrain, Kuwait, Oman, Qatar, Saudi Arabia, the United Arab Emirates, and Jordan;
2. **Condemns in the strongest terms the egregious attacks by the Islamic Republic of Iran against the territories of Bahrain, Kuwait, Oman, Qatar, Saudi Arabia, the United Arab Emirates and Jordan and determines that such acts constitute a breach of international law and a serious threat to international peace and security;**
3. Further **condemns that residential areas were attacked, that civilian objects have been targeted and that the attacks resulted in civilian casualties and damage of civilian buildings;** and expresses solidarity with these countries and their people;
4. Demands the **immediate cessation of all attacks by the Islamic Republic of Iran** against Bahrain, Kuwait, Oman, Qatar, Saudi Arabia, the United Arab Emirates, and Jordan;

5. Demands that the Islamic Republic of **Iran immediately and unconditionally cease** from any provocation or threats to neighboring States, including **the use of proxies**;
6. Calls upon the Islamic Republic of Iran to comply fully with its obligations under international law, including international humanitarian law, particularly **regarding the protection of civilians and civilian objects in armed conflict**;
7. Reaffirms the exercise of navigational rights and freedoms by merchant and commercial vessels, in accordance with international law, must be respected, particularly around critical maritime routes, and **takes note of the right of Member States, in accordance with international law, to defend their vessels from attacks and provocations, including those that undermine navigational rights and freedoms**;
8. Condemns any actions or threats by the Islamic Republic of Iran aimed at closing, obstructing, or otherwise interfering with international navigation through the Strait of Hormuz, or threatening maritime security in the Bab Al Mandab; affirms that **any attempt to impede lawful transit passage or freedom of navigation in these international waterways constitutes a serious threat to international peace and security**; and calls upon Iran to refrain immediately from any actions or threats in accordance with international law;
9. Decides to remain actively seized of the matter.