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Can President Trump Legally Claim Foreign Land Or Waters As American Territory? (1)



Dr. Arabinda Acharya

Aug 25, 2026





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President Donald J. Trump's recent assertions concerning Greenland, the Panama Canal, and the Strait of Hormuz raise a fundamental question of international law: can the President of the United States transform foreign land or internationally regulated maritime space into American territory simply by declaring that the United States should control, own, or possess it?

The answer is no.

A presidential declaration, however forceful, does not itself create a valid international title to territory. Territorial sovereignty is governed by international law, treaties, state consent, established title, and—in appropriate cases—the principle of self-determination. The use of force against the territorial integrity or political independence of another state is usually illegal since the establishment of the United Nations.

Article 2(4) of the UN Charter requires governments to abstain from the threat or use of force against the territorial integrity or political independence of another State. That doesn't imply the United States can never gain territory. The United States has obtained land through treaties and cessions like for example the Louisiana Purchase of 1803. The mechanism, however, involved the United States as a state acting through its constitutional institutions, not the unilateral personal decision of the president. The president possesses the principal treaty-making role, but a treaty requires the advice and consent of two-thirds of Senators present.

What Does It Mean To "Claim" Territory?

The word "claim" is ambiguous. A head of government may make a political claim without creating a valid legal title. International diplomacy contains many territorial claims that have no immediate effect on sovereignty. A state may announce that it believes a territory should belong to it, but the announcement itself does not alter the legal status of that territory.

A legally effective transfer of sovereignty is fundamentally different. Singapore's claim and subsequent acquisition of sovereignty over Pedra Blanca (also known as Pulau Batu Puteh as Malaysia calls it) in 2008 and Malaysia getting control over Sabah and Sarawak, are few examples of transfer of territorial sovereignty through means other than the use of force or intimidation. These transfers were orchestrated through arbitration or treaties or agreements among the concerned parties. There are many such examples.

Territorial sovereignty means the authority of a state to exercise supreme governmental power over a defined geographical area including territorial administration, legislation, law enforcement, authority and control over resources, in accordance with international law.

International legal doctrine has historically recognised several ways in which territorial title can arise, including cession by treaty, adjudication, accretion, and certain historically recognised forms of occupation. Modern international law, however, places particularly strong restrictions on acquisition through force.

The Constitution: Can The President Personally Acquire Territory?

Even when international law permits a negotiated acquisition, there is a second question: does the U.S. President possess unilateral constitutional authority to acquire foreign territory? The answer is generally no.

Article II, Section 2 of the Constitution gives the President treaty-making power, requiring the consent of two-thirds of the Senators present. American history demonstrates that major

territorial expansion has often required such formal constitutional processes. The Louisiana purchase is a classic example. The Jefferson administration negotiated with France, but the treaty was submitted to the Senate for approval. The Constitution therefore does not create a presidential authority comparable to the historical prerogative of monarchs to acquire territory simply through personal decree.

Consequently, even if a foreign government were prepared to transfer territory to the United States, the transfer would have to comply with the constitutional requirements applicable to the transaction. The international and constitutional questions are therefore separate but interconnected: under international law the question is can title lawfully be transferred? while U.S. constitution requires the determination as to how the United States validly accept that transfer?

In the next section, the paper examines three recent case studies, focusing primarily on the Strait of Hormuz—a region that has taken center stage in the Middle East crisis following claims disseminated by Donald Trump in August 2026 designating the strait as 'NEW U.S. territory' and claiming 'total control' over it."

Greenland, Panama Canal And Hormuz: Each Legally Unique

Arguably the three cases are legally entirely unique. Greenland is the only one of the three that could conceivably become U.S. sovereign territory through a negotiated transfer, because it is land territory presently associated with the Kingdom of Denmark. Even there, the question cannot be reduced to a conventional purchase. Greenland possesses extensive self-government, and Denmark recognises the Greenlandic people's right to self-determination under international law.

The Panama Canal is located inside the territory of Panama and is administered under the 1977 Panama Canal Treaties. At the end of 1999, United States transferred the canal's operations, when Panama assumed full legal and operational management. The canal was placed under a permanent neutrality regime guaranteeing its availability to shipping. The treaties do not give the United States sovereign title to the canal or to Panamanian territory.

The Strait of Hormuz is distinct from the Panama Canal. It is a natural international strait formed by the territorial seas of Iran and Oman. Under the international law of the sea, its international navigational importance does not extinguish the sovereignty of the coastal states. Trump's assertion that the United States has "total control" of Hormuz can describe military or operational dominance, but such control does not automatically create American sovereignty.

The broader conclusion is therefore clear: Trump can make a political claim to foreign territory, demand that another government negotiate, seek a lease, propose a treaty, or pursue strategic control. He cannot, merely by presidential proclamation, convert foreign sovereign territory or another state's territorial waters into U.S. territory.

To be continued

Dr. Arabinda Acharya taught International Relations, International Security including Terrorism and Political Violence and Maritime Security at the National Defense University, USA, Rabdan Academy, UAE, and S. Rajaratnam School of International Studies, Singapore

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perspectivebytes@gmail.com



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Dr. Arabinda Acharya

Aug 26, 2026





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C ase Studies – Greenland and Panama Canal *** **

Greenland: The Strongest Case For A Potential Territorial Transfer!

Greenland is fundamentally different from the Panama Canal and Strait of Hormuz because it is land territory. It is an autonomous part of the Kingdom of Denmark. It possesses extensive self-government, and the Danish constitutional framework recognises the Greenlandic people's right to self-determination. From that perspective, Trump's Greenland proposition is the closest of the three cases to a conventional territorial-acquisition question.

Trump has repeatedly argued that American control of Greenland is necessary for U.S. national security and has sought to put the issue at the center of American Arctic strategy. But strategic importance does not itself create sovereignty.

Could Greenland Be Transferred To The United States?

Under international law, cession, that is to say, the voluntary transfer of territory from one sovereign to another, is recognised as a viable basis of territorial title. Theoretically, then, it would be possible for Denmark to transfer Greenland to the jurisdiction of the United States through a lawful territorial transfer process.

But Greenland is not simply a property owned by Denmark. The Greenlandic people have a unique political identity and a right to self-determination. Therefore, a purported Denmark-U.S. deal without any real Greenlandic involvement would create serious legal concerns.

Under contemporary international law, this would be extremely difficult to justify. A lawful U.S. acquisition would therefore most plausibly require: Greenlandic self-determination → agreement with Denmark → negotiated U.S.-Greenland/Danish settlement → U.S. constitutional approval → transfer of sovereignty.

That is fundamentally different from unilateral annexation.

Strategic Necessity Does Not Confer Title To Territory

Trump has made the case for Greenland on national security grounds. The Arctic is taking of greater importance because of Russian military activities, China's expanding geopolitical interest, new shipping routes for the Arctic, Greenland's geographic location and crucial minerals.

The United States currently has an effective instrument in place to handle many of these issues short of establishing sovereignty: military access and defense agreements.

This emphasises a crucial norm in international relations: strategic access does not necessarily entail geographical possession. A state can obtain military access, establish bases, operate surveillance systems, negotiate infrastructure agreements, and conduct joint defense activities without becoming the sovereign of the territory involved.

Consequently, even if Washington regards Greenland as indispensable to American security, that assessment does not itself create a legal right to annex the territory.

What If Greenland Choose The United States?

The legal picture would be considerably different if the people of Greenland themselves freely choose a new political status involving the United States.

A possible sequence could be: Greenland exercises its right of self-determination; acceptance by Denmark of the constitutional result negotiated; negotiations between the United States and Greenland on the nature of the relationship; agreements between Denmark, Greenland and the United States concluded; the U.S. constitutional process has run its course; and sovereignty is formally transferred and implemented.

Such a process would resemble lawful cession or another consensual territorial settlement rather than conquest. Therefore, the legal barrier is not an absolute proposition that Greenland could never become American. The barrier is that the United States cannot simply make it American by presidential declaration.

The Panama Canal: A Different Sovereignty Dilemma

The Panama Canal presents a very different legal problem. The canal is not a foreign area like Greenland accessible for an ordinary purchase. It is situated on the sovereign territory of Panama and is operated under a special treaty system set up between the United States and Panama.

Historically, the United States obtained extensive rights to construct, operate, and defend the canal. The original arrangement created an extraordinary degree of American control over the Canal Zone.

But the constitutional and international status of the canal changed fundamentally with the 1977 Torrijos-Carter Treaties. The Panama Canal Treaty provided for the end of the U.S. Canal Zone regime and the transfer of the canal to Panama. The canal itself was turned over to Panama on December 31, 1999, when Panama assumed full jurisdiction and operational control.

The United States therefore cannot legitimately treat the canal today as though it remained an American possession.

What The Panama Canal Treaties Actually Provide

The 1977 treaty framework is extremely important to Trump's recent assertions. The Treaty Concerning the Permanent

Neutrality and Operation of the Panama Canal establishes a permanent neutrality regime. The treaty expressly established Panama's continuing territorial sovereignty. Panama declared the canal permanently neutral, and the canal is to remain secure and open to peaceful transit by vessels of all nations on terms of equality. The treaty also recognises tolls and charges for transit and ancillary services, provided they are established consistent with the treaty's requirements.

During the negotiations, U.S. officials themselves recognised that the United States had not acquired full sovereignty over the Canal Zone under the earlier arrangement. A 1977 U.S. negotiating document stated that the United States had received rights "as if" it were sovereign but that Panama retained sovereignty. This historical point is critical.

American control was not synonymous with complete sovereign title even during the period when Washington exercised extensive control over the Canal Zone.

Trump's Recent Panama Canal Assertions

Trump has revived the Panama Canal as an issue of American strategic security, arguing that the canal is vital to U.S. national and economic interests. The central controversy is particularly sensitive because of concerns over foreign investment and Chinese-linked companies operating ports near the canal. Recent reporting indicates that Panama's relationship with Chinese-linked port interests became a major source of tension after Trump objected to Chinese control or influence around the canal.

This does not, however, change the fundamental legal position. The Panama Canal remains under Panamanian sovereignty and administration. The 1977 treaty framework was specifically designed to replace the earlier American system of territorial and operational control with Panamanian control while preserving canal neutrality and continued American security interests. The United States and Panama expressly agreed that the canal's neutrality would continue beyond the transfer of operations.

Therefore, a presidential assertion that the United States should "take back" the canal would be a political demand, not an automatic restoration of U.S. sovereignty.

Can The US Legally "Take Back" The Panama Canal?

The answer depends entirely on what "take back" means.

If "take back" means renegotiate access: potentially yes. Panama and the United States can negotiate agreements concerning security, shipping, infrastructure, military cooperation, investment, and canal defense.

If "take back" means obtaining a long-term lease: potentially yes, if Panama voluntarily agrees and the arrangement complies with applicable international and domestic law.

If "take back" means resuming operational control by agreement: potentially yes, if Panama voluntarily transfers or shares the relevant functions through a new legal arrangement.

If "take back" means unilateral American seizure: That would present a profound international-law problem. A U.S. military intervention cannot automatically transform Panamanian territory into American sovereign territory.

The Neutrality Treaty does contain important provisions concerning U.S. and Panamanian responsibilities to maintain canal neutrality and, under specified circumstances, to take measures to reopen the canal or restore its operation. But the treaty does not amount to a general transfer of Panamanian sovereignty to the United States.

The Senate's ratification understandings specifically emphasised that U.S. action should not be directed against Panama's territorial integrity or political independence. Thus, even a treaty-based American right to protect canal neutrality cannot automatically be transformed into a general right of annexation.

Canal Control Versus Canal Sovereignty

The Panama Canal provides perhaps the clearest historical example of why control and sovereignty are different.

For much of the twentieth century, the United States controlled the canal's operation and exercised extensive authority within the Canal Zone. Yet the treaty negotiations themselves were structured around the question of how U.S. operational control could coexist with Panamanian territorial sovereignty and eventually be transferred to Panama. The United States eventually relinquished operational control. Panama assumed jurisdiction. But the United States retained important strategic interests and treaty-based responsibilities connected with neutrality.

Therefore, Operational control can be transferred without creating a new sovereign state. Security responsibility can exist without territorial ownership. International access can exist without foreign sovereignty. This is precisely why Trump's Panama Canal proposal must be analyzed through the language of treaties rather than through the language of property ownership.

In the next section, the paper will assess these questions specifically about the Strait of Hormuz, which as mentioned in Part 1 is at the centre-stage of the ongoing Middle East crisis involving the US–Israel and Iran primarily and littoral states and extra-littoral countries broadly.

To be continued

Dr. Arabinda Acharya taught International Relations, International Security including Terrorism and Political Violence and Maritime Security at the National Defense University, USA, Rabdan Academy, UAE, and S. Rajaratnam School of International Studies, Singapore

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Plot 750, Sector 3, Niladri Vihar, Bhubaneswar

perspectivebytes@gmail.com



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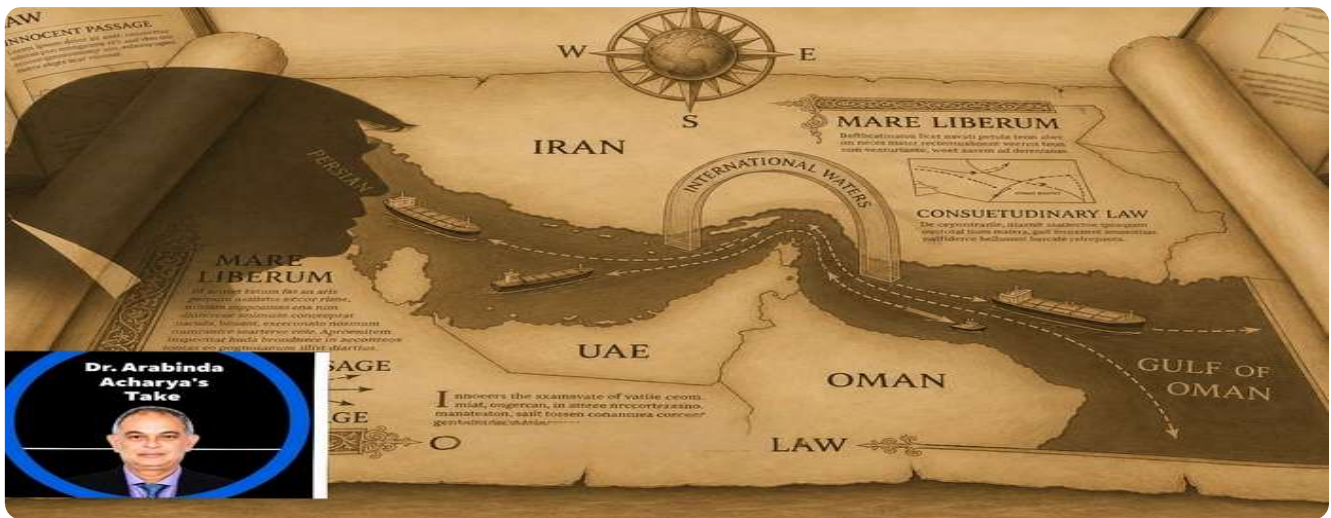
Can President Trump Legally Claim Foreign Land Or Waters As American Territory? (3)



Dr. Arabinda Acharya

Aug 29, 2026





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Strait of Hormuz: The Most Difficult Maritime Space. Case Studies and conclusion.

The Strait of Hormuz presents the most serious sovereignty issue among the three case studies examined in this paper, because it concerns maritime sovereignty, military power, and a strategically and economically essential international water body. Trump's recent assertion that the United States has “total control” of Hormuz concerns a waterway over which the United States does not possess territorial sovereignty. The Strait is formed principally by the territorial seas of Iran and Oman.

Under Article 34 of UNCLOS, the international-strait regime does not eliminate the sovereignty of coastal states. Their sovereignty continues subject to the special rules governing navigation. Thus, an international strait is not necessarily “international territory.” It is ordinarily territorial waters of coastal states subject to special international navigation rights.

That legal principle is crucial to Hormuz.

Does Military Control Give Trump Sovereignty Over Hormuz?

The answer is no. Besides, this is perhaps the most important legal distinction in the whole discourse. Suppose American naval forces exercise overwhelming military control over the Strait. That could at the most amount to de facto operational control. It would not automatically amount to de jure sovereignty.

International law distinguishes military control from legal title. A foreign military may occupy or control territory without obtaining lawful sovereign title merely through the fact of possession. Otherwise, military superiority would become an automatic mechanism of territorial acquisition. That would directly undermine the post-1945 system embodied in the Westphalian framework and the UN Charter.

Consequently, Trump's assertion of "total control" is best understood as a claim about military and operational dominance, not as a legally established American territorial title.

Can The United States Claim Foreign Waters?

The maritime question here requires additional distinctions.

Territorial Seas

A coastal state exercises sovereignty over its territorial sea, subject to international navigation rules. The United States cannot simply declare another state's territorial sea to be American waters.

Exclusive Economic Zones

An EEZ gives a coastal state particular sovereign right over natural resources and certain jurisdictional matters, but it does not constitute full sovereignty identical to the territorial sea. The United States therefore could not turn another state's EEZ into American territory simply through an executive declaration.

High Seas

The high seas are not subject to national appropriation in the ordinary sense.

International Straits

International straits are governed by special navigation rules while coastal-state sovereignty continues. Hormuz falls into this latter category. The key point therefore is that freedom of navigation does not mean freedom to claim sovereignty.

Control Without Sovereignty

The three cases reveal a concept increasingly important in contemporary geopolitics. A powerful state can obtain substantial practical influence without owning the territory.

The United States can obtain greater Arctic military access from Greenland without annexing the territory. With respect to Panama Canal, the United States can negotiate expanded security and defense responsibilities without restoring the former Canal Zone. In the case of Hormuz, the United States can protect maritime commerce via naval might and international accords without claiming Iranian or Omani territorial waters.

This would allow Washington to pursue many of the strategic objectives connected with Trump's words without losing the legal distinction between sovereignty and strategic control.

What Would Constitute An Illegal Territorial Acquisition?

The clearest example would be the use of force to seize foreign territory and then declare it American. Imagine three hypothetical scenarios.

With regard to Greenland, let's suppose that the United States invades Greenland, removes Danish authority, suppresses local institutions, and proclaims Greenland a U.S. territory. However, the fact of occupation would not itself establish valid legal title.

In Panama, Washington could occupy the Canal Zone, remove Panamanian administration, and declare the canal and surrounding territory U.S. property. But military control would not automatically undo the existing treaty settlement. In respect of Hormuz, the United States could at best occupy relevant Iranian or Omani territorial waters and then declare them to be American waters. Here again, military superiority would not automatically create legal title.

In each instance, the central distinction remains: Possession is not necessarily title.

The Constitutional Dimension

A second constraint derives from American constitutional law. Even if Trump negotiated a deal in which Panama or some

other government voluntarily sold or ceded territorial rights to the United States, the president could not simply treat the resulting territory as automatically incorporated into the United States without regard for the constitutional and statutory framework that governs territorial acquisition and administration.

The American history itself highlights the importance of the congressional and treaty process in territory acquisition or expansion. The 1977 Panama treaties themselves required Senate approval. The Senate ratified both the Panama Canal Treaty and the Neutrality Treaty by votes of 68–32 in 1978.

This historical example is particularly useful for understanding the present controversy. The United States does not ordinarily acquire foreign territory simply because the president announces that he wants it. The process requires the sovereign authority of the United States to be exercised through the Constitution.

Three Different Forms Of Sovereignty And Power

The three cases illustrate three different dimensions of contemporary power. The strongest possible territorial case is Greenland, because Greenland is land territory whose sovereignty could theoretically be transferred through a lawful process of self-determination, agreement, and cession. The Panama Canal presents a different problem. Washington did exercise substantial control in the past. That authority was handed back to Panama under the Torrijos-Carter treaty. The canal's present legal status rests on Panamanian sovereignty and permanent neutrality rather than American territorial ownership.

The Strait of Hormuz represents the clearest boundary between military power and legal title. Even if the United States has overwhelming naval capacity to control maritime traffic, that does not transform Iranian and Omani territorial waters into American territory.

These questions should not be collapsed into one another. A state can exercise functional authority without possessing territorial sovereignty; can possess treaty rights without

owning the territory, and can exercise military control without acquiring lawful title.

Conclusion

The three cases discussed here reveal a broader challenge to the contemporary international order. Trump's approach tends to place geography, security, economic power, military control, and territorial sovereignty into a single strategic framework.

From a strategic perspective, U.S. security interests are obviously affected by developments in all three locations. But international law does not convert strategic importance into sovereign title. The post-1945 world system deliberately attempts to prevent precisely that conclusion.

Arguably, President Trump possesses substantial power to reshape American foreign policy, order military deployments subject to U.S. and international law, negotiate treaties, seek access agreements, impose economic pressure, and demand concessions from foreign governments. He does not, however, possess a personal constitutional or international-law power to transform foreign territory into American territory by proclamation.

Therefore, even though Trump can make political claims, negotiate diplomatically, assert strategic control, and acquire rights through a treaty, he cannot create sovereign title over foreign land or waters merely through a presidential statement. The United States may possess the power to control a strategic space without possessing the legal right to own it. Under the contemporary international legal order, military power alone does not transform foreign territory into American territory.

Concluded

Dr. Arabinda Acharya taught International Relations, International Security including Terrorism and Political Violence and Maritime Security at the National Defense University, USA, Rabdan Academy, UAE, and S. Rajaratnam School of International Studies, Singapore

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