

APPENDIX H

FREEDOM OF NAVIGATION

For over 20 years, the United States has reaffirmed its long-standing policy of exercising and asserting its freedom of navigation and overflight rights on a worldwide basis. Such assertions by the U.S. preserve navigational freedoms for all nations, ensure open access to the world's oceans for international trade, and preserve global mobility of U.S. armed forces. Assertions communicate that the U.S. does not acquiesce to the excessive maritime claims of other nations and thereby prevent them from becoming accepted as the international norm. Over the years, many nations have commented favorably upon the U.S.'s actions to maintain high vigilance of countries making maritime claims that exceed the provisions of the UN Convention on the Law of the Sea and to ensure that coastal regimes inconsistent with freedom of navigation do not become accepted as the customary norm.

Challenges to other nations' excessive maritime claims are conducted both through diplomatic protests and operational assertions by U.S. armed forces, under the Freedom of Navigation Program. Freedom of Navigation assertions are non-provocative and oftentimes have persuaded States to bring their practices into conformity with the UN Convention on the Law of the Sea.

In FY 2000, U.S. armed forces conducted operational assertions described below, all without incident. Besides these specific actions, military vessels and aircraft exercised high seas freedoms and overflight rights by conducting transit passage, archipelagic sea lanes passage and innocent passage throughout the world, including dozens of routine passages through the Indonesian (22 transits) and Philippine (28 transits) archipelagos. Combined with robust and highly visible routine operations by U.S. armed forces on, over, and under the world's oceans, and strong U.S. support for the navigational provisions of UN Convention on the Law of the Sea, Freedom of Navigation operations have continued to underscore the U.S. commitment to a stable legal regime for the world's oceans. So, too, does it operate as a safeguard for freedoms essential to national security and global stability, such as, strategic deterrence, forward presence, crisis response, and force reconstitution

Table H-1

FY 2000 FREEDOM OF NAVIGATION OPERATIONAL ASSERTIONS

COUNTRY	CHALLENGES
Bangladesh	Excessive straight baselines
Burma	Claimed security zone; excessive straight baselines; authority to regulate overflight in international airspace
Cambodia	Claimed security zone; excessive straight baselines
China	Taiwan's excessive straight baselines
Ecuador	200 nautical mile territorial seas
Egypt	Prior permission for warships / nuclear powered vessels to enter territorial seas
El Salvador	200 nautical mile territorial sea
Iran	Excessive straight baselines
Libya	Claimed Historical (internal) Waters (Gulf of Sidra)
Malaysia	Prior permission for military exercises in exclusive economic zone
Philippines	Excessive straight baselines
Romania	Prior permission for warships to transit territorial seas
Syria	35 nautical mile territorial seas / prior permission for warships to enter territorial seas
Venezuela	Claimed security zone
Vietnam	Prior permission for warships to enter contiguous zone and territorial sea; requirement for warships to place weapons in non-operative status prior to entering contiguous zone; excessive straight baselines