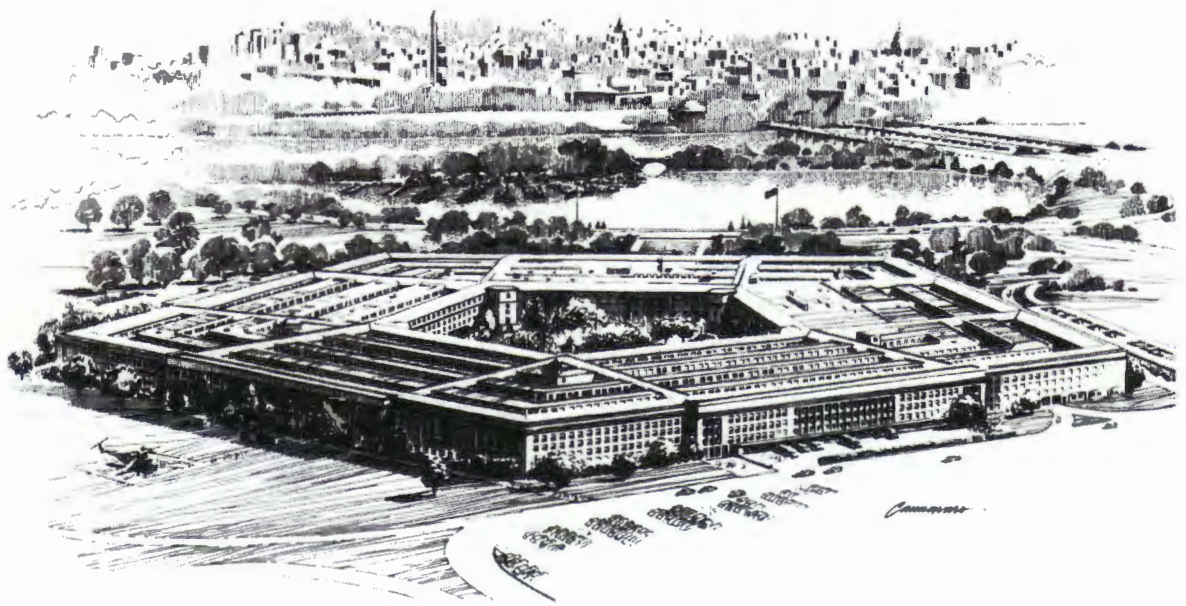


Annual Report

to the
President
and the
Congress



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Secretary of Defense



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NATIONAL SECURITY AND THE LAW OF THE SEA CONVENTION

In October 1994, the President transmitted the UN Law of the Sea (LOS) Convention to the Senate for advice and consent. DoD has long supported the United States becoming a party to the Convention, provided U.S. concerns with its deep seabed mining provisions could be adequately addressed. The Deep Seabed Mining Implementing Agreement of July 1994 removed those concerns and cleared the way for widespread acceptance of the entire Convention, which is of major strategic and economic importance to the United States.

The United States is and will continue to be a global power with global interests. Protecting these interests will require U.S. security commitments around the world and, when vital U.S. interests are threatened, a willingness to use American military power. The LOS Convention establishes agreed international rules regarding freedoms of navigation and flight essential for maintaining the global mobility, presence, and readiness of U.S. armed forces. The navigational rights and freedoms in the Convention are used on a daily basis by naval and air forces of the United States, its allies, and coalition partners.

The United States is moving into a new era where the LOS Convention, already having come into force with over 100 parties, is gaining more and more importance in maintaining the balance between coastal and maritime interests. Most key U.S. maritime allies, including Australia, Canada, France, Germany, Italy, Japan, Korea, and the United Kingdom, as well as other Organization for Economic Cooperation Development countries who, like the United States, had previously refused to become a party, have joined or are in the process of joining very soon.

The United States, being both a maritime and a coastal nation with the largest Exclusive Economic Zone in the world, has much to gain by becoming a party. In fact, the United States risks seriously degrading its ability to speak with authority if it fails to join, because the United States will then become the world's most important maritime power outside the Convention. Receiving the Senate's advice and consent at the earliest possible time is the next step for ensuring continued American leadership in this vital area.

FREEDOM OF NAVIGATION

Important U.S. navigation and overflight interests in the world's oceans continue to be challenged by the excessive claims of certain coastal states which assert maritime claims inconsistent with international law. Such excessive claims are contrary to the clear international consensus demonstrated by the entry into force of the UN Law of the Sea (LOS) Convention and the large number of States party to the Convention (107 States as of September 30, 1996). Although not yet a party to the LOS Convention, the United States views the navigational provisions of the Convention as reflective of customary international law and, as such, available for all nations to enjoy.

Despite these positive developments in the law of the sea, it remains necessary for maritime nations, like the United States, to protest excessive claims by coastal states through diplomatic channels and to exercise

navigation and overflight rights in disputed areas. The United States Freedom of Navigation program has challenged excessive claims to counter any argument that such claims are valid due to acquiescence over time. Since its inception in 1979, the Freedom of Navigation program has filed over 100 diplomatic protests and conducted over 300 operational assertions against excessive claims.

In FY 1996, the U.S. armed forces conducted operational assertions against the excessive maritime claims of the countries listed in the table below. In addition, military vessels and aircraft frequently conducted routine transits on, over, and under international straits, such as the Straits of Gibraltar, Hormuz, and Malacca. Over 50 air, surface, and subsurface transits through the archipelagic sea lanes of Indonesia and the Philippines were conducted in accordance with the LOS Convention.

FY 1996 DOD OPERATIONAL ASSERTIONS

Country	Excessive Claims Challenged
Bangladesh	Excessive straight baselines; claimed security zone, claimed territorial airspace beyond 12 nautical miles (nm)
Burma	Excessive straight baselines; claimed security zone, claimed territorial airspace beyond 12 nm
Cambodia	Excessive straight baselines; claimed security zone, claimed territorial airspace beyond 12 nm
China	Prior permission for warship to enter the territorial sea
Egypt	Excessive straight baselines, prior permission to enter the territorial sea
India	Prior permission for warship to enter the territorial sea
Iran	Excessive straight baselines; prior permission for warship to enter the territorial sea
Maldives	Excessive straight baselines; prior permission to enter the territorial sea
Oman	Excessive straight baselines; prior permission to enter the territorial sea
Pakistan	Prior permission for warships to enter the territorial sea
Philippines	Excessive straight baselines; claims archipelagic waters as internal waters
Sudan	Prior permission for warship to enter the territorial sea
Vietnam	Excessive straight baselines; claimed security zone
Yemen	Prior permission for warship to enter the territorial sea