

U.S. DEPARTMENT OF DEFENSE

Freedom of Navigation (FON) Program

February 28, 2017

Historical Background

Since the founding of the nation, the United States has asserted a vital national interest in preserving the freedom of the seas, calling on its military forces to protect that interest. One of the first missions of the U.S. Navy was to defend U.S. commercial vessels in the Atlantic Ocean and Mediterranean Sea from pirates and other maritime threats. Similarly, President Woodrow Wilson told Congress during his Fourteen Points speech that one of the universal principles for which the United States and other nations were fighting World War I was “absolute freedom of navigation upon the seas.” Likewise, months before entering World War II, President Franklin Roosevelt declared “upon our naval and air patrol...falls the duty of maintaining the American policy of freedom of the seas.” More recently, President Barack Obama added that the United States “will continue to fly, sail, and operate wherever international law allows.” As history shows, the U.S. national interest in preserving the freedom of the seas is long-standing in nature and global in scope.

U.S. Freedom of Navigation Program

As stated in the U.S. Oceans Policy (1983), the United States “will exercise and assert its rights, freedoms, and uses of the sea on a worldwide basis in a manner that is consistent with the balance of interests” reflected in the Law of the Sea Convention. Some coastal States assert excessive maritime claims that is, claims to maritime zones or jurisdiction that are inconsistent with the international law of the sea and, if left unchallenged, could impinge on the rights, freedoms, and uses of the sea and airspace guaranteed to all States under international law. The United States, however, “will not...acquiesce in unilateral acts of other states designed to restrict the rights and freedom of the international community.”

Since 1979, U.S. Presidents have directed the U.S. Government to carry out a Freedom of Navigation (FON) Program to preserve this national interest. The U.S. FON Program includes: (1) consultations and representations by U.S. diplomats (i.e., U.S. Department of State), and (2) operational assertions by U.S. military forces (i.e., U.S. Department of Defense (DoD) FON Program).

DoD Freedom of Navigation Program

The DoD FON Program is comprehensive in scope and executed in an even-handed manner, challenging excessive maritime claims based on principle rather than identity of the coastal State asserting the claim. The DoD challenges excessive maritime claims asserted by a wide variety of coastal States including allies, partners, and other nations on a worldwide basis to maintain global mobility of U.S.

forces. The Program depends on the employment of U.S. forces from each branch of the Military Services, including the U.S. Coast Guard. The Program includes both planned FON assertions (i.e., operations that have the primary purpose of challenging excessive maritime claims) and other FON-related activities (i.e., operations that have some other primary purpose, but have a secondary effect of challenging excessive maritime claims), to gain efficiencies in a fiscally-constrained environment.

The Department executes the DoD FON Program lawfully and responsibly. Activities conducted under the DoD FON Program are deliberately planned, legally reviewed, properly approved, and conducted with professionalism.

Each year, the Department compiles an annual FON Report summarizing operations conducted by U.S. forces, and identifying specific coastal States and excessive maritime claims challenged in that year. The reports are published on the Department's website and transparently demonstrate U.S. non-acquiescence to excessive maritime claims, while maintaining operational security of U.S. military forces.

Website and Contact Information

DoD Freedom of Navigation Program Website: <https://policy.war.gov/FON/>

Point of Contact: Oceans Policy Advisor, Office of the Under Secretary of Defense (Policy)