

# Activities in the EEZs and the East Asian Situation

ありがとうございます。

CDR James Kraska, JAGC, USN

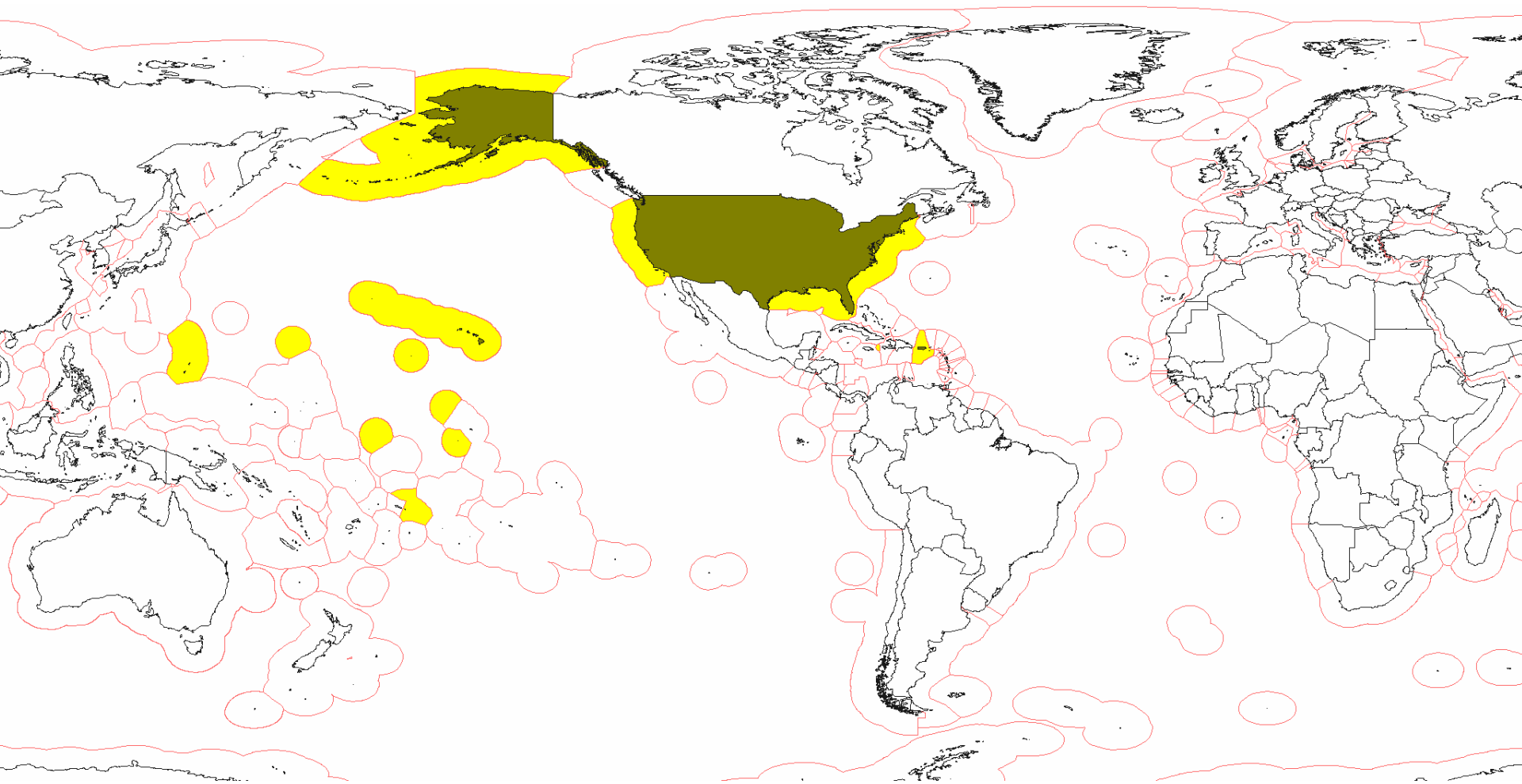
Howard S. Levie Chair of Operational Law,

U.S. Naval War College and

Guest Investigator, Woods Hole Oceanographic Institution

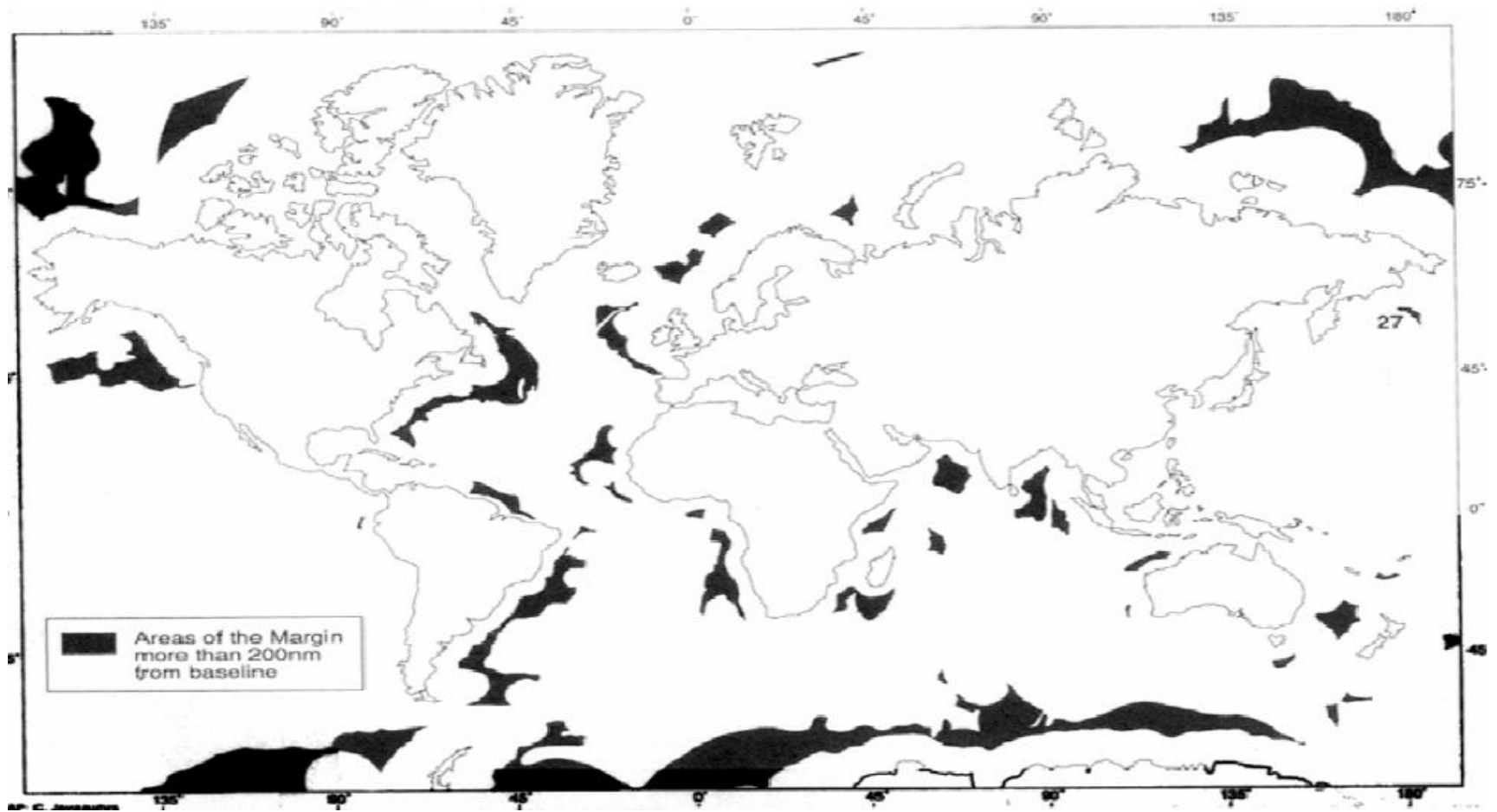
<b>State</b>	<b>Area of 200-mile zone (sq.n.m)</b>
USA	2,831,400
France	2,083,400
Indonesia	1,577,33
New Zealand	1,409,500
Australia	1,310,900
Russia	1,309,500
Japan	1,126,000
Brazil	924,000
Canada	857,000
Mexico	831,500
Kiribati	770,000
Papua New Guinea	690,000
Chile	667,300
Norway	590,500
India	587,600
<b>Total all States</b>	<b>37,745,000</b>

# The U.S. EEZ

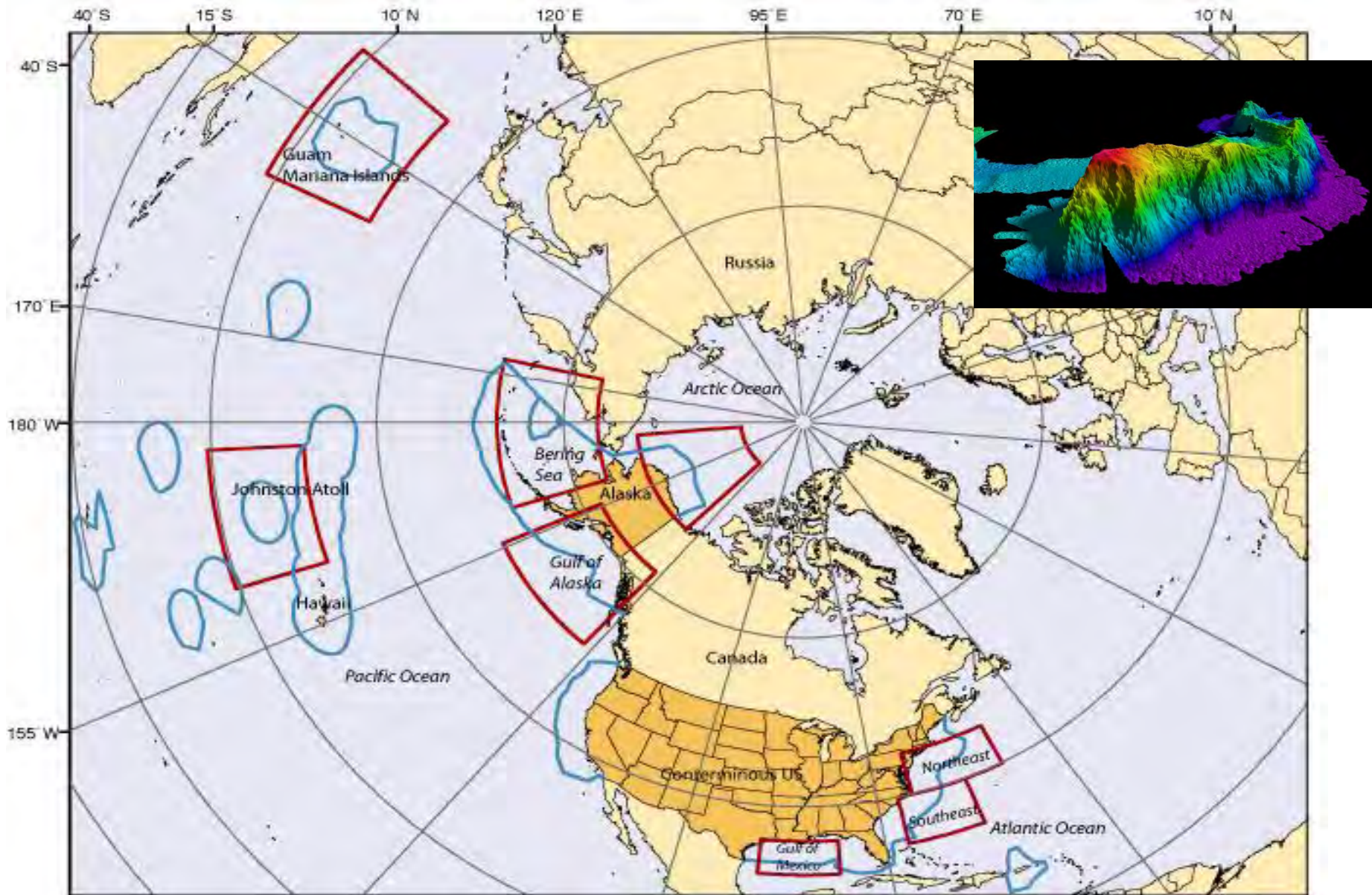


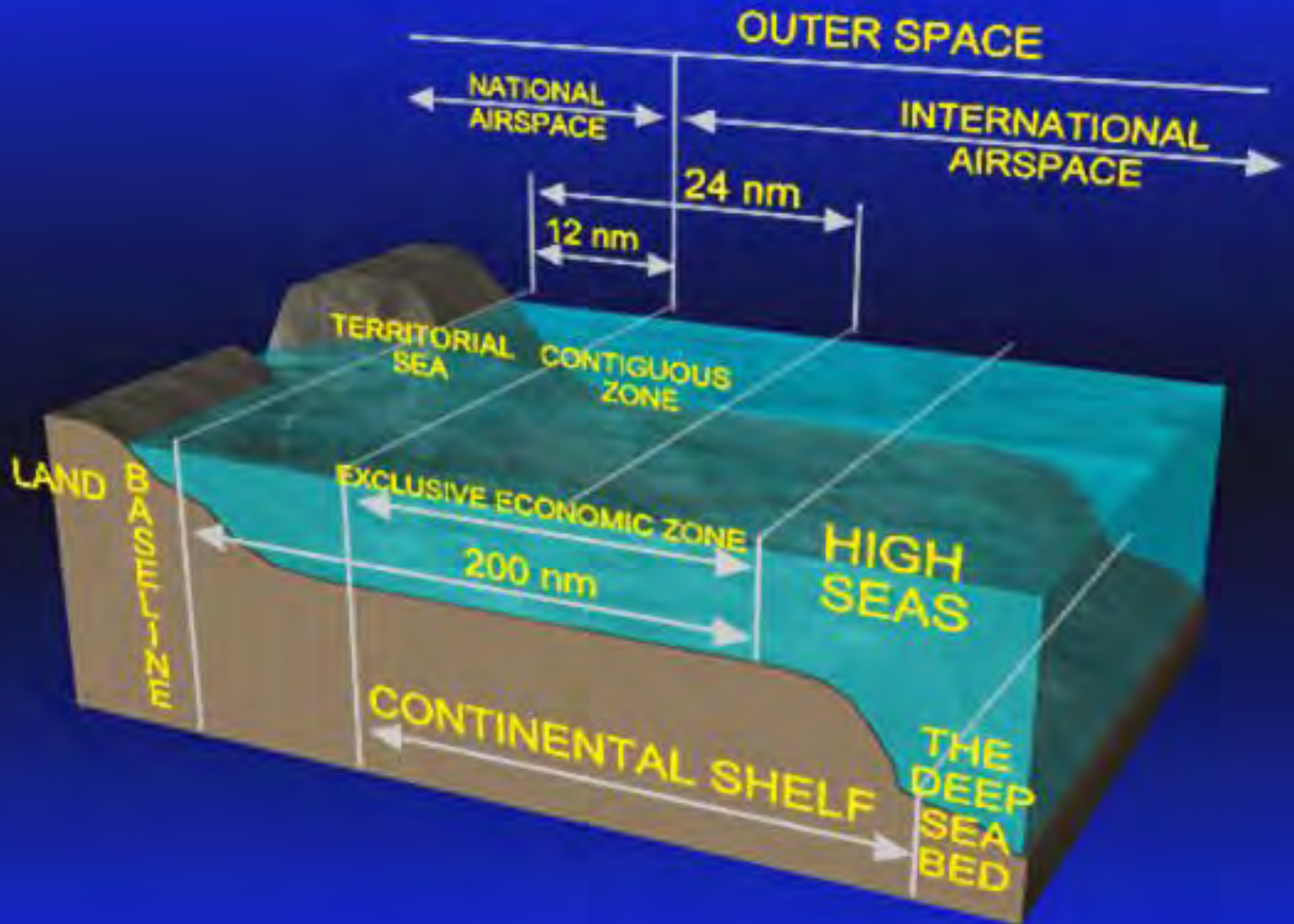


# Extended Continental Shelf



# United States ECS







# Pres. Proc. 5030 1983



# U.S. Oceans Policy

## Authorities

1. UNCLOS
2. NSPD-66 (U.S. Arctic Region Policy)
3. PDD-32 (Freedom of Navigation)
4. Executive Order: Stewardship of the Ocean, Our Coasts, and the Great Lakes



THE WHITE HOUSE COUNCIL ON ENVIRONMENTAL QUALITY

*Final Recommendations  
Of The  
Interagency Ocean Policy  
Task Force  
July 19, 2010*

The cover of the United Nations Convention on the Law of the Sea. It features a blue and orange gradient background with a white border. The text "UNITED NATIONS CONVENTION ON THE LAW OF THE SEA" is written in white capital letters.

UNITED  
NATIONS  
CONVENTION  
ON THE LAW  
OF THE  
SEA



# 9 National Priority Objectives

- 1. Ecosystem-Based**
- 2. Coastal and Marine Spatial Planning**
- 3. Increase knowledge to continually**
- 4. Better coordinate and support Federal, State, tribal, local**
- 5. Adapt to climate change/acidification**
- 6. Ecosystem Protection**
- 7. Water Quality**
- 8. Changing Arctic**
- 9. Observations, Mapping, and Infrastructure**

# National Ocean Council

- The Secretaries of: State, Defense, the Interior, Agriculture, Health and Human Services, Commerce, Labor, Transportation, Energy, and Homeland Security
- The Administrators of: the Environmental Protection Agency (EPA) and the National Aeronautics and Space Administration (NASA)
- Chair, Council on Environmental Quality (CEQ)
- Chairman, Joint Chiefs of Staff (CJCS)

# National Ocean Council

**Steering Committee**

**Ocean Resource  
Management  
Interagency Policy  
Committee  
(ORM-IPC)**

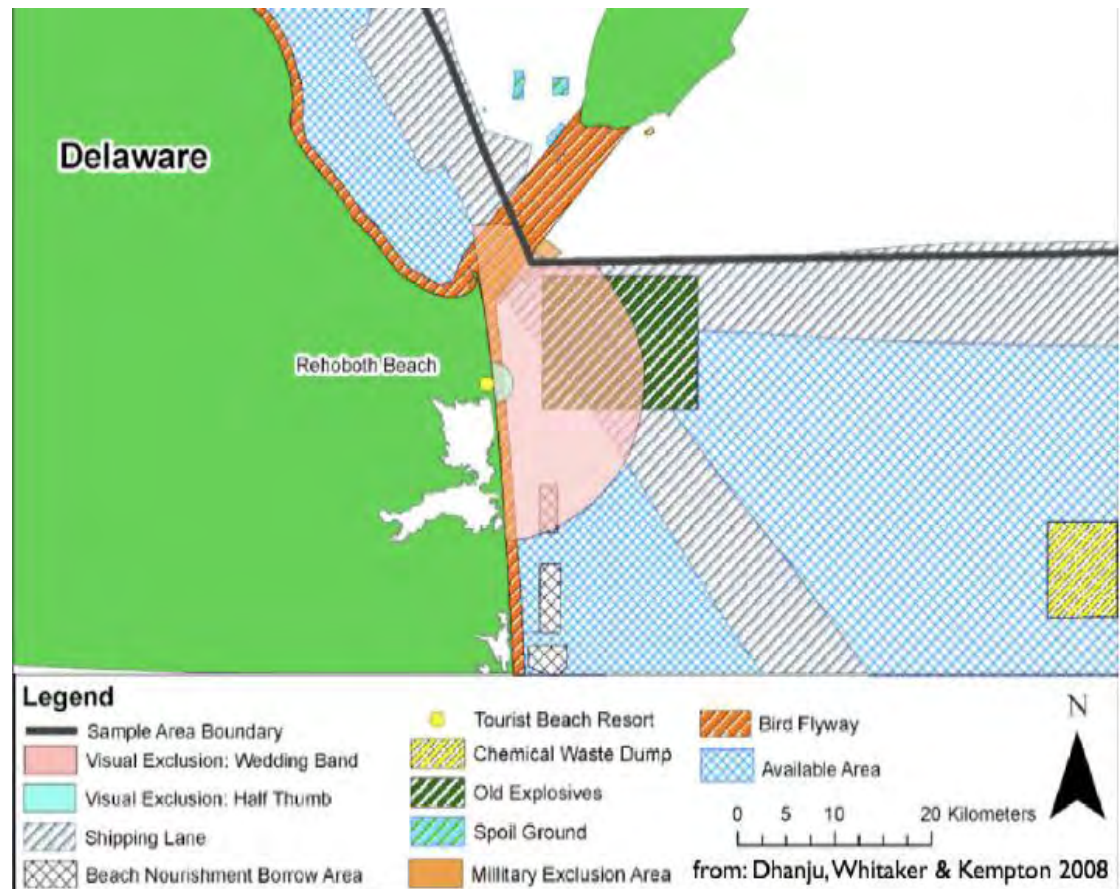
**Governance  
Coordinating  
Committee**

**Ocean Science and  
Technology  
Interagency Policy  
Committee  
(OST-IPC)**

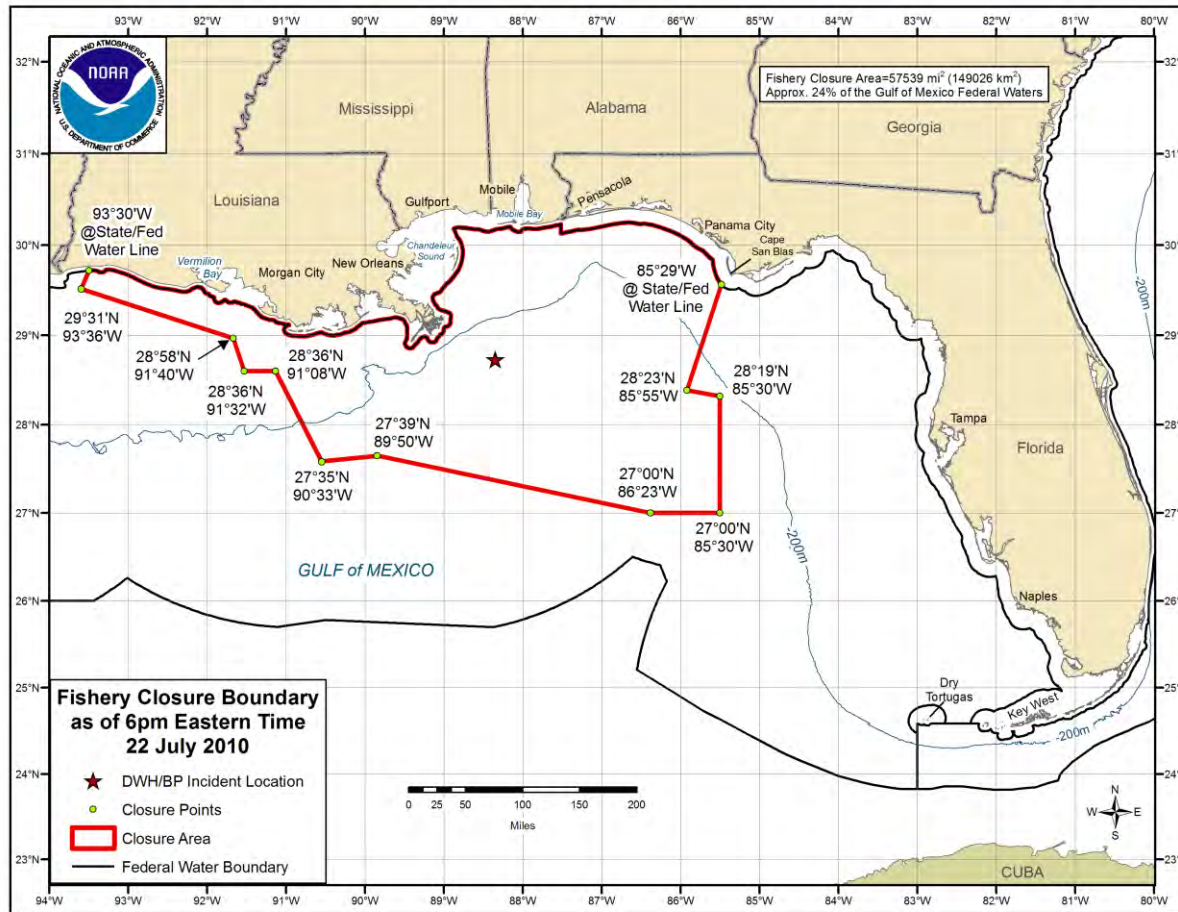


# Coastal and Marine Spatial Planning (CMSP)

- Comprehensive,
  - Adaptive
  - Integrated
  - Ecosystem-based
  - Transparent
- 
- Public policy process for how areas can be used sustainably
  - Economic, ecological, and social benefits



# Coastal and Marine Spatial Planning (CMSP)



# Dueling “Due Regards”

## Article 58

- In the EEZ, states shall have due regard for the rights and duties of the coastal state

## Article 56

- Coastal states shall have due regard for the rights and duties of other states in the EEZ

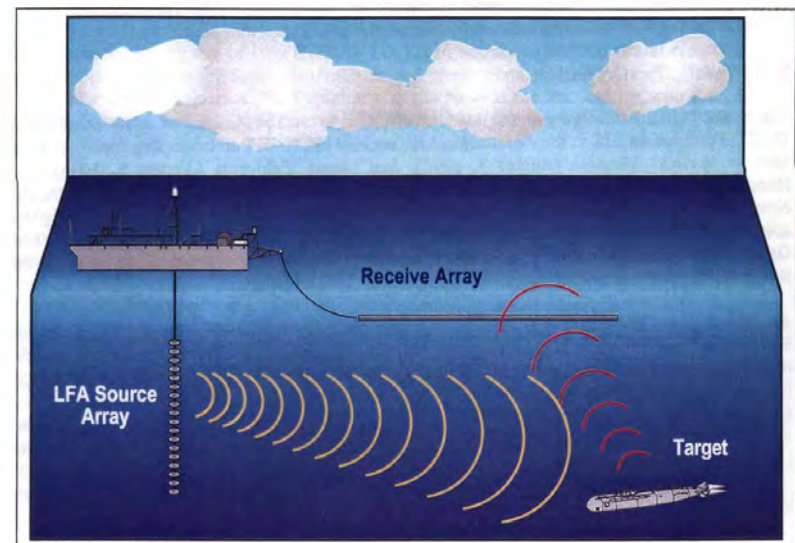
“Due regard” ≠ substantive right



# “other internationally lawful uses of the sea”

- Article 58(1) *facilitates* rather than limits military activities
- UNCLOS: Freedoms of movement and communication included activities that were ancillary to the exercise of freedoms
  - Military exercises and activities
  - Space-related missions
  - Intelligence, law enforcement, national security

Environmental Impact Statement



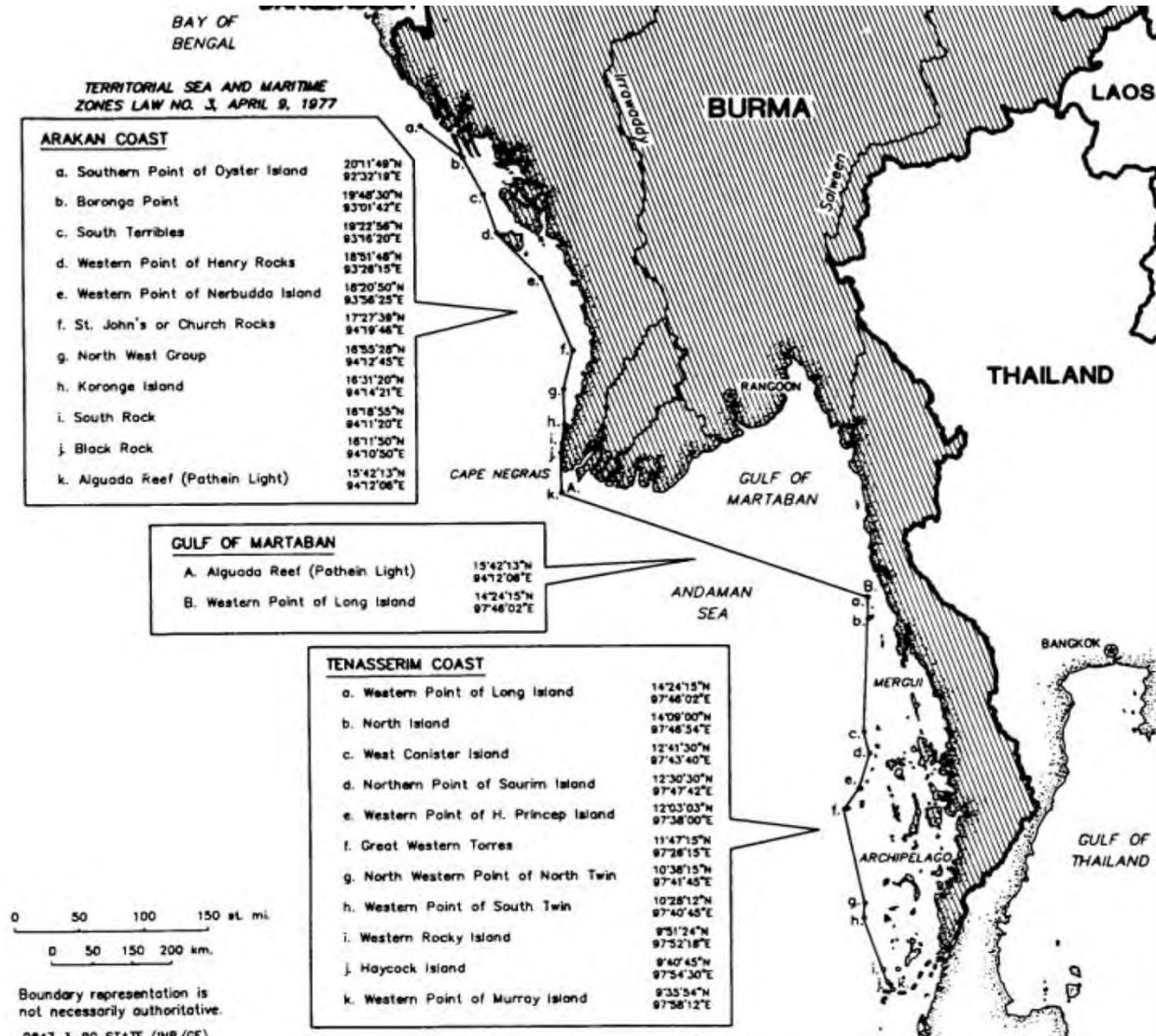
# Excessive Maritime Claims



**Non-conforming coastal state regulations**

# ミャンマー

- Improperly drawn zones:
  - Unrecognize d historic waters
  - Improperly drawn baselines
  - Territorial Sea Claims >12 nm
  - Security zones





# ベトナム

Straight  
Baselines

Historic Bay  
Claim

Security Zone

Prior  
Permission  
to enter TS/CZ





# 中国

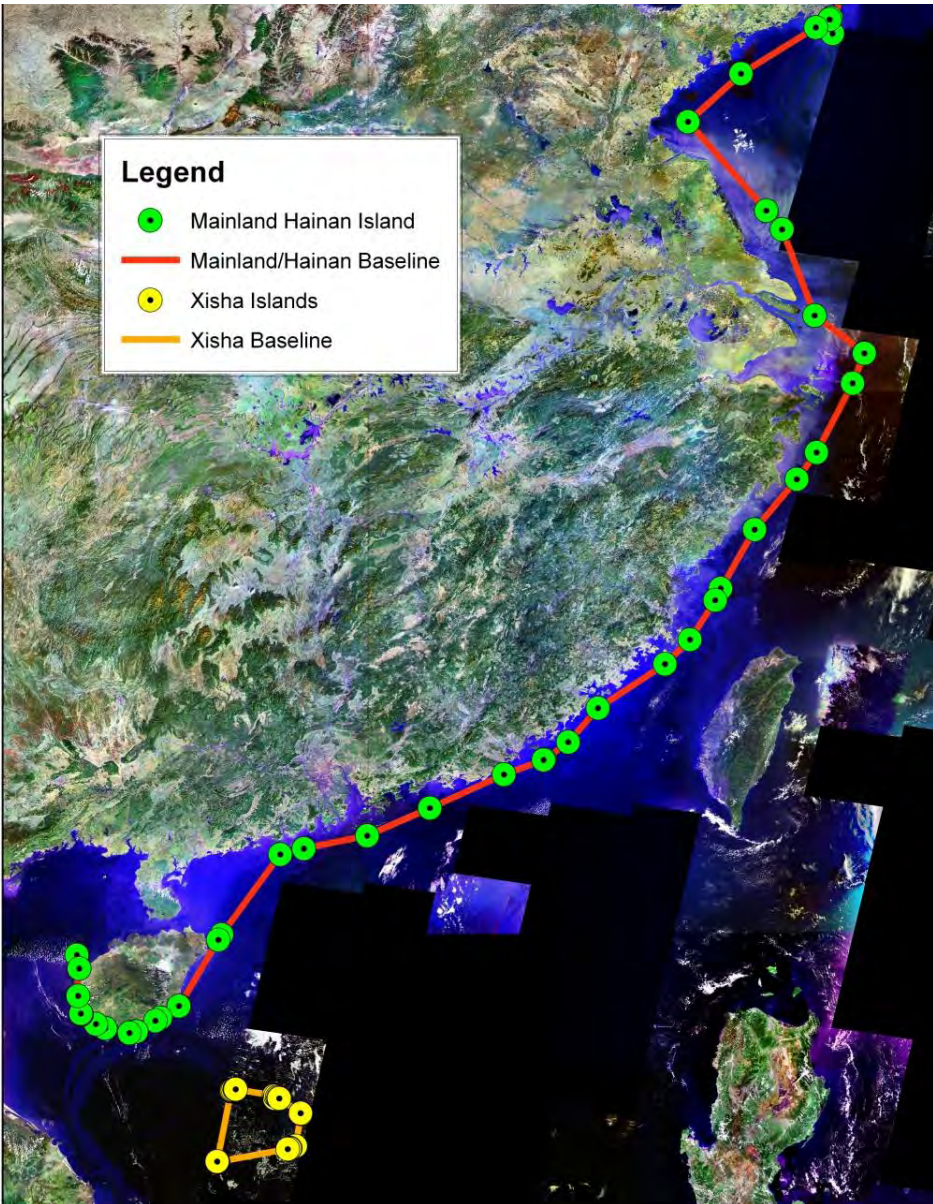


**EP-3 2001**

## DIME approach



**USNS Impeccable 2009**

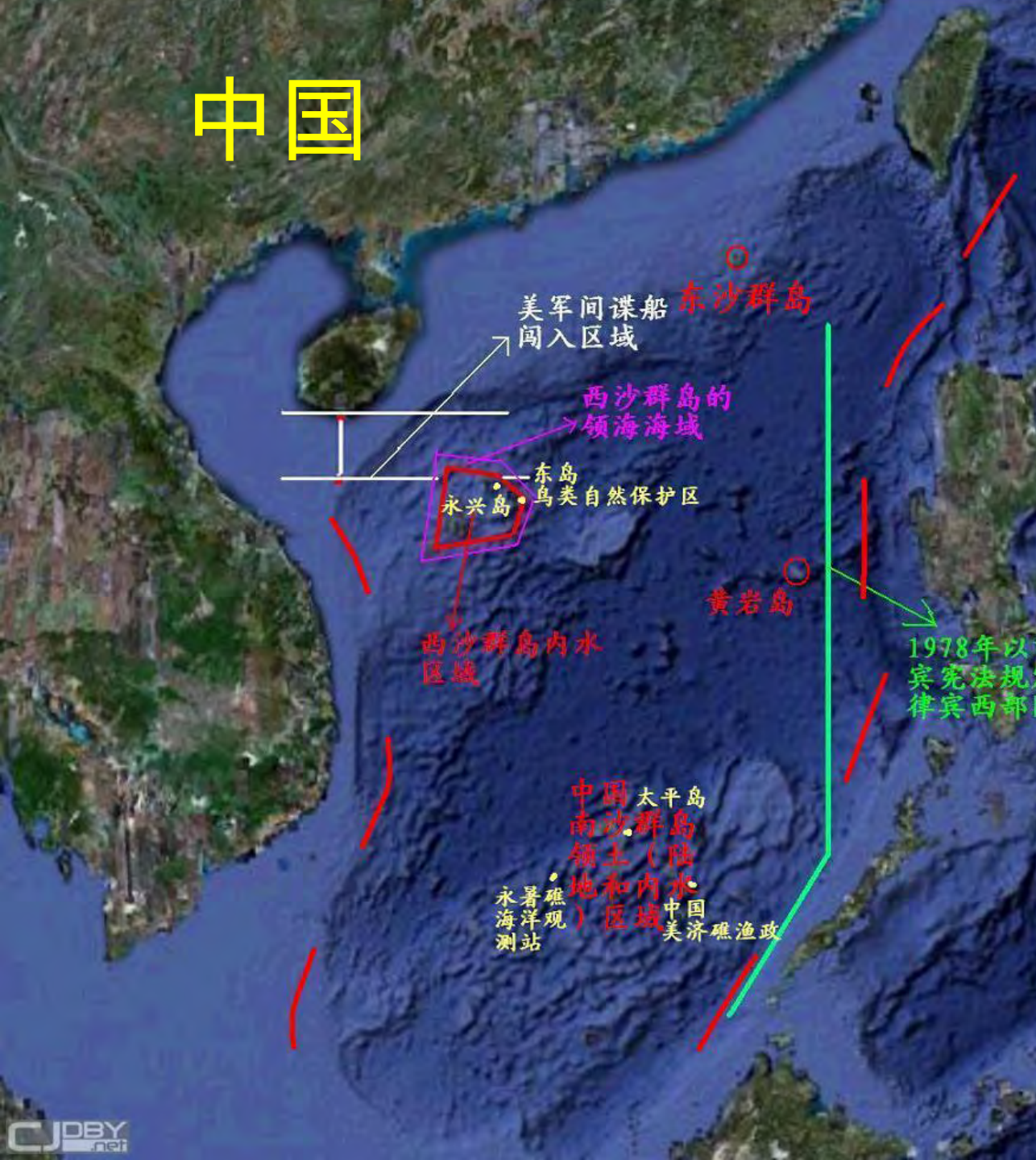


### Legend

- Mainland Hainan Island
- Mainland/Hainan Baseline
- Xisha Islands
- Xisha Baseline



# 中国





# 中国

- Anti-access/Area Denial
- First & Second Island Chains
- The Three Warfare (种战法)
  - Psychological warfare
  - Media warfare
  - Legal warfare



# Goals of FON Program



- State practice
- “Persistent objector”
- Illegitimate precedent
- Encourage compliance
- Maintain a record





ありがとうございました。