10.1 Security Claims in the Exclusive Economic Zone

Moving from West to East, virtually from Al Basrah, Iraq, next to Iran, to Vladivostok, Russia, just 30 miles from North Korea, there is a 7,000-mile unbroken line of States that purport to limit military activities in the EEZ that stretches from the Persian Gulf all the way to East Asia.¹ Thus, a warship traveling along the coast from the Northern Persian Gulf to the doorstep of Siberia would find itself in violation of the oceans laws of no less than 11 nations—every coastal State along the route. The “illegal” transit would encompass the length of the shorelines of Iran,² Pakistan,³ India,⁴ Bangladesh,⁵ Myanmar,⁶ Thailand,⁷

¹ Distances Between Ports (Publication 151) at 2, 120 (National Geospatial-Intelligence Agency, 11th ed. 2001).
⁵ Declaration on Accession to the Law of the Sea Convention, July, 2001 and MCRM, at 68–70.
⁶ Burma Law No. 3, Apr. 1977 and MCRM, at 84–89.
⁷ Declaration on Accession to the Law of the Sea Convention, May 2011. The Declaration states that in the EEZ, “enjoyment of the freedom of navigation in accordance with the relevant provisions of the Convention excludes any non-peaceful use without the consent of the coastal State, in particular, military exercises or other activities which may affect the rights or interests of the coastal State.” MCRM (Thailand Supplement), at 1–10 (Updated Apr. 2012).
Cambodia (contiguous zone),\textsuperscript{8} Malaysia,\textsuperscript{9} Vietnam\textsuperscript{10} (contiguous zone), China,\textsuperscript{11} and North Korea.\textsuperscript{12} Furthermore, offshore states in South Asia and East Asia that assert excessive EEZ claims include Maldives,\textsuperscript{13} Mauritius,\textsuperscript{14} and Indonesia.\textsuperscript{15} Thus, South Asia and East Asia contain more nations claiming a security interest in the EEZ than any other regions.

Worldwide, there are 18 nations that claim a security interest in the Exclusive Economic Zone (EEZ), typically by purporting to restrict foreign-flagged military activities. Among these nations, two are in South America (Brazil and Uruguay), two in Africa (Kenya and Cape Verde), one in the Middle East (Iran), and 13 are in Asia. Vietnam partially asserts an excessive EEZ claim by requiring warships that operate in its contiguous zone to seek and obtain permission 30 days in advance, and place weapons in an inoperative position during transit.

Portugal is the only State in Europe that asserts a security interest in the EEZ, and two States making such claims are former Portuguese colonies—Brazil in South America and Cape Verde in West Africa.

In addition, the seven nations that illegally claim territorial seas in excess of 12 nm include: Benin (200 nm), Republic of Congo (200 nm), Ecuador (200 nm), Liberia (200 nm), Peru (200 nm), Somalia (200 nm) and Togo (30 nm). And there are five nations that claim security jurisdiction in their 24 nm contiguous zone: Cambodia, China, Sudan, Syria, and Vietnam.

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\bibitem{8} MCRM, at 90–92 (purports to assert jurisdiction over security matters, including foreign warships, in the contiguous zone).
\bibitem{10} Statement, May 1977, Decree No. 30/C, Jan. 1980 (security authority in the contiguous zone), and MCRM, at 689–92. In the contiguous zone, submarines are required to navigate on the surface and show their flag. Aircraft are prohibited from being launched or recovered from ship, and ships must place weapons in an inoperative position prior to entry into the contiguous zone.
\bibitem{11} EEZ and Continental Shelf Act, June 1988, Order No. 75, Surveying and Mapping Law, Dec. 2002 (President of the People's Republic of China, Aug. 29, 2002), and MCRM (China Supplement), at 1–6 (Updated Apr. 2011). China claims a security interest in the contiguous zone and claims that all surveying and mapping activities in sea area under Chinese jurisdiction is subject to approval.
\bibitem{12} Decree Establishing the Economic Zone, Aug. 1977 and MCRM, at 346–48. (Prohibition against photography or survey activities in the EEZ). North Korea also maintains a 50 nm Military Zone, which went into effect on Aug. 1, 1977. See, MCRM, at 346.
\bibitem{13} Maldives Act 6/96, June 1996 and MCRM, at 378–80. (Requires prior permission for entry into EEZ by "all foreign vessels.")
\bibitem{14} Government of Mauritius Notice No. 199 (Maritime Zones Regulation—EEZ) and MCRM, at 386–90.
\bibitem{15} Regulation No. 8, July 1962 and MCRM, at 280–303 (India Supplement, Aug. 30, 2010) (Restrictions on "stopping, dropping anchor, and/or cruising about without a legitimate reason" up to 100 miles seaward of territorial waters). Id., at 303.
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