PANEL III:

MILITARY ACTIVITIES IN THE EEZ
Military Activities In and Over the Exclusive Economic Zone

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Abstract

The Exclusive Economic Zone (EEZ) was created for the purpose of giving coastal States greater control over the resources adjacent to their coasts out to 200 nautical miles (nm). Unfortunately, over the years, some coastal States have sought to expand their jurisdiction in the EEZ by attempting to exercise control over non-resource-related activities, including many military activities. These excessive coastal State claims in the EEZ have no basis in customary international law or the United Nations Convention on the Law of the Sea (UNCLOS). The United States has diplomatically protested these excessive claims, as well as conducted operational challenges under the US Freedom of Navigation Program.

State practice, prior to and subsequent to the adoption of UNCLOS, confirms that military forces routinely conduct military activities seaward of the 12-nm territorial sea without coastal State notice or consent. A number of international instruments, such as the IMO/IHO World-wide Navigational Warning Service and Annex 15 to the Chicago Convention regarding Aeronautical Information Services, recognize that military activities at sea are lawful. Nothing in UNCLOS changes the right of military forces of all nations to conduct military activities in the EEZ. While UNCLOS places limits on military activities in a few narrow circumstances, such as when

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1 Captain Raul (Pete) Pedrozo, US Navy has served in the military for over 32 years and is currently the Staff Judge Advocate, United States Pacific Command. The views expressed in this paper are those of the author and do not represent the official views of the United States Government, the Department of Defense or United States Pacific Command. The author’s PowerPoint presentation can be viewed on the accompanying CD.