



U.S. Department of Defense Freedom of Navigation Program

Fact Sheet

Historical Background

Since the founding of the nation, the United States has asserted a vital national interest in preserving the freedom of the seas and necessarily called upon its military forces to preserve that interest. One of the first missions of a young U.S. Navy was to protect the safe shipping of U.S. commercial vessels through the Atlantic Ocean, the Mediterranean Sea and adjoining seas, against pirates and other maritime threats. Similarly, in President Woodrow Wilson's famous Fourteen Points speech, he told Congress 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." And three months before the United States entered World War II, President Franklin Roosevelt delivered one of his fireside chats to the American people, in which he declared, "Upon our naval and air patrol ... falls the duty of maintaining the American policy of freedom of the seas." As history shows, this U.S. national interest and policy for preserving the freedom of the seas are 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 in the world have asserted maritime claims that the United States considers to be excessive-- that is, such claims are inconsistent with the international law of the sea and impinge upon the rights, freedoms, and uses of the sea and airspace guaranteed to all states under that body of 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 and demonstrate a non-acquiescence to excessive maritime claims asserted by coastal states. The U.S. FON Program includes: (1) consultations and representations by U.S. diplomats (i.e., U.S. Department of State), and (2) operational activities by U.S. military forces (i.e., U.S. Department of Defense (DoD) FON Program).

DoD Freedom of Navigation Program

The U.S. Department of Defense's FON Program is comprehensive in scope. The Program encompasses all of the rights, freedoms, and lawful uses of the sea and airspace available to all nations under international law. The Program is actively implemented against excessive maritime claims by coastal nations in every region of the world, based upon the Department's global interest in mobility and access. The Program is principle-based, in that it is administered with regard to the excessive nature of maritime claims, rather than the identity of the coastal nations asserting those claims. As a result, U.S. forces challenge excessive claims asserted not only by potential adversaries and competitors, but also by allies, partners, and other nations. The Program depends upon the employment of U.S. forces from each branch of the Military Services, including the U.S. Coast Guard. The Program includes both FON operations (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 claims), in order 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. These reports are unclassified summaries of the FON operations and other FON-related activities conducted by U.S. forces, and they identify the specific coastal nations and excessive claims challenged in that year. The reports are published on the Department's website. They are intended to demonstrate transparently the U.S. non-acquiescence to excessive maritime claims, but without compromising the operational security of U.S. military forces.

Website: <http://policy.defense.gov/OSDPOffices/FON.aspx>

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