



Issue: The question of military presence in the Exclusive Economic Zones

Committee: Disarmament

Chairs: Rakshana & Eva



Introduction:

All nations have an absolute right under international law, as reflected in the United Nations Convention on the Law of the Sea (UNCLOS), to conduct military activities beyond the territorial sea of another nation. The Exclusive Economic Zone (EEZ) was created for the sole purpose of granting coastal States greater control over the resources belonging to their coasts. The efforts of nations to expand coastal State authority in the EEZ to include residual rights were rejected by a majority of the States participating in the UNCLOS negotiations. Most nations agreed that military operations, exercises, and activities have always been regarded as internationally lawful uses of the sea. As the UNCLOS treaty says, the right to conduct such activities will continue to be enjoyed by all States in the EEZ because some aim to protect the nation concerned by the activities.

However, the military presence in the exclusive economic zone of a nation can be seen as a projection of power by the country that owns the military base. This military activity can be a

threatening sign that symbolizes a possible attack from the army. There are more than a thousand foreign military bases worldwide which have become the infrastructure for severe social and environmental impacts locally that have prompted growing resistance. Countries' wish to have more space in the EEZ makes the military presence of a nation a threat to another nation. These territorial conflicts lead the countries to forbid military activities in their zone.

The military activities of a nation can be by air or by sea, there are various types of military operations in the EEZ.

Definition of key terms:

Exclusive economic zone (EEZ): as defined under the 1982 United Nations Convention on the Law of the Sea (UNCLOS), it is an area of the ocean immediately offshore from a country's land coast in which that country retains exclusive rights to the exploration and exploitation of natural resources.

International waters: the areas of the sea that are not under the jurisdiction of any country. States have the right to fishing, navigation, overflight, laying cables and pipelines, as well as scientific research in international waters. It does not include the EEZ, it is completely different and has different laws. **Do not confuse international waters with the EEZ**

General overview:

It is estimated that more than 20 countries maintain military forces and bases in the EEZ. Among these, the USA, Russia, China, the UK, and France hold dominant roles, in several military forces, naval presence, and impact on the world's military balance and strategic planning. It is recognized that many bases also exist for use by big powers in wartime, under secret agreements, in which no foreign troops are deployed in peacetime. After the United Nations Conference on the Law of the Sea (UNCLOS) negotiations, many countries such as Bangladesh, Brazil, Burma, Cape Verde, China, India, Indonesia, Iran, Kenya, Malaysia, Maldives, Mauritius, North Korea, Pakistan, Portugal, Thailand, and Uruguay were dissatisfied with the decisions. These decisions led them to expand their control in the EEZ by imposing restrictions on military operations and other lawful activities.

The South China Sea is a strategically significant and traversable expanse of water spanning approximately 800,000 square kilometers. Several countries including China, Vietnam, Cambodia, the Philippines, Indonesia, Singapore, Malaysia, Brunei, Thailand, and Taiwan border it. Situated in the Western Pacific Ocean, this sea plays a pivotal role in facilitating maritime communication and international trade for Southeast Asia. In recent times, China has

undertaken construction and military activities in the region that raise concerns as they appear to be at odds with the principles articulated by Chinese President Xi Jinping, who has advocated for global peace, trust-building, and enhanced international cooperation.

Many unresolved conflicts about the military activities in the EEZ exist between countries because of their territorial fight. Some countries are willing to stop military activities for their own purpose: hold the territories to have their resources.

(<https://www.cairn.info/revue-defense-nationale-2022-HS3-page-210.htm>)

Major actors:

The United States: They own most military bases, either on land or at sea. Their proposition to build more military bases near weak countries can be seen as intimidating developing countries. The Beaufort Sea is disputed between Canada and the United States, as the area contains substantial oil reserves. The United States also started to conduct military operations in the South China Sea because of its interest in its assets.

China: There are disputes between China, Japan, Taiwan, and South Korea over the extent of their respective exclusive economic zones (EEZs) in the East China Sea. China has continued expanding its military presence in disputed areas to enhance its maritime power. China has taken various methods to militarize the area, including unlawful restrictions and the construction of military bases.

France: The French military in the Pacific operates two surveillance frigates, four patrol vessels, two multi-mission ships, five maritime surveillance aircraft, four tactical transport aircraft, and seven helicopters. These forces ensure the protection and safety of French territories, as well as the surveillance of exclusive economic zones (EEZ). They also play a role in issues that are key for the Pacific islands, especially environmental security, humanitarian assistance, and maritime security including counter-trafficking.

France is present in the Pacific through its territories New Caledonia, French Polynesia.. This makes it a power of the Pacific, they have a big responsibility to defend its sovereignty and guarantee the security of its citizens. France has the second largest EEZ in the world (11 million square kilometers) located mainly in the Pacific (about 60%), and is responsible for protecting the fragile maritime environment and its extensive fishing, mineral, and energy resources.

Russia: Recently, Russia started military operations in the Bering Sea, an area including a portion of the U.S. EEZ southwest of St. Lawrence Island along the U.S./Russia Maritime Boundary Line. These military operations have brought up tension between the two countries.

United Kingdom: Since 2019, they have increased military activities in the South China Sea because of their economy. The United Kingdom's economy depends much on its foreign trade, in particular seaborne trade.

North Korea does not respect freedom of navigation within its EEZ and it aggressively opposes military activities such as intelligence collection flights within its EEZ.

Questions to consider/reflect on:

- What are some common disputes or conflicts that arise within EEZ waters, and how are they typically resolved?
- Are there efforts to promote transparency and confidence-building measures to reduce the risk of conflicts related to military activities in EEZ water?
- Does your country respect the UNCLOS laws or does it have specific rules and regulations concerning its exclusive economic zone?
- Can you provide examples of recent instances where military presence in EEZ waters has led to diplomatic tensions or disputes?

Appendix:

- First information about your country: <https://www.britannica.com/>
- Exclusive economic zone: https://en.wikipedia.org/wiki/Exclusive_economic_zone#Disputes
- Conflicts over water will become more common without science-based water diplomacy, panel tells UN General Assembly: <https://www.un.org/pga/77/2023/02/07/press-release-conflicts-over-water-will-become-more-common-without-science-based-water-diplomacy-panel-tells-un-general-assembly/>
- Understanding International Waters: Boundaries, Jurisdiction, And Legal Implications: <https://www.marineinsight.com/maritime-law/understanding-international-waters-boundaries-jurisdiction-and-legal-implications/>

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Chapter 4: Military Activities in an EEZ – Law of the Sea

<https://sites.tufts.edu/lawofthesea/chapter-4/>

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https://www.mindef.gov.sg/oms/safti/pointer/documents/pdf/V42N1_Restrictions_on_FMA.pdf

The Limitations on Military Activities by Third States in the EEZ Resulting from Environmental Law

<https://hal.science/hal-02514646/document>

Peaceful Use of the Sea and Military Intelligence Gathering in the EEZ

<https://brill.com/display/book/edcoll/9789004379633/BP000012.xml>

<https://digital-commons.usnwc.edu/cgi/viewcontent.cgi?article=2944&context=iils>