

## Free Ships, Free Goods: The US Diplomacy in Searching for Freedom of Navigation in International Trade

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### Abstract

*The article aims to analyse the US struggle to establish freedom of navigation in international trade during the XVIII-XIX century. For this purpose, the study focuses on clarifying the following aspects: the view of freedom of navigation of the US in the early days of the founding father area; obstacles for the nascent nation in international trade; American diplomacy with the struggle to break the rules and practices of navigation from the Great Britain. The success of the struggle, the article concluded, contributed to strengthening the Federation internally, establishing its place in international maritime trade.*

**Keywords:** *The United States, Great Britain, Freedom of Navigation, International Trade.*

### Introduction

Freedom of navigation is the freedom of moving on the sea surface for ships of each country, including countries that do not border oceans. This principle applies not only to merchant ships but also to warships in case where it refrains from using arms or threatens to use force (The National Council, 2005). Vessels will be exempted from search and chase in international water, enjoy the right to anchor, repair vehicles once being damaged, refuelled, supplied food at international port provided that they comply with the law of the host country. Merchant ships without nationality, or pirate ships are not eligible for freedom of navigation (Lapidoth, 1975). As a subject of international relations, the United States is no exception. As soon as the United States was born (1783), it faced obstacles to traffic and trade in the oceans because the maritime rules were established by their former motherland - England. This inhibits the growth of the nation to varying degrees, threatening the survival of the nation. To force the London government to recognize the right of free navigation of the ocean, the United States has opened a struggle in the diplomatic field to break the laws and customs of the sea enforced by Britain. The article analyzes and clarifies the following issues: (i) The United States' views on freedom of navigation in the early days of its founding; (ii) Obstacles in ocean trade; (iii) The diplomatic struggle to establish freedom of navigation and some remarks.

#### *America's View of Freedom of Navigation in The Early Days of The Nation's Founding*

The Treaty of Paris (1783) marked Britain's recognition of the independence of the first "European outside the territory of Europe" country in the Western Hemisphere - the United States of America; at the same time establishing its new position in the international arena. It was an independent, free subject, completely separate from the British Empire. As a self-governing country, the United States faces many challenges in nation building, because of the burdens of war legacy. Among the tasks that the federal government prioritizes towards is to strengthen the national finance - an important pillar to stabilize the security situation in the country. To solve the problem, in addition to regulating taxes in the country, the administration of the presidents has promoted commercial activities, most notably in the field of foreign trade. The basis for this activity rested on the merchant fleet that flourished during colonial times.

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As a member of the British Empire, the North American merchant fleet enjoyed equal treatment rules with merchant ships of the mother country, shared privileges in the intra-regional trade network, received the protection of the Royal Navy (Julius, 1955). Therefore, many items of North American origin, such as: tobacco, rice, indigo, flour, raw meat, fish, rum, fur, lumber..., were present in all markets: British Isles, Europe, Africa and the West Indies. In return, American traders brought back industrial goods, sugar, molasses, slaves, and spices. Commercial profits are huge for ship owners.

However, the independence of the country had just been created, meaning that the London government gradually reduced the incentives for merchant ships from the young country. At this point of time, both the Cabinet and the London Parliament have rejected the trade pact; has just vetoed a bill that would allow ships from across the ocean to continue to maintain the same privileges as before. Similar to other countries, American merchant ships were only allowed access to the ports of the British Isles while the ports of the empire were restricted. All of this explains why many politicians working in the place of Birmingham did not want to see a newly independent nation quickly become a future commercial rival in the future. Therefore, in their view, "must enact a more restrained policy than before" (DeConde, 1979). In such a context, in order to break the blockade of the London government, the United States must seek new markets for products, must reach out to establish trade relations with foreign port for merchants, especially to protect ships and their goods from obstacles in ocean circulation. In other words, the issue of freedom of navigation for American ships must be raised.

It should be affirmed, it was after the time of becoming an independent country that the United States mentioned the point of view of maintaining the freedom of the sea in their ships. During the War of Independence (1775-1783), in order to enlist international support, the Continental Congress - the supreme executive board of the war, announced the "Plan of 1776" (Nam, 2018). In this plan, in addition to preferential terms for foreigners once becoming allies of the colonies, it mentioned the core concepts of maritime rules and the right of neutrality. First, items not related to war, even if owned by any country, should be exempt from search and confiscation when transported on ships of neutral countries, even in wartime situations. This argument is often understood, when a commercial ship is free, the goods carried on it are in the form of free goods (free ships free goods). Second, neutral states have the right to lawful freedom of commerce between their port and the port of countries in a state of war. Third, ships of neutral countries must be treated with an open mind. Fourth, a list of illegal items, with the exception of food and maritime supplies, not to be transported in time of war (Samuel, 1951). The above-mentioned maritime rules mark the beginning of the US policy of freedom in the sea (DeConde, 1979). They became part of friendly and commercial treaties that the Continental Congress concluded with foreign countries, such as: commercial treaties with France (1778), the Netherlands (1782), Sweden (1783), Prussia (1785)...

As an independent country, in order to avoid interruption of maritime trade with countries around the world, presidential administration in which G. Washington is considered the pioneer, inherited, supplement the above maritime rules. This contributes to completing the thesis statements on international maritime trade from the perspective of this country. Those principles include: (i) equal treatment of American merchant ships and goods in foreign ports with the privileges that the host country accords to other nationals' goods and ships; (ii) admitted trade with the colonies of the great powers; (iii) establishing the right of neutrality for a country that wants to avoid international conflicts (Julius, 1955). It can be seen that the principles of free navigation trade that the United States pursued in the early days of its founding stemmed from the fact that the country had just separated from the British Empire and was on its way to establishing international trade as an independent country, wishing to receive the respect of the international community. On the other hand, in the context that this country has not yet possess a modern navy, its capacity and scale is still too small and primitive, so those rules are considered as core means to protect trade activities of American merchant ships from obstacles from competitors, especially the leading naval power in the world at that time - Great Britain,

#### *ObstaclesIn Marine Trade*

It is a fact that, when the British imperial market was closed, the United States had to redirect its trade to other markets. Thanks to the accumulated experience in the composition of the British Empire merchant

fleet, along with the dynamic and brave merchant team, the maritime capacity of the American merchant fleets was able to take advantage of the new situation. Fleets of merchant ships operated by American merchants quickly established themselves, competing with merchant fleets of many other nations in far-flung markets. The Baltic Sea, Northern Europe, Russia and the countries along the Mediterranean coast, the French West Indies,... have become frequent places for ships of the flag country.

As a result of a trade treaty with France during the revolution (Nam, 2018), American merchant ships were allowed to operate not only in their ports in Europe but also in the estuaries located on the French Western Indies Islands, such as: Haiti, Martinique, Guadeloupe, Saint Martin, etc. These locations are stopping points for American merchant ships, carrying out loading and unloading goods for transport to Europe and vice versa. This trade route is initially compensated in time for the American merchant fleets that were facing difficulties due to the policy of restricting trade with the British West Indies (Sang, 2018).

As the owner of a newly formed international maritime trade stream, America's trade with Europe was inseparable from the political upheavals taking place in the Old Continent. Events happening inside France from July 1789 onwards made the rest of feudal Europe determined to join forces with bourgeois England to crush the newly established revolutionary government. Therefore, the conflict between England and France became more and more acute. As a result, on February 1, 1793, France declared war on Britain. The face of the war became fierce and the scale expanded.

News of the war in Europe had a profound effect on the internal politics of the Federation. The Cabinet of President G. Washington was divided into two factions. A faction led by Secretary of State T. Jefferson advocated that the United States sided with France to fulfill its obligations under the Treaty of Union of 1778 (Gambone, 2002); the remaining faction, led by the Secretary of the Treasury A. Hamilton, advocated keeping friendly relations with Britain under the pretext of wanting to expand trade with this country. The conflict of diplomatic views among the key members is very serious, making President G. Washington awkward. Because once G. Washington falls to one side or the other, it will have a bad impact on personal relations, beyond the country's interests in international relations. Faced with that situation, on April 22, 1793, from the national interest, the President declared his neutrality in the ongoing war in Europe. G. Washington made it clear: "America pursues a policy of friendliness and impartiality towards the warring power" (P. B. Thomas, 1968). More than a year later, on June 5, 1794, the National Assembly approved the Neutrality Act.

Although the United States claims to stay out of the conflict between European nations, this approach has not been accepted by the warring parties. They argue that any action by a neutral country can harm the parties. When in a neutral position, the United States naturally has the right to trade with many parties that are in a state of war. In fact, American merchant ships continued to carry goods from the French West Indies to their home ports despite the President's appeal to the public not "to violate laws of the country as approved by the Federation courts" (Huong, 2005) and subject to severe punishment if it does not refrain from acting.

In the confrontation with Britain, in order to avoid the enemy's tracking and at the same time to maximize the mobilization of external resources, especially the French West Indies, the bourgeois government under the rule of the Jacobins also planned relying on merchant fleets of neutral nations to transport vital supplies to France and colonial ports (DeConde, 1979). To stimulate the flow of maritime trade, which was previously restricted to foreign traders, France radically opened the port in the West Indies to neutral national ships for trade. American merchant ships are no exception. Eager for profit, American merchants crowded at a port in the French Caribbean, quickly building a prosperous transatlantic maritime trade (DeConde, 1979).

In the perception of the London government, the fact that American merchant ships had in the name of neutrality to transport goods to France and its colonies, including essential supplies and war weapons, meant that the United States was supporting Britain's rival. In other words, America was indirectly at war with Britain. On the other hand, that American trade would increase trade competition with Britain itself.

In order to cut off external supplies to the enemy, London rulers, with Council decrees issued by the Cabinet during 1793 - 1794, curbed American commerce both in Europe and the New World. The first decree came into effect on June 8, 1793, allowing British warships to seize and take away merchant ships of neutral countries on which food and foodstuffs were moored in the port of metropolis and colony of France (Allen, 1995).

Five months later, on November 6, 1793, another decree was issued declaring that British warships would intercept and confiscate all ships transporting supplies moving to any French colony or transport products out of the West Indies (Robert, 1975). The British explained that France opening the French West Indies to American ships to trade here was considered an act of war with Britain. Because according to the argument in the Rules of the War of 1756, enforced by Great Britain, a dependent territory of a country located outside the metropolis was closed to international trade for a period of peace shall not be permitted to carry out similar operations during times of war. Comparing this regulation, it can be understood that, in the French West Indies before the Anglo-French war broke out, foreign trade (except for the mother country) was not open to any country, including the United States, but when hostilities between the two countries took place, France reopened their colonies to foreign ships to trade and transport goods. London authorities feared that American ships would become carriers of goods and materials for France to wage war with Britain. On the other hand, with the ambition to dominate the transatlantic shipping route, according to the British reasoning, any trade flows that are not owned by their ships should not fall under the control for merchant ships of other countries. Therefore, the ordinance hurt a commercial competitor that wanted to compete with Britain, that is, the United States, even in the event that this country did not go to war directly with Britain (Robert, 1975).

Not stopping there, on January 8, 1794, another Ordinance clearly stated that, in the case of a US merchant ship trading with the French West Indies, the owner of the ship would not be imprisoned and exempted from trial, but the vehicle would be impounded, food-related goods would be confiscated and goods owners were compensated. French property transported on American ships is also subject to seizure (Robert, 1975). Of the items that the UK considers illegal, food made up the bulk of the US export trade value. This item in the view of Americans is free to transport on their ships from one country to another regardless of the state of war or peace.

To rationalize for the prevention of American ships, the Royal Navy under pressure from the London government used the excuse to search and hunt down British sailors who deserted from their warships to work aboard foreign ships, most of which had aboard American merchant ships. The British aim was to recapture their sailors back to serve the Royal Fleet. Thanks to its superior naval capacity and reasonable excuses, the British navy stepped up the pursuit of American ships circulating in the ocean. As of March 1, 1794, less than a year after the Royal decrees took effect, the British fleet had seized about 300 American merchant ships sailing to the West Indies (A. B. Thomas, 1964), forcing hundreds of British sailors who had fled from battleships to return to the Royal Navy. Many American ships had to stay ashore. By implementing the Council ordinances in practice, the London government has hindered the trade activities on the oceans of American ships. That move directly attacked the maritime trade of the fledgling republic, which was eager to establish its position on the international lifeblood trade routes, connecting American port with the world outside. Further, creating political turmoil within the Union once foreign trade was disrupted. The struggle is inevitable.

#### *Diplomatic Struggle to Establish Freedom of Navigation*

The news that British warships intercepted American ships in the sea quickly spread inland, combined with the fact that London was plotting to establish a nation of Indians in the Northwest, preventing white people from invading, causing public outrage (Nam, 2016). The Federal press considered the actions of British warships off the Caribbean Sea as an insult, an insult to their national pride, inciting anti-British thoughts. The need to act against Britain according to the wishes of local public opinion became permanent and urgent. Such a move could threaten to disrupt the neutral foreign policy that the United States has been pursuing.

President G. Washington's cabinet itself divides in two directions. The Federalists wished to avoid a war with Britain because it consumed the country's energy. The remaining group of Republicans wants the country to fulfill its commitment to France if it does not want war with France.

The question is, as the head of the country, how should G. Washington have a solution for Britain to respect the US's right of navigation in the sea? Starting from the situation that the country had just come out of the war not long ago, it needed a peaceful time to rebuild. Moreover, due to the military potential, especially the navy is too small compared to the UK. The Federalist faction currently dominates in Congress. All of that prompted G. Washington to choose a solution to negotiate with Britain. On April 16, 1794, the President sent John Jay - Chief Justice of the Federal Supreme Court, to London to conduct negotiations. J. Jay's mission was to demand that the London authorities "release the merchant ships illegally captured by the British, recognize and respect America's right to neutrality, and renounce the military occupation of the Northwest" (Richard et al., 1959).

In London, negotiations took place between J. Jay and the Royal Secretary of State, the Marquis Grenvilles. Regarding neutral ships, during negotiations, J. Jay asked the British government to accept the principles of Plan of 1776 and to compensate the United States for the seizure and confiscation of the warship's cargo of Britain. The British representative refused because the United States was not a member of the Union of Neutral Nations in Europe, so the London government had no duty to respect the rights of the United States (Julius, 1955). Finally, on November 19, 1794, the two sides agreed to sign what later became known as the Jay Treaty, in which Britain only made concessions to the United States in the matter of eliminating military posts in the United States they own in the Northwest (Gambone, 2002). The remaining problems were opened.

There is a historical fact that internal developments in revolutionary France had a significant impact on the direction of the Anglo-French relationship. After the coup on July 27, 1794, the Thermidor bourgeoisie came to power in France. This government took advantage of the former revolutionary army to launch a war of aggression outside of France to satisfy its market ambitions. As evidence, France annexed the Netherlands and Belgium, forced Spain to cede many ports in the West Indies (such as Saint Domingo), waged wars to invade Italy and Egypt (Ninh et al., 2005). Those actions put British interests at risk, especially the risk of Egypt falling into French hands. The conflict between Britain and France is difficult to reconcile, but on the contrary, the conflict is increasingly fierce. As a result, the war between the two countries continued to last in the years 1795 - 1801. The face of the war became increasingly fierce, the scale expanded on many battlefields, such as continental Europe, the Mediterranean, and the Caribbean, etc. To meet the intensity of the war, France, in addition to mobilizing all available resources, also joined forces and allied with Spain (Ninh et al., 2005). News of the war in Europe was captured and taken advantage of by American merchants.

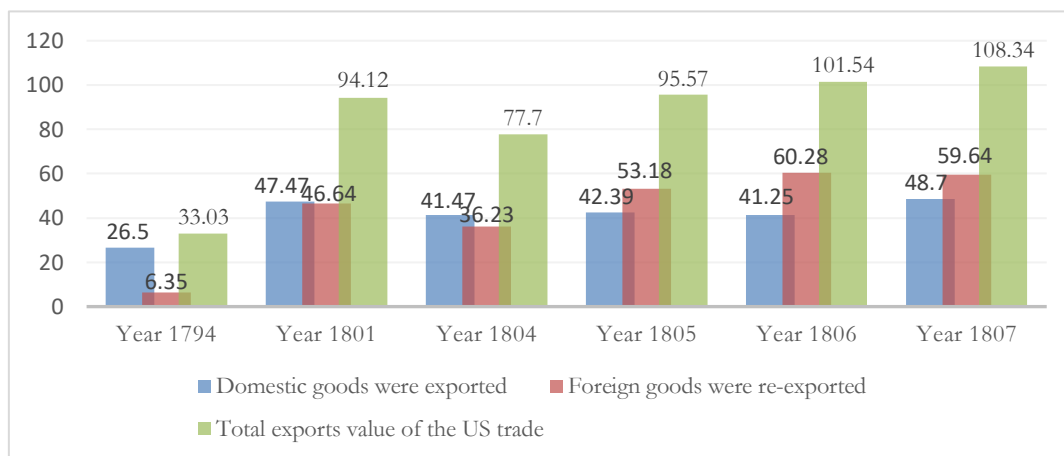
One thing for the US merchant fleet is how to freely navigate the sea without encountering the situation of blocking and arresting British cruisers once violating the maritime rules of these two countries. In order to escape the enemy's blockade, instead of journeys to port located in the West Indies archipelago belonging in France, Spain to load goods on ships and then continues to move to port located within their control in Europe; ships from the United States return to a port located in the waters of the United States to import such goods for the host country. Inevitably, the goods on board are owned by a foreign country whose origin has been converted. After that, the shipment in the name of a neutral country was carried by the same ship to the port under the control of France and Spain. Trade between the United States and the French and Spanish West Indies was outside the 1756 rules of war prescribed by Britain. Merchant ships of American nationality followed such a route to Europe. That loophole is fully utilized by Federal ship owners transporting cargo.

Normally, American ships carry goods, such as sugar, honey,... from Martinique Island back to Savannah Port (Georgia). Here, ship owners pay import taxes, unload them at the harbor, and wait for a short time. Once the goods are completely converted to US origin, the goods owner takes them on the ship, receiving the re-export tax. Merchant ships moved freely across the sea, passing British Navy stations to Europe. Such a voyage is called a broken voyage. Trade in goods by American merchants along that route is

understood as round-about trade. It should be added that, at first, that maritime trade was not without obstacles from Britain. In 1800, American merchant ship Polly transported raw sugar products, on the journey from Cuba to Spain, there was a call in Massachusetts. When the ship was just invited to leave American waters, immediately, the royal fleet intercepted it with the reason that American ships were carrying goods for the enemy, specifically Spain - an ally with France, to the main port in Europe. This action of the United States is a violation of the rules of war that Britain announced earlier. The goods on the ship were confiscated, the vehicles were escorted by the British battleship back to anchor in the territorial waters of Canada - a British colony.

Responding to this move, the American ship owner filed a lawsuit with the British Court arguing that the goods on the Polly ship originated from a neutral country; on the other hand, the cargo carried on it is not on the list of war-related goods. The Polly ship owner also joined forces with other ship owners to open a direct fight with the London government, demanding that the authorities pay compensation for the damage caused by them. On the other hand, the actions of British warships do not respect American sovereignty in the ocean. Under pressure from the plaintiff, in 1802, the judge accepting the case – William Scott, pronounced the Polly ship owner to win the case (Samuel, 1951). Importantly, thanks to the "Polly judgment", American merchant ship owners has a legal basis to promote trade. It also means that the London authorities admit operating freely at sea according to the indicated shipping route. As a result, round-trip trade helped America's foreign trade flourish. Products outside the domestic market (mainly the West Indies) imported to the US and then exported to a third country bring great commercial value. Its value accounts for an increasingly large proportion of America's exports turnover. The following chart clearly demonstrates this:

**Figure 1. Trade Export Turnover in the United States During 1801 - 1807 (Unit: Million Dollars)**



Source: (Samuel, 1951)

Looking at the chart above, the value of America's re-export trade increased dramatically from 1804 onwards. Even in the following years, the index of foreign goods re-exported surpassed domestic goods in the total value of US exports turnover. The reason is that, from May 1803, the war between England and France recurred, causing the demand for imported goods to increase in Europe. The War in the Old Continent made America the leading carrier of goods in the name of neutrality in the world (G. P. Thomas et al., 1995). Ships boomed in ports located in the America. The tonnage of the merchant fleet increased at the rate of 70,000 tons/year. Trade between the ports of France and Spain in the West Indies and the ports of these countries in mainland Europe was under the control of American merchants.

The prosperity of trade between the two oceans in which the United States is the owner contributes to explaining one of the reasons why the French army, led by Napoleon, dominated the battlefields of Europe for nearly the first decade of the nineteenth century, if viewed from the point of view of commercial exchange. On the other hand, this breaks the monopoly position on the navigation route of the shipowner

of the country of mist. Further, the risk of Britain losing control of maritime trade in the ocean was a reality, in the case of free passage of American merchant ships. According to the logic of the problem, the fact that France can blockade the British Isles is not an illusion of the London ruling elite.

The roundabout trade infuriated British ship owners. In their petition to the London government, they devised a scenario: “In the event that an ambitious American merchant with the dollar intervenes and takes over the reins of that trade, its competitors are driven out of sea surfaces” (A. B. Thomas, 1964). In other words, British merchants are no exception.

The anger of the British shipowner and the goal of weakening the enemy's war potential, the London authorities aimed to block the trade routes from outside supporting France and Spain. More specifically, merchant ships of neutral countries became the target of search and seizure by the British Navy.

In May 1805, a merchant ship of American Nationality - Essex, departed from the port of Barcelona (Spain) to Havana in Cuba, now a colony of the Madrid court. On the voyage, Essex stopped at Salem (Massachusetts, USA) and then continued to move to the final port. Essex's movement encountered the tracking and pursuit of the British Navy. When the ship had just left American waters, the British cruiser intercepted and confiscated all the goods on board along with the crew. The owner of the Essex ship sued the London authorities. The case was quickly heard by the British Naval Court. Immediately, William Grant - judge of the trial, ruled that the Essex merchant ship operated illegally under British maritime regulations. Accordingly, the US-owned merchant ship during Spain's trade with Cuba moved into the intermediate port (Salem) and "neutralized" the goods being transported there. According to the argument of W. Grant, goods transported on the trip were interrupted between the port of the enemy (Spain) and had to pay import tax in the US as unconvincing evidence. The Court ordered the shipowners to add additional evidence that showed that their merchant ships had no intention of breaking the 1756 Rules of War (Robert, 1975). The British viewed American commerce as a case of Essex aiding Britain's enemies. The court ruled that the Americans had no compelling reason to believe that these were neutral goods. They are indeed in the possession of their British (Spain) adversary, which can be confiscated in the same way as the goods discovered by the British Navy in transit on a French ship (Irwin, 2017). With such arguments, the Court declared the British authorities acquitted. It must be seen that the case was legalized by the London authorities with the "Essex Judgment". It opened the way for British naval ships to intercept American merchant ships on a larger scale.

Essex Judgment was born in the context of a pamphlet entitled “War in disguise; or the frauds of the neutral flags, edited by a British naval officer James Stephen, became popular in local public opinion. In this work, J. Stephen added the principles of the Essex judgment. Accordingly, merchant ships of neutral nations were obligated to pay taxes on the profits of the British war effort. He wrote: “Allowing neutral merchants, especially for the United States, to trade without hindrance, would prolong the ambitions of France and Spain, and increase suffering in Europe” (DeConde, 1979).

It is this way of thinking along with the reality of the war situation that France is dominating on the European front that makes Britain even more obsessed. As evidence, on December 2, 1805, the French army under the leadership of Emperor Napoleon won a resounding victory at the Battle of Austerlitz, breaking the Austro-Russian alliance, smashing the Third Coalition against France, and mastering the continent. This victory made the British military believe that the source of the supremacy of Napoleon's army was none other than neutral countries, including the United States. Therefore, on May 16, 1806, a royal decree was issued under the name "Fox Blockade", establishing a system of blockade of the European coast. Under this order, the Royal Navy would seize American merchant ships carrying illegal cargo or cargo of an enemy anywhere outside the limits of US territorial waters approximately 3 miles (DeConde, 1979). American merchant ships were only allowed to trade with Europe through Great Britain. According to the logic of the matter, the search and seizure of merchant ships of the neutral country tightened.

The news of the Essex ruling, along with the interception of American merchant ships in the sea, turned federal political life upside down. A storm of protest broke out in shopping centers across the country,

many protests were organized. Salem Register wrote: “neutral nations will never be safe... until Britain has spent two to three naval battles” (A. B. Thomas, 1964).

Internal Union politics reacted in different ways. As observed by A. Merry - British Ambassador to Washington, Parliament "combined recent detentions of ships with arrests of sailors to incite fierce anger towards Britain" (David, 1993). The 9th session of the National Assembly (December 1805) marked the end of the peaceful attitude of parliamentarians in this agency. With the US Presidential Cabinet at this time – Thomas Jefferson began to contemplate a solution that would force the British to respect America's right to neutrality. Secretary of State James Madison promoted a strategy of economic coercion to exert diplomatic pressure. Recognizing the dependence of the British territories in the West Indies for essential supplies, so the President J. Madison consulted in conversation: “If a commercial weapon could work for the executive agency, it is increasingly clear to me that it can compel all the colonial-owning nations in a quarter of the globe to respect our rights” (David, 1993).

The thought of the head of the diplomatic service is aimed at completely banning the export of essential goods from the interior to the West Indies, where there are many British colonies, in order to force the London government to relax. The idea of using commercial factors as an optimal solution was considered by the head of the White House. Therefore, in the Message read before the Houses of Representatives, President T. Jefferson declared: “The authority of reason compels us (alluding to America ) the task of providing effective and decisive resistance against an argument that injures the rights of peaceful nations” (David, 1993). In Parliament, debate raged over the choice of trading methods that would put pressure on Britain. The House of Commons passed a resolution calling for a complete ban on imports into the country of goods of British origin and its dependent territories, including items: ceramics, industrial products. Meanwhile, the Senate proposed banning the import of items on the selected list. As a result, on April 18, 1806, the Federal Assembly approved the Import Prohibition Act, effective from November 15, 1806 onwards. This Act lists a series of items that the United States may manufacture or import from other countries that are prohibited from being imported into Union territory. The list of commodities includes: Copper, flax, steel and various woolen yarn (Schlesinger, Jr, 2004).

While the Prohibition of Imports Act is waiting for approval from the head of the executive branch, the news of the death of the British Prime Minister - Pitt, who has a hard line with the US, makes trade pressure measures delayed. Successor to his predecessor, the Cabinet of Prime Ministers of Grenville was established. Under the eyes of the US ambassador to London - James Monroe, the new cabinet has a more friendly and open mind in diplomatic relations. This was informed by J. Monroe to the T. Jefferson administration. To the head of the White House: "Every news from Sir Monroe reinforces for the United States that the new British claims to control American commerce with the colonies of the great powers in a state of war competition will be steadily limited" (Julius, 1955). With such awareness, the President decided to send a special diplomatic representative - William Pinckney to London to assist J. Monroe in re-opening negotiations with Britain.

In London, J. Monroe and W. Pinckney negotiated with the representative of the Royal Foreign Service – the Marquis of Auckland. On September 11, 1806, negotiations took place. The American delegation asked the London government to abolish the Essex Award, which recognized the two-way trade of an American merchant ship once it stopped at the port of a neutral country. One thing to note is that the negotiation process took place in the context that the British authorities learned that the US Congress had approved a law banning the import of goods from the UK. If this scenario happens, it will threaten domestic production (A. B. Thomas, 1964). Therefore, fearing the opposition of domestic British industrial manufacturers, the Royal negotiating representative had to give in to the American proposal. On the last day of 1806, December 31, the treaty named Monroe - Pinkney was signed by both sides. Accordingly, Great Britain agreed to allow ships of American nationality to conduct trade between the French colonies and ports located in the country's home country, provided that its voyage must call at an American port (A. B. Thomas, 1964). This also means that Britain respects the freedom of navigation for American ships.



## Conclusion

From the presentation and analysis of the above issues, we make some comments as follows:

In the process of fighting for independence, right from its "infancy", the United States has incubated and established its views on freedom of navigation in international trade. The maritime codes of conduct contained in the Plan of 1776 are a prime example. The ideas in it became the guideline for this country to build a system of views on the principle of freedom of navigation in the context that the country's potential was still quite lacking, and a navy was not really complete. The original ideals pursued by the United States in the free trade of the seas are closely related to the international practice that prevailed in Europe, where countries such as Denmark Sweden, Russia, etc... with relatively small naval potential, want to establish an equal position with countries possessing superior naval potential. This contributes to promoting the liberalization of the sea surface in the circulation and trade for their ships. In other words, the United States along with other European countries wanted to break the maritime hegemony that Britain wanted to maintain and reign for a long time on international trade routes.

Reality shows that pursuing the ideals originally set out is not an easy story. With the aim of containing the fledgling republic, the first in the Western Hemisphere, the London government controlled international trade with the former dependent country by a series of ordinances related to navigation. In order to escape the blockade and connection of international trade routes, the United States, first of all, ship owners thought of round-trip trade connecting two oceans, waging a diplomatic struggle through various channels to the flow of trade routes. It was based on the power of public opinion within the country, the submission of the shipowner's complaint to the British government, the ingenuity and flexibility of the shipowner on the sea trade routes, the synergy of the branches of Union power (executive, legislative...) in applying diplomatic pressure on the London government. All create national strength to realize the maritime principles that the United States pursues and establishes in trade with partners in international relations. It can be said that the struggle to force Britain to recognize the freedom of navigation in international trade is a continuation of the recognition of the independence of the union state by patriotic Americans. Its success contributed to tightening the bonds between the states, which were weak in the early years after the founding of the nation; strengthens the interior of the country and creates trust and expectation among its residents, with the majority of immigrants, in the Federal government.

By breaking the maritime rules issued by the London government, the United States has both established the freedom of the sea and mastered the transatlantic international trade routes. That process of struggle brought about a great advancement to the foreign economic activities of the United States, especially maritime trade. Its flourishing is based on the United States taking advantage of and grasping the objective factors brought. It is a dispute between European countries, mainly between England and France. Growing up on the ruins of the Old Continent. America has gradually established its place in the international community in unique ways that are difficult for nations to do. Napoleon himself had to bitterly admit: "America is a fortunate nation, made strong by the madness of our European nations" (Andrew, 1966). This is one of many examples of pragmatism in American diplomacy and this characteristic continues to this day.

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