US Freedom of Navigation Operations – India's EEZ

Why in news?

- The US Seventh Fleet announced that one of its warships, USS John Paul Jones (DDG 53), had carried out a Freedom of Navigation operation (FONOP) west of Lakshadweep Islands.
- It did this inside India's exclusive economic zone (EEZ), without requesting India's prior consent consistent with international law.

What was the announcement?

- The operations had asserted navigational rights and freedoms approximately 130 nautical miles west of Lakshadweep Islands, inside India's EEZ.
- It said "India requires prior consent for military exercises or maneuvers in its EEZ or continental shelf."
    - This is a claim inconsistent with international law.
- It also said the "FONOP" upheld the rights, freedoms, and lawful uses of the sea recognized in international law, by challenging India's excessive maritime claims.

What is India's response?

- India has conveyed its concerns regarding this to the Government of USA through diplomatic channels.
- The Ministry of External Affairs asserted its position in the context of the UN Convention on the Law of the Sea (UNCLOS).
- UNCLOS does not authorise other States to carry out military exercises or manoeuvres, particularly those involving the use of weapons or explosives in the EEZ and on the continental shelf without the consent of the coastal state.

What is the Freedom of Navigation operation (FONOP)?

- The FONOP involves passages conducted by the US Navy through waters claimed by coastal nations as their exclusive territory.
- According to the US Department of Defense (DoD), the FON Program has existed for 40 years.
- It has continuously reaffirmed the US's policy of exercising and asserting its navigation and overflight rights and freedoms around the world.
- These assertions communicate that the US does not acquiesce to the

excessive maritime claims of other nations.
- It thus prevents those claims from becoming accepted in international law.

What about the US 7TH FLEET?

- It is the largest of the US Navy's forward deployed fleets.
- At any given time there are roughly 50-70 ships and submarines, 150 aircraft, and approximately 20,000 Sailors in 7th Fleet.
- India had a close encounter with the 7th fleet during the 1971 war with Pakistan.

What is the exclusive economic zone (EEZ)?

- An EEZ is defined under the UNCLOS (United Nations Convention for the Law of the Sea).
- The EEZ is an area beyond and adjacent to the territorial sea, subject to the specific legal regime.
- The rights and jurisdiction of the coastal State and the rights and freedoms of other States within this are governed by the relevant provisions of the Convention.
- In India's case, it is specified as per Territorial Waters, Continental Shelf, Exclusive Economic Zone and Other Maritime Zones Act, 1976.
- Accordingly, EEZ of India is an area beyond and adjacent to the territorial waters, and the limit of such zone is 200 nautical miles from the baseline.
- India's limit of the 'territorial waters' is the line every point of which is at a distance of 12 nautical miles from the nearest point of the appropriate baseline.
- Under the 1976 law, all foreign ships (other than warships including sub-marines and other underwater vehicles) shall enjoy the right of innocent passage through the territorial waters.
- Innocent passage here means being "not prejudicial to the peace, good order or security of India".

What is the significance?

- The US Navy's Freedom of Navigation operation near Lakshadweep is not unprecedented.
- The US DoD publishes an annual Freedom of Navigation report.
- India found mention in the 2019 report along with 21 other countries that included China, Russia, Pakistan, Sri Lanka, Bangladesh, Maldives and Saudi Arabia.
- India was mentioned in the 2017, 2016 and 2015 reports as well.
- But this is the first time the US Navy has issued a public statement giving

details of the operation.
- It comes at a time when military cooperation between India and the US is on the rise.

Source: The Indian Express

