

NOD REQUIRED FOR EXERCISES: INDIA

Relevant for: International Relations | Topic: India - USA

The Ministry of External Affairs (MEA) said in a statement on Friday that the Government of India's stated position on the United Nations Convention on the Law of the Sea (UNCLOS) is that the Convention "does not authorise other States to carry out in the EEZ and on the continental shelf, military exercises or manoeuvres, in particular those involving the use of weapons or explosives, without the consent of the coastal state".

The MEA was responding to a statement by the U.S. Navy's 7th Fleet on April 7 that its ship the *USS John Paul Jones* had carried out Freedom of Navigation Operation (FONOP) in the Indian EEZ in the western Indian Ocean.

The statement said: "India requires prior consent for military exercises or manoeuvres in its exclusive economic zone or continental shelf, a claim inconsistent with international law."

Continuously monitored

Stating that the *USS John Paul Jones* was "continuously monitored" transiting from the Persian Gulf towards the Malacca Straits, the MEA added, "We have conveyed our concerns regarding this passage through our EEZ to the Government of U.S.A through diplomatic channels."

As per the annual FONOP reports released by the U.S. Department of Defence for each fiscal year, the U.S. has been regularly conducting FONOPs in Indian EEZ. The U.S. similarly carries out FONOPs against several other countries including its allies and partners. From 2007 onwards till 2017, the U.S. carried out multiple FONOPs every year challenging "excessive" Indian maritime claims.

A South Block official, on condition of anonymity, said it is only when it is "military manoeuvres" in our EEZ that we need nations to seek our permission and not if you are simply transiting through. And, the term military manoeuvres is not defined anywhere, the official added.

A second official, also on condition of anonymity, said it was the statement issued on the FONOP which was surprising more than the FONOP itself.

Commenting on the development, former Navy chief Adm. Arun Prakash tweeted: "While India ratified UNCLOS in 1995, the U.S. has failed to do it so far. For the 7th Fleet to carry out FONOPs missions in Indian EEZ in violation of our domestic law is bad enough. But publicising it? USN please switch on IFF (Identification, friend or foe)!"

Raising an important issue, Adm. Prakash said FONOPs by U.S. Navy ships, "ineffective as they may be," in South China Sea (SCS), are meant to "convey a message to China that the putative EEZ" around the artificial SCS islands is an "excessive maritime claim." "But what is the 7th Fleet message for India?" he asked.

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