

ENFORCING CLAIMS: THE HINDU EDITORIAL ON U.S. CHALLENGING INDIA'S MARITIME RIGHTS

Relevant for: International Relations | Topic: India - USA

For several years now, the relationship of the U.S. and India has been marked by their sensitivity to each other's concerns as they deepened cooperation on strategic issues, and aligned positions on multilateral issues. As a result, the April 7 press release by the U.S. Navy that [announced that its 7th fleet's Destroyer, the USS John Paul Jones, had traversed India's Exclusive Economic Zone \(EEZ\)](#) in order to "challenge" India's claim that it must be notified before any military activity in these waters came as a surprise, particularly as it followed two successful visits by senior U.S. officials, including the U.S. Defence Secretary and Climate Envoy to Delhi. In the press release, the U.S. Navy said its ship had "asserted navigational rights and freedoms approximately 130 nautical miles west of the Lakshadweep Islands, inside India's exclusive economic zone, without requesting India's prior consent," claiming this was "consistent" with international law, referring to the 1982 United Nations Convention on the Law of the Sea (UNCLOS). While the U.S.'s decision to conduct "Freedom of Navigation Operations" (FONOPs) is not new, as it regularly carries out such operations in order to "assert" international law off the coasts of 19 countries, most notably China, what appears to be new is the statement issued by the U.S. Navy itself. The government, which responded to the operation on April 9, said it had expressed its "concerns" to the U.S. government through diplomatic channels. In addition, India contested the U.S. claim about international law, saying that UNCLOS did not authorise military manoeuvres on the continental shelf or EEZ, as the 7th fleet had carried out, without prior consent.

While the matter has been disposed of diplomatically for the moment, it is clear that the government must prepare to grapple with the issue with the U.S. in the long term. The U.S.'s announcement indicates that a new SOP (Standard Operating Procedure) for these FONOPs is being adopted. To begin with, the government must clearly explain its own position, making it clear to all partners how the Indian law governing maritime claims is in line with international law. Next, it must analyse the U.S.'s motivations for this belligerence, and chart out a course accordingly. Primarily, the U.S. naval actions maybe a message to China, whose maritime claims are increasingly coming into conflict with those of the U.S. and its allies, but Washington is attempting to send a broader message that it will not tolerate any other country's claims. As New Delhi contends with this new reality, it must seek answers from Washington about how their newly intensified Quad partnership, especially their stated objective to cooperate on keeping a "free and open Indo-Pacific", can co-exist with the open challenge the U.S. Navy has posed.

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