



US again rejects India's Maritime claim

- By Ankit Agrawal

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India's maritime claims 'excessive', says Biden admin

Chidanand Rajghatta | TNN | Updated: Apr 11, 2021, 02:03 IST



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WHAT'S HAPPENING?

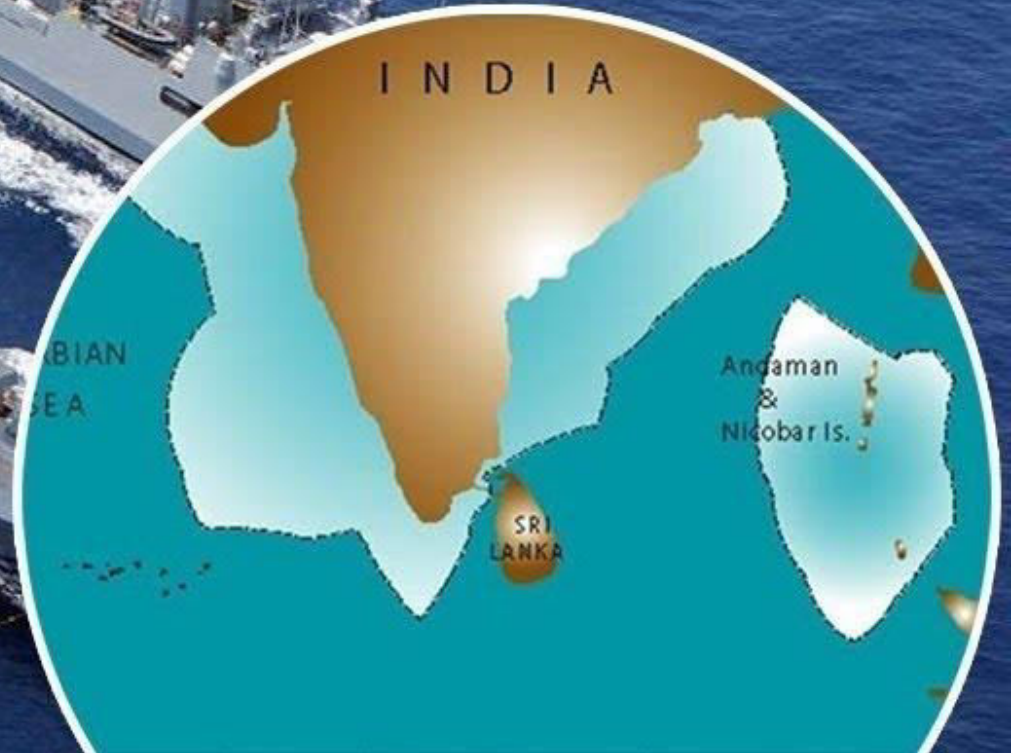
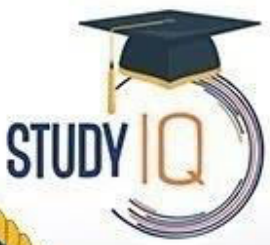
India and the United States are **having a rare moment of disagreement** in their burgeoning defence ties,

With **Washington accusing New Delhi of "excessive maritime claims"** while asserting the **right of navigation** for its warships close to Lakshwadeep islands.

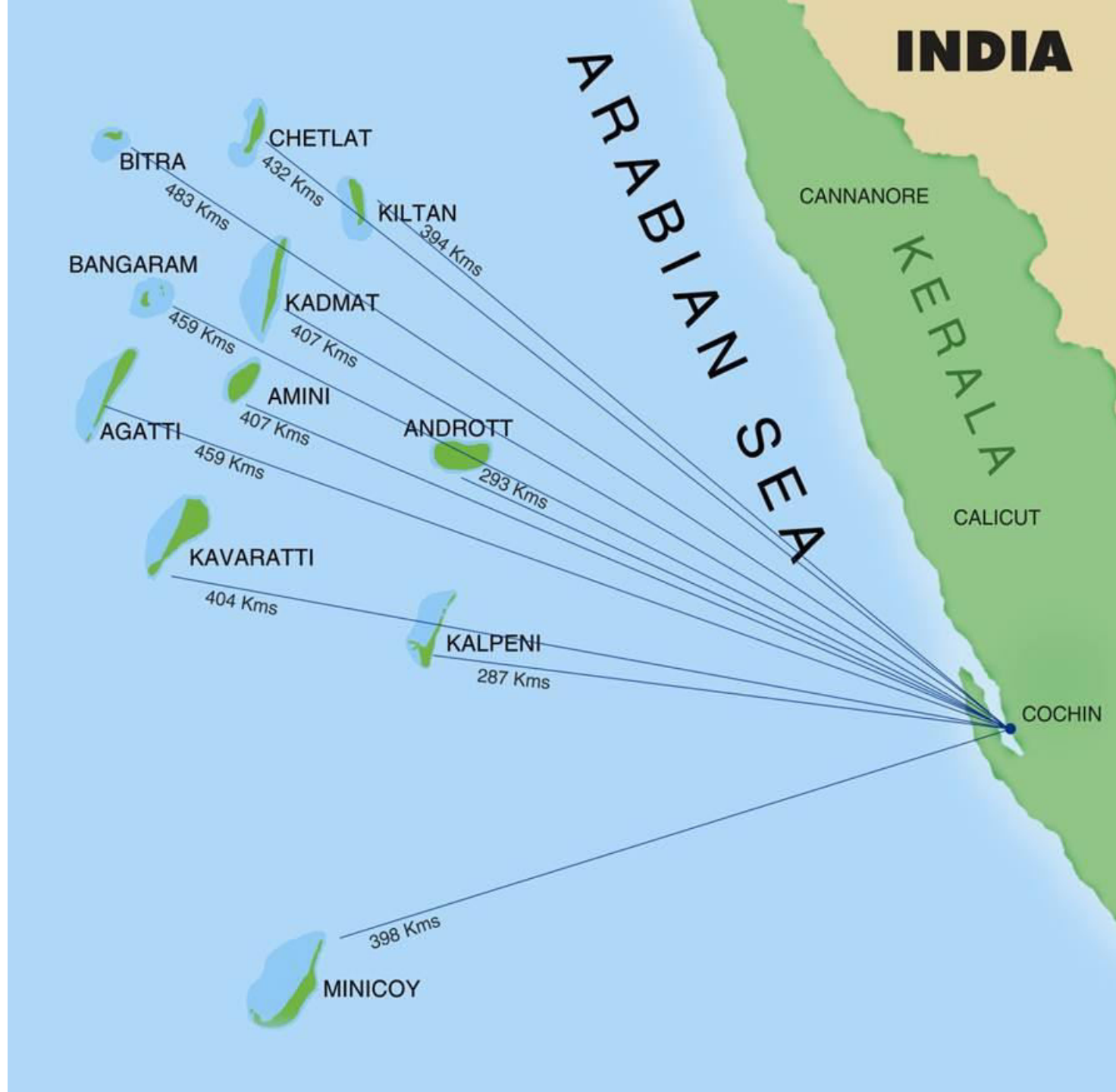
US Navy conducts

operation in India's EEZ

without prior consent



by Ankit Agrawal





NEWS | April 7, 2021

7th Fleet conducts Freedom of Navigation Operation

By U.S. 7th Fleet Public Affairs

Philippine Sea, – On April 7, 2021 (local time) USS John Paul Jones (DDG 53) 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, consistent with international law. India requires prior consent for military exercises or maneuvers in its exclusive economic zone or continental shelf, a claim inconsistent with international law. This freedom of navigation operation ("FONOP") upheld the rights, freedoms, and lawful uses of the sea recognized in international law by challenging India's excessive maritime claims.

UNCLOS

When **India ratified** the UN Convention of the Law of the Sea (UNCLOS) in **1995**, it declared that in its understanding

“the provisions of the Convention **do not authorize other States to carry out** in the exclusive economic zone 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 US has not ratified UNCLOS.

UNCLOS is also sometimes referred to as the Law of the Sea Convention or the Law of the Sea treaty.

It came into operation and became effective from 16th November 1982.

However, the first time such a proposal was announced before the United Nations was in the year 1973.

Over the course of nine years, with representations from over 160 countries coming forward, UNCLOS came into existence.

WHY US IS OUT OF THIS CONVENTION?

The differences, which began during the drafting of the treaty, is over the interpretation of Article 58 (i) of the Convention.

1. In the exclusive economic zone, all States, whether coastal or land-locked, enjoy, subject to the relevant provisions of this Convention, the freedoms referred to in article 87 of navigation and overflight and of the laying of submarine cables and pipelines, and other internationally lawful uses of the sea related to these freedoms, such as those associated with the operation of ships, aircraft and submarine cables and pipelines, and compatible with the other provisions of this Convention.



NATIONAL

India protests against U.S. naval exercise sans consent



Dinakar Peri

12-04-2021

NEW DELHI, APRIL 09, 2021 12:40 IST

UPDATED: APRIL 10, 2021 03:28 IST

The Ministry of External Affairs (MEA) said in a statement 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.”

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.”

RESPONSE FROM USA

Defending its actions, the Pentagon said **it was in compliance with the international law.**

"I can tell you that the *USS John Paul Jones*, a Navy destroyer, **asserted navigational rights and freedoms** in the vicinity of the Republic of the **Maldives**

By conducting innocent passage through its territorial sea in normal operations within its exclusive economic zone without requesting prior permission," Pentagon spokesperson John Kirby told reporters on Friday.



"That's consistent with international law. Again, we continue to maintain the right, indeed the responsibility, to fly, sail, and operate in accordance with international law,"

Mr. Kirby said in response to a question from reporters at a Pentagon news conference.

WHY US IS BEING SELECTIVE?

Though the US does conduct FONOPs against not only rivals but also allies & partners, it still picks & chooses.

Most notably, the US has never conducted formal Freedom of Navigation operations against Australia or Canada, despite objecting to their 'excessive' claims.

E.g. **Australia's historic bay claims** in Anxious Bay, Encounter Bay, Lacepede Bay, & Rivoli Bay and its straight baselines around the Abrolhos Islands.

The U.S. does not recognize Australia's historic claims to Anxious Bay, Encounter Bay, Lacepede Bay, and Rivoli Bay.



12-04-2021

Canada's straight baselines around the Arctic Archipelago & treatment of the waters therein (the Northwest Passage) as internal waters.



CONCLUSION

Using unilateral military operations to accuse Asian countries of violating the law of the sea,

When the US has not even ratified the most relevant convention, the UN Convention on the Law of the Sea is probably not the best way to win friends & influence people in Asia.

Instead of using military operations to try to impose US version of the so-called 'liberal rules-based international order' on a world, the US should adopt a less militarized approach toward freedom of navigation.

It should discontinue operational assertions & rely instead on the diplomacy & training tracks of the Freedom of Navigation Program to protect its rights to freedom of navigation.

Q. Which one of the following countries is planning to construct a rival to the Panama Canal to link the Pacific and Atlantic Oceans?

- A) Colombia
- B) Costa Rica
- C) Guatemala
- D) Nicaragua



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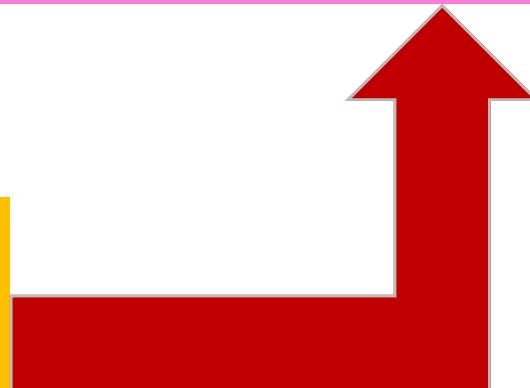
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