

7th Fleet Destroyer conducts Freedom of Navigation Operation in South China Sea



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By U.S. 7th Fleet Public Affairs

PARACEL ISLANDS, South China Sea —

On March 24 (local time) Arleigh Burke-class guided-missile destroyer USS Milius (DDG 69) asserted navigational rights and freedoms in the South China Sea near the Paracel Islands,

consistent with international law. At the conclusion of the operation, Milius exited the excessive claim and continued operations in the South China Sea. This freedom of navigation operation ("FONOP") upheld the rights, freedoms, and lawful uses of the sea recognized in international law by challenging the restrictions on innocent passage imposed by the People's Republic of China (PRC), Taiwan, and Vietnam and also by challenging PRC's claim to straight baselines enclosing the Paracel Islands.

Unlawful and sweeping maritime claims in the South China Sea pose a serious threat to the freedom of the seas, including the freedoms of navigation and overflight, free trade and unimpeded commerce, and freedom of economic opportunity for South China Sea littoral nations.

The United States challenges excessive maritime claims around the world regardless of the identity of the claimant. The customary international law of the sea as reflected in the 1982 Law of the Sea Convention provides for certain rights and freedoms and other lawful uses of the sea to all nations. The international community has an enduring role in preserving the freedom of the seas, which is critical to global security, stability, and prosperity.

The United States upholds freedom of navigation for all nations as a principle. As long as some countries continue to claim and assert limits on rights that exceed their authority under international law, the United States will continue to defend the rights and freedoms of the sea guaranteed to all. No member of the international community should be intimidated or coerced into giving up their rights and freedoms.

The PRC, Taiwan, and Vietnam each claim sovereignty over the Paracel Islands. In violation of customary international law, all three claimants require either permission or advance notification before a military vessel or warship engages in "innocent passage" through the territorial sea. Under

customary international law as reflected in the Law of the Sea Convention, the ships of all States –including their warships –enjoy the right of innocent passage through the territorial sea. The unilateral imposition of any authorization or advance-notification requirement for innocent passage is unlawful. By engaging in innocent passage without giving prior notification to or asking permission from any of the claimants, the United States challenged these unlawful restrictions imposed by the PRC, Taiwan, and Vietnam. The United States demonstrated that innocent passage is not be subject to such restrictions.

The United States also challenged the PRC's 1996 declaration of straight baselines encompassing the Paracel Islands. Regardless of which claimant has sovereignty over these islands, it is unlawful to draw straight baselines around the Paracel Islands in their entirety. Customary international law as reflected in the Law of the Sea Convention is both clear and comprehensive regarding the circumstances under which States can depart from "normal" baselines. The PRC-claimed straight baseline violates international law of the sea as reflected in Article 7 of the Law of the Sea Convention. Furthermore, international law does not permit continental States, like the PRC, to establish baselines around entire dispersed island groups. With these baselines, the PRC has attempted to claim more internal waters, territorial sea, exclusive economic zone, and continental shelf than it is entitled to under international law. By conducting this operation, the United States demonstrated that these waters are beyond what the PRC can lawfully claim as its territorial sea, and that the PRC claimed straight baselines around the Paracel Islands are inconsistent with international law.

U.S. forces operate in the South China Sea on a daily basis, as they have for more than a century. They routinely operate in close coordination with like-minded Allies and partners that share our commitment to uphold a free and open

international order that promotes security and prosperity. All of our operations are conducted safely, professionally, and in accordance with customary international law. The operations demonstrate that the United States will fly, sail, and operate wherever international law allows –regardless of the location of excessive maritime claims and regardless of current events.