

U.S. Navy Asserts Freedom to Navigate in International Waters



The Arleigh Burke-class guided-missile destroyer USS John Finn (DDG 113) transits the Taiwan Strait March 10, 2021. John Finn, part of the Theodore Roosevelt Carrier Strike Group, is on a scheduled deployment to the U.S. 7th Fleet area of operations. *U.S. Navy / Mass Communication Specialist 3rd Class Jason Waite*

The U.S. Navy continues to assert its right to operate freely in international waters with yet another Taiwan Strait transit, following several recent freedom of navigation operations (FONOPS) in the South China Sea, particularly in the vicinity of the Spratly and Paracel Islands.

The Arleigh Burke-class guided missile destroyer USS John Finn

(DDG 113) conducted a routine Taiwan Strait transit March 10 (local time) in accordance with international law.

According to a statement from the U.S. 7th Fleet, the ship's transit through the Taiwan Strait "demonstrates the U.S. commitment to a free and open Indo-Pacific. The United States military will continue to fly, sail, and operate anywhere international law allows."

China's People's Liberation Army officials said the USS John Finn transit was a provocation intended to undermine regional and cross-strait stability.

The John Finn transit isn't the only one in recent weeks. The Arleigh Burke-class guided missile destroyer USS Curtis Wilbur (DDG 54) conducted a routine Taiwan Strait transit Feb. 24 in accordance with international law. On Feb. 17, USS Russell (DDG 59) "asserted navigational rights and freedoms in the Spratly Islands, consistent with international law." And on Feb. 5, USS *John S. McCain* (DDG 56) asserted navigational rights and freedoms in the vicinity of the Paracel Islands, consistent with international law.

Each of these transits occurred in areas where nations have disputed claims regarding sovereignty.

"A Taiwan Strait transit is not a freedom of navigation operation. Freedom of navigation operations challenge excessive maritime claims, while Taiwan Strait transits simply exercise the rights of all ships to pass through an international waterway, said Lt. Mark Langford, deputy public affairs officer for the U.S. 7th Fleet.

According to statements from the 7th Fleet, the FONOP "upheld the rights, freedoms and lawful uses of the sea recognized in international law by challenging the unlawful restrictions on innocent passage imposed by China, Taiwan, and Vietnam and also by challenging China's excessive straight baseline claims enclosing the Paracel Islands."

The statement said China, Vietnam, Taiwan, Malaysia, Brunei and the Philippines each claim sovereignty over some or all of the Spratly Islands. China, Vietnam, and Taiwan require either permission or advance notification before a foreign military vessel engages in “innocent passage” through the territorial sea.

The 7th Fleet statement says, “Under 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 not permitted by international law. 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 China, Taiwan, and Vietnam. The United States demonstrated that innocent passage may not be subject to such restrictions.”

The 7th Fleet statement said U.S. forces have operated in the South China Sea on a daily basis, and have done so for more than a century. “They routinely operate in close coordination with like-minded allies and partners who share our commitment to uphold a free and open international order that promotes security and prosperity. All of our operations are designed to be conducted professionally and in accordance with international law and 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.”

The Department of Defense’s annual Freedom of Navigation Fiscal Year 2020 Report to Congress, released March 10, said during the period from Oct. 1, 2019, through Sept. 30, 2020, U.S. forces operationally challenged 28 different excessive maritime claims made by 19 different claimants throughout the world.