

U.S. Navy Destroyer Conducts Freedom of Navigation Operation in the South China Sea



[Release from Commander, U.S. 7th Fleet Public Affairs](#)

Nov. 3, 2023

SPRATLY ISLANDS, South China Sea – On November 3, USS Dewey (DDG 105) asserted navigational rights and freedoms in the South China Sea near the Spratly Islands, consistent with international law. At the conclusion of the operation, USS Dewey (DDG 105) exited the excessive claim area 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 restrictions on innocent passage imposed by the People’s Republic of China (PRC), Taiwan, and Vietnam.

The PRC, Vietnam, and Taiwan each claim the entirety of the Spratly Islands, while the Philippines, Malaysia, and Brunei also claim certain features. The PRC, Vietnam and Taiwan each require either permission or advance notification before a military vessel or warship engages in “innocent passage” through their territorial sea, in violation of international law. 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 a 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 subject to such restrictions.

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. Customary international law reflected in the 1982 Law of the Sea Convention protects certain rights, freedoms and lawful uses of the sea enjoyed by 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.

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.