



Admiral James A. Winnefeld, Jr.
Vice Chairman of the Joint Chiefs of Staff

Written Statement to Senate Foreign Relations Committee
14 June 2012

Mr Chairman, Senator Lugar, distinguished members of the Foreign Relations Committee, thank you for the opportunity to appear before you this morning.

I appear here today as a career Sailor, as a former Commander of United States Northern Command, and in my current position—all assignments that have informed my perspectives on the Law of the Sea Convention.

It is a privilege to appear alongside so many uniquely qualified leaders, each with their own unique perspectives, to join in sharing our view that it is time for the United States to join the Law of the Sea Convention.

Joining this treaty will strengthen our posture and operations across the maritime domain, including in the Arctic, the Asia-Pacific region, the Strait of Hormuz, and the global shipping lanes at the heart of our military sealift capabilities.

Joining will solidify our global maritime leadership, enhance our credibility, and, as the world's foremost naval power, allow us to bring to bear the full force of our influence on maritime disputes.

We've listened closely over many years to the rationale for why we should not join, and take these concerns very seriously.

Some say that joining will result in a loss of sovereignty for the United States. I believe the opposite to be true.

Some say joining the convention will open U.S. Navy operations to the jurisdiction of international courts. This is not true, as was specifically declared in the 2007 proposed Senate declarations and understandings. Many other nations who have joined have exempted their military activities from the treaty.

Some say it will require us to surrender our sovereignty over our warships. This is erroneous. We will not let this happen, and the Convention does not require it.



Others say it will cause us to have to alter our rules of engagement. This is also false—joining the Convention would not require any change whatsoever to our rules of engagement

Still others say it means our naval activities will be restricted in or beyond areas in which we now operate. This is false as well. In fact, if we do not join the Convention, we are more at risk than ever of nations attempting to impose such limitations under evolving interpretations of customary international law.

Customary international law is not static and joining the Convention will protect us from persistent attempts to erode the protection of customary international law, as a number of states, including those with growing economic and military power, advance national laws that attempt to restrict our maritime activities, particularly within the bounds of their Exclusive Economic Zones. This is contrary to the Convention, but is a trend that is real and pressing and that could place your Navy at an enormous legal disadvantage. Joining will allow us to go on the offensive against such self-serving “lawfare” activity that runs counter to our vital interests. Nations that would challenge us in the maritime domain are delighted that we have not joined. Meanwhile, there are other nations—such as North Korea, Iran, Syria, and Venezuela—in whose company I believe it is not in our interest to remain as non-parties to the Convention.

Joining will also give us stronger standing to advance treaty arguments in support of partners who are being intimidated over disputes that should be resolved peacefully and voluntarily under the Convention. Candidly, I find it awkward to suggest that other nations should follow rules that we haven’t even formally agreed to ourselves.

And joining will give us a seat at the table when key decisions are being made that could affect our sovereign rights and those of our partners and friends in the Arctic—this is more timely than it has ever been in the history of the Convention.

Our recommendation to join reflects nearly two decades of military leaders who have studied this problem and who have continued to come to the clear conclusion that ratification is in our best interests.

Today, I join those officers, including every Chairman of the Joint Chiefs since 1994 when this was first submitted, in giving my unwavering support to the Law of the Sea Convention and in asking for your advice and consent.

Thank you for the opportunity to appear this morning, and I look forward to your questions.