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## **Kerry Statement at 3<sup>rd</sup> Law of the Sea Hearing: Republican Opponents and Proponents**

WASHINGTON, DC – Senate Foreign Relations Committee Chairman John Kerry (D-MA) today chaired a hearing featuring witness testimony from Republican proponents and opponents of the Treaty, including former U.S. Secretary of Defense Donald Rumsfeld, former U.S. Deputy Secretary of State John Negroponte, former U.S. Department of State Legal Adviser John Bellinger, and the Heritage Foundation’s Steven Groves.

“This afternoon, we have folks with different points of view on the same panel and have an opportunity to really dig in,” said Chairman Kerry. “Drawing on the two hearings we’ve had, I believe that even critics of the Law of the Sea are beginning to join the consensus that the navigational bill of rights provided for in the treaty, and which our military and our shippers rely on every day, are beneficial to the United States.”

This morning, Senator Kerry chaired the second in a series of Law of the Sea hearings featuring [four Admirals and two Generals](#) sharing the U.S. Military’s perspective on the merits of ratifying the treaty.

Chairman Kerry also shared his thoughts ahead of today’s hearings in a blog post on the [Huffington Post](#), calling the Law of the Sea Treaty “a treaty that boasts an unprecedented breadth of support from Republican foreign policy experts, the United States military, and the hard-nosed, bottom line American business community.”

*The full text of Chairman Kerry’s opening statement, as delivered, is below:*

Good afternoon and thank you all for coming.

This is our third hearing on the Law of the Sea Convention, and we’re going to have some more after this, no doubt. And I’m particularly looking forward to this afternoon, because what I like about it is that we have folks with different points of view on the same panel and have an opportunity to really dig in and I hope we will do. And I think that will be useful to everybody here.

Senator Inhofe, along with a number of other colleagues, requested that I invite four witnesses to testify. And so we did. We invited all four. Two of them—Secretary Rumsfeld and Steven Groves—agreed to join us today, along with two other distinguished witnesses. And I’m really happy that all of you could take the time to be here with us.

Donald Rumsfeld everybody knows is currently President of the Rumsfeld Foundation and held various, very senior positions in previous administrations, most recently serving as Secretary of Defense under President George W. Bush.

He is joined by John Negroponte, who is also a veteran of multiple administrations. Most recently, Mr. Negroponte served as our first Director of National Intelligence and then as Deputy Secretary of State in the George W. Bush Administration. And he's currently Vice Chairman at McLarty Associates.

I am also pleased to have John Bellinger. From 2001-2005, he served in the White House as Senior Associate Counsel to President George W. Bush and then as the Legal Adviser to the National Security Council. From 2005-2009, he was the Legal Adviser to the State Department. He is now a partner at the law firm Arnold and Porter.

And finally, rounding out the panel is Steven Groves, the Bernard and Barbara Lomas Fellow at the Heritage Foundation. Mr. Groves was previously senior counsel to the Senate Permanent Subcommittee on Investigations.

Welcome to all of you.

This morning, we heard a panel from our most senior operational commanders, along with the Vice Chairman of the Joint Chiefs and the top officers in the Navy and the Coast Guard. They added their voices to that of the Chairman of the Joint Chiefs, the Secretary of Defense, and the Secretary of State calling for ratification of the Treaty. We have also heard and we've introduced into the record letters from many of our combatant commanders, all of whom strongly support joining the Law of the Sea Convention.

I think it is my understanding drawing on the two hearings we've had that even critics of the Law of the Sea are beginning to join the consensus that the navigational bill of rights provided for in the treaty, and which our military and our shippers rely on every day, are beneficial to the United States. As I see it, and just listening, I think the bulk of the debate is not focused on those navigational provisions but rather on other aspects of the treaty.

And I believe personally, and I'm not going to into this at length as I don't think that would be fair in terms of my Chairmanship, but I do there are a lot of criticisms that are inaccurate. What I want to try to do is separate what's accurate from what's not, so that the Committee hopefully at the resolution of ratification can deal with those things that we think we need to deal with.

But let me give you an example of that. The International Seabed Authority has been accused of being but is not some bloated UN bureaucracy. It is totally separate from the United Nations and has a staff of less than 40. Nothing in its 13 year history suggests that it's an organization out of control or is somehow going act inconsistent with U.S. interests, or that in joining the U.S. will not be able to effectively U.S. its veto in the ISA Council to advance U.S. interests.

Other criticisms have focus on the royalty provisions, other things, but I think we need to dig in on the facts, and I'm going to let that happen.

The one thing I do want to put out here is it's clear that the original provisions of the 1982 Convention were not fully consistent with free market principles and would have disadvantaged

our businesses. If I were looking strictly at the four corners of the 1982 Convention, I would have had problems, as Ronald Reagan did and others did. But those problems, I think in most people's judgment, have been addressed in full.

Bob Stevens, the CEO of Lockheed Martin, recently wrote to me urging that the Senate pass the Law of the Sea. And this is what he said:

*“[T]he multi-billion dollar investments needed to establish an ocean-based resource development business must be predicated upon clear legal rights established and protected under the treaty-based framework of the LOS Convention, including the International Seabed Authority (ISA). Other international players recognize this same reality and are acting upon it. Countries (including China and Russia) are moving forward aggressively within the Treaty framework, and several of these countries currently hold exploration licenses from the International Seabed Authority....*

*Unfortunately, without ratifying the [Convention], the United States cannot sponsor claims with, or shape the deep seabed rules of the ISA. Yet, that is the critical path forward if the United States intends to expand and ensure access—for both U.S. commercial and government interests—to new sources of strategic mineral resources.”*

I might add that Lockheed is not alone. I recently received a letter from Rex Tillerson, the head of ExxonMobil. He expressed ExxonMobil's support for ratification and said this:

*“As an American company engaged in the global market for energy development, ExxonMobil is interested in exploring for oil and gas resources that may exist under the vast new areas that are recognized for sovereignty purposes under [the Law of the Sea]. The exploration and development of offshore resources is complicated and costly, and operating in the extended areas addressed under [the Law of the Sea] will be even more so. Before undertaking such immense investments, legal certainty in the property rights being explored and developed is essential.”*

I think our business have overwhelmingly made that point, including the Chamber of Commerce, the American Petroleum Institute, the Telecommunications Industry Association, the Chamber of Shipping of America, who just wrote me to me in support of the Treaty, and I'd like to enter each of those letters into the record.

In a few weeks, we will have many of these people here to testify to talk about the economic realities.

They have all studied the treaty and believe that it is in their interests and in our economic interest to ratify it. But today we have experts that really understand the negotiation of the treaty and so forth and we look forward to a very healthy dialogue and hopefully very productive results for the Committee.

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