

SENATE COMMITTEE ON FOREIGN RELATIONS

STATEMENT OF
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CHAIRMAN
JOINT CHIEFS OF STAFF
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Mr. Chairman, Senator Lugar, and distinguished members of the Committee, I appreciate this opportunity to discuss the military and security implications of the Law of the Sea Convention.

The United States is a maritime nation—militarily and economically. We have the world's largest Exclusive Economic Zone and the world's largest and most capable navy. We stand to benefit from the additional legal certainty and public order this treaty would provide. Moreover, this certainty will become increasingly important as the global security environment becomes more competitive and more complex.

It is with this in mind that I join Secretary Clinton, Secretary Panetta, the Joint Chiefs, and every Chairman of the Joint Chiefs of Staff and every Chief of Naval Operations since the Convention was submitted to the Senate in 1994 in offering my unqualified support for this treaty.

There are many reasons for this support. I would like to highlight three.

First, joining the Convention would give our day-to-day maritime operations a firmer, codified legal foundation. It would enable and strengthen our military efforts, not limit them.

We currently rely on customary international law and physical presence to secure global freedom of access. But there is risk in this approach. Tradition is a shaky basis upon which to rest our national security and the protection of our forces. Customs can be disputed, and they can change.

Joining the Convention would provide legal certainty to our navigational freedoms and legitimacy to our maritime operations that customary law simply cannot. It would affirm critical navigational freedoms and reinforce the sovereign immunity of our warships as they conduct these operations. These

include the right of transit through international straits, the right to exercise high seas freedoms in foreign exclusive economic zones, and the right of innocent passage through foreign territorial seas. The Convention would also provide a stronger legal basis for some important activities such as stopping and boarding stateless vessels—ships often used by pirates, traffickers, and terrorists.

Second, joining the Convention would provide a consistent and effective legal framework for opposing challenges to the rules-based international order in the maritime domain. Around the globe we are witnessing nations expanding their naval capabilities. We are also seeing countries expand their maritime claims—in the direction of restricting movement on the oceans. Illegitimate expansionism could become particularly problematic in the Pacific and the Arctic, two regions whose importance to our security and our economic prosperity will only increase over the next several decades. The Convention would provide us an important tool to help stave off jurisdictional creep in these areas and to resolve future conflicts peacefully and with less risk of escalation.

Last, being a member of the Convention would better allow the United States to exercise global security leadership—a critical component of our global strategy. Our absence from the Convention separates us from our partners and allies. It places us in the company of those who disdain the rule of international law. We are the only permanent member of the U.N. Security Council and the only Arctic nation that is not a party to the Convention. As a result, there are limits to our ability to build coalitions for important international security efforts.

From the beginning, U.S. negotiators have been involved in the development of the Convention and have ensured it would both serve and protect our interests. Not joining the Convention limits our ability to shape its

implementation and interpretation. We will need that influence if we intend to continue to lead in global maritime affairs.

Now is the time for the United States to join the Convention. We should not wait. The global security environment is changing. The Pacific and the Arctic are becoming increasingly important. And some nations appear increasingly willing to assert themselves and to push the boundaries of custom and tradition in a negative direction.

This treaty has been thoroughly debated and vetted, and it has consistently received support from senior defense leaders. We should become party to the Law of the Sea Convention now and demonstrate our global maritime leadership.