

UN Convention on the Law of the Sea Hearing  
Senator Richard G. Lugar  
Opening Statement  
October 14, 2003

The Committee meets today to begin consideration of the UN Convention on the Law of the Sea. This treaty represents the culmination of decades of work to produce a comprehensive international framework governing the use of the world's oceans. The Law of the Sea Convention has great potential to advance U.S. interests related to the navigation of the seas, the productive use of their resources, and the protection of the marine environment.

The United States played a leading role in negotiating the Convention in the 1970s and early 1980s. Because of concerns about its deep sea mining provisions, however, the United States declined to sign the Convention when it was initially concluded in 1982. Subsequently, the United States led a successful effort to revise the deep sea mining provisions of the Convention. As a result, the United States signed the Convention in 1994.

Congress had expressed its support for these efforts, stating in the Deep Seabed Hard Mineral Resources Act of 1980 that: "it is in the national interest of the United States and other nations to encourage a widely acceptable Law of the Sea Treaty, which will provide a new legal order for the oceans covering a broad range of ocean interests."

Although the Convention was submitted to the Senate for its advice and consent in October 1994, the Foreign Relations Committee has not held a hearing on it since that time. I am pleased that the Committee will now have the opportunity to consider this treaty. Today's hearing is the first step in that process. We will hold a second hearing to examine the treaty on October 21. Following these hearings, it is my intention to begin work on a resolution of advice and consent, with the hope that the Committee can mark up such a resolution early next year.

More than 140 nations are party to the Law of the Sea Convention, including all other permanent members of the UN Security Council and all but two other NATO members. The absence of American leadership from the Convention diminishes its effectiveness and our own influence over international ocean policy.

As a maritime state and the world's only superpower, the United States has vital economic and security interests in preserving freedom of navigation on the oceans and in preventing piracy, smuggling, terrorism, and other criminal activity from occurring off our shores. Our ability to import goods from abroad and to sell our goods to other countries depends on transporting these goods by sea. As a coastal state, we also have important interests in protecting the marine environment while managing and making productive use of the resources off our coasts. These include petroleum and mineral resources, as well as fisheries resources.

We are fortunate to have two extremely knowledgeable panels of witnesses with us this morning to discuss the Convention. First, we will have the pleasure of hearing from our distinguished colleague Senator Stevens, who has long been interested in the Convention and its

ratification. Although our schedule did not permit the attendance of Senator McCain, he similarly expressed his desire to speak on behalf of the Convention. Thus, we begin our inquiry with the knowledge that Senate consideration of the Convention is supported by the chairmen of the Appropriations and Commerce Committees. This underscores the active interest that members of the Senate have taken in the Law of the Sea Convention during the long course of its negotiation.

I also want to take this opportunity to recognize the commitment and leadership of a former Chairman of this committee, Senator Claiborne Pell. Senator Pell brought passion and expertise to his work on the Law of the Sea, and our current examination of the treaty benefits greatly from his contributions.

We also welcome five witnesses with exceptional expertise on the Convention and related maritime issues: Admiral James Watkins, Admiral Joseph Prueher, Professor John Norton Moore, Admiral William Schachte, Jr., and Professor Bernard Oxman.

First we will hear from Admiral James Watkins. Admiral Watkins served from 1982 to 1986 as Chief of Naval Operations. From 1989 to 1993 he was U.S. Secretary of Energy. Currently, Admiral Watkins is the Chairman of the U.S. Commission on Ocean Policy.

Our second witness on the panel is Admiral Joseph Prueher. Admiral Prueher served for 35 years in the U.S. Navy. From 1996 to 1999, he was Commander-in-Chief of the U.S. Pacific Command. From 1999 to 2001, he served as U.S. Ambassador to China.

Next we will hear from Professor John Norton Moore. From 1973 to 1976, Professor Moore served as Ambassador and Deputy Special Representative of the President to the Third U.N. Conference on the Law of the Sea. He also was Chairman of the National Security Council's Interagency Task Force on the Law of the Sea. Currently he is the Walter L. Brown Professor of Law at the University of Virginia School of Law and Director of the University's Center for Oceans Law and Policy.

Finally we will hear from Admiral William L. Schachte, Jr. During his Navy career, Admiral Schachte served in many capacities related to ocean policy. He was a member of the U.S. Delegation to the Third U.N. Conference on the Law of the Sea. He is currently special counsel to Tetra Tech, Inc. Welcome to each of you.

We were to hear from a fifth witness, Professor Bernard Oxman. Unfortunately, Professor Oxman has fallen ill and is not able to be heard today. If there are no objections, his prepared written statement will be included in the record in full. Professor Oxman served as United States Representative and Vice-Chairman of the U.S. Delegation to the Third U.N. Conference on the Law of the Sea. He is also a former Assistant Legal Adviser for Oceans, Environment, and Scientific Affairs in the Office of the Legal Adviser at the Department of State. Professor Oxman is currently a Professor at the University of Miami Law School and serves as a Judge Ad Hoc on the International Tribunal for the Law of the Sea.

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