

NAVY LEAGUE BREMERTON-OLYMPIC PENINSULA

LOSC Kneebord

UNCLOS

- ❖ Effective NOV 94
- ❖ 155 Parties
- ❖ US not party **but** considers nav and other provisions customary int'l law
- ❖ Reagan's '83 Oceans Policy → gov't to abide by all but deep seabed mining (sole concern) provisions of UNLCOS
- ❖ '94 deep seabed mining fixed → addressed each Regan objection

Why we want it – the principles

- ❖ National Strategy for Maritime Security: Leverage freedom of world's oceans
- ❖ Mobility more important than ever
- ❖ National Security Strategy to promote rule of law: LOSC assures access to world's largest maneuver space → the sea → under accepted law & not threat of force
- ❖ Stable regime for ops today and realize our vision for the future
- ❖ Allow us to take leadership role in shaping/influencing future maritime developments

Benefits to Navigation:

- ❖ Guarantees x-sit through int'l straits & archipelagic waters (FON)
- ❖ Preserve right to conduct mil activities in states' EEZ w/o notice or permission
- ❖ Reaffirms sovereign immunity of warships
- ❖ Provides framework to counter excessive maritime claims
- ❖ Preserves ops and intel activities

PSI (LOSC has no adverse effect on vessel boardings and search)

- ❖ PSI Principles state "will be implemented consistent with national law and international law;" includes LOSC
- ❖ Peacetime mechanisms:
 - May board vessels flying flag of boarding state
 - May board vessels who consent to boarding
 - May board vessels entering coastal state ports
 - May board stateless vessels
- ❖ Self-Defense/Armed Conflict mechanisms:
 - May board in self-defense if attack/threat of attack
 - May board iaw with belligerent ops, e.g., visit and search, during armed conflict
- ❖ All PSI partners party to LOSC
- ❖ Does not changes rules USN has been operating under for 40+ years
- ❖ Do not need permission from UN to board & search a ship

Use of Force

- ❖ LOS expressly does not regulate self defense or use of force during armed conflict

Intel Activities

- ❖ LOSC will not impact our intel activities
- ❖ Activities that are not "innocent" (intel gathering) don't qualify for benefits of innocent passage... **But they are not prohibited or regulated by convention**

Risks of Non Accession

- ❖ Potential loss/erosion of critical rights & nav freedoms
- ❖ "Being outside" – US has no effective way to counter changes/exercise US leadership
- ❖ Possible jeopardy to global mobility

Deep Seabed Mining Provisions:

94 Fixes

- Mandatory tech x-fer provisions eliminated
- US guaranteed seat on Exec Council & Finance Committee that give it veto power
- Amendments cannot enter into force w/o US consent
- Free mkt principles applied will encourage development when feasible
- Miners guaranteed access 1st come – 1st served basis, must meet financial and tech criteria
- Distro of funds subj. to US veto in finance committee & US influence in Exec Council

82 Objections

- Private miners required to x-fer tech to "Enterprise" & developing nations
- US/Industrialized Nations not given role that fairly reflected/protected interests
- Amendments permitted that would bind US w/o consent
- No economic incentive to develop deep seabed materials
- No assurance that qualified miners would be awarded mining sites
- Surplus revenues could be distributed to national liberation groups

Submarine Ops

- ❖ Vessel has to be on surface/fly flag only if claiming right of innocent passage
- ❖ LOSC does not prohibit submerged transit

Dispute Resolution

- ❖ Compulsory, but "military activities" can be excepted
- ❖ We have excepted - We decide what is a "military activity"

