



## Law of the Sea Convention

*"By joining the Convention on the Law of the Sea, we assure the freedom to get to the fight, twenty-four hours a day and seven days a week, as necessary in the national security interests of the United States."*

**-- ADM Mike Mullen, Chief of Naval Operations**

### Background

Over 150 nations are Party to the Convention, but not the United States. The United Nations Convention on the Law of the Sea (UNCLOS) implements the National Security Strategy, provides legal certainty in the world's largest maneuver space and preserves essential navigation and overflight rights. President Bush urged the Senate to act favorably on accession. It was supported by the last eight CNOs.

The Law of the Sea Convention continues to be criticized because of the mistaken belief that it will adversely affect U.S. sovereignty and inhibit our military operations, including submarine and intelligence gathering activities. However, nothing in the Convention limits the inherent right of self-defense or military operations, affects intelligence gathering activities, or impairs sovereignty.

### The Convention is in the national interest of the United States...

Becoming a Party to the Law of the Sea Convention will help to ensure the Navy's ability to move forces on, over, and under the world's oceans, whenever and wherever needed, and thus to fight and win the GWOT.

- Establishes stable maritime zones, including a maximum outer limit for territorial seas.
- Codifies innocent passage, transit passage, and archipelagic sea lanes passage.
- Works against "jurisdictional creep" by preventing coastal nations from expanding maritime zones.
- Acknowledges sovereignty and immunity of warships, auxiliaries and aircraft.

### Preserves freedom to conduct...

- Innocent passage in territorial waters.
- Transit passage through international straits (surface, air and subsurface).
- Unrestricted military activities in high seas.
- Military surveys.
- Approach and visit of suspected stateless vessels.

### Supports our economic interests...

- Gives the U.S. sovereign rights over the resources of one of the largest continental shelves in the world.
- Gives the U.S. sovereign rights to explore, exploit, conserve, and manage natural resources in an Exclusive Economic Zone extending out to 200 nautical miles.
- Gives the U.S. access to the Convention institution whose technical recommendations provide the necessary legal certainty and stability to exercise sovereign rights in continental shelf areas beyond 200 nautical miles.

**For more information on the UNCLOS visit...**

<http://www.un.org/Depts/los/> or <http://www.state.gov/www/global/oes/oceans/index.html>

*"The Law of the Sea Convention is the bedrock legal instrument for public order in the world's oceans. It codifies, in a manner that only binding treaty law can, the navigation and overflight rights and high seas freedoms that are essential for the global strategic mobility of our Armed Forces"*

**--ADM Patrick Walsh, Vice Chief of Naval Operations**