

August 15, 2007

The Honorable Joseph Biden  
Chairman  
Foreign Relations Committee  
United States Senate  
Washington, DC 20510

Dear Mr. Chairman:

As former Commandants of the U.S. Coast Guard, we welcome the President's May 15<sup>th</sup> statement in support of Senate approval of the Law of the Sea Convention during this session of Congress, as well as the Senate Foreign Relations Committee's support of moving the treaty forward. The Coast Guard has long been a proponent of achieving a comprehensive and stable regime with respect to traditional uses of the oceans. As the current Commandant noted in his May 17<sup>th</sup> statement supporting the Convention, "[f]rom the Coast Guard's perspective, we can best maintain a public order of the oceans through a universally accepted law of the sea treaty that preserves and promotes critical U.S. national interests."

National interests at stake include freedom of navigation, maritime security, law enforcement, and protection of the marine environment. In each respect, the Convention provides a legal and policy framework that serves U.S. interests. As a global maritime power and a nation with one of the longest coastlines, the United States has strong interests both in preserving freedom of the seas and in protecting our own coastal areas, including offshore marine resources. The Convention strikes the right balance between these sets of interests.

The Coast Guard has multiple missions, each of which would benefit from U.S. accession to the Convention. As part of the U.S. armed forces, the Coast Guard relies on the Convention's freedom of navigation principles to use the oceans to meet national security requirements. In this regard, the Convention secures the right of our military and commercial vessels and aircraft to move through, under, and over the world's oceans, including through the enjoyment of the rights of innocent passage, transit passage, and archipelagic sea lanes passage, as well as high seas freedoms. While the United States has to date relied upon the Convention's navigational provisions by asserting that they are reflective of customary international law, becoming a part to the Convention would enhance our ability to invoke and enforce these provisions. In other words, we should be putting these vital navigational rights on the firmest possible legal footing.

As a law enforcement agency and lead Federal agency for maritime security, the Coast Guard also relies on the Convention's framework. The Convention limits a nation's territorial sea to 12 nautical miles, beyond which all nations enjoy the freedom to engage in law enforcement activities. The Coast Guard relies upon these freedoms to conduct extensive maritime interdictions, including of illicit drug traffickers and other criminals. Many interdictions and seizures take place on distant maritime transit routes far from our shores. As a party to the Convention, we would undoubtedly be in a stronger position to engage in such operations and refute excessive maritime claims of other countries (which often have the effect of creating maritime safe havens).

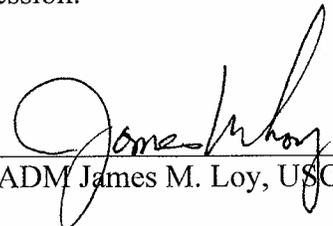
Closer to our shores, and vital to our homeland security, the Coast Guard benefits from other provisions of the Convention. By providing for a 24-mile contiguous zone, the Convention enhances our ability to interdict foreign flag vessels off the U.S. coast for violations of customs, immigration, fiscal, and sanitary laws. The Convention also supports our ability, as a port State, to condition entry into U.S. ports and enforce U.S. laws therein. As just one example, the Coast Guard conducts a wide-ranging port State control program to purge our waters of substandard vessels.

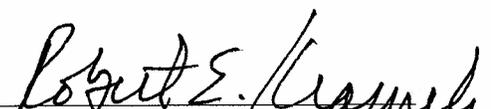
The Coast Guard is actively involved in efforts at the International Maritime Organization to develop international vessel standards to improve marine safety (such as regarding safety of life at sea) and protection of the marine environment (such as concerning oil discharge). Becoming a party to the Convention would increase our credibility and influence as the international community interprets and applies the relevant provisions of the Convention.

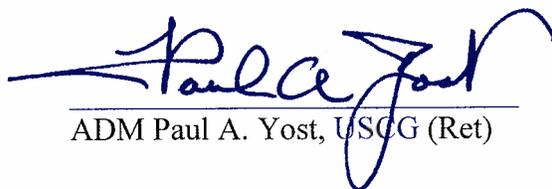
For all these reasons, it is high time the United States got off the sidelines and joined the Law of the Sea Convention. Joining would not only increase the ability of the Coast Guard to carry out its multiple maritime missions, but would also enhance the ability of the United States to guarantee its national security and economic rights, to challenge excessive maritime claims of other countries, and to maximize its influence in the application of the Convention to real-world situations.

Each of us has had opportunities to engage colleagues from around the world on these issues over the years. To our understanding, all the issues that have prevented ratification have been satisfactorily resolved. We each and together solicit committee and full Senate approval during this Congressional session.

  
ADM Thomas H. Collins, USCG (Ret)

  
ADM James M. Loy, USCG (Ret)

  
ADM Robert E. Kramek, USCG (Ret)

  
ADM Paul A. Yost, USCG (Ret)