

America's Ocean Future Demands Accession to The Law of the Sea Treaty

Once considered dead in the water, the United Nations Convention on the Law of the Sea (UNCLOS) Treaty may now be on the threshold of U.S. Senate ratification, allowing the United States to define not only its sovereignty and national security, but ecological, shipping, resource and fishing concerns as well. Confirmation is now in the hands of the 109th Congress and it is time for them to act. Ratification is clearly in the interest of the United States. Three oceans surround the nation and they are an integral part of the lives of every American.

Enjoying strong support from the George W. Bush administration, the U.S. Navy, ocean conservationists, international oil and shipping industries, environmentalists, worldwide law enforcement and antiterrorism organizations, this treaty creates strange bedfellows indeed. Nonetheless, according to Adm. James Watkins, former chief of naval operations, UNCLOS represents "the foundation of public order of the oceans."

In 1982, the United Nations completed work on the UNCLOS Treaty only to be met with ardent U.S. objections related to certain provisions. It took some time, but renegotiation garnered change and, ultimately, support by 1994. As with all treaties, after negotiation and signing, it was submitted to the Senate for its advice and consent. That was 10 years ago.

In late 2003, the treaty resurfaced, taking on a new level of urgency. Passing with the unanimous support of the Foreign Relations Committee, UNCLOS was submitted to the full Senate in February 2004 with a recommendation for immediate ratification. While on the Senate's executive calendar throughout 2004, it was not considered. The arrival of the 109th Congress brings new hope that the UNCLOS Treaty will finally become a reality.

Regardless of the actions the United States takes, the treaty will survive and be fully effective. By becoming a states party, the mere United States sign-on will make UNCLOS a much stronger and more respected body of law. Failure to accede calls into doubt the United States' commitment to the oceans and world leadership role.

Until the United States accedes to UNCLOS, it is, technically, judicially powerless to prevent, oversee or control foreign nations from surveying or conducting marine or ocean bottom/sub-bottom research in the 200-nautical-mile exclusive economic zone, or to make a claim to the extended limits of the domestic continental shelf. Being able to claim sovereignty over the extended continental shelf is critically important. This sovereignty includes dominion over all bottom and sub-bottom resources in the added area, and includes authority over ocean-bottom research, pipelines, submerged cables and artificial islands.

As a person whose professional interests are in the Arctic Ocean and Bering Sea, the challenges and opportunities that may be presented in the later years of the 21st century are significant. They all center on the changing climate and the extended periods of access to the Arctic Ocean and the Bering Sea. Specifically, less ice creates a national interest in Arctic Ocean sovereignty, international security, homeland security, marine transportation and economic development.

Ratification of the UNCLOS Treaty will create opportunities for the United States. It will motivate new research and stimulate new education needs. Most importantly, it will demand attention beyond the immediate future. Though changes in the Arctic may occur over generations, properly preparing now will still take decades. Further, it is clear that the impact and benefit to the long-term future of the United States, brought about by ratification, may be greatest in the northern latitudes.

Some of these benefits include: sovereignty: the United States will gain control over a huge area of sea-bottom, approximately 1.5 times the size of California; commerce: the shorter marine transport routes via the Arctic, coupled with some climate moderation, will create a need for maritime support in the north transshipment ports, services, safety, etc.; security: with a warming Arctic and increased commerce comes the need for military sea control and homeland security (the U.S. Arctic coastline is 1,000 nautical-mile-long, and only Florida and the rest of Alaska have longer coastlines); and economy: the prospects for recovery of oil and gas from beneath the Arctic seafloor are both real and positive, as are the prospects of delivering it to marketplace via tanker.

Every day the United States delays becoming a states party to UNCLOS places the country at an increasing international disadvantage with respect to governance, security and economic development of the oceans. All citizens should demand of their senators that UNCLOS be brought before the full Senate for a ratification vote. Truly, the future is now. /st/