

**ORAL STATEMENT OF  
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**ON ACCESSION TO THE  
1982 LAW OF THE SEA CONVENTION**

**BEFORE THE SENATE COMMITTEE ON FOREIGN RELATIONS**

**June 14, 2012**

Chairman Kerry, Ranking Member Lugar, distinguished members of the Committee; it is my privilege to testify about how United States accession to the Law of the Sea Convention will enhance Coast Guard operations and maritime leadership. Like all previous commandants, I urge you to accede to the Convention without further delay.

Having served in six Coast Guard cutters, commanding four of them, I view things through a sailor's eye. My fictional hero, Capt. Jack Aubrey, of Patrick O'Brian's "Master and Commander" books always positioned his ship upwind to "Hold the weather gage."

The ship with the weather gage had greater ability to maneuver relative to other ships, to maintain its position of advantage, and to dictate the terms of engagement. I can think of no better analogy to describe the Law of the Sea Convention than as providing the Coast Guard the weather gage to protect Americans on the sea, protect America from threats delivered by sea, and to protect the sea itself.

Since the founding of our Nation, American prosperity has depended upon having reliable, safe and secure maritime trade. Today, it is the Convention's provisions that set forth the global maritime framework – among other things, the Convention's provisions contain the internationally recognized sovereign maritime boundaries. It is this framework that we rely upon every day to aid mariners in distress, protect our fish stocks, intercept illicit traffickers attempting to deliver drugs, persons and other illegal cargoes to our shores, and to preserve our maritime sovereignty, navigational rights and freedoms.

Indeed, our many bilateral and multilateral law enforcement agreements we rely on to stop drug smugglers, interdict human traffickers and protect our oceans are predicated upon the Convention. These agreements, which have been described as the fabric of the Law of the Sea, are concluded, interpreted, and enforced under the Convention's framework.

The Convention also provides us with the largest Exclusive Economic Zone – or EEZ – of any coastal state. Our EEZ contains vast fisheries, energy and other resources. Beyond the EEZ, lies the extended U.S. continental shelf – or ECS – its seabed, particularly off Alaska, is a frontier land that contains 20-30 percent of the world's untapped fossil fuel resources. And, it is the Convention that contains the mechanism to seek and ensure international recognition of our sovereign ECS rights. Joining the Convention will not only put these sovereign rights on the strongest legal footing, it will also bolster our ability to ensure stewardship of our ECS resources.

There's no better example of this than in the emerging Arctic. Our ability to effectively plan and allocate Arctic resources depends, in part, on the delineation of maritime boundaries, sovereign rights, privileges, and navigational freedoms. Yet, as we work alongside our partner Arctic Nations on issues of governance such as cooperative search and rescue agreements, oil spill prevention and response protocols, and delineation of maritime claims, we remain the only Arctic nation that is not a party to the Convention.

## **Conclusion**

Being a non-party detracts from our ability to best provide for the safety, security and stewardship of our vast and resource-rich maritime and emerging Arctic domain. The Convention contains the established legal framework for the oceans. Unlike customary international law, which can change, the Convention codifies this framework. We follow this framework. We demand others do so. Yet we remain outside it. In sailor's terms, this puts us downwind – and, it forces us to tack up into the wind when we seek to lead on maritime issues. That is why I am urging you today to seize the weather gage– and accede to the Convention.

Thank you again for the opportunity to testify. I look forward to answering your questions.