

Neo-Isolationists Scuttle UNCLOS

Patrick J. Bonner

The United Nations Convention on the Law of the Sea (UNCLOS) is a comprehensive international agreement adopted by 166 nations that governs the world's oceans, and provides a framework for the rights to access minerals and other resources beneath the high seas. Ratification was supported by Presidents George H. W. Bush, George W. Bush, Bill Clinton and Barack Obama, as well as the military, "Big Oil," "Big Business," "Big Labor," and environmentalists. A group of isolationist U.S. Republican Senators blocked ratification; many were in their first term, most were not veterans, and many were from smaller cities in the interior part of the country. This blockage will have an adverse effect on U.S. business and military interests, and the country's ability to play a lead role in international organizations.

Introduction

It is rare when Presidents George H. W. Bush, George W. Bush, Bill Clinton and Barack Obama agree on the same issue. It is rarer still when their position is enthusiastically supported by the Joint Chiefs of Staff, "Big Oil" (American Petroleum Institute), Chamber of Commerce, National Association of Manufacturers (NAM), "Big Labor" (AFL-CIO) and environmentalists (Defenders of Wildlife, Environmental Defense Fund). These individuals, groups, and many more supported the ratification of the United Nations Convention on the Law of the Sea (UNCLOS) in the spring of 2012.¹

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It codifies existing international law on freedom of navigation and the boundaries for territorial waters (12 miles), contiguous zone (up to 24 miles), and the exclusive economic zone (up to 200 miles). It allows a signatory to claim an additional 100 or 150 miles up to the foot of the continental shelf off the coast of that nation. UNCLOS provides a framework for drilling on the high seas beyond

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the limits of national jurisdiction, with an authority that governs the area and distributes a share of the profits gained by the drilling companies to other nations, including developing and landlocked countries. It also establishes an International Tribunal to adjudicate disputes in deep seabed areas that arise from drilling and mineral extraction.

The breadth and depth of support for UNCLOS was demonstrated during four hearings of the Senate Committee on Foreign Relations held on 23 May, 14 June, and 28 June 2012. Among those testifying or submitting letters in support of ratification were Secretary of State Hillary Clinton, Secretary of Defense Leon Panetta, Chairman of the Joint Chiefs of Staff General Martin Dempsey, Chief of Naval Operations Admiral Jonathan Greenert, Commandant of the Coast Guard Admiral Robert Papp, American Petroleum Institute President Jack Gerard, United States Chamber of Commerce President Thomas Donohue, National Association of Manufacturers President Jay Timmons, AFL-CIO President Richard Trumka, Seafarers International Union Vice President David Heindel, Defenders of Wildlife Vice President Nancy Gloman, Environmental Defense Fund Vice President Amanda Leland, National Resources Defense Council Director Lisa Speer, Lockheed Martin Corporation Chairman Robert Stevens, AT&T Network Operations President Bill Smith, Exxon Mobil Chairman Rex Tillerson, Shell Oil Company President Martin Odum, Verizon Communications Chairman Lowell McAdam, and other military, industry and labor officials.²

Opposition against ratification came from former Secretary of Defense Donald Rumsfeld, the Heritage Foundation's Steven Groves, the Reserve Officers Association of the United States, and nine former admirals or generals who called themselves the Coalition to Preserve American Sovereignty, among others.

This was the third presentation of UNCLOS before this committee. A similar array of supporters voted to ratify the treaty on 25 February 2004, without a dissenting vote, during the 108th Congress.³ However, Majority Leader Bill Frist declined to bring UNCLOS to the floor for a vote. In 2007, after lengthy hearings, the committee voted 17-4 to ratify the convention. This time, Majority Leader Harry Reid did not bring the Treaty before the Senate for a vote.⁴ These first two attempts at ratification occurred during Republican administrations; perhaps the Obama administration thought that the result would be different under a Democrat. Waiting until more than two years into President Obama's first term, the administration pressed for ratification of UNCLOS during the second session following the 2010 elections, a delay that proved problematic for ratification. While the administration was engaged in the Patient Protection and Affordable Care Act ("PPACA") during 2010 and 2011, UNCLOS languished and became deprioritized.

In July 2012, the Heritage Foundation reported that thirty-one senators had signed a letter to Majority Leader Reid stating that if UNCLOS came to the floor, they would oppose its ratification.⁵ Senator Portman subsequently announced that Senator Isakson was opposed to the treaty. On 16 July 2012, Senators Rob Portman and Kelly Ayotte sent a letter to Senator Reid stating that they would not support UNCLOS.⁶ As a treaty requires

the approval of two-thirds of the Senate, the thirty-four Republican senators, whose names and backgrounds are set forth in the attached table, effectively scuttled the treaty. This rejection of the recommendation endorsed by four present or former U.S. presidents, the military, "Big Oil," "Big Business," "Big Labor" and environmentalists is unprecedented and constitutes a step backwards in history—a step backwards toward isolationism and a "stand-alone" attitude that is contrary to post-World War II U.S. foreign policy.

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This shortsighted view is against U.S. national interests. The U.S. military prefers to use UNCLOS to ensure that our ships can navigate freely throughout the world, rather than relying on existing amendable international laws. Businesses desire the certainty that their claims on the continental shelf and deep seabed will be valid and recognized before investing billions of dollars into drilling and extraction projects. U.S. territory could be significantly enlarged as U.S. rights to the 200-nautical mile exclusive economic zone around Guam, Hawaii, and other distant possessions would be recognized by the other 166 signatories. Due to the continental shelf provisions, U.S. interest in the seas and ocean floor off the coast of Alaska could extend as far as 350 miles. This is especially important now as the Arctic Ocean is warming. The four other Arctic nations—Canada, Denmark, Russia and Norway—are signatories, and the United States should be at the table when these issues are negotiated. Finally, the United States would have a permanent seat on the Council (as the nation with the largest gross national product), should the country ratify and thereby have veto power over the substantive and financial issues that arise under UNCLOS.

Who Are These Isolationists⁷

The most striking fact about the thirty-four "isolationists" who rejected the treaty is that thirteen of them had been in the Senate for a year or less. Twelve of the thirteen were sworn in on 5 January 2012 or approximately six months before they rejected the treaty. Most were elected due to their opposition to the PPACA. Thirteen Republican Senators who did not join in rejecting the treaty had an average time in the Senate of 15.08 years. Of the thirty-four who opposed UNCLOS, the average service in the Senate was only 8.38 years.

Those who opposed ratification were also younger than the Republicans who supported the convention. The average age of the thirteen first-year senators was 52.7 years. This is less than the average age of the entire group that rejected the treaty, as well as the average age of the Republicans who did not reject the convention, which were 60.76 and 64.31 years, respectively.

The senators who opposed the ratification of UNCLOS ignored the testimony of various admirals and generals, and one of the reasons could be the number of veterans in the group. Only one of the thirteen newly elected senators was a veteran. Of the thirty-four who opposed the treaty, only five, or 15 percent, were veterans. Of the thirteen Republican senators who did not join in rejecting UNCLOS, seven, or 54 percent, were veterans. In the entire Senate, 26 percent were veterans.⁸

Those opposing UNCLOS also came from smaller cities than other Republicans. The average population of the hometowns of the thirteen Republicans who did not join in opposition was 371,000. For the thirty-four who opposed UNCLOS, the average population of their hometowns was 180,000, less than half of that of the other Republicans. The average population of the hometowns of the thirteen new senators was 62,850, or less than 20 percent of those who did not join in rejecting the Convention.

Many of the senators opposed to the ratification of UNCLOS were from the interior United States. Thirty states are on the Atlantic Ocean, Gulf of Mexico, Pacific Ocean, or the Great Lakes. Thus, 60 percent of the senators are from coastal states. Of the thirty-four senators who opposed UNCLOS, fifteen were from coastal states, which was only 25 percent (15 of 60) of all senators from coastal states. Seventy-five percent of the coastal state senators did not join the opposition group.

A commonality among some of the new senators is that they received election funding from Senator Jim DeMint and his Political Action Committee (PAC), the Senate Conservatives Fund (SCF). Senator DeMint

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was a staunch opponent of UNCLOS. According to OpenSecrets.org, SCF donated a total of \$868,851 to the campaigns of Senators Ron Johnson, Mike Lee, Rand Paul, Marco Rubio and Pat Toomey.⁹ These senators may have been on record as opposing UNCLOS before receiving contributions; however, such financial exchanges among senators raise issues of cronyism or exchanging favors, at best.

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GOP Senators who Announced Opposition to UNCLOS

Name State Age Years in Senate Occupation Veteran Hometown Population in 000s *

Ayotte	NH	44	1	Lawyer	No	Nashua	86
Barrasso	WY	60	5	Doctor	No	Caspar	56
Blount	MO	52	1	Teacher	No	Springfield	159
Boozman	AR	61	1	Optometrist	No	Rogers	56
Burr	NC	56	7	Businessman	No	Winston- Salem	230
Cornyn	TX	60	11	Lawyer	No	Austin	790
Chambliss	GA	68	9	Lawyer	No	Macon	91
Coats	IN	69	1	Lawyer	Yes	Fort Wayne	254
Coburn	OK	64	7	Doctor	No	Muskogee	39
Crapo	ID	61	13	Lawyer	No	Idaho Falls	57
DeMint	SC	60	7	Businessman	No	Greenville	58
Grassley	IA	78	31	Farmer	No	Cedar Falls	39
Hatch	UT	78	35	Lawyer	No	Salt Lake City	186
Heller	NV	52	1	Stockbroker	No	Carson City	55
Hoeven	ND	55	1	Banker	No	Minot	41
Inhofe	OK	77	17	Businessman	Yes	Tulsa	392
Isakson	GA	67	7	Realtor	No	Marietta	57
Johanns	NE	62	3	Lawyer	No	Omaha	409
Johnson, R.	WI	57	1	Accountant	No	Oshkosh	66
Kyl	AZ	70	17	Lawyer	No	Phoenix	1446
Lee	UT	41	1	Lawyer	No	Alpine	10
McConnell	KY	70	27	Lawyer	No	Louisville	597
Moran	KS	58	1	Lawyer	No	Hays	21
Paul	KY	49	1	Doctor	No	Bowling Green	58
Portman	OH	56	1	Lawyer	No	Terrace Park*	2
Risch	ID	69	3	Farmer	No	Boise	206
Roberts	KS	76	15	Journalist	Yes	Dodge City	27

Name State Age Years in Senate Occupation Veteran Hometown Population in 000s *

Rubio	FL	41	1	Lawyer	No	West Miami	6
Sessions	AL	65	15	Lawyer	Yes	Mobile	195
Shelby	AL	78	25	Lawyer	No	Tuscaloosa	90
Thune	SD	51	7	Lobbyist	No	Sioux Falls	154
Toomey	PA	50	1	Lobbyist	No	Zionsville*	3
Vitter	LA	51	7	Lawyer	No	Metairie	138
Wicker	MS	60	4	Lawyer	Yes	Tupelo	35
AVERAGE		60.76	8.38				180

GOP Senators Who Did Not Join Opposition in July 2012

Alexander	TN	72	9	Lawyer	No	Nashville	601
Brown	MA	52	2	Lawyer	Yes	Wrentham*	11
Cochran	MS	74	33	Lawyer	Yes	Jackson	174
Collins	ME	59	15	Public Servant	No	Bangor	33
Corker	TN	59	5	Construction Businessman	No	Chattanooga	168
Enzi	WY	68	15	Businessman	Yes	Gillette	29
Graham	SC	57	9	Lawyer	Yes	Seneca	8
Hutchison	TX	68	19	Lawyer	No	Dallas	1198
Kirk	IL	52	1	Lawyer	Yes	Highland Park	30
Lugar	IN	80	35	Businessman/			
Farmer	Yes	Indianapolis	820				
McCain	AZ	75	25	Navy Officer	Yes	Phoenix	1446
Murkowski	AK	55	11	Lawyer	No	Anchorage	292
Snowe	ME	65	17	Businessman	No	Falmouth*	10
AVERAGE		64.31	15.08				371

* Population figures from 2010 census except as indicated by asterisk. These figures are from town or state records.

much newer to the Senate and more likely to come from smaller towns. Those who opposed were also less likely to be from coastal areas than the Senate as a whole.

Why Do They Oppose UNCLOS?

United Nations Involvement

In their letter to Senator Reid, the thirty-one signers were concerned with subjugating U.S. sovereignty "to a supranational government that is chartered by the United Nations."¹⁰ Leading conservative activist Phyllis Schlafly described the conservative perspective on the treaty as follows:

LOST [UNCLOS] is the globalists' dream bill [because] it would put the United Nations in a de facto world government that rules the world's oceans under the pretense that they belong to the 'common heritage of mankind.' That is global speak for allowing the United Nations and its affiliated organizations to carry out a massive unprecedented redistribution of wealth from the United States to other countries.¹¹

This perspective ignores the fact that the United States had been involved in negotiations on the wording of UNCLOS since the time of President Nixon.¹² In 1983, during the Reagan administration, the United States supported the convention with the exception of the deep seabed provisions. President Reagan stated that the United States would recognize the rights of other states in the waters off their coasts as reflected in the convention.¹³ After President Reagan refused to endorse ratification due to the deep seabed issues, additional negotiations in the United Nations took place, resulting in the "Agreement Relating to the Implementation of Part XI of UNCLOS," dated 28 July 1994, which satisfied the Reagan conditions. After a yearlong inter-agency review, the Bush administration concluded that all of the concerns raised by President Reagan were addressed by the 1994 Amendments.¹⁴ Thus, rather than UNCLOS being forced on the United States by the United Nations, it was instead negotiated with the full participation of the United States, and later specifically amended to answer the objections of President Reagan.

Contrary to the isolationists' belief, the United Nations is not involved in implementing, administering, or enforcing UNCLOS. The convention, not the United Nations, establishes a number of distinct bodies, separate from the United Nations, to handle specific issues. These include the Commission on the Limits of the Continental Shelf¹⁵ and the International Sea Bed Authority.¹⁶ The Authority is composed of three bodies: the Assembly, the Council, and the Secretariat.¹⁷ Each member nation has one representative in the Assembly.¹⁸ The Council is a body of thirty-six persons. As the largest economy in terms of gross national product, if the United States ratified UNCLOS, the United States would have a permanent place on the Council.¹⁹ The Council nominates persons for the Secretariat and the Assembly votes on them.²⁰ An agency called the Enterprise, which works in deep seabed mining, has not been called into action, as mining has yet to start.²¹ The final organization is the International Tribunal for the Law of

the Sea.²² The Tribunal consists of twenty-one members elected by the parties to the Convention and is based in Hamburg, Germany. While UNCLOS establishes various bodies, they are distinct from and independent of the United Nations, which is not involved in administering UNCLOS.

Sovereignty

The thirty-one signers of the letter to Senator Reid were also concerned about ceding the sovereignty of the United States, to which Chief of Naval Operations Admiral Greenert countered that UNCLOS allows U.S. ships and airplanes worldwide access without requiring the permission of other countries.²³ In effect, UNCLOS nations are ceding their sovereignty to the United States by allowing U.S. vessels to navigate their waters. As the United States already recognizes international law, which allows free access to our waters for navigation to all, the country does not give up any additional sovereignty by ratifying UNCLOS.²⁴ Senator Jim DeMint argued that other nations would be defining the rules of engagement for the U.S. Navy. This argument was rejected by General Dempsey, who stated that the United States never cede its own rules of engagement to “any other nation on the face of the Earth or any other international organization.”²⁵

The isolationists were also concerned that U.S. corporations could be subject to the compulsory dispute resolution measures in the Convention. This highlights the limited knowledge of those who signed the letter to Senator Reid. Lawyers who practice international law prefer international arbitration or appearing before an international tribunal rather than local adjudication in a country whose legal system may not be well-established. These U.S. senators seem to believe that by bypassing UNCLOS ratification, disputes will be subject exclusively to U.S. law. This belief is incorrect, as U.S. corporations have subsidiaries worldwide that are subject to lawsuits in local jurisdictions.

Another concern, as voiced by U.S. Senator James Risch of Idaho, is that ratification of UNCLOS could be grounds for ratifying the Kyoto Protocol on Climate Change and all other conventions drafted by international bodies.²⁶ Legal advisor John Bellinger in the first Bush administration commented that Section 222 of UNCLOS encompasses applicable international rules and standards, and if the United States does not ratify Kyoto or other conventions, these treaties are not applicable to the United States.²⁷ This logic does not satisfy U.S. senators like Risch.²⁸

Senator Mike Lee of Utah took this argument one step further. He hypothesized that the Assembly could take the position in the future that UNCLOS ties the United States into a climate change regime like the Kyoto Protocol. Secretary Clinton disagreed and stated that the United States had no obligation to accept anything decided by the Assembly on climate change. Should this thinking—that in ratifying UNCLOS, the United Nations can call for blanket application of other international laws—become an eventuality, the United States can simply withdraw from UNCLOS. This could be something agreed by all in advance of the ratification.

Tax Issue

If the words "United Nations" are a red flag to some, the concept of a foreign entity taxing a U.S. corporation is anathema. This is what some, including Senator Risch, see in UNCLOS. He argues that since 1776, the United States has never ceded its authority to tax anyone else.²⁹ As Secretary Clinton pointed out, UNCLOS is a royalty agreement related to drilling and extraction in areas beyond 200 nautical miles from a coast.³⁰ She has stated that U.S. companies already pay royalties to at least one commission—the International Telecommunication Union—so a precedent exists.³¹ U.S. oil and gas companies routinely pay royalties to foreign nations based on profits made from the materials pumped or extracted in these countries. Another leading isolationist, Senator James Inhofe of Oklahoma, argued that the royalties were taxes paid to a foreign entity. The Chairman of the Committee, Senator John Kerry, responded that President Reagan renegotiated this issue "with the oil companies and gas companies at the table" and they all agreed to the royalties. He also pointed out that the UNCLOS royalties were far less than the royalties paid in the Gulf of Mexico. Indeed, while certain isolationists may object to these royalties, those who would be paying them—the Exxons, Shells and Lockheed Martins—support UNCLOS. These companies realize that 93 percent of some profit is much better than 100 percent of nothing, as they are wary of drilling on the Continental Shelf since the United States has not ratified UNCLOS.

Furthermore, Article 82 states that the Authority should disburse these royalties to states on the basis of equitable sharing criteria, particularly to the least developed and landlocked nations among them. Some opponents of UNCLOS also expressed concern that these royalties could be funneled to a nation unfriendly to the United States. Then-Senator Clinton reminded the senators that if the United States were to ratify UNCLOS, the United States would have an opportunity to veto on distributions, as the country would have a permanent seat on the Council under the 1994 Implementation Agreement.³²

Consequences of the Failure to Ratify

1. The United States is on the outside looking in regarding any amendments to UNCLOS. In ratifying UNCLOS, the United States would have veto power on all questions of substance under Article 161(8)(d) as a permanent member of the Council.
2. The United States loses its ability to veto the destinations of royalty payments. As Senator Jim DeMint stated, Sudan is now on the Council.³³ Until the United States ratifies UNCLOS, the country is not in a position to veto royalties going to Sudan.
3. U.S. companies will not drill in the areas outside the exclusive economic zone until they have certainty regarding the legal status of their claims.³⁴
4. The three countries involved in the dispute over boundaries in the South China Sea—China, Vietnam, and the Philippines—have all adopted UNCLOS. In theory, these countries should seek resolution through the International

Tribunal. China, however, has balked at this mechanism. In such a case, the United States loses its moral suasion in pushing China toward compliance with UNCLOS norms—and more broadly in helping enforce the rights of countries using UNCLOS—when the United States is not a ratifying party. As former Assistant Secretary of State Kurt Campbell testified, “we can strengthen our hand in engaging disputes in the South China Sea by joining the Law of the Sea Convention.”³⁵

Outlook

The Senate is not likely to ratify UNCLOS anytime in the near future. The opponents are younger than the other senators and many come from safe Republican districts. In less partisan times, Majority Leaders Frist and Reid did not direct the entire Senate for a vote on UNCLOS. In these hyper-partisan times characterized by gridlock, sixty-seven votes may be impossible to attain.

This isolationist attitude does not bode well for other international conventions such as the Rotterdam Rules, a convention that deals with cargo damage on vessels.³⁶ The Heritage Foundation is also opposed to conventions in a range of topics, such as discrimination,³⁷ disabilities,³⁸ and land mines.^{39,40} Considering the foundation’s success with UNCLOS, the ratification of these other treaties is unlikely.

While many who testified before the Senate argued the position that the United States should take a leadership role in UNCLOS and other conventions, a more pressing issue is the relevancy of the United States in international organizations. Once a country achieves the reputation of not ratifying any international conventions, the country faces increasing difficulties in persuading other nations to support other suggested amendments before bodies such as the International Maritime Organization. Indeed, U.S. representatives fought hard to amend UNCLOS in 1994. After winning the concessions, the United States failed to ratify it. Perhaps the next time, the United States’ objections will be ignored.

The United States is now in a select club of countries that have not ratified UNCLOS, which includes North Korea, Iran, Syria, and Libya. The isolationists can be thanked for this dubious honor.

Notes

¹ Those opposed to the ratification of the convention refer to it as LOST: Law of the Sea Treaty.

² U.S. Congress. Senate Committee on Foreign Relations. *The Law of the Sea Convention: Hearing before the Committee on Foreign Relations*. 112th Congress, second session, May 23, June 14 and June 28, 2002. Senator Kerry summed up the traditional bipartisan support for the convention when he said it was something “President Nixon conceived of, President Reagan fixed and supported and pushed, President George Herbert Walker Bush refined and President George W. Bush...saw fit to send to the Senate.”

³ Ibid., 5

⁴ Ibid.

⁵ “Senators Oppose LOST in Letter to Majority Leader Harry Reid,” Heritage Action for America, <http://heritageaction.com/stopplos/senators-oppose-lost-in-letter-to-majority-leader-harry-reid>.

⁶ "Senators Portman and Ayotte Sink Law of the Sea Treaty," Press Release, Senator Rob Portman, July 16, 2012, <http://portman.senate.gov/public/index.cfm/press-release>.

⁷ In referring to the Republicans as "isolationists", I acknowledge a debt to an unlikely source—John Bolton, "America's New Isolationists are Endangering the West," *Standpoint Magazine*, April 25, 2013.

⁸ *Ibid.*

⁹ "PACs: Independent Expenditures," Open Secrets, accessed July 24, 2013, <http://www.opensecrets.org/pacs/indexpend.php?cycl=2010=coo448696>.

¹⁰ "Senators Oppose LOST in Letter to Majority Leader Harry Reid," 6.

¹¹ Phyllis Schlafly, "Sink the Law of the Sea Again," September 26, 2007, <http://www.eagleforum.org/column/2007/sept07/07-09-26.html>.

¹² Testimony of John Negroponte in U.S. Congress, Senate. Committee on Foreign Relations, *The Law of the Sea Convention: Hearing before the Committee on Foreign Relations*, 176.

¹³ Ronald Reagan, "Statement on United States Ocean Policies," March 10, 1983, <http://www.reagan.utexas.edu/archives/speeches/1983/31083c.htm>.

¹⁴ Testimony of John B. Bellinger in U.S. Congress, Senate. Committee on Foreign Relations, *The Law of the Sea Convention: Hearing before the Committee on Foreign Relations*, 181–189.

¹⁵ The United Nations Division for Ocean Affairs and the Law of the Sea, The Convention on the Law of the Seas, Annex II, "Commission on the Limits of the Continental Shelf," December 10, 1982, http://www.un.org/depts/los/convention_agreements/texts/unclos/UNCLOS-TOC.htm; the Commission consists of twenty-one members who are experts in the fields of geology, geophysics or hydrography elected by the parties.

¹⁶ The United Nations Division for Ocean Affairs and the Law of the Sea, The Convention on the Law of the Seas, Part XI, Article 4, Subsection A, Article 156, "Establishment of the Authority."

¹⁷ The United Nations Division for Ocean Affairs and the Law of the Sea, The Convention on the Law of the Seas, Part XI, Article 4, Subsection A, Article 158, "Organs of the Authority."

¹⁸ The United Nations Division for Ocean Affairs and the Law of the Sea, The Convention on the Law of the Seas, Part XI, Article 4, Subsection A, Article 159, "Composition, procedure and voting."

¹⁹ The United Nations Division for Ocean Affairs and the Law of the Sea Agreement Relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea, 10 December 1983, Annex, Section 3, Article 15.

²⁰ The United Nations Division for Ocean Affairs and the Law of the Sea, The Convention on the Law of the Seas, Part XI, Article 4, Subsection A, Article 166, "The Secretariat."

²¹ The United Nations Division for Ocean Affairs and the Law of the Sea, The Convention on the Law of the Seas, Annex IV, "Statute of the Enterprise."

²² The United Nations Division for Ocean Affairs and the Law of the Sea, The Convention on the Law of the Seas, Annex VI, "Statute of the International Tribunal for the Law and Sea."

²³ Testimony of Admiral Greenert in U.S. Congress, Senate. Committee on Foreign Relations, *The Law of the Sea Convention: Hearing before the Committee on Foreign Relations*, 100.

²⁴ See also "Presidential Proclamation on the Exclusive Economic Zone of the United State of America," 48 Fed. Reg. 10605, March 10, 1983.

²⁵ Senate hearing on the Law of the Sea Convention at the 112th Congress, accessed at <http://www.gpo.gov/fdsys/pkg/CHRG-112shrg77375/html/CHRG-112shrg77375.htm>.

²⁶ U.S. Congress, Senate. Committee on Foreign Relations, *The Law of the Sea Convention: Hearing before the Committee on Foreign Relations*, 207.

²⁷ *Ibid.*, 208

²⁸ *Ibid.*

²⁹ *Ibid.*, 39.

³⁰ *Ibid.*, 40

³¹ *Ibid.*

³² *Ibid.*

³³ *Ibid.*, 53.

³⁴ *Ibid.*, 260–262. *Ibid.*, 276.

³⁵ U.S. Congress, Senate, Committee on Foreign Relations, *Maritime Territorial Disputes and Sovereignty Issues in Asia: Hearing before the Sub-committee on East Asian and Pacific Affairs*. 112th Cong., 2nd Sess., September 20, 2012, 11.

³⁶ The United Nations Division for Ocean Affairs and the Law, Convention on Contracts for the International of Carriage of Goods Wholly or Partially by Sea, September 23, 2009, http://www.uncitral.org/uncitral/en/uncitral_texts/transport_goods/2008rotterdam_rules.html.

³⁷ The United Nations General Assembly, Convention on the Elimination of All Forms of Discrimination, December 18, 1979, <http://www.un.org/womenwatch/daw/cedaw/>.

³⁸ The United Nations General Assembly, Convention on Rights of Persons with Disabilities, March 30, 2007, <http://www.un.org/disabilities/convention/conventionfull.shtml>.

³⁹ The United Nations General Assembly, Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti Personnel Mines, September 18, 1997, <http://untreaty.un.org/cod/avl/ha/cpusptam/cpusptam.html>.

⁴⁰ "Five Controversial Treaties to be Wary of in 2011," The Heritage Foundation, Web Memo 3069, December 1, 2010, www.heritage.org/research/reports/2010/12/five-controversial-treaties-to-be-wary-of-in-2011.