

RESEARCH & DEBATE

THE UNVARNISHED TRUTH THE DEBATE ON THE LAW OF THE SEA CONVENTION

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The Senate's consideration in 2007 of U.S. accession to the 1982 United Nations Convention on the Law of the Sea has elicited, as it did when the Senate last considered the Convention in 2004, an amazing array of opposition arguments. As happened four years ago, critics predict near-apocalyptic doom for the United States if it accedes to the Law of the Sea Convention. In particular, they argue that the Law of the Sea (LOS) Convention will cripple the U.S. Navy's ability to perform maritime missions necessary for national security, including collecting intelligence, conducting submerged transits with submarines, and preventing actions by terrorists. I feel compelled to speak out, as I did then, against these misguided and incorrect beliefs and to set the record straight.

The Convention's opponents were successful in preventing a floor vote in 2004, during the second session of the 108th Congress. It was almost unprecedented that a treaty unanimously reported out of committee had failed to go to the full Senate for a vote. As the 110th Senate considers the Convention, a number of

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items have appeared in the press and online asserting that the Convention is contrary to American interests.¹ Nevertheless, on 31 October 2007 the Senate Foreign Relations Committee voted seventeen to four in favor of ratifying the treaty.² Its report has now been sent to the full Senate for consideration. This time, it is expected to be voted on.

The strongest supporters of the Convention are those directly affected by it.³ The arguments made by Convention opponents and the administration's

rebuttals during the 108th Senate's consideration of the Convention appear in the written statements of Legal Advisor William H. Taft before the Senate Armed Services Committee on 8 April 2004;⁴ before the House Committee on International Relations on 12 May 2004;⁵ and before the Senate Select Committee on Intelligence on 8 June 2004.⁶ They appear also in testimony by Assistant Secretary of State John Turner before the Senate Committee of Foreign Relations on 21 October 2003 and before the Senate Committee on Environment and Public Works on 23 March 2004.⁷ In 2007, testimony in support of the Convention was provided to the Senate Foreign Relations Committee by Deputy Secretary of State John Negroponte, Deputy Secretary of Defense Gordon England, and Admiral Patrick Walsh, the Vice Chief of Naval Operations.⁸ The chairman of the Joint Chiefs of Staff, Admiral Michael Mullen, during his confirmation hearings before the Senate Committee on Armed Services on 31 July 2007, stated unequivocally that the Convention advances U.S. interests.⁹

The following is a sampling of the myths regarding the Convention that opponents continue to trumpet.

*President Reagan thought the treaty was irremediably defective.*¹⁰ This is absolutely false. President Reagan expressed concerns only about Part XI's deep seabed mining regime.¹¹ In fact, he believed that Part XI could be rectified and specifically identified the elements in need of revision.¹² The regime has been in fact been fixed, and in a legally binding manner—the 1994 *Agreement on Implementation of the Seabed Provisions of the Convention on the Law of the Sea*—that addresses each of the American objections to the earlier regime.¹³ The rest of the treaty was considered so favorable to U.S. interests that in his 1983 Ocean Policy Statement President Reagan ordered the government to abide by and exercise the rights accorded by the non-deep-seabed provisions of the Convention.¹⁴

*U.S. adherence to the Convention is not necessary because navigational freedoms are not threatened (and the only guarantee of free passage on the seas is the power of the U.S. Navy).*¹⁵ But our navigational freedoms are indeed threatened. There are currently more than a hundred illegal, excessive claims affecting vital navigational and overflight rights and freedoms. The United States has utilized diplomatic and operational challenges to resist the excessive maritime claims of other countries that interfere with U.S. navigational rights as reflected in the Convention. But these operations entail a certain amount of risk—for example, the Black Sea bumping incident with the former Soviet Union in 1988. Being a party to the Convention would significantly enhance our efforts to roll back these claims by, among other things, putting the United States in a far stronger position to assert its rights and affording additional methods of resolving conflict.

*The Convention was drafted before—and without regard to—the war on terror and what the United States must do to wage it successfully.*¹⁶ This is an irrelevant

canard. It is true that the Convention was drafted before the war on terror. However, it enhances rather than undermines our ability to wage the war on terror. The robust maritime naval and air mobility assured by the Convention is essential for our military forces to operate effectively. The Convention provides the necessary stability and framework for U.S. forces, weapons, and materiel to get to the fight without hindrance—and ensures that they will not be hindered in the future.

Thus, the Convention supports the war on terror by providing important stability for navigational freedoms and overflight. It preserves the right of the U.S. military to use the world's oceans to meet national security requirements. It is essential that key sea and air lanes remain open as an international legal right and not as a matter of approval from nations along the routes. A stable legal regime for the world's oceans will support global mobility for our armed forces.

*Obligatory technology transfers will equip actual or potential adversaries with sensitive and militarily useful equipment and know-how (such as antisubmarine warfare technology).*¹⁷ In fact, no technology transfers are required by the Convention. Mandatory technology transfers were eliminated by section 5 of the annex to the 1994 Agreement amending Part XI of the Convention. Further, Article 302 of the Convention explicitly provides that nothing in the Convention requires a party to release information the disclosure of which is contrary to the essential interests of its security.

*As a nonparty, the United States is allowed to search any ship that enters our exclusive economic zone to determine whether it could harm the United States or pollute the marine environment. Under the Convention, the U.S. Coast Guard or others would not be able to search any ship until the United Nations is notified and approves the right to search the ship.*¹⁸ This also is not correct. Under applicable treaty law—the 1958 conventions on the law of the sea—as well as customary international law, no nation has the right arbitrarily to search any ship that enters its exclusive economic zone (EEZ) to determine whether it could harm that nation or pollute its marine environment. Nor would the United States want countries to have such a blanket “right,” because it would fundamentally undermine freedom of navigation, which benefits the United States more than any other nation.

Thus, the descriptions of both the status quo and the Convention's provisions are incorrect. It makes no change in our existing ability or authority to search ships entering the American EEZ with regard to security or protection of the environment. One final and very important point is that under the Convention the UN has absolutely no role in U.S. military operations, including a decision as to when and where a foreign ship may be boarded.

*Other parties will reject the U.S. “military activities” declaration as a reservation.*¹⁹ Another false assertion—the American declaration is consistent with the

Convention and is not a reservation (that is, in international legal usage, “a unilateral statement, however phrased or named, made by a State, when signing, ratifying, accepting, approving or acceding to a treaty, whereby it purports to exclude or to modify the legal effect of certain provisions of the treaty in their application to that State.”)²⁰ It is an option explicitly provided by article 298 of the Convention. Parties to the Convention that have already made such declarations exercising this option include the United Kingdom, Russia, France, Canada, Mexico, Argentina, Portugal, Denmark, Ukraine, Norway, and China.

*The 1994 Agreement does not even pretend to amend the Convention; it merely establishes controlling interpretive provisions.*²¹ This is nonsensical. The Convention could only have been formally “amended” if it had already entered into force. The 1994 Agreement was negotiated separately to ensure that the Convention did not enter into force with Part XI in its flawed state. The 1994 Agreement made explicit, legally binding changes to the Convention and has the same legal effect as if it were an amendment to the instrument itself.²²

A letter signed by all living former legal advisers to the U.S. Department of State, representing both Republican and Democratic administrations, confirms the legally binding nature of the changes to the Convention effected by the 1994 Agreement. Their letter states, “The Reagan Administration’s objection to the LOS Convention, as expressed in 1982 and 1983, was limited to the deep seabed mining regime. The 1994 Implementing Agreement that revised this regime, in our opinion, satisfactorily resolved that objection and has binding legal effect in its modification of the LOS Convention.”²³

*The problems identified by President Reagan in 1983 were not remedied by the 1994 Agreement relating to deep seabed mining.*²⁴ Not true—in fact, each objection has been addressed. Among other things, the 1994 Agreement:

- Provides for access by American industry to deep seabed minerals on the basis of nondiscriminatory and reasonable terms and conditions²⁵
- Overhauls the decision-making rules to accord the United States critical influence, including veto power over the most important future decisions that would affect U.S. interests and, in other cases, requires two-thirds majorities that will enable the United States to protect its interests by putting together small blocking minorities²⁶
- Restructures the regime to comport with free market principles, including the elimination of the earlier mandatory technology transfer provisions and all production controls.²⁷

*The Convention gives the UN its first opportunity to levy taxes.*²⁸ This is not at all the case. The Convention does not provide for or authorize taxation of individuals

or corporations. It does include, in article 82, revenue-sharing provisions for oil and gas activities on the continental shelf beyond two hundred miles and administrative fees for deep seabed mining operations.²⁹ The costs are less than the royalties paid to foreign countries for drilling off their coasts, and none of the revenues go to the UN. These minimal costs are worth it, according to reliable industry representatives. (American companies applying for deep seabed mining licenses would pay application fees directly to the International Seabed Authority (ISA); no implementing legislation would be necessary.) There would be no expenditure of revenues by the UN. With respect to deep seabed mining, because the United States is a nonparty, American companies currently cannot engage in such mining under U.S. authority. Becoming a party will give U.S. firms that ability and will open up new revenue opportunities for them when deep seabed mining becomes economically viable. The alternative is no deep seabed mining for American firms, except through other nations under the Convention.

*The Convention mandates another tribunal to adjudicate disputes.*³⁰ That is a wildly inaccurate portrayal of the authority of the tribunal. The Convention established the International Tribunal for the Law of the Sea. However, parties are free to choose other methods of dispute settlement. The United States would choose two forms of arbitration rather than the tribunal.

The United States would be subject to the Sea-Bed Disputes Chamber if deep seabed mining ever takes place. The proposed Senate Resolution of Advice and Consent makes clear that the Sea-Bed Disputes Chamber's decisions "shall be enforceable in the territory of the United States only in accordance with procedures established by implementing legislation and that such procedures shall be subject to such legal and factual review as is constitutionally required and without precedential effect in any court of the United States."³¹ The chamber's authority extends only to disputes involving the mining of minerals from the deep seabed; no other activities, whether in the water column or on the surface of the oceans, are subject to it.

*U.S. adherence will entail history's biggest voluntary transfer of wealth and surrender of sovereignty.*³² Actually, the Convention not only enhances the sovereign operation of military ships and aircraft but also bolsters resource jurisdiction over a vast area off the coasts of the United States. Furthermore, under the Convention, as superseded by the 1994 Agreement, there is absolutely no transfer of wealth or surrender of sovereignty.

The Convention supports the sovereignty and sovereign rights of the United States over extensive maritime territory and natural resources off its coast, including a broad continental shelf that in many areas extends well beyond the two-hundred-nautical-mile limit, and would give it additional capacity to defend those claims against others. The mandatory technology-transfer provisions

of the original Convention, to which the United States objected, were eliminated in the 1994 Agreement.

*The International Seabed Authority has the power to regulate seven-tenths of the earth's surface, impose international taxes, etc.*³³ Nothing could be farther from the truth. The Convention addresses seven-tenths of the earth's surface. However, the International Seabed Authority does not. The ISA is strictly limited to administering mining of minerals in areas of the deep seabed beyond national jurisdiction, generally more than two hundred miles from the shore of any country. At present such deep seabed mining is economically unfeasible, and it will remain so for the foreseeable future. The ISA has no other role and has no general regulatory authority over the uses of the oceans, including freedom of navigation and overflight. The ISA has no authority or ability to levy taxes.

*The United States might end up without a vote in the ISA.*³⁴ That would be impossible. The United States would have a permanent seat on the ISA Council, its main decision-making body, by virtue of its being the state with the largest economy in terms of gross domestic product on the date of entry into force of the Convention, 16 November 1994.³⁵ This would give the country a uniquely influential role on the council, the body that matters most.

*The People's Republic of China asserts that the Convention entitles it to exclusive economic control of the waters within a two-hundred-nautical-mile radius of its artificial islands—including waters transited by the vast majority of Japanese and American oil tankers en route to and from the Persian Gulf.*³⁶ That is untrue, as to both fact and law. The U.S. government is not aware of any claims by China to a two-hundred-mile economic zone around its artificial islands. Any claim that artificial islands generate a territorial sea or EEZ would be illegal under the Convention. The Convention specifically provides that artificial islands do not have the status of islands and have no territorial seas or EEZs of their own.³⁷

*Participation in the Law of the Sea Convention would render the Proliferation Security Initiative invalid.*³⁸ This is not only wrong but something of a reflection upon the nation's military leadership, which strongly supports the Convention. U.S. accession would in no way hinder our efforts under the PSI to interdict vessels suspected of engaging in the proliferation of weapons of mass destruction. The PSI Statement of Interdiction principles requires participating countries to act in ways consistent with national legal authorities and "relevant international law and frameworks," which includes the law reflected in the Convention.

Misunderstandings and misrepresentations are still in circulation. However, the outlook for Senate ratification is optimistic. The recent favorable vote of the Senate Foreign Relations Committee, direct support in writing from the president, support of the Democratic side of the aisle, and support from key

Republican senators like Richard Lugar, Ted Stevens, John Warner, and others tell me that the Convention will get to the Senate floor and receive the necessary votes for advice and consent. Thus my prediction: the United States will finally join the current 155 parties to the Convention. That brings us, however, to a final, fundamental, and cautionary point. Be the United States a party or nonparty, a robust freedom-of-navigation program must be an essential part of its oceans policy. This treaty, or any treaty, can be effective only if it is implemented by action.

NOTES

This essay is adapted from a presentation to the Naval War College's International Law Conference, "International Law and Military Operations," in Newport, Rhode Island, on 20 June 2007. The author wishes to thank J. Ashley Roach and Joseph Baggett for their assistance in its preparation.

1. See, for example, Frank Gaffney, "The U.N.'s Big Power Grab," *Washington Times*, 2 October 2007, editorial, and "LOST Runs Silent, Runs Deep," *Townhall.com*, 30 October 2007; Jeremy Rabkin, "Defeat the Law of the Sea Treaty," *Washington Times*, 13 November 2007, editorial; "U.N. Law of Sea Treaty on Senate Fast-Track," *WorldNetDaily*, 30 September 2007; Phyllis Schlafly, "Sink the Law of the Sea Again," *Eagleforum.com*, 26 September 2007; Doug Bandow, "Bad Treaties Never Die," *Rejectlost.blogspot.com*, 15 November 2007.
2. U.S. Senate, Foreign Relations Committee, *Executive Report 110-9* (Washington, D.C.: 19 December 2007).
3. While I have testified as a private citizen presenting the same or very similar responses to the critics of the Convention, I draw here basically from the testimony of Bush administration witnesses to "Correct the Record." See Rear Admiral (Ret.) William L. Schachte, Jr., testimony before the Senate Foreign Relations Committee, *Advice and Consent to the Law of the Sea Convention (October 14, 2003)*, available at foreign.senate.gov/testimony/2003/SchachteTestimony031014.pdf; testimony before the Senate Committee on Armed Services, *Senate Advice and Consent to the Law of the Sea Convention (April 8, 2004)*, available at armed-services.senate.gov/statemnt/2004/April/Schachte.pdf; testimony (closed hearing) before the Senate Select Committee on Intelligence, *Senate Advice and Consent to the Law of the Sea Convention: U.S. Accession to the Law of the Sea Convention (June 8, 2004)*, available at intelligence.senate.gov/0406hr/040608/schachte.pdf. See also testimony of Deputy Secretary of Defense Gordon England, Deputy Secretary of State John D. Negroponte, and Adm. Patrick M. Walsh, USN, Vice Chief of Naval Operations, before Senate Foreign Relations Committee Hearing on the Law of the Sea Convention, 27 September 2007, available at www.senate.gov/~foreign/hearings/2007/hr/070927p.html. Additionally see testimony of Adm. Michael Mullen, USN (nominee for chairman of the Joint Chiefs of Staff) before the Senate Committee on Armed Services, 31 July 2007, available at armed-services.senate.gov. Finally, see Patrick Neher [Capt., JAGC, USN], "LOST Will Enhance Security," *Washington Times*, 14 November 2007, and "In Support of LOST," *Washington Times*, 14 December 2007, both in Opinion; Ken Adelman, "Sea Law Turbulence," *Washington Times*, 12 December 2007, Opinion; Michael Chertoff, Secretary of Homeland Security, letter to Senator Joseph Biden, Chairman, Committee on Foreign Relations, 26 September 2007, available at www.dhs.gov; Joint Chiefs of Staff, letter to Senator Biden, 26 June 2007, available at www.jag.navy.mil/LawoftheSea.htm; George Shultz to Senator Richard Lugar, 28 June 2007, available at www.jag.navy.mil/LawoftheSea.htm; and Stephen Hadley, Assistant to the President for

- National Security Affairs, letter to Senator Biden, 8 February 2007, available at www.jag.navy.mil/LawoftheSea.htm.
4. Available at armed-services.senate.gov/statement/2004/April/Taft.pdf.
 5. Available at www.house.gov/international_relations.
 6. Available at wwc.house.gov/international_relations.
 7. Committee of Foreign Relations testimony available at foreign.senate.gov/testimony/2003/TurnerTestimony031021.pdf; Committee on Environment and Public Works testimony available at epw.senate.gov.
 8. Available at www.senate.gov/~foreign/hearings/2007.
 9. Available at armed-services.senate.gov.
 10. Steven Groves, "Why Reagan Would Still Reject the Law of the Sea Treaty," Heritage.org, 24 October 2007.
 11. "Statement on United States Participation in the Third United Nations Conference on the Law of the Sea, January 29, 1982," in *Public Papers of the Presidents of the United States: Ronald Reagan, 1982*, book 1, July 3 to December 31, 1982 (Washington, D.C.: U.S. Government Printing Office, 1983), p. 92.
 12. *Ibid.*
 13. Professor Bernard H. Oxman has cataloged President Reagan's objections and the ways they were addressed in the 1994 agreement in "The 1994 Agreement and the Convention," *American Journal of International Law* [hereafter *AJIL*] 88 (1994), "Law of the Sea Forum: The 1994 Agreement on Implementation of the Seabed Provisions of the Convention on the Law of the Sea," p. 687.
 14. "Statement on United States Oceans Policy, March 10, 1983," in *Public Papers of the Presidents of the United States, Ronald Reagan, 1983*, book 1, January 1 to July 1, 1983 (Washington, D.C.: U.S. Government Printing Office, 1984), p. 379.
 15. Doug Bandow, "Sink the Law of the Sea Treaty," *Weekly Standard*, 15 March 2004, pp. 16–17 ("The only sure guarantee of free passage on the seas is the power of the U.S. Navy").
 16. Michael D. Huckabee (former governor of Arkansas, candidate for the 2008 Republican presidential nomination), "America's Priorities in the War on Terror," *Foreign Affairs* (January/February 2008), available at www.foreignaffairs.org/; "Tell Congress to Reject the Law of the Sea Treaty," RightMarch.com, 10 December 2007.
 17. "LOST Mandates Technology Transfer," RejectLost.blogspot.com, 1 September 2007; Cliff Kincaid, "Conservatives Mobilize against Law of the Sea Treaty," HumanEvents.com, 10 September 2007.
 18. U.S. Senate, written testimony before the Environment and Public Works Committee, 24 March 2004, available at epw.senate.gov/public, of Peter Leitner, p. 3 ("Ratification of the Treaty would effectively gut our ability to intercept the vessels of terrorists or hostile foreign governments even if they were carrying nuclear weapons"), and Frank Gaffney, pp. 2–3 ("LOST would prohibit U.S. Navy or Coast Guard vessels from intercepting, searching or seizing them"). Also Paul M. Weyrich, "Law of the Sea Treaty Threatens Sovereignty," WashingtonDispatch.com, 23 November 2004 ("ISA . . . [has] the right to determine in what situations our Navy can stop a vessel").
 19. Oliver North [Lt. Col., USMC (Ret.)], "Law of the Sea Treaty on Fast Track to Ratification," FOXNews.com, 11 October 2007.
 20. United Nations, "Vienna Convention on the Law of Treaties," 23 May 1969, entered into force 27 January 1980, *Treaty Series*, vol. 1155, art. 2, sec. 1(d), available at untreaty.un.org/ilc/texts/instruments/english/conventions/1_1_1969.pdf.
 21. U.S. Senate, prepared statement of Frank Gaffney, for the Foreign Relations Committee, 4 October 2007, available at www.senate.gov, p. 4 ("The 1994 agreement does not explicitly amend LOST"), and Frank Smith (president, Competitive Enterprise Institute), p. 4 ("The problems of LOST have not been fixed. And, indeed, proponents do not really believe that they have been").
 22. Oxman, "The 1994 Agreement and the Convention"; Louis B. Sohn, "International Law Implications of the 1994 Agreement," *AJIL* 88 (1994), p. 696; and Jonathan I. Charney, "U.S. Provisional Application of the 1994

- Deep Seabed Agreement, *AJIL* 88 (1994), p. 705, all in “Law of the Sea Forum: The 1994 Agreement on Implementation of the Seabed Provisions of the Convention on the Law of the Sea.”
23. Letter from all living, former legal advisers to the United States Department of State (the Honorable Herbert J. Hansell, Robert B. Owen, Davis R. Robinson, Abraham D. Sofaer, Edwin D. Williamson, Conrad K. Harper, David R. Andrews, Michael J. Matheson) to the Honorable John Warner, Chairman, Senate Armed Services Committee, available at www.oceanlaw.org/downloads/LALetter.pdf.
 24. U.S. Senate, written statement of Ambassador Jeane Kirkpatrick before the Armed Services Committee, 8 April 2004, available at armed-services.senate.gov/statemnt/2004/April/Kirkpatrick.pdf, p. 11 (“The [1994] modifications have not been major. The Treaty is fundamentally the same.”).
 25. *Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea Agreement*, 1994 [hereafter *Agreement*], annex, sec. 1, para. 6(a)(iii).
 26. *Agreement*, annex, sec. 3.
 27. *Agreement*, annex, secs. 5 and 6.
 28. Thomas A. Bowden, “Deep Six the Law of the Sea,” *Wall Street Journal*, 20 November 2007, Editorial, available at www.aynrand.org/site; Smith, prepared statement for Senate Foreign Relations committee, 4 October 2007, p. 5 (“Under the Law of the Sea Treaty, taxpayers in industrialized countries will pay for the privilege of being regulated by a Third World–dominated body”); Doug Bandow, *The Law of the Sea Treaty: Turning the World’s Resources Over to a Second United Nations* (Lewisville, Tex.: Institute for Policy Innovation, 1 September 2007), available at www.ipi.org.
 29. *Agreement*, annex, sec. 1, para. 6(a)(ii).
 30. Gaffney, prepared statement for Senate Foreign Relations committee, 4 October 2007, p. 8 (LOST’s compulsory dispute settlement); “LOST Mandates Compulsory Dispute Settlement,” Rejectlost.blogspot.org, 1 September 2007.
 31. “Understanding 22 in the Instrument of Ratification,” contained in the commentary accompanying the secretary of state’s letter of submittal in Senate Treaty Document 103-39. The commentary may also be found in *U.S. State Department Dispatch* 6, supp. 1, February 1995, pp. 5–52, available at dosfan.lib.uic.edu/ERC/briefing, as well as in *Georgetown International Environmental Law Review* 7 (1994), pp. 87–194; in *International Legal Materials* 34 (1995), pp. 1400–47; and in J. Ashley Roach and Robert W. Smith, *United States Responses to Excessive Maritime Claims*, 2nd ed. (Newport, R.I.: Naval War College, 1996), pp. 537–653.
 32. Gaffney and Smith, prepared statements for Senate Foreign Relations Committee, 4 October 2007; Gaffney, “The U.N.’s Big Power Grab” and “LOST Runs Silent, Runs Deep”; Rabkin, “Defeat the Law of the Sea Treaty”; “U.N. Law of Sea Treaty on Senate Fast-Track”; Schlafly, “Sink the Law of the Sea Again”; Bandow, “Bad Treaties Never Die.”
 33. Bandow, *The Law of the Sea Treaty*, p. 1 (“This may be the first global tax imposed on Americans without congressional approval”); Bowden, “Deep Six the Law of the Sea”; Gaffney, “The U.N.’s Big Power Grab” (“So why on Earth would the U.S. possibly consider putting the U.N. on steroids by acceding to its control of seven-tenths of the world’s surface?”).
 34. Gaffney, written testimony before Senate Environment and Public Works Committee, 24 March 2004, p. 1 (“Conceivably, due to membership rotation, there could be times when [the United States] might not even have a vote—to say nothing of a veto—over decisions taken by [the Seabed Authority]”).
 35. *Agreement*, annex, sec. 3.15(a).
 36. Gaffney, “John Kerry’s Treaty: Outsourcing Sovereignty,” *National Review Online*, 26 February 2004, www.nationalreview.com.
 37. *United Nations Convention on the Law of the Sea*, art. 60(8).
 38. Gaffney, prepared statement for Senate Foreign Relations Committee, 4 October 2007, p. 14 (“LOST can be used to limit the Proliferation Security Initiative”).