

Chapter 13

A Framework for Small Navy Theory: The 1982 U.N. Law of the Sea Convention*

Nien-Tsu Alfred Hu and James K. Oliver

Most existing naval theory has been developed and written by naval practitioners and scholars from the perspective of major or global naval powers and deals with large navies. In the last decade the emphasis of this literature has shifted from concern with warfighting missions to the political use of navies. Moreover, such analysis has inevitably focused more upon the exercise of global presence by navies and thus their political, military, and diplomatic uses within a global context. This perspective is of limited use for most navies in the world. Smaller navies are limited in their operating areas and geographic reach and, therefore, cannot seriously consider global tasks or missions. They need a naval theory derived from their own perspective, and with the advent of the new ocean regime after 1982, this need has become even more pressing.

The new accretion of immense maritime zones bestows tangible and intangible interests upon a coastal State. These include the acquisition of living and nonliving resources and the legitimate control of maritime activities under national jurisdiction within the zones. In addition, these newly acquired maritime interests expand significantly a coastal State's sense of national interests. Clearly, navies will play a major role in upholding and protecting these national maritime interests. Nevertheless, these forces face a new context in which political, diplomatic, and legal emphases outweigh the conventional warfighting role in terms of naval planning and policymaking. This situation manifests the underdevelopment of naval theory vis-à-vis small navies in general, and the role of navies in fisheries and other maritime resources issues in particular.

What would be useful, and what this paper seeks to provide, is a theoretical framework—based on the 1982 United Nations Convention on the Law of the Sea (1982 LOS Convention)—which provides small navy planners with a clear objective in formulating a State's naval policy. Such a framework will provide naval planners with a rationale for the protection of all national maritime interests within the national 200-mile exclusive economic zone and, at the same time, furnish national maritime policymakers with an understanding of the importance and necessity of including naval forces in their plans.

* Reprinted from the Naval War College Review Spring 1988.

Classification of Naval Powers

Limits of Measuring Power by Aggregated Physical Resources. Almost a decade ago, David Baldwin, summarizing a long and rich literature in political science and international relations, cogently critiqued the measurement of power in terms of capability inventories. Among military and naval analysts, Robert Art, Ken Booth, and James Cable have emphasized the necessity of thinking of power in terms of political and military objectives achieved rather than aggregates of capability.¹

Mark Janis provides a good example of this classifying of naval powers/naval forces in his *Sea Power and the Law of the Sea*.² Here Janis categorizes all the world's navies into five different classes, using data in *Jane's Fighting Ships 1974-1975*. The first class of navies are those of the United States and the Soviet Union, and the second class includes Great Britain and France. These four navies are categorized as "major, blue water, SSBN navies." The remaining navies of the world are grouped together as "coastal navies," wherein another three classes are distinguished. Twenty-one third-class navies are counted, having more than ten major surface combatants (cruisers, destroyers, and frigates), usually some submarines, and occasionally between 80 and 250 vessels in all. Next are 29 fourth-class navies which have at least one, but no more than ten major surface combatants, no aircraft carriers, rarely a cruiser, and number about 50 vessels in all. Seventy-two fifth-class navies have no major surface combatants and rarely more than a dozen vessels overall.³

Janis' ship-counting scheme offers an interesting picture of the striking diversity of navies in terms of their physical assets and shows that a majority of the navies in the world are coastal navies as defined by Janis. It tells us nothing, however, regarding the actualized power associated with these navies in the context of international disputes. The implicit analytical weakness of this approach is evident since the potential power of a navy does not always correspond to actual outcomes of disputes involving the application of naval power. For example, in the major international fisheries disputes involving the use of naval forces since World War II, those States successfully asserting their maritime rights and protecting their national fisheries interests were usually those ranked as "lower-class" navies.⁴

Rear Admiral J. R. Hill recognizes these problems: "power is a diverse, sometimes ill-defined, often unquantifiable thing" and "the search for classes or categories of power is most unlikely to end in a statistical table."⁵ However, since it is not entirely illogical to begin with one, Hill goes on to classify states into superpowers, medium powers, and small powers, using indicators such as population, gross domestic product, per capita income, exports, men under arms, armies, major warships, combat aircraft, and defense budgets. Hill then discusses the components of maritime power, i.e., trade and access, shipbuilding, exploitation of natural resources (fish catch), and military power at sea. He further tries

to quantify the sea dependence of a State by employing these maritime power components/factors in equation to generate a rating for sea dependence. After going through all these complexities, Hill ends up, however, with no clear definition for medium maritime powers other than those powers that lie between the self-sufficient and the insufficient.⁶

Both Janis and Hill's efforts vindicate Cable's observation that measuring power by the aggregation of resources tells us little about the essence of power. The central weakness of these approaches, then, is that they more often than not classify navies/naval powers using quantitative or descriptive terminologies which convey little basis for the assessment of actualized naval power in a political context. For example, Janis' "coastal navies" include three different classes. In reality, some of these navies possess power projection capabilities. However, the term "coastal" suggests they are tightly attached to their coastlines with minimal projection capabilities. In addition, Hill's classification of "super," "medium," and "small maritime powers" suggests that upper-class powers can readily defeat lower-class powers. However, the outcome of the major fisheries disputes of the postwar era demonstrates that this common sense impression does not stand up under examination.

A different approach is therefore needed in order to understand naval power across the full spectrum of the world's navies. This new approach can be termed a "functional analysis"—i.e., understanding the nature of different naval powers from the scope of the functions which they have the capacity to attain. Ken Booth has argued for the advantages of taking such a functional or mission approach:

- Concentration on policy objectives should encourage the rational selection of the resources to be allocated to naval force.
- A mission approach should help [with] the problem of establishing tactical and financial priorities.
- It should assist the optimum selection of weapons systems.
- It should ensure that the members of a navy focus on the whole rather than on one of its parts.
- Finally, by clarifying why navies might exist for any particular country, one can discuss more sensibly the array of strategies and tactics they adopt.⁷

Booth also argues that before asking "What is their naval strategy?" one should ask, "What is their interest in the use of the sea?"⁸ By the same token, the competence and power of a navy should not be judged simply by its physical capability, i.e., the size or the weaponry. Rather, they should be scaled against the context in which a navy is operating. In other words, if a navy is able to fulfill and meet the functional needs required by the environment or circumstance in which it serves, it is a powerful navy regardless of its physical size.

Functional Classification of Naval Powers. Ken Booth conceives three basic functions that navies can perform—diplomatic, policing, and military. Booth also details the main aims and subsidiary policy objectives of these three functions. In terms of geographic reach, Booth further divides navies into four categories: coastal, contiguous-sea, oceangoing, and global navies. This classification of navies could be viewed as a kind of coding for naval power. A State having so-called global interests needs a global navy, with capability for naval presence and projection of power, to define and to defend those national interests. Otherwise, a State will merely require a navy that is capable of meeting a set of relatively limited national interests in a limited area. Moreover, clearly defined national interests allow a state to have better visualization for the purposes of its naval planning and naval strategy.⁹ With Booth's characterization of navies in mind, the relationship between naval power and naval functions can be conceived as correlated. In other words, there should be a correlation between the physical capabilities, the reach of the navies, and their functions.

Perhaps the most vital missions for most small-navy States are the basic policing function, a portion of the military function, and/or a portion of the diplomatic function. The basic policing function includes the missions of the coast guard of national sovereignty, resource enjoyment within the exclusive economic zone (EEZ), and maintenance of good order in these waters as well as contributing to internal stability and development. Performance of a military and/or diplomatic function by small navies is, however, heavily dependent on naval hardware capability, the political volition of the coastal navy States, and the perception of the political leaders of the object States. Thus, the diplomatic function represents the threshold that separates oceangoing and global navies from the contiguous-sea and coastal navies. A navy that can effectively perform more missions than policing, conventional deterrence and defense, and the diplomatic functions must have capability beyond that of contiguous-sea and coastal navies. Therefore, a small navy can be a contiguous-sea navy or a coastal navy as defined by Booth. The term "small," however, does not imply a navy's weakness or inferiority compared to an oceangoing or a global navy. Rather, the power or competence of a navy must be judged contextually.

An oceangoing navy, as defined by Booth according to the criterion of physical reach, may be equated to Hill's medium-power navy, which has "interests generally extend[ing] far beyond the 200-mile limit of the economic zone."¹⁰ Booth's global navies may also be equated to Hill's superpower navies since they characteristically enjoy the capability of global deployment. Booth states that most navies of the world, about 60 percent, fall into the category of contiguous-sea navies while another 35 percent are coastal navies. These navies have the capability to execute the conventional deterrence and defense missions which include: preparing for wartime tasks, deterring hostile intrusion across maritime frontiers, contributing to local maritime stability, protecting national claims in

contiguous seas, and extending national claims in contiguous seas, along with a certain portion of the diplomatic mission which includes negotiating from strength, manipulating situations and atmosphere, and demonstrating national prestige.¹¹

With this functional approach small navies can, therefore, be tentatively defined as those navies that are capable of performing a part or all of the policing, conventional deterrence and defense functions, as well as some degree of naval diplomatic functions with limited geographical and maneuvering reach within coastal and/or contiguous-sea waters. It will be shown below that these functions are precisely those required by the 1982 LOS Convention for a coastal State to protect its national maritime interests within its 200-mile exclusive economic zone. Of course, this definition of small navies, based on the correlation between naval power and naval functions, has its own conceptual limitation—a limitation deriving from the advances of contemporary technology. Nevertheless, the value of this definition is that it conceptually ties the physical capabilities of a navy with the potential functions it might perform.

The 1982 LOS Convention and the Uses of Naval Forces

Since the Third United Nations Conferences on the Law of the Sea convened in 1973, scholars have argued endlessly about the nature of the 200-mile exclusive economic zone—one of the most profound new elements formulated and incorporated in the resulting Convention.

D. P. O'Connell noted that "the EEZ is essentially an area of high seas which has now become subject to certain limited jurisdictional rights 'which are in the nature of police rights rather than sovereignty' . . . [and] the EEZ is 'high seas, and superimposed on that you have certain coastal State rights with respect to [the] enjoyment and protection of marine resources' . . . the residual character of the EEZ is high seas."¹² While arguing that "the EEZ concept has been appropriately described as 'a zone *sui generis*,' since it is neither high sea nor territorial sea as normally understood," Booth views the EEZ as possessing the "emerging character of territorial sea"¹³ and characterizes the legal and practical evolution of the EEZ concept as "creeping jurisdiction," "ocean enclosure movement," or "territorialization."¹⁴

Some argue that 32 percent of the world's oceans falling into national jurisdiction due to the EEZ establishment will inevitably confine the maneuverability of global navies and, thus, their strategic and diplomatic missions.¹⁵ Booth, on the other hand, argues that this restriction arising from the law of the sea regime is only a necessary, not a sufficient, condition for a more strained maritime environment for global navies. He further claims that global navy States, more often than not, enjoy a stronger position, both diplomatically and politically, over other coastal states; moreover, the "psycho-legal" boundaries

182 Readings on International Law

of EEZs may prove beneficial to naval powers exercising naval diplomacy.¹⁶ Regardless of the pros and cons, the 1982 LOS Convention does force all coastal States, both maritime powers and others, to rethink their naval forces and the roles and missions the navies will play as well as the interaction and implications of naval planning with other national policies and postures.

From the perspective of global naval powers, Booth feels that “the 1982 Convention imposes no interference on military activities in EEZs”¹⁷ and “naval diplomacy would not in fact come to an end: it would only become more complicated.”¹⁸ But he also warns that “apprehension is justified in the longer term” if the sense of territoriality among coastal States grows towards their EEZs, and this sense is expressed in demands for greater control over foreign shipping, including naval vessels, accompanied with demonstrations of political and military muscle.¹⁹ Booth’s warning or apprehension is clearly supported by analyses of fisheries disputes both before and after the 1982 LOS Convention. These disputes reflect a growing sense of property rights over the natural resources within the EEZ and a nationalistic view of the protection of EEZs.²⁰

To most small-navy States, however, the new rights and the resulting responsibilities over immense ocean areas and the natural resources deriving from the 1982 LOS Convention have not only created new tasks and requirements but also sensitized them to the need and/or perception of protecting their newly accrued territory and property. “Governments will have to show that they intend to defend their rights in what they regard as their own patches of sea, if not beyond, and there is no more effective way of doing this than by deploying warships. Warships are gadgets of sovereignty.”²¹ The functions or missions of warships in relation to the law of the sea include: new EEZs to be patrolled, good order to be maintained, and badge of maritime sovereignty to be displayed. For global navies or naval powers, the effect of the 1982 LOS Convention might mean only a change of emphasis as argued by Booth.²² To small navies, however, these functions or missions can well be new in both a conceptual and physical sense. While global navies are familiar with highly political exercises in sensitive foreign waters and the possible diplomatic implications these exercises carry, a small-navy State may find it very uncomfortable or even difficult to contemplate and plan a naval maneuver in its own waters so as to perform a constabulary mission and also send a political message to potential foreign intruders. The force structure of a small-navy State might not be capable of performing the kind of mission its political leaders contemplate. Or, the small-navy State may not have the right combination of forces to conduct certain delicate missions in its waters when the situation requires.

The new ocean regime definitely gives coastal States some benefits in both economic and political forms. It also brings the coastal States new tasks and requirements that cannot be fulfilled or met simply by a change of priority or emphasis. To most coastal States, this means the refit or overhaul of their existing

philosophy and attitude towards their navies and naval planning. Small-navy States have to rethink the relationship of their naval maneuvers and their political, diplomatic, economic, and marine-legal effects. Thus, although these navies might be small in a physical and material sense, their political effects may become quite large within their EEZs.

Small Navies in the Context of 1982 LOS Convention

In a recent review of Ken Booth's *Law, Force and Diplomacy at Sea*, James Cable's *Diplomacy at Sea*, and Rear Admiral J. R. Hill's *Maritime Strategy for Medium Powers*, Donald C. Watt wrote: "They have learnt from reflecting on the course of events since 1965 that low-level conflicts, or as Admiral Hill calls them 'low intensity' conflicts, are the norm and a nuclear conflict at sea the exception. This has led them to argue that concentration on the possible role of navies in the ultimate Armageddon is a grave misuse of time and introduces a great distortion into the course of naval policy and naval construction. Secondly, they all wrote *before* the conjunction of Mr. Knott's defence budget and the Falkland/Malvinas conflict provided graphic support for their arguments of the near folly of the dominant Ministry of Defence doctrine. . . . Thirdly, all have written under the shadow of the ten-year long International Conference on the Law of the Sea and the 1982 Convention which concluded it. This convention, in part at least, updated, for the years of guided ship-to-ship or air-to-sea missiles, a doctrine of national sovereignty at sea which was outdated in the mid-19th century with the disappearance from naval warfare of muzzle-loading cannon firing solid shot. But it came on a wave of concern about the living and non-living resources of the sea which took its origins with President Truman's 1945 proclamation on the mineral and fisheries resources of the U.S. Continental Shelf."²³

Preparation for nuclear or subnuclear all-out war is simply inappropriate planning for most small navies; near or low-intensity conflicts resulting from contention surrounding national maritime zones and/or maritime interests are the essence of day-to-day maritime politics. Post-World War II fisheries conflicts between the United States and Latin American States, Britain and Iceland, Argentina and Britain, Argentina and the Republic of China (ROC), and the ROC and the Philippines, all verify this conclusion. With the codification of the 12-mile territorial sea and the 200-mile EEZ in the 1982 LOS Convention and the introduction of new naval weaponry, coastal States with small navies now have not only the legitimate incentive but can possess the physical capability to uphold their national rights or sovereignty at sea.

The late Robert E. Osgood identified six new sources of conflict arising in this new ocean politics era. They include disputes over economic zones, maritime boundaries delimitation, straits passage, national security measures in maritime

zones, superpower naval interests in certain waters, and utilization of the deep seabed.²⁴ Barry Buzan has done a thorough study of the same issue with two different approaches: one legal and technical and the other from a geographical or regional perspective. From the legal point of view, Buzan classifies the sources of dispute as contention over: national boundaries, rights within national boundaries, rights in the ocean beyond national jurisdiction, and disputes arising from non-ocean sources.²⁵ An international maritime dispute can also stem from several sources, which is indicative of why these disputes are often so complicated and difficult to resolve. For example, the Sino-Philippine dispute that has stretched over the last ten or more years deals with contentious issues over delimitation of mutually exclusive boundaries, rights pertaining to islands, delimitation of the outer limits of national jurisdiction, fishing, and nonmilitary navigation.²⁶ The Sino-Argentine incident of 1986 was the result of a tripartite contention over ownership or rights pertaining to islands, fishing, and rights in the ocean beyond national jurisdiction.²⁷

Although these sources of conflict, by their nature, are by no means new to many coastal States, the new ocean regime has undoubtedly intensified them by legalizing and enshrining coastal States' national rights in a detailed and comprehensive international treaty. When looking into the sources of these disputes, we should not lose sight of the fact that the roots of disputes or conflicts are the different national views and interpretations of the same clauses and phrases written in the Convention which give states the rights they hold dear. Thus, the same national rights enshrined in the Convention can be the sources of international disputes on the one hand while also serving as guidelines for both naval development and constraints on naval operations. The Convention, in short, provides not only the possible sources of disputes and conflicts arising from it, but also the context within which a navy performs its duties to uphold and protect national rights.

The codification of the 1982 LOS Convention stemmed from the presumption that "with due regard for the sovereignty of all States, a legal order for the seas and oceans which will facilitate international communication, and will promote the peaceful uses of the seas and oceans, the equitable and efficient utilization of their resources, the conservation of their living resources, and the study, protection and preservation of the marine environment" would be established.²⁸ Thus the Convention emerges as a multi-purpose treaty concentrating on all human uses of the seas and oceans. However, national sovereignty is still the bottom line. Thus, "peace, good order or security of the coastal States,"²⁹ "[to] refrain from any threat or use of force against the sovereignty, territorial integrity or political independence of States,"³⁰ and "the protection of its [coastal State's] security"³¹ are the dicta for all ocean-user States.

Most coastal States do not have the capability to explore or utilize the resources *in situ* in the Area, or the seabed and ocean floor and subsoil beyond the limits

of national jurisdiction. For this majority of coastal States, therefore, attention will thus, naturally, focus on the seas within the 200-mile EEZ where it is more likely for them to contemplate the enjoyment of national sovereignty as well as the natural resources therein. The rights, jurisdiction, and duties of coastal States within these 200-mile limits constitute the essence of the national maritime interests that coastal States should attempt to maximize or optimize. It follows that coastal States can plan their naval forces according to the rights, jurisdiction, and duties established in the Convention for the upholding and protection of their national rights within the 200-mile limit waters.³²

A Definition of Small Navies and Their Functions

The governmental practice and enforcement of these legislative and jurisdictional rights falls on the coastal State's naval force. Basically, this is a constabulary task to make sure that foreign ships within these waters comply with all the laws and regulations of the coastal State for the maintenance of peace, good order and security, for the enjoyment of its own natural resources, and for the protection of sovereignty—a task defined by Ken Booth as a policing function for the coast guard responsibilities and nation-building. A navy for this constabulary task needs a convincing physical capability to deter misbehavior of foreign ships and to arrest them if necessary. The conventional deterrence and defense function of a navy as defined by Booth is: to prepare for wartime tasks, to deter hostile intrusion into maritime frontiers, to contribute to local maritime stability, to protect national claims in contiguous seas, and to extend national claims in contiguous seas. Since the enforcement of national rights is, by its nature, against foreign activities within national (economic) waters, it is, therefore, inevitably, involved with international relations and diplomacy.

Such activities are also undertaken for political and diplomatic purposes, such as to improve bargaining strength, to threaten force from the sea to support policy, to improve one's ability to affect the course of specific diplomatic negotiations, or to create some kind of national prestige at home and abroad. This diplomatic function has been generally and mistakenly regarded to be a minor or indistinct role for small navies. The traditional sense of naval diplomacy involves the use of warships in support of a State's general bargaining position, particular negotiating stances and influence-building tactics, as well as representational tasks of various kinds.³³ Both in conventional wisdom and in practice, this implies and entails the application of naval forces at great distance; a function beyond the capability of small navies. However, inasmuch as these naval functions are linked to the provisions of the 1982 LOS Convention, small navies are now placed into a new context in terms of naval diplomacy—new in the sense that the application of naval forces and the implementation of diplomatic functions

186 Readings on International Law

occur within a geographically limited and specific area: the 200-mile national (economic) waters. Thus a small navy can now be defined as:

a navy which is primarily designed, planned, prepared, and constructed to protect and enforce the national rights, as conferred by the 1982 United Nations Law of the Sea Convention, within the 200-mile limit national (economic) waters.

Insofar as a coastal State's national rights within its 200-mile waters becomes the baseline for the design, planning, preparation, and construction of its navy, the notion of a small navy takes on greater functional specificity. When a coastal State contemplates a navy that will be obligated not only to fulfill the needs and requirements of national rights, jurisdiction, and duties of the coastal State within the 200-mile limits as stipulated by the 1982 LOS Convention, but also to extend its force beyond the 200-mile limits, then an oceangoing navy is required. The British Navy is a good example of such an oceangoing navy. It does not have the capability to deploy its force globally or readily deal with two or more crises simultaneously, however, it can cope with a single contingency beyond its 200-mile waters. The Anglo-Argentine Falklands war of 1982 best characterizes the nature and capability of such an oceangoing navy. If, however, a coastal State intends to deploy its navy globally to protect simultaneously its many global interests, it asks for a global navy, e.g., the U.S. Navy or the Soviet Navy.

With this functionally oriented definition or classification of navies, navy planners and governmental policymakers will have a clear picture in mind of what to look for as guidelines and how to plan a navy their State really needs in support of their national rights within the 200-mile limits of ocean territory. This small-navy theory provides naval theorists with a conceptual standard or criterion to qualify and compare different navies without the confusion and ambiguity that previously plagued these analyses.

The definition of a small navy has been conceptually derived from the interrelationship of naval functions and naval powers. The categorization of naval powers, in turn, has been based upon the physical capacity of navies, i.e., naval reach, a term defined by Rear Admiral J. R. Hill "as the distance from home bases at which [naval] operations can be carried out."³⁴ Insofar as the scope and character of naval operations can be defined, combined with the recognition of naval reach capability, the functions or missions that a navy can contemplate and fulfill will be clearly specified. One can, thus, apprehend the appropriate planning and force structure for a navy.³⁵ Moreover, such conceptual clarification or specification allows for a more objective evaluation of naval power and its utility. That is, one is no longer constrained by vague notions of power based upon ship counting or force structure description.

Small navies are, therefore, defined as those navies operating primarily within a reach of 200-miles, or within national EEZ limits. Accordingly, the functions

of small navies can be confined by and so defined within the context of the 1982 United Nations Law of the Sea Convention. The national rights codified within the Convention and conferred upon the coastal States can be used as guidelines for political leaders and naval planners alike to design, plan, prepare, and construct their navies. Theoretically and analytically, this approach offers a clear framework since it is built upon two practical and tangible elements: the physical capacity or reach of the navy and a written international treaty. Political objectives and military planning are consolidated and orchestrated toward the same purpose—the upholding and protection of national (maritime) interests within the 200-mile limits of ocean territory.

Dr. Hu was a fellow of the East-West Center at Honolulu, Hawaii and Dr. Oliver was professor and chairperson of the Department of Political Science and College of Marine Sciences at the University of Delaware, at the time this article was first published.

Notes

1. Art, *To What Ends Military Power?* International Security 3-35 (Spring 1980); Baldwin, *Power Analysis and World Politics: New Trends Versus Old Tendencies*, World Politics 161-194 (January 1979); and BOOTH, NAVIES AND FOREIGN POLICY (1979), *passim*; CABLE, DIPLOMACY AT SEA 36 (1985).
2. See JANIS, SEA POWER AND THE LAW OF THE SEA (1976).
3. *Id.* at 63-64.
4. See Hu, "Fishing Boats and Gunboats: The Convergence of Fisheries and Naval Policy," (Ph.D. diss., Univ. of Delaware, May 1987). The four cases examined include: the "Tuna Wars" between the United States and Peru and Ecuador, the Anglo-Icelandic "Cod Wars," the "Squid War" of 1986 between the Republic of China (ROC) and Argentina, and the protracted fisheries disputes between the ROC and the Philippines.
5. HILL, MARITIME STRATEGY FOR MEDIUM POWERS 14 (1986).
6. *Id.* at 14-17, 20, 30-36, 40-44, 46-48. Hill also quoted Moineville's version of the definition of medium powers in his book: "they certainly cannot be prepared for all events but . . . they have . . . enough resources to have options to choose from. . ." *Id.* at 195.
7. BOOTH, *supra* n. 1 at 24.
8. *Id.*
9. *Id.* at 16, 17-24, 120-121, 270-271.
10. HILL, *supra* n. 5 at 20.
11. BOOTH, *supra* n. 1 at 18-20, 121.
12. Cited in BOOTH, LAW, FORCE AND DIPLOMACY AT SEA 43 (1985). Texts within single quotes are Booth's quotation from O'Connell while texts within double quotes are Booth's argument.
13. *Id.*
14. *Id.* at 38-40.
15. For example, see Knight, *The Law of the Sea and Naval Missions*, U.S. Nav. Inst. Proc. 32-39 (June 1977).
16. BOOTH, *supra* n. 12 esp. chap. 7.
17. *Id.* at 139.
18. *Id.* at 168.
19. *Id.* at 139.
20. See Hu, *supra* n. 4; and Hu, *The Sino-Argentine 'Squid War' of 1986: Its Implications for the Fisheries Policy Making*, Marine Policy, 133-142 (April 1987).
21. BOOTH, *supra* n. 12 at 179.
22. *Id.* at 190-192.
23. *New Realism in Discussions of Seapower*, Marine Policy 83 (January 1987).
24. Osgood, *Military Implications of the New Ocean Politics*, in ALFORD, SEA POWER AND INFLUENCE: OLD ISSUES AND NEW CHALLENGES, THE ADELPHI LIBRARY 2 at 12-14 (1980).
25. Buzan, *A Sea of Troubles: Sources of Dispute in the New Ocean Regime*, in ALFORD, *supra* n. 24 at 160.

188 Readings on International Law

26. See Hu, *supra* n. 4, esp. chaps. 5 and 6.
27. See Hu, *supra* n. 20.
28. See the Preamble of the 1982 United Nations Law of the Sea Convention (1982 LOS Convention).
29. See Article 19, Paragraph 1 of the 1982 LOS Convention.
30. See Article 39, Paragraph 1 (b) of the 1982 LOS Convention.
31. See Article 52, Paragraph 2 of the 1982 LOS Convention.
32. For an elaboration of these rights see the following articles in the 1982 LOS Convention, in particular: Article 19, Paragraph 2; Article 21, Paragraph 1; Article 33, Paragraph 1; Article 40; Article 41, Paragraphs 1, 2, and 7; Article 42, Paragraphs 1 and 4; Article 49, Paragraphs 1 and 2; Article 53, Paragraphs 1, 6, 7, and 11; Article 54; Article 56, Paragraph 1; Article 60, Paragraphs 1, 2, 4, 5, and 6; Articles 61 and 62; Article 73, Paragraph 1; Article 77; Articles 78, 80, and 81.
33. BOOTH, *supra* n. 1 at 26.
34. HILL, *supra* n. 5 at 87 or 149.
35. Admiral Hill argues “the type or types of operation for which reach is required, if they can be defined, will clearly help to govern and limit the forces to be provided.” *Id.* at 150.