

CHAMBER OF COMMERCE
OF THE
UNITED STATES OF AMERICA

R. BRUCE JOSTEN
EXECUTIVE VICE PRESIDENT
GOVERNMENT AFFAIRS

1615 H STREET, N.W.
WASHINGTON, D.C. 20062-2000
202/463-5310

November 3, 2011

The Honorable John F. Kerry
Chairman
Committee on Foreign Relations
United States Senate
Washington, DC 20510

The Honorable Richard G. Lugar
Ranking Member
Committee on Foreign Relations
United States Senate
Washington, DC 20510

Dear Chairman Kerry and Ranking Member Lugar:

The U.S. Chamber of Commerce, the world's largest business federation representing the interests of more than three million businesses and organizations of every size, sector, and region, supports U.S. accession to the United Nations Convention on the Law of the Sea (the "Law of the Sea Convention" or "Convention"). Accession would provide American businesses certainty and legal equality to the largest of the Exclusive Economic Zones ("EEZ") available under the Law of the Sea Convention, and the corresponding natural resources and shipping rights of way. Accession would also provide much-needed certainty and predictability to claims of control over territory in the Arctic, enhancing our national security.

The Law of the Sea Convention secures each coastal nation's sovereign rights over living and non-living resources and the marine environment of the 200-mile EEZ. The Convention also provides favorable conditions for securing access to the continental shelf beyond 200 nautical miles. Given that Alaska's continental shelf may extend as far as 600 nautical miles, proper delineation of the extended continental shelf could bring an additional 4.1 million square miles of ocean under U.S. sovereign rights—an area larger than the entire land mass of the lower 48 states. The Convention also provides a mechanism for U.S. companies to obtain access to minerals contained under the deep seabed in areas beyond national jurisdiction.

The Chamber remains concerned with the Convention's vague, overbroad environmental provisions, which could be interpreted in a way that conflicts with our nation's environmental statutes, such as the Clean Air Act and Clean Water Act. To combat this problem, the Chamber urges the Senate, in its advice and consent, to state clearly that the Convention's environmental provisions are not self-executing, and that U.S. accession to the Convention does not create private rights of action or domestic legal rights against the U.S. government or its nationals.

Accession to the Law of the Sea Convention would protect U.S. claims to the vast natural resources contained on the ocean floor, and would ensure that ships sailing under the American flag travel safely and securely through international waters.

The U.S. Chamber supports U.S. accession to the United Nations Convention on the Law of the Sea and urges members to concur in U.S. accession to the Convention.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Bruce Josten". The signature is fluid and cursive, with the first name "R." and last name "Josten" being more prominent.

R. Bruce Josten

cc: Members of the Senate Committee on Foreign Relations