

Coast Guard Commandant Admiral Bob Papp's Remarks

at the

Pew Charitable Trust & Atlantic Council Law of the Sea Forum

Washington, D.C., May 9, 2012

Good Afternoon!

I am honored to speak at this event today, and grateful to Senators John Warner and Chuck Hagel, and the Pew Charitable Trusts for inviting me. You have heard from some distinguished experts in the panels this morning, and I am humbled to briefly offer my perspective on the importance of the U.S. acceding to the Law of the Sea Convention.

My fictional hero, Capt. Jack Aubrey, of Patrick O'Brian's "Master and Commander" series of books always maneuvered his ship to, "Hold the weather gage." In the days of sail, the ship with the weather gage was at a tactical advantage relative to other ships. The ship with the weather gage had greater ability to maneuver, was better able to maintain its position of advantage, and dictated the terms of naval engagement.

Whether you read O'Brian's fictional accounts of the Royal Navy in the 1800s, or read naval history from any period prior to the last century, you know that through most of the world's history the primary means of governance on the sea was by warships and privateers using canon shot, the swivel gun, and maritime raids. The weather gage was crucial to strategic advantage. The weaker ships easily fell prey to those to windward and with greater firepower and maneuverability. And it was most often might that made right on the high seas.

We have evolved from those days of governing the oceans almost solely through conflict. Sovereign states, acting in concert, have established on the land and seas that establishing the rule of law and legitimacy through a common legal regime is an essential form of governance. The adherence of states to a unifying system of rules serves to benefit all states. On the seas, that rule of law establishes governance for the conduct of nations, of companies, of individuals. It reinforces and preserves the legitimacy of sovereign states, while condemning the illicit – criminal networks, pirates, terrorists, and other bad actors.

I'm not suggesting that the rule of law will ever eliminate conflict on the sea. But we know from experience that a system of maritime governance is essential for regulating human activity and commerce, and will aid in regulating the behavior of states, and

reducing the risk of conflict. Clear and enforceable legal regimes promote stability, clarify expectations, boost confidence for economic activity, and establish a level of predictability of order.

Some may offer that a U.S. Navy or Coast Guard warship is the only “law of the sea” that the U.S. needs. I disagree.

We will always have that option when absolutely necessary, but our legitimacy as a sovereign state rests with the rule of law. The Law of the Sea Convention codifies that rule of law in the maritime domain.

Joining the Law of the Sea Convention will provide the U.S. with the weather gage to address emerging challenges that threaten the nation, and enhance the Coast Guard’s ability to safeguard the American people, our environment, and ocean resources that benefit all Americans.

Joining the Convention also will anchor Coast Guard international leadership for the U.S. in maritime affairs. The Coast Guard leads the United States delegation at the International Maritime Organization (IMO) to properly govern – through a set of minimum safety and security standards – foreign flagged vessels entering our ports carrying almost 90% of goods that drive our economy.

Through the IMO, the Coast Guard works to conclude maritime treaties that improve safety at sea, prevent marine pollution, ensure ship and port security, and provide standards for the training and certification of seafarers. These maritime treaties are the tools for implementing and enforcing the rights and obligations established by the convention. And they directly benefit Americans every day.

The sinking of the *HMS Titanic* nearly 100 years ago was the catalyst for accelerating international ship safety and navigation standards and greater maritime cooperation, reflected in many agreements developed through the IMO. Of course the recent *Costa Concordia* tragedy is a stark reminder that we must remain vigilant and continue to press for effective standards that are regularly enforced. We depend upon our allies working through the IMO to develop and enforce such standards under the principles of the convention.

We live in a maritime world, and we rely on the sea for commerce. The convention is the international legal framework on usage of the oceans. We face a dynamic strategic environment, and preserving freedom of navigation on the sea and protecting U.S. maritime sovereignty remain key U.S. interests.

Joining the convention will lock in vital navigational rights that ensure the mobility of Coast Guard cutters, Navy warships, and other U. S. vessels and aircraft, and will protect America’s sovereign rights over offshore resources that the Coast Guard is charged with protecting on behalf of the American people.

The Coast Guard is responsible for enforcing the nation's laws on the waters and vessels over which we have jurisdiction, and our reach is global. The Coast Guard stops an average of more than half a ton of cocaine each day far at sea and prevents it from entering the United States.

Excessive territorial sea claims by other nations not only impact our mobility but can interfere with our drug interdiction and other law enforcement activities.

The convention's 12-nautical mile territorial sea boundary secures vital boarding rights for the Coast Guard. The convention also secures the important rights of approach and visit by Coast Guard cutters to determine a vessel's nationality and provides the process for enforcing U.S. laws on the many stateless vessels that dominate the illicit smuggling of drugs and people into the country.

The convention sets the overarching framework for cooperative law enforcement at sea, an important force multiplier for the Coast Guard.

We rely on bilateral and multilateral international agreements and cooperation with partner nations to effectively interdict and combat threats to America, especially drug trafficking, migrant smuggling, and proliferation of weapons of mass destruction. These agreements ensure expeditious boarding, search, enforcement, and prosecution decisions, enabling the Coast Guard to quickly counter the threat and then release on-scene personnel, cutters, and aircraft to continue operations across a vast ocean operating area.

When diplomatic negotiations over where to bring and prosecute contraband and detainees are prolonged because the U.S. is not a party to the convention, we keep our front line cutters and boarding teams sidelined from the battle.

Joining the convention better positions the United States to interpret and demand adherence to convention provisions that ensure rapid disposition of cases, and better protect America's maritime security.

The nation needs an azimuth check on the Law of the Sea Convention. I'm confident a thoughtful assessment will reaffirm that the convention has been and remains a success for U.S. diplomacy that furthers U.S. national interests. It will provide the nation with the weather gage, and better enable the Coast Guard to protect Americans from the sea, protect Americans from threats delivered by sea, and protect the sea itself. As Capt. Aubrey always said when confronted with almost impossible odds, "There's not a moment to lose!"

Semper Paratus!