

**NEW YORK  
CITY BAR**

**COMMITTEE ON  
INTERNATIONAL ENVIRONMENTAL LAW**

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Hon. Joseph R. Biden Jr.  
Chairman, U.S. Senate Committee on Foreign Relations  
306 Hart Senate Office Building  
Washington, D.C. 20510-1401

Hon. Richard G. Lugar  
Ranking Minority Member, U.S. Senate Committee on Foreign Relations  
201 Russell Senate Office Building  
Washington, D.C. 20510

Re: United Nations Convention on the Law of the Sea

Dear Senators Biden and Lugar:

The New York City Bar Committee on International Environmental Law urges the United States Senate to give its prompt consent to the ratification of the United Nations Convention on the Law of the Sea ("UNCLOS") and to the ratification of the Agreement Relating to the Implementation of Part XI of the Convention.

The New York City Bar was founded in 1870 and has grown to more than 23,000 members. The Committee on International Environmental Law is comprised of attorneys working in the private, public and non-profit sectors and specializing in environmental law, commercial litigation, corporate law, land use law and admiralty law. The Committee studies and makes recommendations with regard to international environmental issues in order to promote the development, enforcement and harmonization of international law for the protection of the environment.

In the past several years, the state of our oceans has received increasing public attention. In 2003 and 2004, the Pew Oceans Commission and the US Ocean Commission conducted the first comprehensive reviews of the state of the oceans since the Stratton Commission of 1969. Their findings noted ongoing serious and chronic overfishing, wasteful and excessive bycatch, and serious declines in both coastal and offshore marine habitats due to pollution and destructive fishing practices. In addition, both commissions highlighted major threats from the spread of invasive species,

global climate change, recreational and commercial marine transport, and population growth.

In 2006, Congress took action to strengthen its federal fisheries law, the Magnuson-Stevens Fishery Management and Conservation Act, in ways generally consistent with the recommendations of both commissions to stop overfishing, protect marine habitats and to regulate and reduce bycatch. Similarly, this Congress has maintained provisions of other federal environmental laws, such as NEPA, the Endangered Species Act, and the Marine Mammal Protection Act, that are protective of the marine environment. As the nation with the largest Exclusive Economic Zone in the world, our actions in our own waters invariably affect the condition of the global oceans. Therefore, the Committee commends such domestic actions as the first crucial step toward reversing the declining health of our oceans.

However, the declining health of the oceans is truly a global concern that requires coordination and cooperation at the international level. UNCLOS is the legal foundation upon which international ocean resource use and protection is built. With more than 150 signatories, it is aptly described as a "constitution for the oceans," and provides for a comprehensive framework for navigating and managing the world's oceans. Ratification of UNCLOS will:

- (1) **Promote Pollution Prevention** – UNCLOS encourages nations to prevent pollution of their own territorial waters and to prevent the transfer of pollution to other nations. By improving marine safety, UNCLOS serves to reduce the risk of catastrophic accidents that can harm marine environments.
- (2) **Promote Fishery Conservation** – UNCLOS codifies the establishment of Exclusive Economic Zones and unquestionably affirms the jurisdiction of states to enact and enforce appropriate fishery conservation and management measures within their Exclusive Economic Zones. This allows states to protect their fisheries, as well as endangered species, marine mammals and other biota of special concern.
- (3) **Strengthen Security** – UNCLOS improves the safety and security of worldwide navigation. It encourages states to establish vessel traffic separation schemes and requires states to insure that vessels flying their flags or registered with their registry comply with applicable international rules and standards (*see* Article 217).

As a nation that has consistently led efforts to conserve and protect marine resources within our Exclusive Economic Zone, it is only to the benefit of the United States to ratify UNCLOS. It will perpetuate our nation's leadership in conserving marine resources at home and abroad.

**For the above reasons, the Committee recommends that the Senate take immediate action to consent to the ratification of UNCLOS.**

The Committee appreciates the opportunity to comment on this important matter.

Sincerely,



John Rousakis, Chair

cc: Sen. Hillary Rodham Clinton  
Sen. Charles Schumer  
Sen. John Corzine  
Sen. Frank Lautenberg  
Members of the Committee on International Environmental Law