

Secretary

U.S. Department of Homeland Security  
Washington, DC 20528



Homeland  
Security

September 26, 2007

The Honorable Joseph Biden  
Chairman  
Committee on Foreign Relations  
United States Senate  
Washington, D.C. 20510

Dear Chairman Biden:

As Secretary of the Department of Homeland Security, I reiterate the strong support that the Department has provided since its inception to the United States becoming a party to the 1982 United Nations Convention on the Law of the Sea. Admiral Thad A. Allen, the Commandant of the U.S. Coast Guard (USCG), has repeatedly stated that the United States "can best maintain a public order of the oceans through a universally accepted law of the sea treaty that preserves and promotes critical U.S. national interests." In addition, four former USCG Commandants recently wrote a joint letter to your Committee. They argue that accession to the Convention will enable the USCG to better carry out its missions to protect the security and welfare of the citizens of the United States. I am equally convinced of the importance of the Convention to promote other missions of my Department.

Becoming a party to the Law of the Sea Convention would greatly enhance the U.S. global position in maritime affairs, as well as our ability to protect the security of the American public. It promotes the efforts of the USCG to protect and manage the living and non-living resources of the ocean and to preserve the marine environment. The Convention strikes the appropriate balance between the exclusive interests of all countries in controlling many activities off their coasts with the inclusive interests of all countries in protecting freedom of navigation and overflight in ocean space. The Convention gives coastal states the right to protect their marine environment, manage their fisheries and off-shore oil and gas resources within the 200-nautical mile exclusive economic zone (EEZ), and secure sovereign rights over resources on and under an extended continental shelf beyond 200 miles. The U.S. has the largest and richest EEZ in the world. Moreover, our extended continental shelf has enormous potential oil and gas reserves, particularly in the Bering Sea and Arctic Ocean. Only by becoming a party to the Law of the Sea Convention and participating in its processes can the United States obtain secure title to these vast resources. In my opinion, no American business enterprise is going to invest the many billions of dollars necessary to develop an off-shore

oil or gas field, no matter how rich it might be, unless it has an undisputed right to do so under both national and international law.

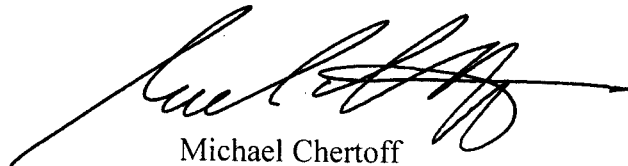
The Convention is also critical in promoting our national and homeland security interests. U.S. military forces, including USCG units, rely heavily on the freedom of navigation and overflight principles codified in the Convention. These principles allow the use of the world's oceans to meet challenging national security requirements, including those necessary to fight the Global War on Terrorism. In this regard, worldwide mobility requires undisputed access through international straits and archipelagic waters. The Convention also ensures our warships and USCG cutters will have their sovereign immunity protected wherever in the world they may be operating.

Let me briefly acknowledge that there is a small group of strident opponents who have raised a number of badly flawed arguments against the Convention. While many experts have convincingly refuted each of those objections, let me quote part of the "24-star letter" that the Chairman, Vice Chairman, and every other member of The Joint Chiefs of Staff signed and sent to your Committee on June 26, 2007: "From sustaining forward deployed military forces, to ensuring the security of our ports and waters as well as advancing our most important economic and foreign policy objectives, it is important that the United States becomes a party to the Convention." The entire civilian and military leadership responsible for our Nation's security, from the President and his National Security Advisor on down, unanimously support the Convention without reservation. I include myself among those who strongly support the Convention.

For these reasons, and others developed in testimony before and submissions to the Committee, I strongly urge the Committee and the full Senate to approve accession to the Law of the Sea Convention during this session of Congress. I want to particularly commend your efforts and those of Senator Lugar for bringing this vitally important Convention to the Senate for its advice and consent.

An identical letter has been sent to Senator Reid, Senator McConnell, and Senator Lugar.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Chertoff", with a long horizontal flourish extending to the right.

Michael Chertoff