Ocean Law and Policy/UNCLOS
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Overview of Presentation

• Nature of the Challenge and Opportunities
• Interagency Ocean Policy Task Force
• National Ocean Policy
• Improved Information
• Coastal and Marine Spatial Planning
• The 1982 UN Convention on the Law of the Sea
• Questions/Comments
Challenges and Opportunities

• Oil, toxins, nutrients, debris, and other pollutants threaten all ocean ecosystems
• Warming waters and acidification are impacting maritime functions
• Coastal communities are facing sea-level rise and storm surges
• Decreased biodiversity from overfishing and invasive species
• Ever increasing human uses, both for good and ill
President Obama set up the Interagency Ocean Policy Task Force in June 2009.

He directed the Task Force to deliver a national ocean policy and framework for coastal marine spatial planning.

Some 24 Federal agencies made up the Task Force.

Held dozens of public hearings and workshops; over 100 “expert roundtables” and stakeholder sessions.

Six national public hearings in key regions.

ADM Allen represented the Secretary of DHS. Coast Guard has been fully involved in the entire process.

Final Recommendations approved in Executive Order.
Vision Statement
An America whose stewardship ensures that the ocean, our coasts, and the Great Lakes are healthy and resilient, safe and productive, and understood and treasured so as to promote the well-being, prosperity, and security of present and future generations.
It is the Policy of the United States to:

*(viii) increase scientific understanding of ocean, coastal, and Great Lakes ecosystems . . . , including their relationships to humans and their activities;
(ix) improve our understanding and awareness of . . . human activities taking place in ocean, coastal, and Great Lakes waters; . . . .
Improved Governance Structure

National Ocean Council
Cabinet-level Membership
Co-chairs: OSTP and CEQ

Steering Committee (Director, CEQ, OSTP, IPC Chairs)

Ocean Research & Resources Advisory Panel

Governance Coordinating Committee (Regional, State, Tribal)

Ocean Resource Management Interagency Policy Committee

Ocean Science & Technology Interagency Policy Committee

National Security Council
Office of Energy & Climate
National Economic Council
What is Coastal and Marine Spatial Planning?

“[CMSP is a] comprehensive, adaptive, integrated, ecosystem-based, and transparent process, based on sound science, for analyzing current and anticipated ocean, coastal, and Great Lake areas . . . that allows forward planning to integrate a wide range of ecosystem services.”
Why Coastal and Marine Spatial Planning?

Why?

• Promote more efficient use of ocean resources and space
• Lack of clear national policy direction, confusing and overlapping jurisdiction, fragmented laws
• Oceans currently managed by over 140 different Federal laws and implemented by 18 different Federal agencies
A Regional Framework for CMSP

• The Council would work with the States and federally-recognized tribes to create regional planning bodies to develop regional CMS Plans
• National objectives; regional plans
• Nine proposed regions, aligning with large marine ecosystems and existing structures
• Building on existing efforts (e.g., ocean observing organizations, State plans)
Large Marine Ecosystems and Nine Regional Planning Areas

Legend
- US Exclusive Economic Zone (EEZ)
- Regional Planning Areas
- Large Marine Ecosystems

Regional Planning Areas have been approximated for illustrative purposes only and should not be construed as a legal or official boundary of any kind.
Australia’s Great Barrier Reef
Stellwagen Bank National Marine Sanctuary Near Boston

Risk Reduction
Right whales: 58%
All baleen whales: 81%
Why the Law of the Sea is Important – Collision in Disputed Arctic Waters on Feb. 11, 1992
Because of “fundamental flaws” in the deep seabed mining provisions of the UN Convention on the Law of the Sea, the U.S. decided not to sign the treaty. However, President Reagan stated in March, 1983, that the navigational provisions “confirm existing maritime law and represent a fair balance of interests of all nations.” Therefore, he maintained that the U.S. would respect claims consistent with the Convention, and would act in accordance with its rights under the navigational provisions.
1982 UN Convention on the Law of the Sea

• MOBILITY INTERESTS in, over, and under the ocean
  – Freedom of navigation for military and commercial users
  – Transit passage on, over, and under international straits
  – Operational freedoms in international waters

• SOVEREIGNTY AND RESOURCE INTERESTS
  – Sovereign immunity of warships and military aircraft
  – Enable U.S. to claim an extended continental shelf
  – Provides guidance for resolving maritime boundary disputes

• CONFLICT AVOIDANCE INTERESTS
  – Sets comprehensive rules on the various uses of ocean space
  – Provides for dispute settlement
  – Sets positive global precedents
The points of the outer limit of the continental shelf are:
- 60 M from the foot of the continental slope and/or
- at a location where the thickness of sediment is at least
  1% of the shortest distance to the foot of the continental slope.
The points of the outer limit of the continental shelf shall not exceed either:
- 350 M from the baselines, or
- 100 M from the 2500 m isobath.
The points of the outer limit of the continental shelf shall be connected
by straight lines not exceeding 60M.
Questions or Comments?

All Threats. All Hazards.
Always Ready (“Semper Paratus”).

We are America’s Maritime Guardians!