

# Why The Law of the Sea Convention Matters in the Arctic

James W. Houck  
The Pennsylvania State University  
Penn State Law and School of International Affairs  
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# Overview

- The United States and  
The Law of the Sea Convention(UNCLOS)
- Possible consequences for U.S. Arctic Policy

## BONUS Feature

- Russian claims in the Arctic

# The U.S. and The Law of the Sea Convention

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## X - U.S. Senate Failure to Ratify

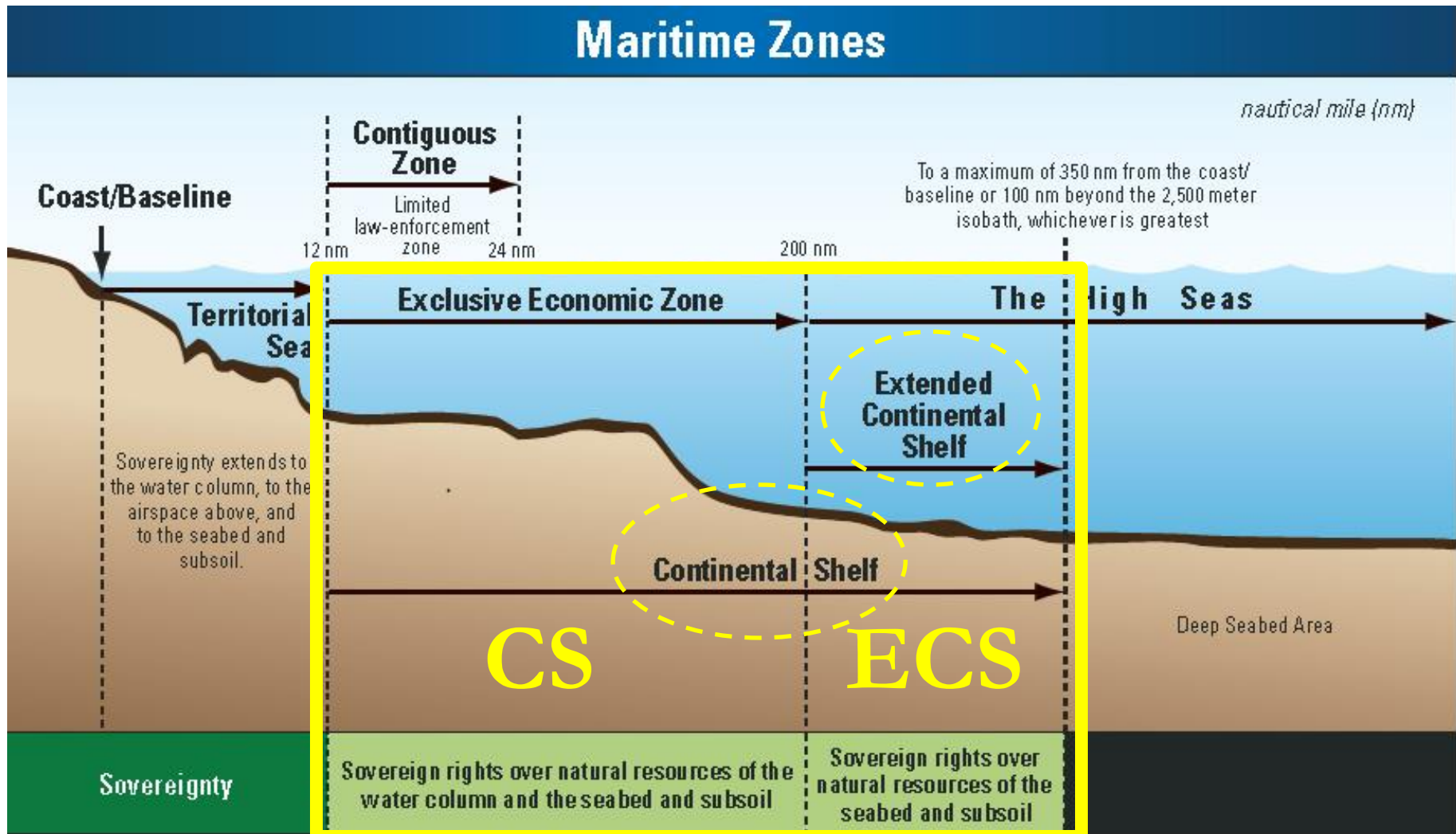
- UNCLOS hurts
- UNCLOS unnecessary

# Possible Consequence for U.S. Arctic Policy

- UNCLOS and the Arctic
- The Anti-UNCLOS view
- Potential Risks and Lost Opportunities

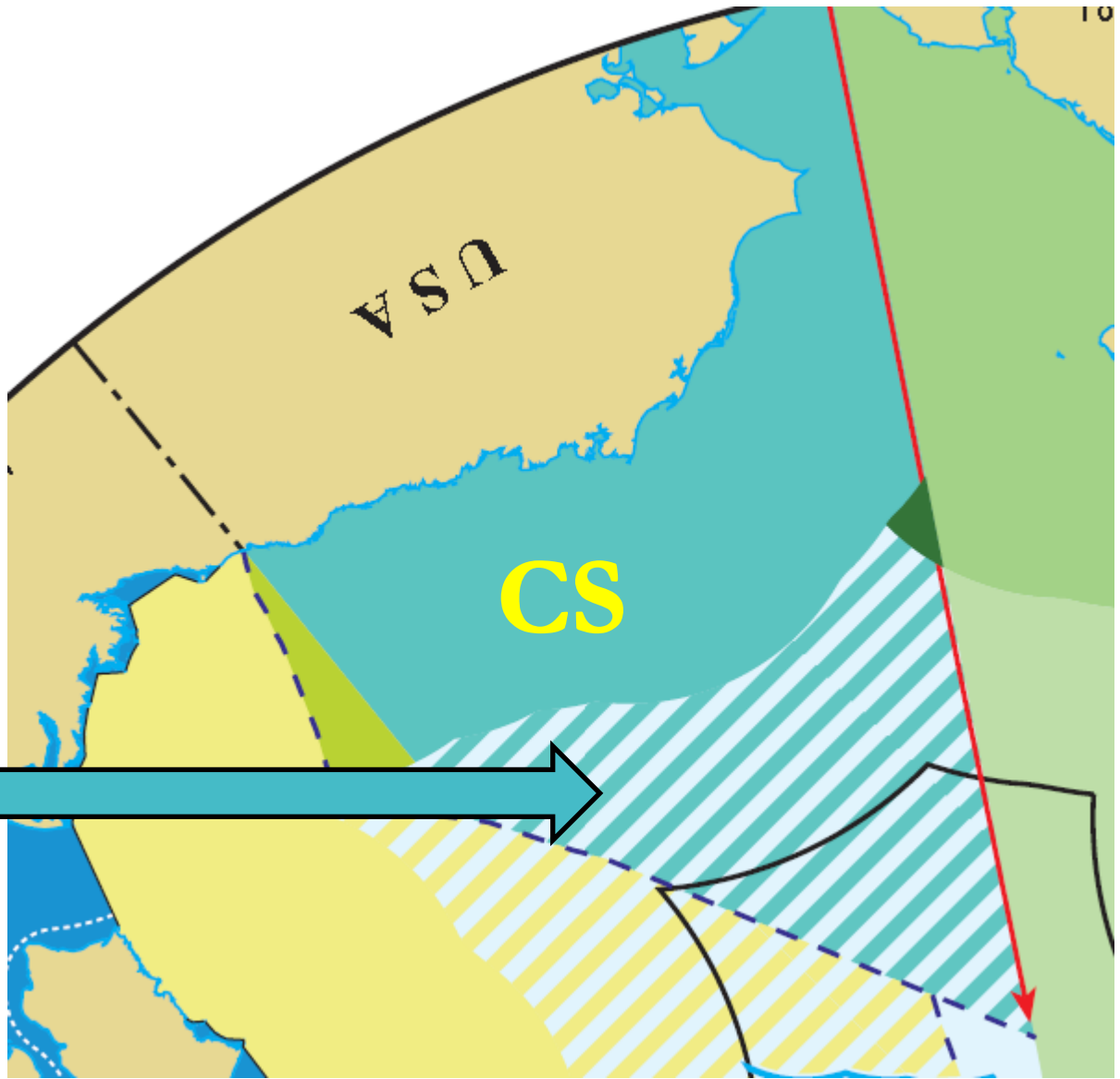


# Key Terminology

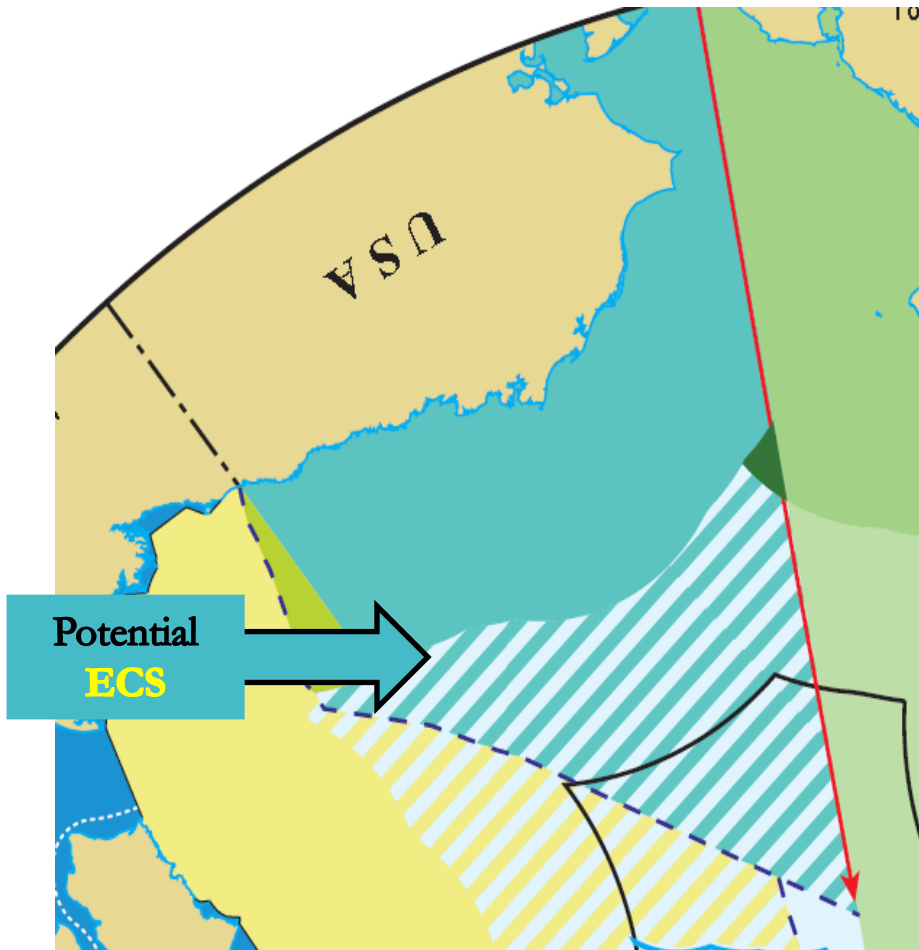




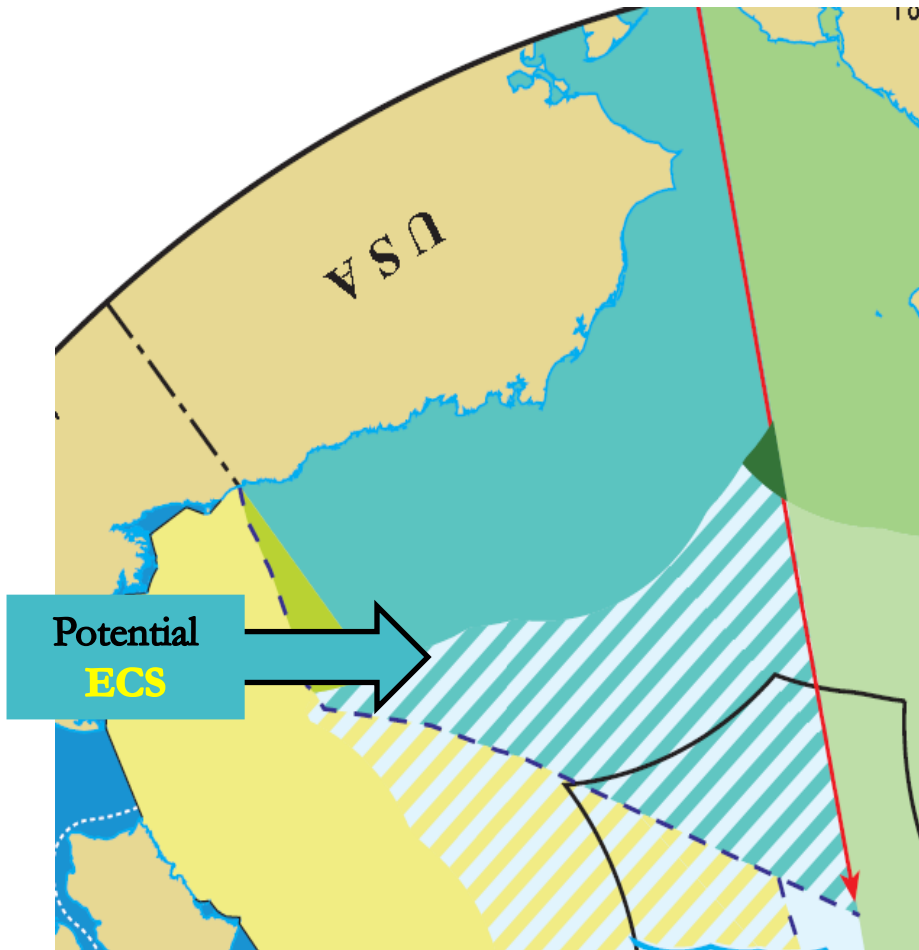
Potential  
**ECS**



# What UNCLOS says . . . .

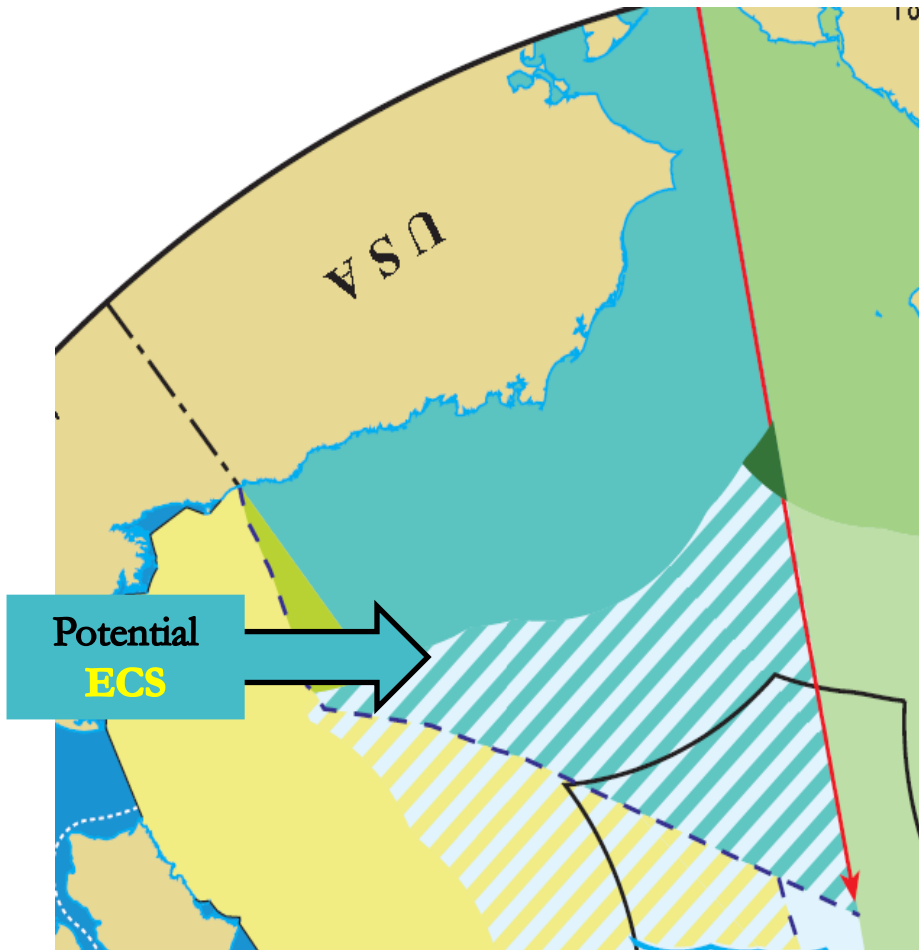


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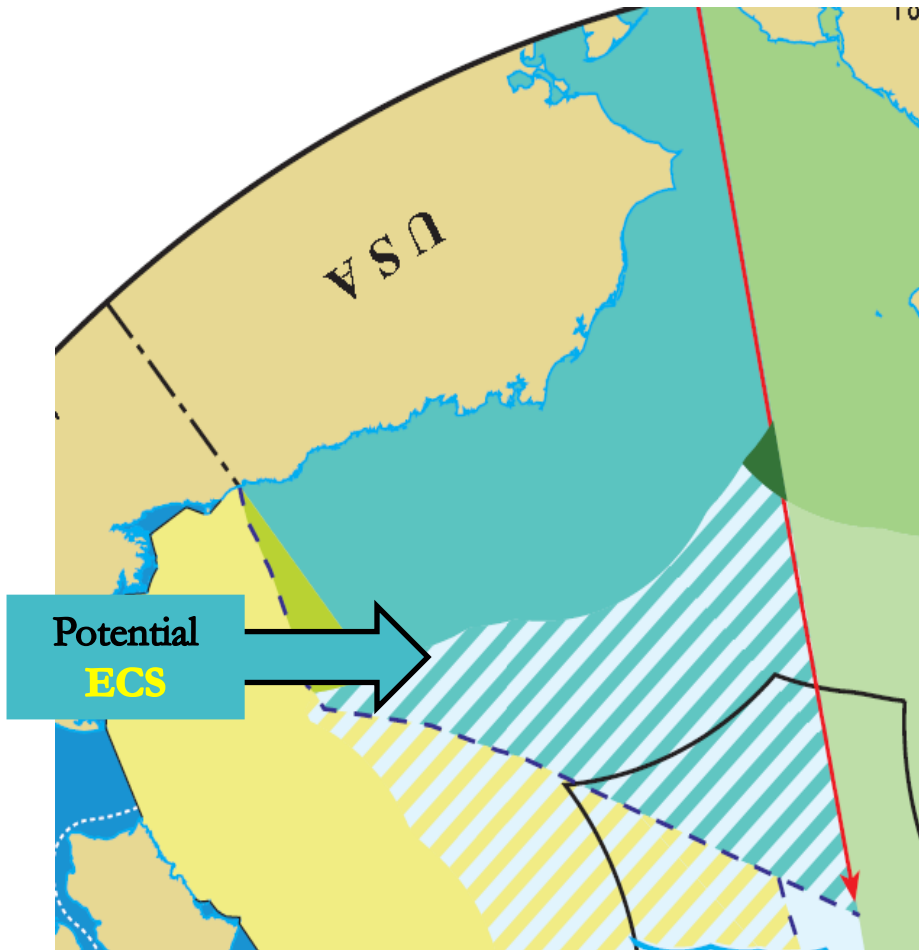
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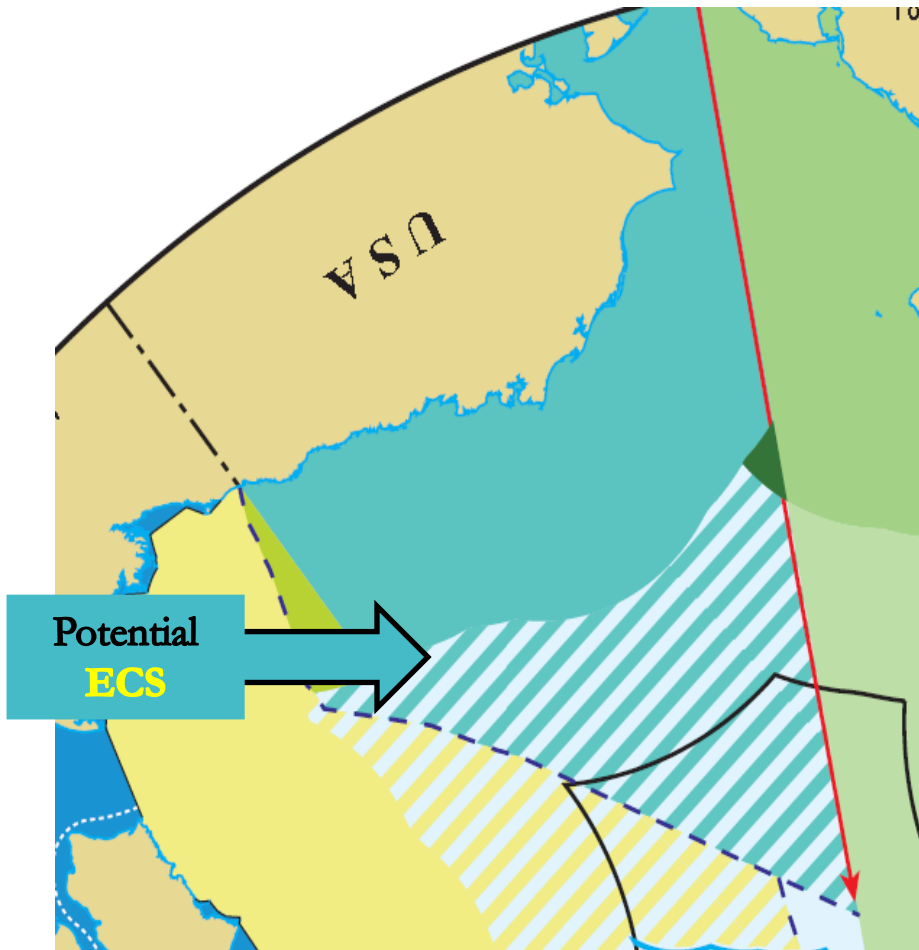


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  - Sovereign states
  - “The Area”

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- Neighbors matter
  - Sovereign states
  - “The Area”
- Royalty payments



# UNCLOS Opponents: “Just Do It”

- The U.S. defines its own continental shelf
- In the event of conflicting claims, use bilateral diplomacy



# Risks and Potential Lost Opportunities

- Direct territorial challenge
- Failure to pay royalties
- “Trespassing” in the Area
- Failure to protect the environment

# Who Might Try?

<b><u>POTENTIAL</u></b> <b>Challengers</b> 
<b>International Organization</b>
<b>Foreign Government</b>
<b>Foreign Corporation</b>
<b>NGO Citizens</b>

# Likely Targets?

<b>POTENTIAL</b> Targets <b>Challengers</b> 	 <b>United States</b>	<b>U.S. Corporation</b>	<b>Other Corporation</b> <ul style="list-style-type: none"> <li>• Foreign Subsidiary</li> <li>• Any U.S. licensee</li> </ul>
<b>UNCLOS Entity</b>			
<b>Foreign Government</b>			
<b>Foreign Corporation</b>			
<b>NGO Citizens</b>			

# The need for legal certainty

“[We are] interested in exploring for oil and gas resources that may exist under the vast new areas that are recognized for sovereignty purposes **under the UNCLOS**. . . . Before undertaking such immense investments, **legal certainty in the property rights** being explored and developed is essential.”

*Rex W. Tillerson, Chairman and CEO, Exxon Mobil Corporation, Letter to U.S. Senate Committee on Foreign Relations Leadership, Chairman John Kerry (D-MA) and Ranking Member Richard Lugar (R-IN), June 8, 2012*

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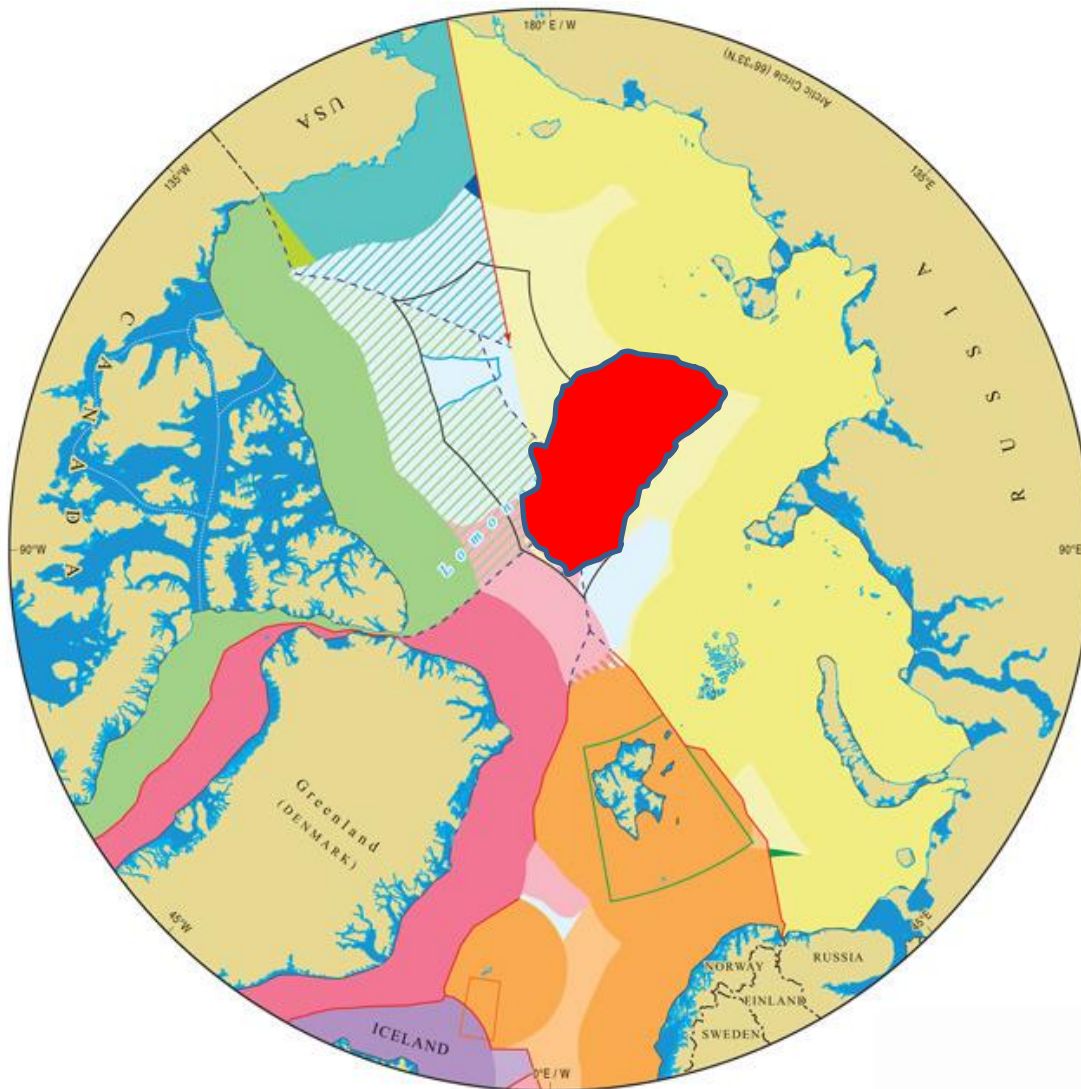


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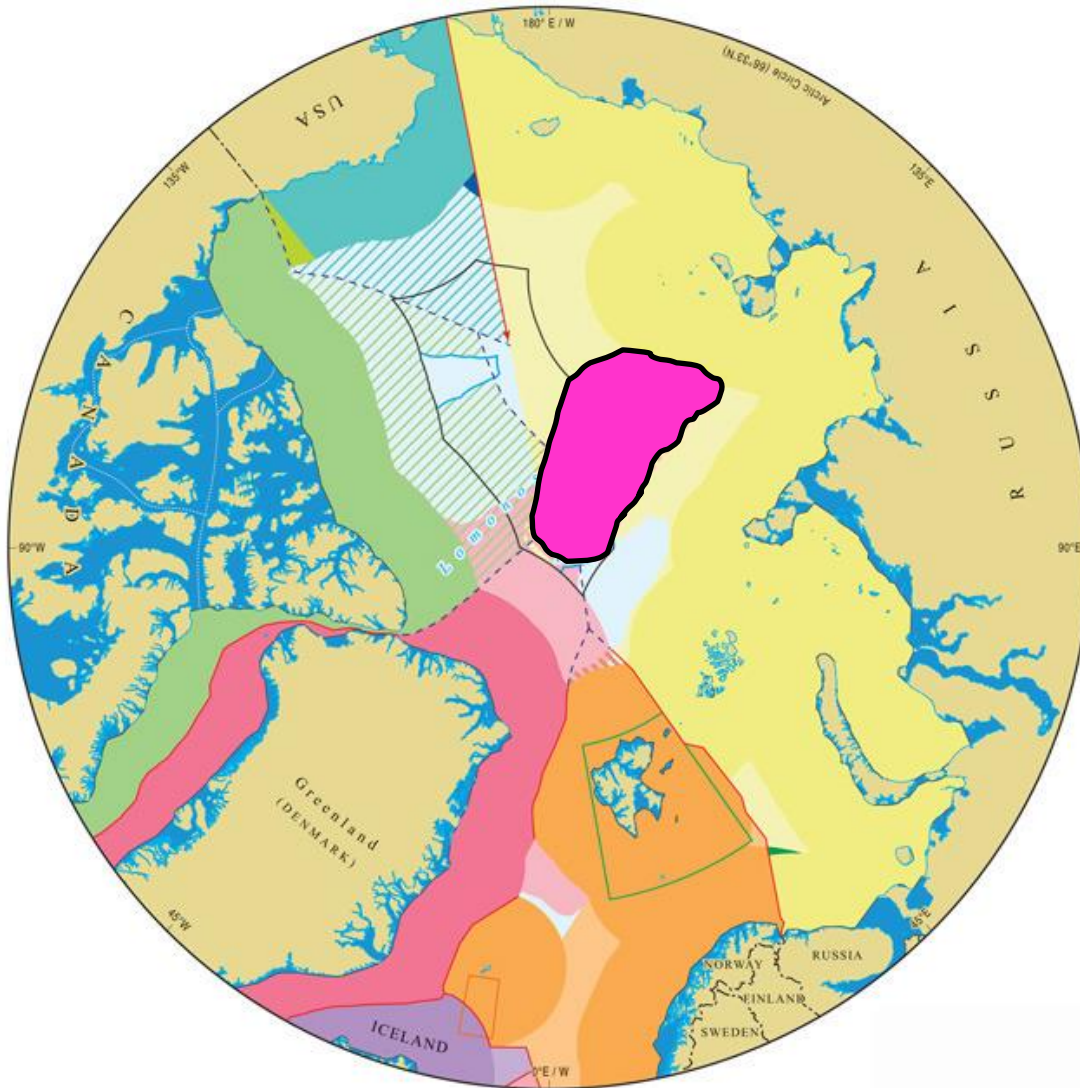
- Dec 2001:  
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- Feb 2013:  
Partial resubmission for Sea of Okhotsk
- Aug 2015:  
Remainder of resubmission

# Russian Claims: Potential Conflicts



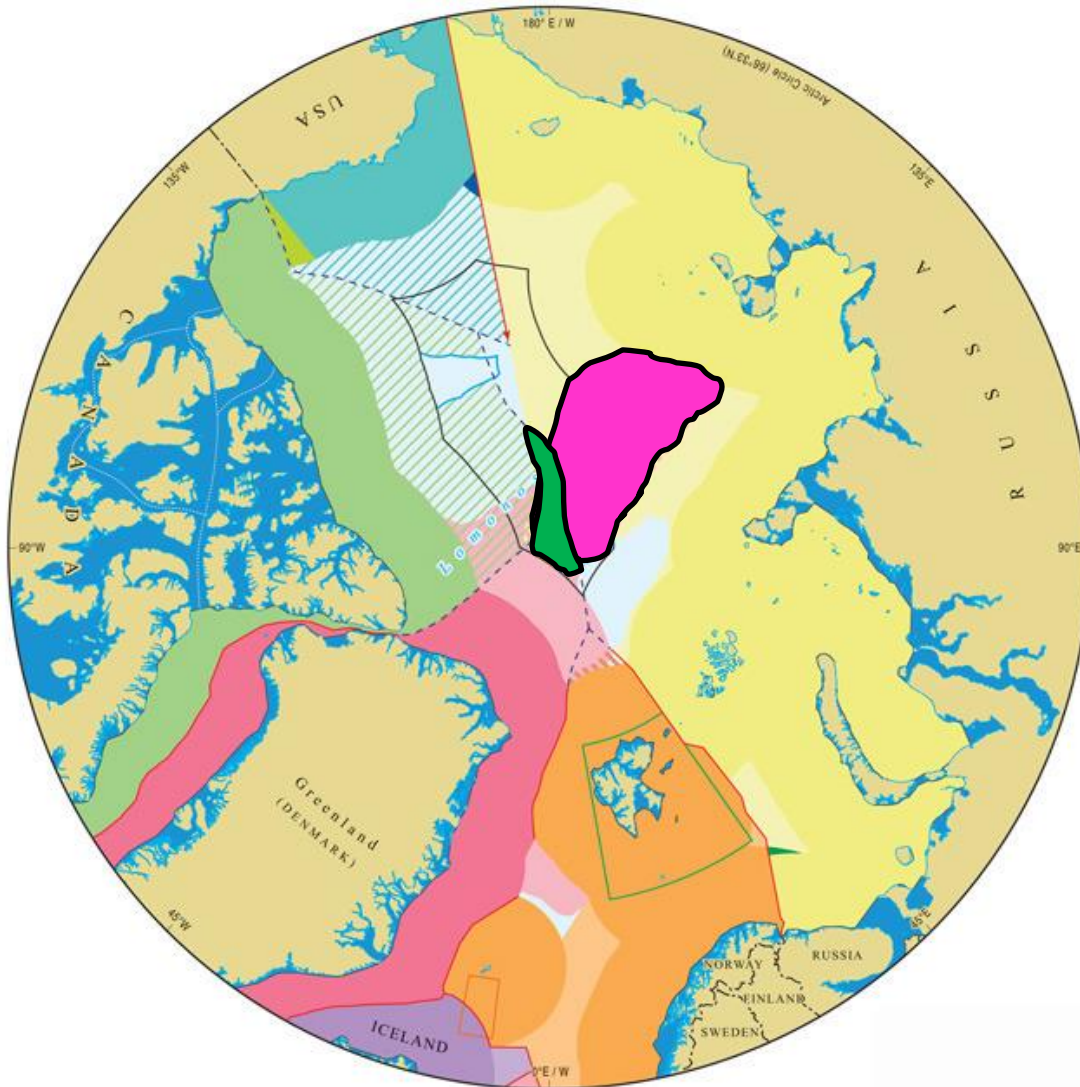
- United States  
1990 Agreement

# Russian Claims: Potential Conflicts



- United States
- Denmark

# Russian Claims: Potential Conflicts



- United States
- Denmark
- Canada

# Questions?

