

Panel IV: Protecting and Enhancing US National Security

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I am delighted to be here and have an opportunity to address such an important issue. Before I begin I would like to thank Professors John Norton Moore and Myron Nordquist for organizing this event and giving us an opportunity to look hard at what is an important convention with regard to Navy operations. Critics have asserted on occasion that the dialogue and debate on the Law of the Sea Convention is a Pentagon lawyer's initiative. I am here to dispel that assertion. I don't have any illusions that I will add value to the panel's discussion regarding the interpretation, the language, and the content of the Convention. My two esteemed colleagues are obviously well prepared to do that, but I am eager to share with you the impacts on the Navy and particularly Naval operations that occur because we remain outside the Convention.

In October 2007, the sea services – the Marine Corps, the Navy, and the Coast Guard – signed what is formally titled *A Cooperative Strategy for 21st Century Seapower*. We affectionately call it our maritime strategy and since that time we have been on and about globally implementing that strategy. It identified six core capabilities for the sea services or Naval services, as we combine them: forward presence; deterrence; sea control; power projection; maritime security; and humanitarian assistance and disaster relief. Underpinning this strategy is the simple concept that the sea is our maneuver space. It is not my intent this morning to highlight the impact of remaining outside the Convention on each of those six core abilities, but I would like to very briefly touch on the impact with respect to three of them.

Today, we have about 286 ships in the United States Navy and today almost exactly one half of them are at sea. Moreover, 40% of those ships are forward deployed, undertaking those six core capabilities that I highlighted for you. One of them is forward presence. We are forward so we can deter regional adversaries; respond rapidly to crises and to engage with allies and partners in areas of mutual national interests. Clearly, the right of transit passage, innocent passage, and archipelagic transit passage are critical to our ability to get forward without impediments. It is important also to touch on the increasing importance of allies and partners and as we go forward to operate concurrently with them, for

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