

April 23, 2004

The Honorable Bill Frist
United States Senate
461 Dirksen Senate Office
Washington, DC 20510

Dear Senator:

On behalf of The Humane Society of the United States and our more than 8 million members and constituents, I urge you to support the recommendation of the Foreign Relations Committee that the Senate give its advice and consent to ratification of the Law of the Sea Treaty (LOS).

You have undoubtedly heard many arguments regarding United States interests under this treaty. I support the numerous statements made by the Senate Foreign Relations Committee, the Defense and State Departments, and the United States Oceans Commission who argue that the Convention strengthens United States authority and ability to protect itself from verifiable threats. The Administration is also supportive of ratification. Nonetheless, support for the treaty appears to be waning due to a few vociferous critics. Unfortunately, this unfounded criticism has distorted the facts and has overshadowed the many other benefits of becoming a member of LOS.

LOS is largely considered a “constitution for the oceans”. Its role in the conservation of marine mammals through Article 65 is of vast importance. In 1977, Ambassador Elliot Richardson appointed me to the Marine Environment Sub-Committee of the Law of the Sea Advisory Committee, which was involved in the negotiations leading up to the adoption of the final version of Article 65. Thus I knew first hand of the Ambassador’s and the United States’ strong support for whale and dolphin protection during these negotiations.

On March 21, 1980, after years of difficult and often contentious negotiations, Article 65 was successfully completed. Upon the occasion of its adoption, Ambassador Richardson sent me a letter expressing his support for the final text of the Article.

“The new provision establishes a sound framework for the protection of whales and other marine mammals with critical emphasis on international cooperation. It exempts marine mammals from the optimum utilization requirements of other provisions of the ICNT Rev. 2 and permits States and competent international organizations to establish more stringent conservation regulations than otherwise mandated by ICNT, Rev. 2. Indeed, it explicitly permits States and international organizations to prohibit the taking of marine mammals. The text also preserves and

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enhances the role of the International Whaling Commission (or a successor organization). It recognizes the role of regional organizations in the protection of marine mammals, which are often taken incidental to fishing operations. **In sum, the article is a basic and sound framework with which States and international organizations may pursue the future protection of these wonderful creatures for generations to come** (emphasis added)."¹

Senator Frist, the American people care deeply about marine mammals, particularly whales. The United States participation in the negotiation of LOS led to the strong conservation and protection language that we have today in Article 65. In the 1980s the United States was a leader in marine mammal protection. Today, we are mere observers. Our refusal thus far to ratify LOS has undercut our credibility when it comes to protection of marine mammals around the world. The High Seas, and migratory species such as whales and dolphins are governed by international law and, belong to no country. Only cooperation and effective protection measures from binding international agreements can make a difference.

Please add your name to the long and esteemed list of supporters of United States ratification.

Sincerely,

Patricia A. Forkan,
Executive Vice President
The Humane Society of the United States

¹ Letter from Ambassador Elliot L. Richardson to Patricia Forkan, 4/29/1980