

UNA Westchester Global Connection



United Nations Association of the USA (UNA-USA) Westchester Chapter
www.unawestchester.org
October 2007

Help Celebrate the United Nations' 62nd Anniversary!

Common Sense and Our Common Heritage:

Ratifying the Law of the Sea

Wednesday 24 October 2007, 6:30 P.M.

**Reid Castle, Manhattanville College,
2900 Purchase St., Purchase, NY
(Exit 27 off Hutchinson River Parkway)**

Master of Ceremonies:
Professor José Álvarez
Hamilton Fish Professor
of International Law and
Diplomacy, Columbia
University Law School



Speaker:
Ms. Valentina Germani,

Law of the Sea/Ocean
Affairs Officer, UN
Division of Ocean
Affairs and the Law of
the Sea



For information: Contact Ms. Doris Benson,
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With entertainment and refreshments

President's Letter

Dear Friends,

UNA Westchester's former President David Stillman has recently finished his second two-year term and "Ginger" Stillman completed her term as Secretary/Executive Director. The Board and I are very grateful for their bold initiatives and dedicated service to our Chapter.

As your new President, I am in the process of filling your new Board of Directors. Chapter Member Scott Monje stepped in as Secretary on short notice. Board members Doris Benson and Marcia Brewster volunteered to become Program Chair and Newsletter Chair respectively. A youthful activist, Sarah Angel, is our new Website Manager. I welcome them all and thank them for helping our Chapter.

Now that we have a great inner circle of fully-involved Board Members, I would like to offer challenging opportunities to all Chapter members. First, we still need an active Membership Chair, who would maintain the electronic list of current members and organize renewal and new membership campaigns. Second, I hope more of you will actively participate in the programs and coming events of our Chapter. The Chairs of various committees are recruiting Chapter Members to participate in their work. Please contact me or the Committee Chair to express your interest in helping with these activities (see new Board, p6).

In addition, we will have a special section in the Newsletters for members to contribute articles. In the current issue, Scott Monje has contributed an excellent article on the Law of the Sea as background to our October program. I welcome your stories on major international issues or book reviews. Send your articles to Marcia Brewster at: mmbrewsterny@aol.com.

The Board and I look forward to working with you during this crucial time. Your support will enrich the Chapter and your enjoyment of it.

Phil Reynolds, President, UNA Westchester

So What Is This Law of the Sea?

The United Nations Convention on the Law of the Sea—completed in 1982 and in force since 1994—is a comprehensive recodification of the international law governing maritime issues, including transportation, transit, and the mining of seabed resources. It has been called the “constitution” of the oceans. Like all things associated with the UN, it is often identified by its initials, UNCLOS. Although negotiated through the United Nations, UNCLOS is not actually part of the UN, but a stand-alone treaty with its own institutions.

Of course, there have been laws governing the seas since long before 1994. These were based on customary law, that is, rooted in the common practice of nations. They proved adequate for centuries, but by the mid-1900s, they were beginning to break down in the face of new practices, new discoveries and demands. For example, take the law regarding the border between “territorial waters” and the “high seas.”

The high seas constitute most of the space in the world's oceans and seas. They do not fall within the jurisdiction of any nation and, therefore, belong to all nations. Thus, they are traditionally said to be the “common heritage of mankind” or the “global commons.” On the other hand, nations have long claimed sovereignty over the waters closest to their shores and have therefore designated these as territorial waters. But if countries are going to claim exclusive sovereignty over water, there must be some way for them to agree on the location of maritime borders. Which are the waters justly claimed as sovereign, and which are the high seas where all may pass in peace?

In the 18th century, most European countries came to accept a territorial limit that extended three nautical miles from the shore. Why? Because beyond three miles, you could not expect to hit a ship with a cannon from the shore, and people figured you had no right to claim waters if you could not shoot a ship sailing through them. This became the standard law for many years, but even that was not without

exceptions. The Scandinavian countries claimed a territorial limit of four miles. Why? They had better cannons.

The Need for New Rules

But, as noted before, by the mid-20th century the world was changing and the consensus was beginning to fall apart -- starting in the United States. In 1945, President Harry S Truman, foreseeing the rise of offshore oil drilling, unilaterally extended U.S. jurisdiction to the natural resources of the entire continental shelf contiguous to the United States, one of the largest continental shelves in the world. This action proved an inspiration to others. The following year, Argentina claimed its continental shelf—also very extensive—plus all the ocean water covering it. Over the next few years, on the west coast of South America—where the continental shelf was much, much narrower—Chile, Peru, and Ecuador simply extended their territorial waters to a line 200 nautical miles into the Pacific. This, they said, was necessitated by foreign fleets that were depleting their traditional deep-water fishing grounds. Other countries in the 1950s and 1960s, seeing such extravagant claims, wondered why they should limit themselves to three miles, and many settled on a modest-sounding 12-mile limit.

Deep sea fishing companies were highly annoyed by these limitations on where they could go, but so were the world's navies, the U.S. Navy first among them. Even the modest 12-mile limit, if widely accepted, threatened to close off a number of strategic chokepoints to international shipping. Such places as the Strait of Gibraltar, controlling access to the Mediterranean; the Bab el-Mandeb, controlling the Red Sea; the Strait of Hormuz, at the mouth of the Persian Gulf; the Malacca Straits, connecting the Indian and Pacific Oceans between Malaysia and Sumatra, would all become someone's territorial waters. Indonesia and other island nations began making claims of sovereignty to all the waters between their islands.

(continued on p.6)

In Case You Missed It!

Palestine and Israel: Is Peace Possible? What Role Can the UN Play?

*Summary of the presentation
by Tim Rothermel on 20 May 2007*

Timothy Rothermel, former head of the Programme of Assistance to the Palestinian People under the United Nations Development Programme (UNDP), addressed UNA-Westchester's annual meeting on the role of the UN in Israel and Palestine. Tim opened with warm words for the creativity and outreach efforts of the UNA, and of the Westchester Chapter in particular. He then assured his audience that there will be peace between the Israelis and the Palestinians eventually. The UN has a successful record there, he said, although progress has been stronger in areas like technical assistance than in the peace process. The lack of political progress can be frustrating. When peace does come, however, it will be largely through the efforts of the UN.

The UN presence in the area goes back to the establishment of the UN Truce Supervision Organization (UNTSO) in 1948 and the UN Relief and Works Agency (UNRWA) in 1950. The UNDP, Tim's agency, operated in Israel from the early 1960s until 1976, when it was determined that Israel no longer needed development aid. UNDP started up in Palestine in 1980, and Tim and John Olver, a member of this Chapter, were involved. Since then, a dozen or so UN organizations have drawn on the established presence of UNTSO, UNRWA, and especially UNDP to launch their own operations.

UNTSO was created because of the war between Israel, Jordan, and Egypt. Those three belligerents have signed peace agreements since then. Today, UNTSO serves as the core provider for other, more recent UN peacekeeping operations, including last year's expansion of the UN Interim Force in Lebanon (UNIFIL) on the Israel-Lebanon border.

Since 1950, UNRWA has provided education, health, relief, and social services to the 4.1

million Palestinian refugees in Lebanon, Syria, Jordan, and the West Bank and Gaza. More recently, it has established a micro-credit operation. In Palestine UNRWA operates a free primary education system and the most cost-efficient primary health care delivery system in the region. The US government, by the way, has been the largest financial supporter of UNRWA since its creation. (More about the agency can be found at www.friendsunrwa.org.)

The UNDP Administrator characterized the Palestine programme as one of “UNDP’s largest and most effective operations,” and it was the recipient of the UNDP’s first annual award for innovation and excellence. It has made great use of locally-recruited UN Volunteers and brought educated Palestinian émigrés back to help with projects related to culture, democracy, the environment, infrastructure, and institutional capacity. UNDP has also lent support to the many agencies that came to Palestine after the 1993 Oslo accords. Support has included logistics, office space, temporary staff, security assistance, and the recruitment of volunteers.

Tim concluded with his basic message: there is a basis for hope, largely thanks to the United Nations. For many years the UN has supported a mission of peace, sustenance, and development in Israel and Palestine. Members of the UNA can take pride in that.

“Reinventing the UN”

On 18 September, UN Secretary-General Ban Ki-moon, formally launched a book entitled “Reinventing the United Nations” at UN Headquarters in New York. The book is co-authored by Ajit Banerjee, a Scarsdale resident and former UN Special Advisor and Coordinator for Special Programs in Public Management at the UN, and Murari Sharma, a former Ambassador of Nepal to the UN. The chapter entitled “UN System of Agencies: Myth or reality?” was written by UNA Westchester President Phil Reynolds.

The book is a collaborative endeavor, involving contributions from international authorities in areas such as peace and security, development assistance, resource management, leadership and ethics. The authors’ vision on the major issues inscribed on the United Nations agenda is meant to encourage fresh thinking by foreign affairs experts, opinion leaders, diplomats, academics and the UN staff, so that this intergovernmental institution could be effectively geared to respond to the emerging challenges of the 21st century. This 387-page book is available at the UN Bookstore for \$50 or at Prentice Hall of India (www.phindia.com) for 395 Indian Rupees.

Scarsdale Student: HERO Youth Ambassador

Dayna-Joy Chin became a HERO this summer. The Scarsdale teenager, who is known as D.J. to her friends, spent a month in Namibia as part of the HERO Youth Ambassador Program.

HERO is run by the UNA–USA in partnership with the U.S. Agency for International Development (USAID) to build awareness and to raise funds in support of orphans and vulnerable children living in HIV/AIDS-affected communities in sub-Saharan Africa. HERO Youth Ambassadors do volunteer work at HERO-sponsored schools and see first hand the effects of HIV/AIDS. In Namibia, D.J. and her group worked at three different schools, building fences, laying bricks, and forming bonds with the local children.

Last year, D.J.’s brother Chris was a participant. In an interview with the Inter-Press Service News Agency, D.J. noted: “I wanted to do this because I learned from my brother and the youth ambassadors from last year how amazing it was to be there. Based on the stories they told me and the pictures I saw, I wanted to make a small difference.” D.J., a photography enthusiast, also volunteers for Campaign against Hunger and Habitat for Humanity.

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Sciarratta

Call for 2008 High School Essays

What can the US do to help combat HIV/AIDS,
malaria and other diseases around the world?

UNA–USA invites all high school students to
participate in its 2008 National High School
Essay Contest (NHSEC). This year, the NHSEC
topic will focus on MDG 6, which calls on the
world to halt and begin to reverse the spread of

HIV/AIDS, malaria, and other major diseases.
Students will be encouraged to outline the ideas
and recommendations they would make to
President Bush about the role the U.S. should
play in helping achieve this important goal.
Please visit the Association’s new Web Portal:
www.unausa.org/essay2008.

Students may contact Marcia Wallace at
mtswal@optonline.net or Liubov Grechen at
essay2008@unausa.org for more information.
Essays and applications must be sent by 5
January 2008 (delivered by 10 January 2008) to:

UNA–USA High School Essay Contest
PO Box #10 New York, NY 10017

Volunteer for School Project!

Plans are being made for the fourth annual third-
grade project, “Peace Makes the World a Better
Place,” to be presented in the Yonkers public
schools in April–May 2008. Following the
appreciative comments by teachers, principals,
students and volunteers last spring, the
Westchester Chapter of UNA–USA is hoping to
match or exceed the 45 classes in 17 schools
reached by the program in 2007. Our purpose is
to teach about the United Nations and about
making peace. The project is designed to reach
students, teachers and the community at large
with our message.

This is where volunteers come in... Planning,
arranging, supplying and executing all these
classes takes a lot of person-hours. Last spring,
23 volunteers, from all walks of life, helped out
in anywhere from one to 13 classes. Individuals
with no classroom experience whatsoever found
it fun and rewarding. Each class is taught by a
team of two, and newcomers can be paired with
someone with experience if they like.

Here is a wonderful opportunity to make a
difference... Get to know other interesting
people who are volunteering, meet children who
will captivate you, and help us educate the
public about what the UN does. Reserve a little
time for next spring and let us know now if you
are interested. Contact Project Coordinator,

Karen Rockwell El-Badry, at 914-693-5038 or by email at rockwell550@aol.com for more information.

Law of the Sea (continued from p. 3)

As this was going on, other unrelated events occurred. In particular, it was discovered that the deep-sea floor was littered with rounded, potato-size rocks composed of manganese and other useful ores, just waiting for someone to invent an underwater vacuum cleaner and collect these ‘nodules’. Many people in the United States, who did not see the technological hurdles as particularly daunting, came to the conclusion that the “common heritage of mankind” meant that anyone who could invent the technology could come and claim the goods. Other coastal countries objected that the real meaning of “common heritage” was that the profits must be shared, and landlocked countries began to point out that they, too, after all, were part of mankind. As long as such radically different views of the law coexisted, no claim to the resources could be considered legally secure.

In 1967 the Permanent Representative to the United Nations from Malta, of all places, suggested that it was time to put an end to the madness. In 1973 a multilateral conference was convened that would completely rewrite the law of the sea, from beginning to end. It would take nine years. When it was finished, in 1982, the participants had something that most of them, including the U.S. Navy, believed they could live with. All countries could claim territorial waters up to 12 nautical miles from their shorelines, but all ships have the right to “innocent passage” through territorial waters. Strategic straits, in particular, must be kept open to the ships of all nations. Beyond the 12-mile territorial limit, countries may claim an exclusive economic zone (EEZ), in which they can regulate fishing, oil drilling, and other economic activities, but may lay no further claim of sovereignty. If a country has a contiguous continental shelf that extends beyond its EEZ, it may claim the natural resources of the seabed on the continental shelf (but not the fish or waters). Applicants, however, must prove to

the Commission on the Limits of the Continental Shelf, which consists of representatives of signatory states, that the shelf is, indeed, connected to the country. Sometimes this is easy; sometimes it is not.

Reagan and the Manganese Nodule

The outcome pleased many people, but not all. President Ronald Reagan, for one, could not live with the conference’s solution to manganese nodules, which conflicted with free-market principles. Part XI of UNCLOS governed seabed mining, and it called for the establishment of the International Seabed Authority (ISA) to regulate that mining and to collect taxes on behalf of mankind. Moreover, the treaty mandated that technologically advanced countries must transfer relevant technology to other treaty participants to compensate for their advantages, and it set production limits so as not to undermine the sales of land-based mineral producers.

Reagan agreed that the United States would comply with the provisions of UNCLOS—except for Part XI—but he would not sign it. From a practical perspective, this would make it difficult for the United States to prevent other countries, which had signed and ratified the treaty, from amending it later in ways it did not like. It also precluded U.S. membership on bodies like the ISA and the Commission on the Limits of the Continental Shelf.

In an effort to achieve universal acceptance of the convention, diplomats spent four years, from 1990 to 1994, renegotiating Part XI. Cleverly dubbed the “Agreement on Part XI,” this new document met most of the objections raised by the Reagan administration. In particular, it eliminated restrictions on production levels and mandatory technology transfer and reduced the taxes on production, although some level of taxation remained to defray the ISA’s costs. The new agreement also granted to the United States the only permanent seat on the governing board of the ISA. When it was completed, President Bill Clinton signed both the original convention and the new amendment pertaining to Part XI and submitted them as a single document to the Senate. To this day it has not been ratified.

A new drive for ratification was made in 2004 because after November of that year the convention would be open for amendment and the amendment process would be limited to those countries that were party to the treaty. The Senate Committee on Foreign Relations voted unanimously in favor of the treaty in a rare example of bipartisan unity in an election year. The treaty was endorsed by the Chairman of the Joint Chiefs of Staff, the Chief of Naval Operations, the Department of State, representatives of the oil and gas, shipping, and fishing industries, and environmental groups. A commission appointed by President George W. Bush also gave its unanimous endorsement.

However, a small group of conservative Republicans were concerned that it would be “the first step toward world government,” maintaining that it would yield American sovereignty to the United Nations, transfer American wealth to undeserving countries, and strengthen the influence of radical environmentalists. Moreover, they said, Ronald Reagan had not liked it. President Bush, who was facing re-election, refused to press the issue. Majority Leader Bill Frist never scheduled it for a vote by the full Senate.

Russia and the North Pole

In 2007 UNCLOS gained attention again thanks to a combination of global warming and Russia’s search for new sources of oil. With the continuing advance of global warming, the polar icecap in the Arctic Ocean has shrunk to its smallest size in history. That has made it possible for the first time to consider drilling for oil and gas in the Arctic continental shelves of Europe, Asia, and North America. According to some estimates, the Arctic Ocean could contain 25 per cent of the world’s untapped reserves.

Our Mission: *The UNA–USA is dedicated to educating, inspiring and mobilizing Americans to support the principles and vital work of the United Nations, strengthening the United Nations system, promoting constructive United States leadership in that system, and achieving the goals of the UN Charter.*

Our Vision: *A world in which humanity is spared the scourge of war, human rights are honored, the natural environment is protected, and the United States is a constructive member of the United Nations for the well-being of all humankind.*

(The U.S. Geological Survey plans to release a fuller assessment in mid-2008).

In 2001, the Russian Federation proposed to the Commission on the Limits of the Continental Shelf that the Lomonosov Ridge—a large underwater mountain range stretching across the North Pole toward Greenland—was actually an extension of the Siberian continental shelf. Moscow was unable to prove its claim at that time. If it had done so, it could have laid claim to the seabed resources of an area measuring approximately 460,000 square miles. In 2007 Russia renewed its geological exploration in an effort to prove its claim and in the process engaged in the publicity stunt of planting a titanium Russian flag on the seabed at the North Pole, itself.

Other countries have also recently become interested in the geological exploration of Arctic continental shelves, including Norway, north of Svalbard; Denmark, north of Greenland; Canada; and the United States, around Alaska. The United States, however, is not a signatory to UNCLOS and not a member of the Commission on the Limits of the Continental Shelf. This has led to a renewed interest in ratifying the Law of the Sea, which now stands the best chance in the Senate that it has had in years.

And Those Nodules?

By the way, to date, no one has ever engaged in the deep seabed mining of manganese nodules. Apparently, it is just cheaper to do it onshore.

by Scott C. Monje

MAKE YOUR VOICE HEARD! Join UNA–USA Westchester Today!

Please enroll me as a member of UNA–USA as follows (please circle one):

- Lifetime (one-time dues payment) \$1,000
- Patron \$ 500
- Sponsor \$ 100
- Member \$ 40
- Introductory (first year only) \$ 25
- Student \$ 10

In addition to my membership dues, I would like to contribute to:

- Westchester Chapter \$ _____
- National Office \$ _____
- Total enclosed \$ _____
- My company matches employee contributions: (My company's matching form is attached)
- Please send me information on making a Planned Gift

Name _____

(Please print)

Address _____

City _____ State _____ ZIP _____

Tel. _____ E-mail _____

Areas of interest (circle): Program, Advocacy, Education, Membership, Newsletter

Please return this, along with your check payable to UNA–USA, to:

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