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LAW OF THE SEA CONVENTION

The Law of the Sea Convention is a proposed treaty which is the culmination of years of effort by Third World nations to gain control over the development and use of deep seabed mineral resources. Those resources are immensely valuable and cover at least two-thirds of the earth's underwater surface.

Negotiations have been going on for many years, and one more negotiating session is planned for March before the treaty is officially signed. Other nations are threatening to go ahead and sign the treaty whether or not the United States comes aboard.

We should let them all set sail on the Law of the Sea voyage without us. We have nothing to gain and everything to lose by joining, and signing would jeopardize vital American interests. Its international controls and regulations would deny to U.S. ocean-mining companies the assured, continuing, and non-discriminatory access to strategic ocean minerals we need for our industrial and military defense.

The proposed treaty would require the transfer of our highly sophisticated, defense-related, ocean mining technology to a supranational ocean mining authority called "Enterprise," which would enjoy discriminatory advantages. This very setup would make it impossible for private companies to compete without governmental subsidies or other incentives.

In order to finance the start-up of the Enterprise, the United States would be required to contribute at least $125 million in long-term, interest-free loans, and another $125 million in loan guarantees. That would only be the start of the annual assessments on the U.S. Treasury.

The treaty would surrender major political and strategic advantages to the Soviet Union to the direct disadvantage of the United States. The reason is not hard to understand: the Soviet Union is self-sufficient in the minerals found in seabed nodules, but the United States is not.

The Law of the Sea Treaty text excludes the essential principles of free-market economics which provide the basic incentives for private investment in mineral resource development. It is clear from the proposed treaty that deep-ocean minerals management would be patterned after socialist governments rather than free economies.

The treaty would give control of the vast ocean riches to the Third World, which has contributed nothing to the tremendous technology and financial investment necessary to bring those riches to the surface. The treaty would cheat the American companies which have done and will do most of what is necessary to make those minerals usable.

The treaty would create an International Seabed Authority (ISA) which would set both general production controls and specific production limits for ocean mining sites. The one-nation-one-vote procedure would assure that the ISA Assembly would always be dominated by the Third World.

Since 80 percent of the nations signing the treaty are from the Third World, they would have effective control of the Assembly, plus a clear numerical superiority in the Executive Council, plus control of the important subsidiary committees. The United States is not assured of a seat on the Executive Council. We would not have enough votes, even in combination with our allies, to propose even procedural changes.

The treaty provisions for settling commercial and other disputes under the ISA are arbitrary, subject to political pressures, and provide no assurance of consistent, even-handed decisions under predictable rules. The arbitration of important disputes would be controlled by judges from Third World countries, many of whom are openly hostile to U.S. interests.

The treaty provides for 12-mile territorial seas and 200-mile exclusive economic zones rather than the historical 3-mile limit. This would erode freedom of navigation and overflight over the high seas.

The Law of the Sea Treaty is a clear violation of the 1980 Republican Platform which promised that "a Republican Administration will conduct multilateral negotiations in a manner that reflects America's abilities and long-term interest in access to raw material and energy resources." It should be rejected out of hand by the Reagan Administration.