Defeat Law of the Sea Treaty — Again

by Phyllis Schlafly

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The stunning repudiation of Senator Richard Lugar's (R-IN) bid for a seventh term has sent shock waves through Washington's internationalist lobby. A former Rhodes Scholar, Lugar has spent his career promoting a globalist agenda since he succeeded the late Jesse Helms as the top Republican on the Senate Foreign Relations Committee.

One day after Indiana Republicans handed Lugar his walking papers, an outfit called the Atlantic Council held a forum to promote the discredited Law of the Sea Treaty (LOST). As former Republican U.S. Senators Chuck Hagel and John Warner beamed their approval, Obama's Secretary of Defense Leon Panetta declared that "the time has come" for the Senate to ratify the treaty.

Hagel, Warner, and Lugar share an internationalist mindset: all three Senators supported "comprehensive immigration reform" (a.k.a. amnesty) bills that failed to pass Congress in 2006 and 2007. In support of LOST, they are joined by former Republican Senator Trent Lott, now a high-priced lobbyist who no longer answers to his former Mississippi constituents.

Americans today are in no mood for subordinating U.S. sovereignty, plus seven-tenths of the world's surface area, to another entangling global bureaucracy, so advocates are using Orwellian talking points to pretend that LOST would do the opposite. Panetta's statement is over the top: "Not since we acquired the lands of the American West and Alaska have we had such an opportunity to expand U.S. sovereignty."

The coalition for ratification includes three groups whose interests are rarely on the same side: the U.S. Navy, the big multinational oil companies led by Shell, and the radical environmentalist lawyers. That peculiar alliance should make you suspicious.

The Navy says we need LOST to preserve our freedom of transit in dangerous waters such as the Strait of Hormuz, which Iran has threatened to block, and the South China Sea, where China wants to be the dominant naval power. Panetta said, "How can we argue that other nations must abide by international rules when we haven't officially accepted those rules?"

In fact, freedom of navigation is recognized by centuries of international law, effectively policed by the British Navy for 400 years, and by our U.S. Navy since 1775. The United Nations has no navy of its own, so American sailors will still be expected to protect the world's sea lanes and punish piracy.

Big Oil supports LOST because of its provision to extend jurisdiction over the continental shelf beyond the current 200-mile limit. But LOST would require a royalty of 1 to 7 percent on the value of oil and minerals produced from those waters to be paid to the International Seabed Authority based in Kingston, Jamaica.

There's no need for a 181-nation organization to regulate offshore and deep-sea production everywhere in the world, mostly financed by American capital, and then allow it to be taxed for the benefit of foreign freeloaders. The riches of the Arctic, for example, can be resolved by negotiation among the five nations that border the Arctic.

Environmentalists, the third leg of the unholy coalition to ratify LOST, are salivating over its legal system of dispute resolution, which culminates in a 21-member International Tribunal based in Hamburg, Germany. The Tribunal's judgments could be enforced against Americans and cannot be appealed to any U.S. court.

This tribunal, known as ITLOS (International Tribunal of LOST), has jurisdiction over "maritime disputes," which suggests it will merely deal with ships accidentally bumping each other in the night. But radical environmental lawyers have big plans to make that sleepy tribunal the engine of all disputes about global warming, with power to issue binding rules on climate change, in effect superseding the discredited Kyoto Protocol which the U.S. properly declined to ratify.

A **paper** just published by Steven Groves of the Heritage Foundation lays out the roadmap for how the radical environmentalist lawyers can use LOST to file lawsuits against the U.S. to advance their climate-change agenda.

Former UN Ambassador John Bolton warns us that the Law of the Sea Treaty is even more dangerous now than when President Ronald Reagan rejected it: “With China emerging as a major power, ratifying the treaty now would encourage Sino-American strife, constrain U.S. naval activities, and do nothing to resolve China’s expansive maritime territorial claims.” Bolton warns that LOST will give China the excuse to deny U.S. access to what China claims is its “Exclusive Economic Zone” extending 200 miles out into international waters.

The whole concept of putting the United States in the noose of another global organization, in which the U.S. has only the same one vote as Cuba, is offensive to Americans. LOST must be defeated.