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LOST must lose

By JOHN DODD
Guest Commentary

MOST Americans would be shocked to learn that there's a treaty floating through the U.S. Senate that would give the United Nations jurisdiction over seven-tenths of the earth's surface. If ratified, it would represent the largest transfer of wealth and sovereignty in world history. The Law of the Sea Treaty (LOST) doesn't even deserve a vote. It should simply be tossed overboard.

The United Nations has floated LOST before, and America sinks it every time. Ronald Reagan first rejected the convention in 1982. But the treaty's supporters didn't like having no for an answer. And they've been trying to get us to relent ever since. Fortunately, they have not succeeded yet.

When Sen. Jesse Helms was in the Senate, he watched with considerable concern the negotiations that gave rise to LOST. Those negotiations were dominated by governments who championed socialist supranational governmental institutions. These nations had a hostile agenda and made no secret of their antipathy towards the United States. They were bent on establishing a "New International Economic Order" — a fancy title for what was really just a socialist effort to redistribute the wealth of the United States and other industrialized countries to less-developed nations.

Because of the majority these nations commanded in the LOST negotiations, they mutated beyond recognition U.S. efforts to institutionalize customary international law and time-honored practices concerning navigation rights and ownership of coastal waters. By the time these pro-totalitarian framers were done, LOST had become a mandate for a vast new supranational agency called the International Seabed Authority. ISA would have the power to govern the international sea beds that comprise seven-tenths of the world's surface.

Even though the politics of many of those old Soviet-bloc nations has changed, the work of their former regime ideologues remains firmly embedded in this treaty. ISA would be able to impose what amounts to taxes on American citizens without our input or consent. That's a power that no multilateral institution has ever had in the history of this country.

Furthermore, if we become signatories to LOST, the ISA court jurists, reflecting the same working majority of anti-Americans who produced the treaty in the first place, will have the authority to render rulings that could interfere with our naval operations, other maritime activities (including those involved in intelligence collection and counter-proliferation efforts) and even activities ashore, without regard for U.S. law or policies.

Some LOST supporters claim that the myriad problems with the treaty have been fixed by succeeding accords, often citing an agreement in 1994. This simply isn't true. The underlying convention has not been amended in any way, let alone fixed.

Roughly a fifth of the countries who are party to LOST have not ratified the 1994 agreement. And since some of that agreement's provisions are contrary to the terms of Law of the Sea Treaty, it would fall to the treaty's tribunal to adjudicate the differences, which it would almost certainly do to the detriment of America's interests.

These considerations were among the reasons Sen. Helms steadfastly opposed LOST during his tenure as chairman of the Senate Foreign Relations Committee. Nothing about LOST warrants any change of position or reduction in the Senate's long standing opposition.

Inexplicably, some members of the Bush administration are now calling on the Senate to approve LOST "as soon as possible." They seem to have placed undue importance on the treaty's navigation provisions — to which we have adhered since long before this treaty was negotiated and would continue to follow, whether we are a party to this accord or not.

These officials also appear to have summarily discounted the abiding problems associated with the International Seabed Authority and its tribunal. Their support is deeply disappointing.

Consequently, with respect to the Law of the Sea Treaty, it becomes the responsibility of the Senate to once again take up its constitutional role in providing careful oversight on all treaties. It should stand firm against this clear assault on America's sovereign rights.