

# Law of the Sea Being Delayed by Far Right Cadre

By Jim Lobe | June 18, 2004

The mining industry and environmentalists are onboard. As are liberals and conservatives in the U.S. Senate, but ratification of the 1982 Law of the Sea Treaty is being held up by half a dozen right-wing Republican senators backed by a coalition of national groups who see the agreement as another step toward world government.

The administration of President George W Bush, which has come out in favor of the treaty's ratification, has so far refused to put pressure on the recalcitrant lawmakers, who have placed procedural "holds" on the legislation in hopes of killing it for this year. "We strongly support its ratification, but the decision to bring it to the floor is up to the Senate leadership," said one senior administration official last week.

"If Bush would go beyond his rhetorical lip service and say that he really wants this, it would get well over 90 votes," said one lobbyist involved in ratification efforts. "But he won't, not before the elections." The lobbyist, along with other analysts, say Bush is worried about alienating his core right-wing constituency, particularly at a time when some members of that group are complaining that his resort to the United Nations for help in Iraq suggest that he may be abandoning his isolationist stance.

## Widespread Support for the Treaty

At the same time, supporters of the treaty, who include the broadest possible spectrum of interests and activist groups, are trying hard to persuade the White House that the agreement is too important to delay, particularly because it will be open for amendment for the first time in November.

"It's very important for us to be at the table," said Andy Fisher, a spokesman for Senator Richard Lugar, the chairman of the Senate Foreign Relations Committee, which approved ratification by a unanimous vote earlier this year to send it to the floor. "We're plugging away at this every day, but ultimately it's in the hands of the Majority Leader (Sen. Bill

Frist)." Lugar has been the strongest champion of the treaty, which has been ratified by 145 nations. Frist, who says he has more than 40 pieces of legislation he hopes the Senate will vote on before it adjourns for the November presidential elections, controls the Senate calendar.

If it does come to the floor, supporters have no doubt it would pass with near-unanimous support. "The oil industry and the environmentalists, the Quakers and the military, and the Bush White House and Senate Democrats, are all on the same side on this," according to Heather Hamilton, a lobbyist at Global Solutions, formerly known as the World Federalist Society. "It's the radical right-wing groups that are holding up the treaty and Bush won't take them on."

The treaty, which was completed in 1982 after more than 12 years of negotiations that were supported by three U.S. administrations, sets rules governing most areas of ocean policy, including navigation, over-flights, exploitation of the seabed, conservation and research.

Among other things, it provides for an Exclusive Economic Zone for all coastal countries, extending as much as 200 nautical miles from their shores. It also establishes a Jamaica-based International Seabed Authority, on which the United States would have a permanent seat, which would govern mining and other activities affecting the sea floor.

The administration of former President Ronald Reagan opposed the agreement precisely because of right-wing and mining-company concerns about the powers of the ISA, including its powers to tax mining concessions to help cover operating costs. But a 1994



Foreign Policy In Focus (FPiF)

[www.fpi.org](http://www.fpi.org)  
A Think Tank Without Walls

---

modification of the treaty obtained by the Clinton administration gave Washington the power to veto certain kinds of rules, regulations and financial decisions.

“There is not a single sovereign right of the United States that is conceded in this treaty,” John Norton Moore, a conservative law professor at the University of Virginia who helped negotiate the treaty and backed the Reagan administration, told the *Los Angeles Times* this week. “This is about as clear a case of a treaty strongly in the interest of the United States as I’ve ever seen.”

The U.S. Navy, which has long supported the agreement because of its navigation provisions, has argued more recently that its ratification would also bolster the Bush administration’s Proliferation Security Initiative, which asserts the authority of the United States and 16 of its allies so far to board ships believed to be transporting nuclear, chemical or biological weapons to terrorist groups or countries of “proliferation concern.”

Indeed, the Netherlands has suggested it will reduce its support for the initiative unless Washington ratifies the treaty, in part because it would strengthen the legal framework under which the initiative would operate. The United States currently is the only Proliferation Security Initiative member that has not ratified the treaty.

### Radical Right Holding Treaty Hostage

But the treaty is nonetheless strongly opposed by the far right, led by Frank Gaffney, president of the arms-industry-backed Center for Security Policy; Phyllis Schlafly, head of the Eagle Forum and a fixture of the U.S. ultra-nationalist right for 40 years; and the neo-conservative *The Wall Street Journal*.

In a March 29 editorial, the *Journal* wrote that a “central flaw” required Bush to oppose it:

It is not in the best interests of the U.S. to have its maritime activities—military or economic—subject to the control of a highly politicized U.N. bureaucracy. That was a bad idea in 1982 and it’s even worse today, as we fight the war on terror. It’s also a terrible precedent, especially as we do more in space.

In a hint that this view is also supported by the civilian leadership in the Pentagon, Peter Leitner, a senior strategic adviser to Defense Secretary Donald Rumsfeld, testified earlier this year that the threat posed by the treaty was similar to that of the International Criminal Court “where the United States or its citizens can be dragged before politically motivated foreign jurists.” Leitner said he was testifying as a private citizen.

Treaty supporters, including conservatives like Moore, find these arguments baffling. “In an age in which we need to cooperate with countries around the world on terrorism, this is extremely harmful,” Moore told the *Los Angeles Times*. Meanwhile, a recent statement by the U.S. Chief of Naval Operations says that the treaty ensures “the freedom to get to the fight, 24 hours a day and seven days a week, without a permission slip.”

U.S. mining companies that opposed the bill also now support it.

Advocates also say ratification would provide U.S. allies, who are being asked to help out Washington in Iraq, with a well-timed signal that Bush is newly committed to multilateralism in dealing with international issues. “On the eve of the G8 Summit, the president has a choice,” said Annie Petsonk of Environmental Defense. “He can return to multilateralism or he can remain on an isolationist path.”

---

*(Jim Lobe <jlobe@starpower.net> is a political analyst with Foreign Policy in Focus (online at [www.fpif.org](http://www.fpif.org)). He also writes regularly for Inter Press Service.)*

---

## FOR MORE INFORMATION:

Law of the Sea

<http://www.un.org/Depts/los/index.htm>

Statement of Admiral Vern Clark, U.S. Navy, Chief of Naval Operations, Before The Senate Armed Services Committee, On the Law of the Sea Convention (April 8, 2004)

<http://www.chinfo.navy.mil/navpalib/cno/testimony/clark040408.pdf>

Environmental Defense

[www.edf.org](http://www.edf.org)

---

Published by Foreign Policy In Focus (FPiF), a joint project of the Interhemispheric Resource Center (IRC, online at [www.irc-online.org](http://www.irc-online.org)) and the Institute for Policy Studies (IPS, online at [www.ips-dc.org](http://www.ips-dc.org)). ©2004. All rights reserved.

### Foreign Policy In Focus

“A Think Tank Without Walls”

Established in 1996, Foreign Policy In Focus is a network of policy analysts, advocates, and activists committed to “making the United States a more responsible global leader and global partner.” For more information, visit [www.fpiif.org](http://www.fpiif.org).

Recommended citation:

Jim Lobe, “Law of the Sea Being Delayed by Far Right Cadre,” (Silver City, NM & Washington, DC: Foreign Policy In Focus, June 18, 2004).

Web location:

<http://www.fpiif.org/commentary/2004/0406lawsea.html>

Production Information:

Writer: Jim Lobe

Editor: John Gershman, IRC

Layout: Chellee Chase-Saiz, IRC

**p. 3**

---

**www.fpiif.org**

A Think Tank Without Walls

