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## Sea law turbulence

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By Ken Adelman - The tranquil-sounding Law of the Sea (LOS) treaty somehow prompts lots of waves. The first storm arose 25 years ago, when President Reagan had the U.S. virtually stand alone against it.

The issue is back. It's still controversial, as Senate Republican leaders oppose ratification. Conservative stalwarts Ed Meese and Bill Clark feel its approval would betray the Reagan legacy.

The LOS accord, just sent out of committee, stands before the Senate for a vote this month. The Senate should ratify it — partly on the merits, but also to reinforce Reagan's biggest legacy, that standing alone on principle can pay off. If you stand right on the merits, eventually others come around.

In 1982, Reagan turned the tide on the LOS effort, under way by some 150 countries over the previous 10 years. During a few National Security Council meetings — which I attended as deputy to U.S. Ambassador to the United Nations Jeane Kirkpatrick's — Reagan called the deep-sea mining provisions global socialism.

He subsequently appointed a presidential envoy for LOS, Don Rumsfeld, who asked me along on his global mission. It took us 33,000 miles into seven countries on what my wife dubbed "scuttle diplomacy."

Before taking off, we met in the Oval Office where the president's passion and points became clear. Don Rumsfeld did a superb job presenting them to German Chancellor Helmut Kohl, French President Francois Mitterrand, and leaders in the Netherlands, Belgium, Italy and Japan.

After Prime Minister Margaret Thatcher read her bureaucracy's recondite points favoring LOS, Mr. Rumsfeld lifted the discussion to Reaganesque heights: "Madam Prime Minister, do you *really* want to support international socialism? To build up the international bureaucracy? To have it run a cartel? To enforce a mandatory transfer of technology? Do you *really* want all that in our future?"

It was quite a scene — Mr. Rumsfeld smartly presenting Reagan. This convinced the Iron Lady that, no, she did not. Hence, Britain and other key nations joined in opposing LOS.

During sundry meetings before our trip, Reagan related how he considered the deep-sea mining provisions a wedge into international socialism. He deemed the new LOS institution — with the quaint Orwellian name of The Authority, yet without any U.S. veto power — as a precursor to world federalism. Reagan despised its mandatory technology transfer and its autonomous funding of so-called liberation movements.

This litany became Mr. Rumsfeld's script to world leaders, since it was Reagan's script to us.

Don't just take my word for it. In his Jan. 29, 1982, document on LOS, Reagan listed these very issues in six bullets. He explicitly pledged that, if the LOS negotiators "find ways to fulfill these key objectives, my administration will support ratification."

Subsequent administrations *have* found ways. The first Bush administration began fixing Reagan's biggest bugaboo, the deep seabed mining provisions, which the Clinton team deftly completed. This Bush administration devised critical understandings to clarify and protect U.S. national interests.

The LOS convention has already been joined by 154 nations. Companies from members Canada, Australia and Germany have licenses for deep-sea mining while U.S. companies wait and support ratification here.

Reagan's "key objectives" have been met, as free market principles now apply to deep-sea mining. Private firms can mine the minerals, with the legal assurances they need for large-scale, long-term investments. American firms would have their claims protected.

Gone is any mandatory technology transfer. Gone is any bulk-up of multilateral institutions. Gone is key decisionmaking without U.S. participation. With ratification comes a permanent U.S. seat on the decisionmaking body, with veto power on all key issues.

Again, don't just take my word for it. Because Reagan's fixes were made, both his secretaries of state — Alexander M. Haig Jr. and George P. Shultz — switched from opposing to backing LOS ratification. As has Reagan's Chief of Staff and President H.W. Bush's Secretary of State James Baker. Likewise for this President Bush's two secretaries of state, Colin Powell and Condoleezza Rice.

Over LOS' turbulent history, its deficiencies have drowned out its upsides. They are real, and fairly impressive.

The Joint Chiefs of Staff strongly supports LOS to assure us the greatest ocean and air navigation rights. LOS reinforces our Navy's legal right to steam through critical choke points around the globe.

U.S. mining firms strongly support LOS for assuring our legal rights to explore and

exploit resources at least 200 nautical miles offshore. Off Alaska, where resources seem most abundant, it ensures our rights over the seabeds up to 600 miles. Our rights over this "extended continental shelf," estimated to hold more than \$1 trillion in resources, are among the largest of any country. And environmental groups consider LOS beneficial to healthy oceans.

Even Reagan was sometimes accused of betraying Reaganism. At the 1988 Moscow summit, he was asked about his new coziness with Mikhail Gorbachev, leader of the "evil empire." Reagan said he hadn't changed — it had. Likewise his objections to the LOS treaty haven't changed — it has. The treaty has been fixed, right along the lines he sought.

Ronald Reagan could take "yes" for an answer, smiling when he got to do so. We should be like him in that, too.

*Ken Adelman is a former U.S. ambassador to the United Nations and arms control director under President Ronald Reagan.*