

Opinion

Sea treaty needs safe passage

Fri Nov 2, 2007 4:00 AM ET

For the second time in three years, a Senate panel has given the nod to a treaty that governs the oceans. Last time, alarmist concerns about the loss of US sovereignty kept the treaty from a floor vote. This time, the Senate must steer past those criticisms, or America will be left high and dry.

The Law of the Sea Convention protects its members' navigation rights to the oceans. It establishes limits for marine boundaries and rules for extracting resources and preserving the health of the seas. And it sets up a way to resolve disputes about these issues.

The United States was the lead negotiator on this treaty, starting during the Nixon administration. President Reagan had some problems relating to deep-sea mining, but they were fixed in a second negotiation. It's in force for more than 150 nations – for almost all NATO members, and for four of the five permanent members of the UN Security Council, including Russia and China, but not the US.

Global warming has made US approval urgent. As the polar icecap melts, nations are steaming ahead to claim rights to Arctic sea lanes and oil and gas reserves. Staying outside the treaty leaves the US with little say in this region, especially off Alaska.

The treaty has remarkably broad support in America: State Department and Pentagon chiefs from both parties; oil, gas, and fishing industries; and environmentalists. And yet, a few senators have the power to tangle this treaty in a kelp forest of myths:

The US is giving up sovereignty. Actually, the US gains sovereignty as never before. The treaty extends the nation's territorial waters from three miles to 12. It gains a marine "economic zone" that goes out at least 200 miles. The US would have exclusive rights to explore, conserve, manage, and exploit resources in this mammoth zone, about equal in size to the continental US.

The treaty also gives the US important new navigational rights. The key one allows warships and submarines to pass through straits and archipelagos.

The treaty is UN overreach. True, the agreement was negotiated under UN auspices, but the signatories created it. The three bodies to deal with disputes and issues are not UN bodies. And

the US has opted out of an international tribunal to settle military disputes; for general disputes it's chosen arbitration.

The treaty hinders US ability to fight terrorism. Critics say rules restricting boarding of foreign ships and seizing their goods would prevent the US from intercepting weapons of mass destruction. But the treaty provides an exception for "military activities," and international law amply allows for self-defense.

The treaty restricts US intelligence by making subs surface in territorial waters. This provision is already binding law as part of a 1958 treaty. And does America really want Chinese subs lurking off its beaches?

What's going on is an attempt by a small, vocal group of think tanks to scare senators with the one-world-government specter. Let's remember that the US has negotiated this treaty (twice!) with its own interests at heart; that order on the oceans is preferable to chaos; and that the US cannot complain about violations when it is not party to the treaty, neither can it influence it.

This ship is leaving the harbor. The US must get on board now.



www.csmonitor.com/2007/1102/p08s01-comv.html