

Opportunity On the Oceans

America Wins With the Law of the Sea Treaty

By Lawrence S. Eagleburger and John Norton Moore
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Foreign policy concerns, as the Israeli-Palestinian dispute shows, are like the Energizer bunny; they generally go on and on. When we have an opportunity for a decisive foreign policy win, it should not be missed. One such opportunity has arisen with the Law of the Sea Convention, and in contrast to what Jack Goldsmith and Jeremy Rabkin have argued on this page [["A Treaty the Senate Should Sink,"](#) op-ed, July 2], the convention should be approved.

The convention is strongly supported by our military leaders and aids our national security in crucial ways. It provides legal certainty for U.S. naval vessels navigating the world's oceans, the largest maneuver space in the world. It assists the [Coast Guard](#) and facilitates crucial oil and gas development on our offshore continental margin, reducing the need for Middle Eastern oil. Indeed, in its 200-mile economic zone, it extends U.S. resource control into the oceans in an area greater than the land area of the nation, giving the United States the largest economic zone in the world.

The United States would hold the only permanent seat on the Counsel of the Seabed Authority. This new functional entity permits U.S. firms to develop critically needed deposits of copper, nickel, cobalt and manganese from ocean-floor sites. But the delay in U.S. adherence to the convention has already meant the loss of one of four original U.S. mine sites, and the other three are at risk. Meanwhile, [China](#), [Russia](#), [India](#), [Japan](#) and others have moved to obtain exploration licenses to their deep-seabed sites.

Not surprisingly, the Navy; the Coast Guard; and our fishing, shipping, undersea cable, mining, and oil and gas industries all support ratification, as do environmentalists. The congressionally established Ocean Policy Commission voted unanimously for U.S. accession to the convention as its first official act. There are also important foreign policy reasons to adhere, as Deputy Secretary of State [John Negroponte](#) and Deputy Defense Secretary Gordon England wrote in an [op-ed](#) in June.

In sharp contrast to the [Kyoto](#) treaty, the United States led the world in negotiating the Law of the Sea Convention and achieved a historic negotiating success -- a success that probably could not be replicated today. Moreover, when President [Ronald Reagan](#) subsequently determined that Part XI of the convention, on seabed mining, required major revision, the world expressly met his conditions before the convention went into effect.

Today the convention is in force for 154 nations, including all the permanent members of the [U.N. Security Council](#) but the United States. Failure to adhere diminishes the voice of the United States in protecting our interests worldwide; it excludes America from the new functional

organizations created by the convention, such as the Commission on the Limits of the Continental Shelf; and it sends a signal of American isolationism.

Why then has the convention, which was successfully renegotiated in 1994, not yet received a vote in the Senate? Sadly, ideologically driven opponents have purveyed a web of distortions. They assert that the convention would give our sovereignty away, but the reality would be enhanced protection of our ships on the seas and the greatest expansion of resource jurisdiction in U.S. history, greater in area than that of the Louisiana Purchase and the acquisition of [Alaska](#) combined. They assert that the International Seabed Authority, which after a quarter-century of operation has 35 employees and a budget of less than \$12 million, is both a [U.N.](#) agency (it's not) and a stalking horse for world government. The agency also has no power to tax Americans.

Opponents assert that Ronald Reagan deep-sixed the convention, when instead he set requirements for renegotiation of Part XI, which were successfully achieved, and he directed that we follow the remainder of the convention, which has been U.S. oceans policy now through four presidencies. They assert that the convention harms [President Bush's](#) Proliferation Security Initiative (PSI), when the [Joint Chiefs of Staff](#) state flatly that the convention "strengthens the coalition" and "supports" PSI.

Foreign policy issues deserve debate, but not shameful distortions. The Senate must not cede its role to uninformed voices, especially when our president and national security leaders are on record as to what is in our country's interest and when the rest of the world has specifically accommodated America's request for renegotiation. If the Senate misses this opportunity, our allies and adversaries alike will note that U.S. foreign policy has been diminished by an ideological extreme. The Senate should follow the president's leadership on this important issue.

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