



The

Phyllis Schlafly Report



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Defeat the UN Law of the Sea Treaty!

When Senator Richard Lugar (R-IN) asked Condoleezza Rice during her confirmation hearings on January 19 about the UN Law of the Sea Treaty, she replied "for the record" that President Bush "certainly would like to see it passed as soon as possible." Lugar also squeezed from the new Secretary of State the commitment that she will work with Senate leadership to bring it to a floor vote.

Assuming Rice was authorized to deliver this shocking news, George W. Bush can no longer claim the mantle of the Ronald Reagan legacy. President Reagan refused to sign the United Nations Convention (Treaty) on the Law of the Sea in 1982 and fired the State Department staff who helped to negotiate it. It is even worse today because of additional dangers since 9/11.

The acronym for the Law of the Sea Treaty (LOST) is apt. LOST is the correct word for our sovereignty that would be lost under LOST.

Republicans who oppose this giant giveaway are looking at a stunning historical model. Ronald Reagan became the conservative standard bearer when he led the fight against the Panama Canal Treaty which was supported by incumbent Presidents Gerald Ford (and his Secretary of State Henry Kissinger) and then Jimmy Carter.

We lost the battle to prevent the Panama Canal giveaway by one Senate vote in 1978. But that battle made Reagan the undisputed leader of the conservative movement and multiplied its activists. Hindsight teaches us that the battle was well worth fighting because it brought about the cataclysmic events of 1980: the election of a real pro-American conservative President, the election of a Republican Senate, plus the defeat of most of the internationalist Senators who voted for the giveaway.

Conservatives are currently searching for a man of pro-American principles whom they can support for President in 2008. The Republican Senator or Governor who steps up to

the plate can hit a home run if he leads the battle against LOST's enormous transfer of wealth and power to the unpopular United Nations.

The LOST is grounded in such un-American and un-Republican concepts as global socialism and world government. There is not much of a constituency today for the United Nations, whose officials continually use the UN as a platform for anti-American diatribes, and who just committed the biggest corruption in history (Iraqi oil-for-food).

The report on that scandal by the commission chaired by former Federal Reserve Chairman Paul A. Volker stated that the oil-for-food project "seriously undermined the integrity of the United Nations." Most Americans would respond: What integrity? The UN never had any integrity — going back all the way to the beginning when it operated as the headquarters for the Soviet espionage network.

The Law of the Sea Treaty is so bad that it is a puzzlement how anyone who respects American sovereignty could support it with a straight face. LOST gives its own creation, the International Seabed Authority (ISA), the power to regulate seven-tenths of the world's surface area, a territory greater than the Soviet Union ruled at its zenith. LOST would cede sovereign control to the ISA over all the riches at the bottom of all the world's oceans.

The LOST gives ISA the power to levy international taxes, one of the essential indicia of sovereignty. This ISA power is artfully concealed behind direct U.S. assessments and fees paid by corporations, plus permits paid by the U.S. Treasury, but the proper word is taxes. This plan is touted as a model for other resource-related treaties that aspire to enjoy the power to levy taxes. And, of course, the United States will have to fork up our usual 25% of the ISA's operating budget (as we do for all UN operations).

The LOST gives ISA the power to regulate ocean research and exploration. This is the power to deny U.S. companies

access to strategic ocean minerals that we need for our industries and military defense — access to resources that are freely available to us today under customary international law.

The LOST gives ISA the power to impose production quotas for deep-sea mining and oil production so the United States could never become self-sufficient in strategic materials.

The LOST gives the ISA the power to create a multinational court system called the International Tribunal for the Law of the Sea, and to enforce its judgments. The ISA courts would have even wider jurisdiction than the International Criminal Court (to which, fortunately, we do not belong) or the World Trade Organization (which has ruled against the United States a dozen times and forced us to change our tax laws and import duties). There is no guarantee that the United States would even be represented on the Law of the Sea International Tribunal.

This Sea Tribunal is already spreading its wings to try to become a major international court with broad jurisdiction. It's easy to predict that unfriendly regimes and organizations would file suits to interfere with U.S. commercial or military practices. And, since six of the nine U.S. Supreme Court Justices have indicated a willingness to cite international law and courts, who knows if our own judges would defer to this new UN Sea Tribunal.

The whole concept of putting the United States in the noose of another one-nation-one-vote global organization, which reduces America to the same vote as Cuba, is offensive to Americans. Like other aspirants to global government (such as the World Trade Organization), the ISA has a legislature, an executive, a bureaucracy, busybody commissions, and a powerful court system.

In the post-9/11 world, the notion of signing a treaty that mandates military information-sharing with our enemies plus technology transfers is not only dangerous — it's ridiculous. The treaty creates restrictions on our intelligence-gathering by submarines, activities that are essential to our military security. And LOST apparently doesn't permit our stopping and searching on the high seas any vessels suspected of transporting weapons of mass destruction. Communist China has already claimed that LOST would prohibit President Bush's Proliferation Security Initiative.

Of course, Bill Clinton is for the LOST; he revived it in 1994. We thought we were rid of Bill Clinton (thanks to the 22nd Amendment), but his love affair with UN treaties and global integration has come back to haunt us. The LOST meshes perfectly with his speech to the United Nations in September 1997, in which he boasted of wanting to put America

into a "web" of treaties for "the emerging international system." The people who want to dissolve or diminish American sovereignty and replace it with global governance continue to work toward their one-world goal incrementally through United Nations treaties.

Of course, Foreign Relations Chairman Richard Lugar is for LOST. Like Clinton, he is a Rhodes scholar and an internationalist who never saw a United Nations treaty he didn't like. Vice President Cheney is an advocate of LOST. He doesn't have to listen to American voters because he will never again run for office.

Some are claiming that LOST is OK because a Clinton Administration Agreement "fixed" the objections to the Treaty that Reagan rejected. That all depends on what the meaning of "is" is. The truth is that the LOST hasn't been changed at all, and many other countries have publicly stated that the Agreement doesn't change the Treaty and they won't be bound by it anyway.

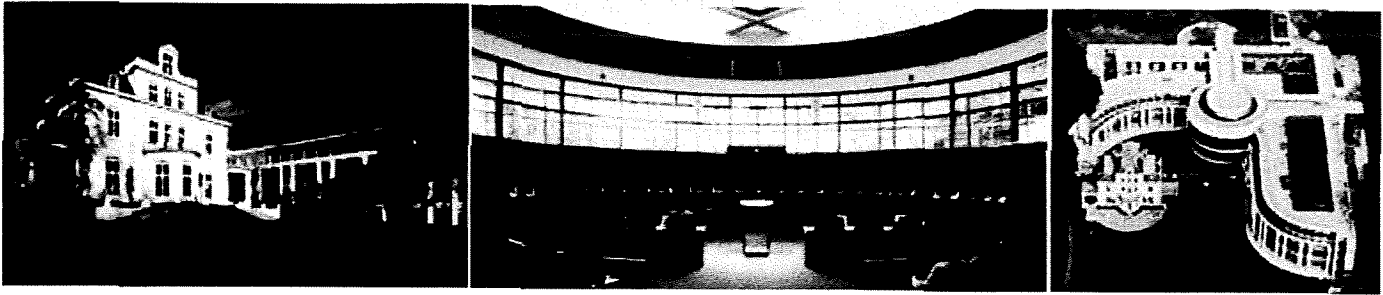
Lugar's Senate Foreign Relations Committee hearing about LOST, held without any publicity and with only advocates invited to testify, was an insult to the American people. Majority Leader Bill Frist will forfeit his chance to be in the running for the Republican nomination for President if he schedules a vote before all Senate committees affected by the LOST hold hearings with both sides represented.

The United States is a giant island of freedom, achievement, wealth and prosperity in a world hostile to our values. We have almost everything we need to maintain our safety and economy, but we lack some items that are essential to us in both war and peace such as manganese, cobalt, bauxite, chromium, and platinum, and some of these are at the bottom of the ocean.

The UN Law of the Sea Treaty is a trap that would compel the United States to pay billions of private-enterprise dollars to an international authority while socialist, anti-American nations harvest the profit. The LOST would be a giant giveaway of American wealth, sovereignty, resources needed to maintain our economy, capacity to defend ourselves, and even our ships' and submarines' ability to gather intelligence necessary to our national defense.

The LOST would be a sellout of American interests far greater than even Jimmy Carter's giveaway of the U.S. Canal at Panama. It would be a cave-in to the world-government advocates whose goal is global socialist government in order to integrate American prosperity with Third World poverty until they are leveled.

Tell your U.S. Senators to vote No on the UN Law of the Sea Treaty.



3 pictures of the International Tribunal for the Law of the Sea at Hamburg, Germany

The United Nations Convention (Treaty) on the Law of the Sea is a blueprint for world socialism. It is a document of 208 pages of fine print which gives the International Seabed Authority (called the Authority) total jurisdiction over all the oceans and everything in them, and gives the International Tribunal for the Law of the Sea the power of a super supreme court to decide all disputes. It is difficult to convey the enormity of the power grab because the powers given to these global organizations are so broadly stated and the text of the Treaty is so complex. The Treaty requires forfeiting U.S. sovereignty to global control exercised by the representatives of 148 other nations, most of whom hate or envy America. The following are just a few quotations from the Treaty. It can be read in full on the Internet. Search for Law of the Sea.

United Nations Convention on the Law of the Sea

PREAMBLE

The States Parties to this Convention, Prompted by the desire to settle . . . all issues relating to the law of the sea . . . the achievement of these goals will contribute to . . . a just and equitable international economic order which takes into account the interests and needs of mankind . . . and, in particular, the special interests and needs of developing countries, whether coastal or land-locked, Desiring by this Convention to develop the principles . . . that the area of the seabed and ocean floor . . . are the common heritage of mankind, the exploration and exploitation of which shall be carried out for the benefit of mankind as a whole . . . Believing that the codification and progressive development of the law of the sea . . . will promote the economic and social advancement of all peoples of the world, in accordance with the Purposes and Principles of the United Nations as set forth in the Charter . . . Have agreed as follows:

Article 1 . . . “Area” means the seabed and ocean floor and subsoil thereof, beyond the limits of national jurisdiction; . . . “activities in the Area” means all activities of exploration for, and exploitation of, the resources of the Area; . . .

Article 82 The payments and contributions shall be made annually with respect to all production at a site after the first five years of production at that site. For the sixth year, the rate of payment or contribution shall be 1 per cent of the value or volume of production at the site. The rate shall increase by 1 per cent for each subsequent year until the twelfth year and shall remain at 7 per cent thereafter. . . The payments or contributions shall be made through the Authority, which shall distribute them to States Parties to this Convention, on the basis of equitable sharing criteria, taking into account the interests and needs of developing States, particularly the least developed and land-locked among them. . .

Article 133 “resources” means all solid, liquid or gaseous mineral resources *in situ* in the Area at or beneath the seabed . . .

Article 136 The Area and its resources are the common heritage of mankind.

Article 137 No State shall claim or exercise sovereignty or sovereign rights over any part of the Area or its resources, nor shall any State or natural or juridical person appropriate any part thereof. No such claim or exercise of sovereignty or sovereign right nor such appropriation shall be recognized. All rights in the resources of the Area are vested in mankind as a whole, on whose behalf the Authority shall act. These resources are not subject to alienation. The minerals recovered from the Area, however, may only be alienated in accordance with this Part and the rules, regulations and procedures of the Authority. No State or natural or juridical person shall claim, acquire or exercise rights with respect to the minerals recovered from the Area . . .

Article 138 The general conduct of States in relation to the Area shall be in accordance with . . . the principles embodied in the Charter of the United Nations . . .

Article 150 Activities . . . shall . . . be carried out . . . with a view to ensuring: . . . participation in revenues by the Authority and the transfer of technology. . . the enhancement of opportunities for all States Parties, irrespective of their social and economic systems or geographical location, to participate

in the development of the resources . . . the protection of developing countries from adverse effects on their economies . . . the development of the common heritage for the benefit of mankind as a whole . . .

Article 151 . . . commercial production shall not be undertaken pursuant to an approved plan of work until the operator has applied for and has been issued a production authorization by the Authority . . .

Article 156 There is hereby established the International Seabed Authority . . . The seat of the Authority shall be in Jamaica . . .



Article 158 There are hereby established, as the principal organs of the Authority, an Assembly, a Council and a Secretariat . . .

Article 159 The Assembly shall consist of all the members of the Authority. Each member shall have one representative in the Assembly . . . Each member of the Assembly shall have one vote . . .

Article 160 The Assembly . . . shall be considered the supreme organ of the Authority to which the other principal organs shall be accountable . . .

Article 166 The Secretariat of the Authority shall comprise a Secretary General and such staff as the Authority may require . . .

Article 183 . . . the Authority, its assets and property, its income, and its operations and transactions, . . . shall be exempt from all direct taxation . . . No tax shall be levied by States Parties on or in respect of salaries and emoluments paid or any other form of payment made by the Authority to the Secretary-General and staff of the Authority, as well as experts performing missions for the Authority . . .

ANNEX III. BASIC CONDITIONS OF PROSPECTING, EXPLORATION AND EXPLOITATION

Article 2 . . . Prospecting shall be conducted only after the Authority has received a satisfactory written undertaking that

the proposed prospector will comply with this Convention and the relevant rules, regulations and procedures of the Authority concerning cooperation in the training programmes . . .

Article 5 Every contract for carrying out activities in the Area shall . . . make available . . . on fair and reasonable commercial terms and conditions, whenever the Authority so requests, the technology which he uses in carrying out activities in the Area under the contract, which the contractor is legally entitled to transfer. . . "technology" means the specialized equipment and technical know-how, including manuals, designs, operating instructions, training and technical advice and assistance, necessary to assemble, maintain and operate a viable system . . .

Article 13 . . . the Authority shall be guided by the following objectives: to ensure optimum revenues for the Authority from the proceeds of commercial production; . . . A contractor shall pay an annual fixed fee of \$US 1 million from the date of entry into force of the contract. . . .

ANNEX VI. STATUTE OF THE INTERNATIONAL TRIBUNAL FOR THE LAW OF THE SEA

Article 1 . . . The seat of the Tribunal shall be in the Free and Hanseatic City of Hamburg in the Federal Republic of Germany . . .

Article 2 The Tribunal shall be composed of a body of 21 independent members . . .

Article 21 The jurisdiction of the Tribunal comprises all disputes and all applications submitted to it in accordance with this Convention and all matters specifically provided for in any other agreement which confers jurisdiction on the Tribunal . . .

Article 33 The decision of the Tribunal is final and shall be complied with by all the parties to the dispute . . .

Article 39 The decisions of the Chamber shall be enforceable in the territories of the States Parties in the same manner as judgments or orders of the highest court of the State Party in whose territory the enforcement is sought . . .

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