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U.S. Should Sink the Law of the Sea Treaty

The United States (along with only three other countries) voted against the Law of the Sea Treaty on April 30, 1982, while 130 countries (mostly Third World) voted Yes, and 17 countries (including most of Western Europe) abstained.

The United States made the correct decision, and the Reagan Administration is to be commended for standing firm against the United Nations and Third World pressure and propaganda. If the Treaty, or any facsimile thereof, rears its head again, it should be rejected by the Administration and by the U.S. Senate.

The Law of the Sea Treaty is the culmination of eight years of effort by Third World nations to gain control over the development and use of our deep seabed mineral resources. If ever signed and ratified, the Law of the Sea Treaty would be a sellout of American interests even greater than the giveaway of the U.S. Canal at Panama by the Panama Treaty (which was rammed through the Senate by President Jimmy Carter in 1978).

We have nothing to gain and everything to lose by signing the Treaty. It would jeopardize vital American interests. The Treaty is a trap in which the United States would be compelled to pay billions of private-enterprise dollars to an international authority while socialist, anti-American nations harvest the profit. Its international controls and regulations would deny to U.S. ocean-mining companies the assured, continuing, and non-discriminatory access to strategic ocean minerals which we need for our industrial and military defense.

The Treaty would give control of the vast ocean riches to the Third World, which has contributed nothing to the tremendous technology and financial investment necessary to bring those riches to the surface. The Treaty would cheat the American companies which have done and will do most of what is necessary to make those minerals usable.

The Law of the Sea Treaty text excludes the essential principles of free-market economics which provide the basic incentives for private investment in mineral resource development. It is clear from the proposed treaty that deep-ocean minerals management would be patterned after socialist governments rather than free economies.

The proposed Law of the Sea Treaty has been incubating since 1973. It ripened almost to the plucking state in the last months of the Carter Administration. When Ronald Reagan discovered that it was due for signing within weeks after his inauguration in early 1981, he fired the U.S. Ambassador who negotiated it, plus six of his top aides. This precipitated two more conferences before the signing by other countries on April 30, 1982.

What's Wrong With The Treaty?

The Law of the Sea Treaty would surrender major political and strategic advantages to the Soviet Union to the direct disadvantage of the United States. Putting it bluntly, the Soviet Union is self-sufficient in the minerals found in seabed nodules, but the United States is not. The Treaty would take the ownership of the ocean minerals away from us, and force American private-enterprise companies to use their technology and capital to mine the minerals for the benefit and under the control of unfriendly, anti-American countries.

The Sea Treaty would create an International Seabed Authority (ISA) with sovereignty over three-fourths of the earth's surface. It would have more power than the United Nations, and the United States would have even less decision-making power than we have in the UN.

The International Seabed Authority would set both general production controls and specific production limits for ocean mining sites. The one-nation-one-vote procedure would assure that the ISA Assembly would always be dominated by the Third World.

In the International Seabed Authority Assembly, we would have only one vote and no veto. Since 80 percent of the nations signing the Treaty are from the Third World, they would have effective control of the Assembly, plus a clear numerical superiority in the Executive Council, plus control of the important subsidiary committees. The United States is not assured of a seat on the Executive Council. We would not have enough votes, even in combination with our allies, to propose even procedural changes.

In the Council of 36 countries, 25 seats would be guaranteed to Third World countries and three seats would be guaranteed to the Soviet Union. How many seats would be guaranteed to the United States? You guessed it — none. We would have to compete with all our allies for the remaining eight seats.

If an American corporation wants to make the tremendous investment involved in mining the ocean floor, it must first give all its geological data to the Council and then seek approval from the Council to explore. The Council has full discretion to approve or deny the request. If the request is approved, one-half of the area requested would be awarded to "Enterprise," an international entity operating in competition with the American company but using the American company's geological data, technology, and money.

"Enterprise" would enjoy discriminatory advantages. It would receive the mandatory transfer of our highly sophisticated, defense-related ocean mining technology. This very setup would make it impossible for private companies to compete without governmental subsidies or other incentives.

In order to finance the start-up of the Enterprise, the United States would be required to contribute at least $125 million in long-term, interest-free loans, and another $125 million in loan guarantees. That would only be the start of the annual assessments on the U.S. Treasury.

The Treaty provisions for settling commercial and other disputes under the ISA are arbitrary, subject to political pressures, and provide no assurance of consistent, even-handed decisions under predictable rules. The arbitration of important disputes would be controlled by judges from Third World countries, many of whom are openly hostile to U.S. interests.

The International Seabed Authority has all sorts of extra rip-off powers. It can impose rigid production ceilings so the United States could never become independent in strategic materials. It could even hand out benefits to "liberation groups" such as the PLO and SWAPO.

The Treaty also provides for 12-mile territorial seas and 200-mile exclusive economic zones rather than the historical 3-mile limit. This would erode freedom of navigation and overflight over the high seas.

How Did We Get In This Noose?

The United Nations is now based on the absurd rationale that the world is a homogenous democracy that can be governed by a procedure called "one nation one vote." It can't, because most of the nations in the UN don't understand or respect American freedom, yet are bitterly envious of its political, social, and economic benefits.

"Nations" all have the same vote in the UN General Assembly even though they may have fewer people than some of our cities. Some of those alien nations look upon the UN as a device by which the economic have-not or socially-criminal nations can gang up on the wealthy, successful, free nations, and extort as much as they can.

They do this by fostering a guilt complex among the wealthy nations, by diplomatic intimidation, and by hoisting the banner of "international cooperation" as a cover for bankrolling illegitimate regimes by American handouts. As Americans grow wary of the many conduits that have funnelled U.S. cash through international "loan" and "development" organizations, the Third-World confidence men keep concocting new methods.

The Law of the Sea Treaty is one of their more sophisticated schemes to steal from the United States. We are fortunate that Ronald Reagan stayed the hand of our diplomats just as they were reaching for the pen to sign on the dotted line early in 1981. In plain words, the Law of the Sea Treaty is a scheme to force American business interests to sink billions of investment dollars down on the ocean floor, and then let the Third World and Socialist/Communist blocs rake in the sea-bed's riches.

It all started back in 1958 when Malta (a nation with half the population of Washington, D.C.) proclaimed that the ocean's floor is the "Common Heritage of Mankind" and should be governed by an international treaty. By 1970, the UN voted to convene an official Law of the Sea Conference; its broad mandate enabled the "disadvantaged" countries to polarize the issues and hurl their demands on the wealthy nations.

By 1974, Algeria used the UN platform to launch an "official" call from the Third World for a "New International Economic Order." The purpose? To use the Law of the Sea Treaty as the primary vehicle to bring about a global redistribution of the wealth from developed nations to the less-developed nations.

There are two fundamental political issues in these negotiations. The poor nations want to con us into using our financial and technological resources to bring up the mineral wealth off the ocean floor and give it to them. The Socialist/Communist nations want to deny the United States access to the strategic minerals which are on the ocean floor (such as cobalt, nickel and manganese) because the Soviets know that our traditional land-based sources are in politically unstable countries far from our shores.

So those two blocs of nations are trying to force us into an International Seabed Authority which would have sole control of all sea-mining rights.

What Is The Problem?

The United States is a giant island of freedom, achievement, wealth and prosperity in an unfriendly and envious world. We have almost everything we need to maintain our safety and economy, but the items we lack are absolutely essential.

One of these essential items is manganese. It is essential to harden steel, and steel is essential to 20th century life. We import most of our manganese from Russia, southern Africa, and other faraway places, so our lifeline of supplies can be easily cut off by unfriendly governments.

A marvelous solution to this problem is available. The ocean floor from our West Coast to Hawaii is rich in nodules of manganese, and American private-enterprise companies have the capital and the technology to mine them.

The oceans are generally recognized as the earth's largest area of untapped resources, including oil, gas, minerals, and seafood. Scientists today believe that the ocean floor has layers of potato-sized nodules which can provide a virtually perpetual supply of certain minerals.

The sea-bed is believed to have enough copper nodules to supply the world for 1,000 years, enough nickel for 23,000 years, enough manganese for 34, 000 years, and enough cobalt for 260,000 years. Most of these minerals lie beyond the continental shelves. The question of who will reap the harvest is unresolved.

The importance of America's access to strategic minerals can no longer be ignored. We import about half of our domestic petroleum needs, and we depend on foreign sources for 22 of the 74 non-fuel raw materials essential to a modern industrial economy.

In the years ahead, U.S. security interests may depend on our access to the vital minerals on the bottom of the ocean. The financial investment required to bring them to the surface is tremendous because the minerals are scattered on the ocean floor at depths of up to 20,000 feet.

The sea mining companies, whose investment, ingenuity, and technology are essential to surface the minerals, believe that the proposed UN Law of the Sea Treaty unreasonably limits the amount of minerals to be mined and puts an excessive financial burden on the United States by forcing U.S. firms to transfer precious technology to potential competitors.

The Law of the Sea Treaty is also a clear violation of the 1980 Republican Platform which promised that "a Republican Administration will conduct multilateral negotiations in a manner that reflects America's abilities and long-term interest in access to raw material and energy resources." The Platform specifically criticized the Law of the Sea Conference, "where negotiations have served to inhibit U.S. exploration of the sea-bed for its abundant mineral resources.

A Strategic Minerals Policy

American dependence on imported oil is only a part — and only the obvious part — of American dependence on imported materials which are not only strategic, but absolutely essential to our standard of living. Americans may not be as consumer-oriented toward cobalt, bauxite, chromium, manganese, and platinum as they are to gasoline, but those minerals are just as important to our economy and their availability is just as tenuous.

The United States has imported more than 90% of our needs for each of those non-fuel minerals during the past several years. Unless we develop North American resources, or engage in major stockpiling, we will remain dependent on the good will of the source nations to sell to us and the good will of the Number One Navy in the world, the Soviet fleet, to leave the sea lanes open to our ships.

Those five non-fuel minerals are vital both in war and in peacetime to our transportation, electronics, manufacturing, mining, chemical processing, and construction. Whether we are talking about automobiles or tanks, jet airliners or fighter planes, housing or shipyards, we must have those minerals.

Cobalt is essential for jet engines, magnetic materials for electronics, metal cutting, and mineral tools. Zaire and Zambia account for about half of the known resources; other sources are Belgium and Finland. In 1979 we imported 97% of our needs.

Bauxite is essential to aluminum, and is also important to refractories, chemicals, packaging, mechanical equipment, and abrasives. It comes from Jamaica, Australia, Surinam, and Guinea. In 1979 we imported 93% of our needs.

Chromium is essential to metallurgical, refractory, and chemical industries. We import it from South Africa and the Soviet Union; Zimbabwe (Rhodesia) also has superior sources. In 1979 we imported more than 90% of our needs.

Manganese is essential to steel, pig iron, dry cell batteries, and various chemical processes. South Africa and the Soviet Union have 80% of the known sources; it also comes from Gabon, Brazil and France. In 1979 we imported 98% of our needs.

Platinum-group metals are essential to automobiles, chemical processing, the electrical industry, and petroleum refining as catalysts. South Africa and the Soviet Union have 90% of the known resources; some also come from the United Kingdom. In 1979 we imported 90% of our needs.

The strategic minerals list goes on and on. In 1979 we imported 100% of our columbium, mica, strontium, and rutile titanium. We imported more than 50% of 30 other essential minerals.

More than 98% of our imports of strategic minerals must come by water. Are we sure we can keep the sea lanes open? We used to have — 35 years ago — the strongest merchant marine force in the world. Today we rank a lowly tenth, and the

Soviets have taken a commanding lead in both naval and merchant marine strength.

The Soviet Union is not dependent on freedom of the seas or on importing strategic minerals. The Soviet Union imports only nine critical minerals, and in no case does it import more than 50% of any mineral. Furthermore, the Soviets can get most of their imports by land rather than by sea.

One historical comparison shows our vulnerability today. During the World War II year of 1942, 25% of our ships bringing us bauxite were sunk by German submarines in the Caribbean. The Germans started World War II with 59 diesel submarines, and the U.S.S.R. has about 270 today, most of them nuclear.

American ingenuity must be permitted to mine the rich nodules of scarce materials which lie on the ocean floor between California and Hawaii. Our continued existence as a progressive industrial power depends on both the development of North American sources and the adequate stockpiling of essential minerals.

The Resource War

"He who runs alone will win the race" is reputed to have been said by Benjamin Franklin. Whether he said it or not, this truism is certainly applicable to the race that the Soviet Union is running to win the contest for strategic materials.

Russia has all but ceased mineral exports and has begun to import such important minerals as cobalt, platinum, chromium, and manganese. Control of strategic raw material sources appears to be the objective of current Soviet activities.

Although a land-locked nation, Russia has built the greatest blue-water navy in the world and a state-owned merchant fleet which is the third largest in the world.

Like every other aspect of the Soviet economy, the resource war is the result of a political plan laid down by the top bosses. In 1973, Leonid Brezhnev told a meeting of Warsaw Pact leaders in Prague: "Our aim is to gain control of the two great treasure houses on which the West depends: the energy treasure house of the Persian Gulf and the mineral treasure house of central and southern Africa."

The implementation of that national plan is the most logical explanation for the Soviet presence and influence in southern Africa, which is the source of much of the Free World's strategic minerals. Soviet Major General A.N. Lagovskiy was correct when he called America's dependency on foreign countries for certain essential minerals the "weak link" in American military capability.

The nonfuel minerals which our country imports from Africa and other faraway points are just as essential to our modern industrialized economy and to our military defense as our petroleum imports. General Alton D. Slay, Commander of the Air Force Systems Command, told the House Armed Services Committee last November 13: "With growing Soviet strength, we see ourselves in a position of heavy dependence on foreign sources for defense materials, little capability to increase defense production quickly, an alarming slow-down in national productivity growth rate, and a questionable record in the quality of what we do produce."

General Slay bluntly called the United States a "have not" nation in essential nonfuel minerals. He added, "It is a gross contradiction to think that we can maintain our position as a first-rate military power with a second-rate industrial base. It has never been done in the history of the modern world."

Dr. William H. Dresher, Dean of the College of Mines at the University of Arizona and one of the country's leading authorities in this field, is concerned not only about U.S. dependence on faraway sources subject to the whim of unstable regimes, but even more about our lack of response to this problem that affects our economic lifeblood. In criticizing the "no growth society" induced by the environmentalists, he says that "the federal and state laws and regulations which have been promulgated in response to this wolf-in-sheep's clothing movement have had a devastating effect on our nation's mining and mineral processing industry — the most basic of our raw material industries."

Dr. Dresher shows the folly of our government's having declared one fourth of our country's entire land area off-base for mineral exploration, development, or production. Much of this withdrawn land is in prime target areas for new discovery of the mineral wealth on which this nation depends.

The mining industry is hardly a threat to our country's scenic wilderness. Only a fraction of one percent of American land surface has ever been touched by mining, and much of that has been restored. Exploration in the rugged terrain of wilderness areas can take years and require the most sophisticated mining technology.

Dr. Dresher points out that the environmentalist lobby treats our public lands "like the sacred cows of India — not to be touched nor molested, regardless of our need." It's just as foolish to let our economy starve for essential minerals while the sacred lands remain untouched as it is for India to let its people starve while the sacred cows die of old age.

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