Getting LOST: Law of the Sea Treaty an Historic Blunder

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What if I were to tell you that at this very moment in the halls of the Senate, legislation is being considered that will govern 70 percent of the earth's surface, threaten the very sovereignty of our country and, worse, without the efforts of a select few, would have become law years ago? What if I added that our enemies are waiting in the wings for us to make this historic blunder by accepting legislation that effectively cedes our autonomy to international organizations such as the United Nations?

If you are of the small percentage of Americans who has heard of the U.N. Convention on the Law of the Sea, or simply the Law of the Sea Treaty (LOST), I congratulate you on being ahead of the curve. If you have not heard of LOST, you soon will, as we are gearing up in the Senate for a fight against one of the most far-reaching international challenges to American sovereignty we have ever faced.

LOST was conceived in the late 1970s as a way of governing all activities that occur on and beneath the surface of the world's oceans. The treaty's central aims, those of defining the corridors of water surrounding a country and standardizing the rules of navigation through these corridors, are innocent enough and are probably needed to govern and safeguard the ever-increasing use of the high seas. It is for this reason that the U.S. Navy, as is often touted, has given its endorsement of the treaty. The rules concerning navigation, however, only act as a cover for the treaty's true intent — to subvert the overwhelming economic and military advantages of the United States.

Why then would the Navy support such a treaty? Part of the endorsement stems from the fact that the Navy is highly supportive of the aforementioned rules of navigation. The Navy also argues, and textually it is true, that military activities are exempted. Certainly, if this were the case, many of the fears I have expressed would be allayed. However, this will not prove to be the case.

"Military activities," though exempted, are not defined in the text of the treaty. What is military in nature to the Navy may not be interpreted in the same manner by an international tribunal or arbitration panel overseeing such a case. Before you know it, military exercises would be deemed as threats against the maritime ecosystem, stronger sonar designed to combat quieter enemy submarines would be deemed damaging to marine wildlife, and activities conducted within the territorial waters of another country would be intelligence or propaganda operations, not necessarily "military." Private contractors, who are currently being employed to deliver military assets into areas of operations, would also be deemed ineligible for an exemption. All of these activities would be subject to compulsory dispute resolution before an international tribunal.

It is important to note that no foreign or international entity could actually force the United States into any international court. The United States could go on about its business as if everyone else in the world is misinterpreting the treaty — but our standing in the world would suffer because of this.

No matter how right we may be in our conduct on the high seas, this treaty will give our enemies the opportunity to stand in front of the United Nations and criticize the United States for its unwillingness to fulfill its treaty obligations. We do not need a treaty that puts our standing in the world in this predicament. Our enemies are waiting for this opportunity.

Sen. James Inhofe, Oklahoma Republican, is a member of the Armed Services Committee and ranking member if the Environment and Public Works Committee.