



Written by [Michael Tennant](#) on May 24, 2012

Clinton, Panetta Tell Senate Committee U.S. Must Ratify LOST

Three top Obama administration officials argued forcefully Wednesday that the United States should ratify the United Nations Convention on the Law of the Sea, better known as the Law of the Sea Treaty (LOST). Secretary of State Hillary Clinton, Secretary of Defense Leon Panetta, and Joint Chiefs of Staff Chairman Gen. Martin Dempsey told the Senate Foreign Relations Committee that speedy U.S. ratification of the treaty is of the utmost importance.



“I strongly believe that accession to this treaty is absolutely essential, not only to our economic interests, our diplomatic interests, but I’m here to say that it is extremely important to our national security interests as well,” [Panetta](#), a longtime supporter of LOST, said.

[Dempsey](#), likewise, maintained that “being a member of the Convention would better allow the United States to exercise global security leadership — a critical component of our global strategy.” As “the only permanent member of the U.N. Security Council and the only Arctic nation that” has not ratified LOST, he added, “there are limits to our ability to build coalitions for important international security efforts.”

[Clinton](#) said the treaty was “critical to the leadership and security of the United States.”

All three officials claimed that U.S. accession to LOST is necessary to protect navigational freedoms. They also suggested that U.S. participation in the treaty could help stave off threats posed by Iran, China, and Russia.

Clinton made the most comprehensive case for ratification. “No country,” she declared, “is in a position to gain more from the Law of the Sea Convention than the United States.” In addition to the navigational provisions, she said, LOST’s “favorable provisions on offshore natural resources,” which grant nations exclusive rights to resources within 200 miles of their coastlines (and, in some instances, even farther out to sea), “are critically important to the United States.” Other provisions, she told the committee, would enable U.S. companies to have “security of tenure to deep seabed mining sites,” which she asserted would not be possible if the United States did not become a party to the treaty. She also argued that U.S. accession would allow Washington “to steer its implementation,” something it cannot do as long as America remains outside LOST.

The Secretary of State then took things a step further and addressed criticism of the treaty, which she claimed is “based in ideology and mythology, not in facts, evidence, or the consequences of our continuing failure to accede to the treaty.”

First, she said, “joining the Convention will increase and strengthen our sovereignty,” not undermine it, as many critics have argued. Yet it is difficult to see how agreeing to a treaty that gives a UN-created body, the International Seabed Authority (ISA), control over 70 percent of the Earth’s surface can be anything but damaging to U.S. sovereignty.



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LOST opponents point out that the treaty's provisions concerning the uses of the oceans could be used to inhibit U.S. military and intelligence operations and to subject U.S. military personnel to international tribunals.

"Military training exercises that do not have the approval of other nations could be prevented because of potentially negative environmental impacts," Sens. Jim Inhofe (R-Okla.), Roger Wicker (R-Miss.), and Jeff Sessions (R-Ala.) observed in a [Politico op-ed](#). "U.S. military vessels could be stopped on the grounds that they are too heavy a polluter."

Clinton, however, maintained that LOST's "dispute resolution provisions" actually "help protect rather than harm U.S. interests."

She also pooh-pooed the notion that the royalties the ISA would collect from companies mining in the United States' exclusive economic zone on its continental shelf somehow constitute a "global tax." "There are no taxes on any individuals, corporations, or anyone else under the Convention," she declared.

To borrow from Clinton's husband, that all depends on what one means by "tax." If a tax is only a tax when it is called a tax, then, yes, the ISA's royalty is not a tax. But if a tax is a tax as long as it takes money forcibly from someone, then the mandatory royalty is most certainly a tax — a tax that will go directly to the coffers of the ISA in Kingston, Jamaica, where it can be expected to be wasted or turned over to various despotic regimes.

Clinton further ridiculed the idea that LOST is bad news simply because it came from the UN, saying, "Of course that means the black helicopters are on their way." After all, how could anyone mistrust an organization that puts China, Cuba, and Saudi Arabia on its [Human Rights Council](#); engages in [sex trafficking](#); and pushes the radical environmentalist [Agenda 21](#)?

LOST's usefulness to the environmental movement was, curiously, the one major criticism of the treaty that Clinton failed to address. She did remark that "non-governmental organizations concerned with the protection of natural resources have consistently supported U.S. accession" to LOST, which probably means that they think they can use it to impose their agenda on the world. In fact, more than one environmental activist has [suggested](#) that LOST be used to combat "global warming," and some countries have already tried to use the treaty to affect other countries' environmental policies.

Though LOST was drafted in 1982, the United States has never ratified it, largely because of the concerns Clinton dismissed as unfounded. But with the Obama administration, riddled with LOST supporters from the President on down, pushing for its ratification now, it may yet occur.

Constitutionalists, writes The John Birch Society's [Larry Greenley](#), "must hold the line" against LOST. "U.S. ratification," he avers, "would provide that final stamp of legitimacy for the UN's power grab over the oceans and seas and constitute a major step into world government."



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