



Written by [Bruce Walker](#) on May 25, 2012

Clinton Urges Passage of Law of Sea Treaty

The United Nations Convention on the Law of the Sea (UNCLOS) is a treaty which has never been ratified by the United States since it was proposed several decades ago. The Obama administration has been working to get the treaty ratified through the United States Senate. [Secretary of State Clinton](#) recently testified before the Senate Foreign Relations Committee:



I am well aware that this treaty does have determined opposition, limited, but nevertheless quite vociferous. And it is unfortunate because it is opposition based in ideology and mythology, not in facts, evidence, or the consequences of our continuing failure to accede to the treaty.

Senator Jim Inhofe of Oklahoma expressed concern that the treaty would take royalty income away from the United States for oil, gas and minerals extracted beyond the established 200-mile limit established for exploration and extraction by coastal nations. This wealth may be vast. Although oil and gas have been taken out of ocean floors for quite a while, the potential to acquire manganese (with large quantities of high-grade iron), gold, copper, uranium, and even small diamonds suitable for many industrial purposes has scarcely been touched, although the mineral wealth in deep chasms of the ocean as well as wealth in sea water itself, could run into trillions of dollars.

UNCLOS has a collectivist/redistributionist tilt which is pretty explicitly intended to help the “have not” nations through an assessment of the wealth extracted by the “have” nations — the latter, of course, including the United States. This would be in the form of an international tax on American business, a precedent that Inhofe felt might be unconstitutional and definitely would be bad policy. Senator Inhofe explained his concerns:

The problem is outside of the 200 nautical miles [offshore], whether we say it’s an arrangement or a tax — I think it’s a tax, since it costs money. I’ve read the work of the U.S. Interagency Extended Continental Shelf Task Force and the briefs and sources there talking about how to quantify the amount of money we would be losing. This is the first time in history that an international organization — the U.N. in this case — would possess taxing authority over this country.

Senator Jim DeMint of South Carolina also asked why our nation needed the treaty at all. The U.S. Navy has more than enough power to protect free commerce in the oceans, which it has done for decades:

On one hand I think we’re arguing that we need this for our military to operate freely around the world in a rules-based system, and then I hear the treaty allows us on the military or defense front to completely opt-out of this thing anytime we want. So, why do we need to get into all of this in order to operate our navy as we have for years around the world?



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There is also concern about the courts which would rule on violations of the UNCLOS treaty. The courts would not be the traditional maritime courts that nations have established over the centuries as fair ways of resolving issues on the high seas. Instead, they would be constructed by the United Nations, which many Americans believe has a very poor record of being objective and just. Beyond the obvious problems inherent in the operations of this new international judicial system, the justified perception of a biased court would discourage companies with the expertise to bring forth the riches from the ocean floors from doing so.

There is some real concern that these international courts could even prevent U.S. naval forces from operating in the oceans of the world without the sanction of these new courts, raising the possibility of sovereignty over American naval forces moving into the hands of anti-American internationalists at the UN.

Inhofe and DeMint are not the only Republicans who have opposed the UNCLOS treaty. President Reagan rejected the treaty over concerns that America would be surrendering sovereignty to the United Nations. The terms were later renegotiated, first by President Clinton and then by President Bush, but opposition in the Senate has been so strong that it has never even been brought to a vote in the upper chamber. The Constitution, of course, requires that two thirds of the Senate must vote to ratify a treaty, and it is telling that President Obama, even when his party had a filibuster-proof 60 votes in the Senate, never tried to have the treaty ratified.

Photo: Secretary of State Hillary Rodham Clinton testifies , May 23, 2012, before the Senate Foreign Relations Committee hearing on Law of the Sea Convention: AP Images; Top logo:

United Nations Convention; Bottom logo: The United Nations Law of the Sea Treaty Information Center



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