

Congress of the United States

Washington, DC 20515

April 2008

OPEN LETTER TO THE UNITED STATES SENATE:

DO NOT RATIFY THE LAW OF THE SEA TREATY

Dear Senate Colleague:

We respectfully request that you vote against ratifying the United Nations Convention on the Law of the Sea (“The Law of the Sea Treaty”), should such a question be before the full Senate.

The Law of the Sea Treaty, which has remained unratified by the United States for more than a quarter-century, would define the rights and responsibilities of nations for their use of the world’s oceans and create guidelines for business and military activities, as well as for the use of natural resources in and under the seas. Any legislation implementing the treaty would have to be considered—and perhaps originated in certain instances—by the U.S. House of Representatives.

While there are some aspects of the treaty that may yield benefits to the United States, as asserted by certain elements of the U.S. Armed Forces, we remain deeply concerned that other aspects of the treaty would likely yield significant costs and restrictions for the United States, its businesses, and its citizens. Such concerns include, but are not limited to, the following:

- A treaty-related dispute that the United States might have with another country would have to be settled by one of four binding, non-appealable mechanisms detailed in the treaty, all of which would subject the United States to binding decisions of international judges or bureaucrats.
- American companies seeking to extract natural resources would be subject to the regulations and fees (or taxes) of the International Seabed Authority—thus subjecting American companies and citizens to international taxation (by unelected non-Americans) and redistribution of wealth.
- The United States could be required to transfer “all kinds” of marine technologies to other countries, threatening American economic competitiveness and national security.
- U.S. military operations and maneuvers could be subject to limitation under treaty authority “reserving” the seas for peaceful purposes and prohibiting the use of the seas for intelligence-gathering. The application of the purported military exemption could prove problematic, leading to mandatory resolution of disputes involving our military forces.

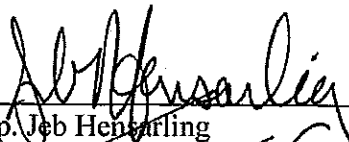
- The International Seabed Authority would promulgate regulations on the “control of pollution and other hazards to the marine environment,” which undoubtedly would adversely affect U.S. companies and possibly the military. The treaty includes requirements on the reductions of pollutants (which may or may not include carbon dioxide) from the sea, the air, and the land—thus having economic implications far beyond mining and fishing.
- The treaty would empower the bureaucracy created by the treaty to amend the provisions of the treaty—even over the objection of any member state—thus the terms of the treaty could be altered over the objections of the United States and without the advice and consent of the U.S. Senate.
- The treaty would allow “national liberation movements” to participate in, and benefit from, the treaty. Countries hostile to the United States predictably would seek to include various terrorist organizations under this banner.
- The treaty, since it was largely crafted by the Soviet Union and its allies in the developing world, could serve as a vehicle through which less-developed countries unfriendly to the United States could hamper economic and military activities of democracies across the planet.
- The treaty could provide fora for, and thus breathe life into, extraneous territorial claims, such as Russia’s recent claim to the floor of the North Pole.

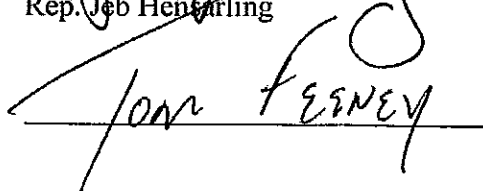
It is also worth noting that President Reagan was against the treaty in its entirety, not just certain provisions, as demonstrated in this diary entry:


- “Decided in NSC meeting – will not sign ‘Law of the Sea’ treaty even without seabed mining provisions.”
- President Ronald Reagan, June 29, 1982 (from *The Reagan Diaries*).

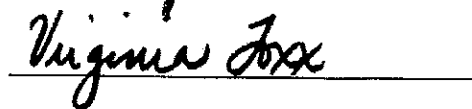
For these reasons and others, we urge you to reject the Law of the Sea Treaty. The navigation and other rights that the treaty purports to protect are already enjoyed by the United States under customary international law, existing bilateral and multilateral treaties, memberships in existing intergovernmental arrangements, and the world’s best Navy.

Most sincerely,


Rep. Jeb Hensarling


Tom Feeney


Rep. Roy Blunt


Virginia Foxx

Ph Nokey

Michelle Bachmann
MN-6

Steve King

Lyndee Faye GA13

Paul Ryan

Virgil Goode

Bob Duff UT1

Paul C Brown GA10

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Marsha Blackburn

Bill Galt

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