

<http://cnsnews.com/news/article/law-sea-treaty-hurts-us-security-sovereignty-activists-say>

Law of Sea Treaty Hurts US Security, Sovereignty Activists Say

July 7, 2008

By Kevin Mooney

(CNSNews.com) - **Europe is using international means, such as the Law of Sea Treaty, to impose a "better safe than sorry" regulatory model for the environment that jeopardizes America's free enterprise system, according to international business attorney and pro-U.S. sovereignty activist Lawrence Kogan.**

An evolving legal standard known as the "precautionary principle" is taking hold in Europe where a rising number of environmental controls have been put in place, said Kogan, CEO and co-director for the Institute for Trade Standards and Sustainable Development (ITSSD), at a Sept. 26 press conference sponsored by the Coalition to Preserve American Sovereignty.

For example, there are at least 45 different articles on environmental regulation in the Law of the Sea Treaty that embrace the precautionary principle, Kogan said. The environmental regulations in the treaty are tied in with "Europe's penchant for gaining the economic upper hand" against America, he added.

The Senate Foreign Relations Committee is holding hearings Thursday (and hearings were also held last week) on U.S. participation in the Law of the Sea Treaty. In general, the treaty sets myriad rules governing military and commercial use of the oceans.

To date, more than 150 countries have signed on to the treaty. President Reagan vetoed the treaty in the early 1980s, citing U.S. national interests, but it has strong support now in the Bush administration, at the Pentagon and among many members of Congress.

Kogan encouraged his fellow activists to help "shed light" on the regulatory directives enshrined in the treaty as the Senate reviews the pros and cons of ratification.

The Senate hearings, however, are stacked in favor of the treaty, Cliff Kincaid, president of America's Survival, told Cybercast News Service. Top State Department and Defense Department officials who submitted testimony to the Senate Foreign Relations Committee last week argued in favor in ratification.

However, the committee will hear from dissenting voices Thursday, as Frank Gaffney, president of the Center for Security Policy (CSP), and Fred Smith, president of the Competitive Enterprise Institute (CEI), offer testimony.

At last week's press conference, Gaffney said that America's constitutionally governing bodies will become subordinate to unaccountable, un-elected supranational bodies, replete with international bureaucrats hostile to U.S. interests, if the Law of Sea Treaty is ratified.

But just as Americans grew concerned when alerted to the dangers of the illegal immigration "amnesty" bill, Gaffney thinks the coalition's advertising campaign will help focus attention on the dangers the treaty poses to U.S. security.

Two separate 30-second television spots airing in the Washington, D.C., market on Fox News, CNN, MSNBC, and CNBC have already been launched through the coalition, Gaffney noted.

Although supporters of the treaty in the Senate deny there is any direct connection between the United Nations and the treaty, written agreements between the U.N. and the International Sea Bed Authority (ISA) and the International Tribunal for the Law of the Sea (ITLS) suggest otherwise, said Kincaid. (See Related Story)

Moreover, the ISA is, in many respects, "even worse" than the U.N. because it lacks oversight, said Kincaid. In the wake of the Oil-for-Food scandal, the U.N. set up an ethics office and rules for top officials to submit financial disclosure forms.

The ratification process needs to "slow down" so the American people can develop a deeper appreciation for what they are buying, Doug Bandow, a free market scholar with the Competitive Enterprise Institute (CEI), said at the conference.

Bandow, who also served as a special advisor to President Reagan, claimed the ISA is poised to become a "second U.N." based in Jamaica. A new monopoly company called "The Enterprise" would be subsidized by U.S. companies as a result of treaty stipulations, he claimed.

The views of high-ranking Defense Department and State Department officials who testified last week diverge sharply from the coalition.

For instance, in his written statement submitted to the committee, Deputy Secretary of State John D. Negroponte outlined several "myths" pertaining to the treaty's effect on U.S. sovereignty and national security.

Negroponte denied any taxes would be imposed on individuals or corporations because of the treaty. He also said international tribunals would not have authority over the U.S. Navy.

But Sen. David Vitter (R-La.), in the question-and-answer segment of the hearing voiced concern over the potential regulation of domestic activity he sees incorporated into the treaty. He asked

Negroponte and Negroponte's attorney, John Bellinger, to explain the regulatory provisions that appear to touch on "land-based pollution sources."

"Why do we want to open that Pandora's box?" Vitter asked.

For his part, Bellinger insisted the U.S. could not be subjected to international disputes concerning its domestic activities.

"If it [disputes over U.S. domestic policy] is not covered by the treaty, why is there a section entitled Pollution from Land-based Sources?" Vitter persisted.

Bellinger responded that the dispute mechanisms spelled out in the treaty are very limited in scope.