

Senate Refuses Debate on Controversial Treaty

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The Bush administration is headed for another collision with its conservative base that bears all the hallmarks of the immigration debacle, where legislation that would have granted amnesty to illegal aliens bitterly divided the Republican party and ultimately went down in flames this past June.

This time the subject is a controversial international treaty that few Americans have ever heard of until now.

Officially known as the United Nations Convention on the Law of the Sea, opponents are referring to it more simply as the Law of the Sea Treaty, or LOST.

What's got them most riled up is the fact that neither the Bush White House, nor the Treaty's supporters in the United States Senate, appear willing to have a forthright, honest, and full debate.

"They're trying to ram this thing through in the dead of night," said former Reagan administration Pentagon official Frank Gaffney, who now heads the conservative Center for Security Policy.

On Thursday, the Senate Foreign Relationship Committee, which is chaired by Sen. Joe Biden of Delaware, will hold its first hearing on the controversial Treaty. A bevy of senior Bush administration officials will all testify in favor of the Treaty. But not a single voice in opposition will be heard.

"Biden brushed us off with a form letter," says Cliff Kincaid, an anti-United Nations activist who has teamed together with Gaffney and other conservatives into an ad hoc coalition to oppose the treaty. Thursday's hearing "is just a stunt by Biden to get mileage for his presidential campaign," he told reporters in Washington on Wednesday. "And the Bush administration is being dragged along for the show."

Negotiations that led to the UN Treaty began in the 1970s, but even Carter administration officials expressed reservations when a "coalition of bad guys led by North Korea hijacked the Treaty" in 1977, said former Pentagon aide and LOST specialist, Peter Leitner.

President Reagan rejected LOST in 1982, and identified a large number of objections that opponents of the treaty say have never been resolved.

Reagan opposed LOST on principle, Gaffney and others insist. And proposed amendments to the Treaty negotiated by President Bill Clinton in 1994 were meaningless, because the Treaty itself stipulated that no amendments could be made for another ten years, they argue.

“This is the largest treaty ever negotiated by man,” Leitner said on Wednesday. “It erodes national sovereignty more thoroughly than any other treaty ever conceived. Congress has not done its due diligence.”

Leitner, Gaffney, Kincaid and their coalition partners are asking the U.S. Senate to hold a series of hearings to examine the multiple aspects of this monumental treaty and its implications for U.S. business and U.S. national sovereignty. They have created a website chock-full of information on the Treaty and the gigantic new United Nations bureaucracy it has created, at www.rejectLOST.org.

“When you ratify this Treaty you are in fact ratifying a whole suite of treaties,” said international legal expert Lawrence Kogan.

Various provisions of the Treaty will regulate how U.S. businesses can mine the seabed for minerals. Others will require American companies to transfer strategic technologies to Third World countries, some of them declared enemies of the United States.

The Treaty will also impose a “globo-tax” to finance what the critics called “a second United Nations,” complete with committees, councils, a sprawling bureaucracy, and a mandatory arbitration process that will punish American corporations, and infringe on private property rights.

“No matter what happens, we’re going to lose,” said Cliff Kincaid, an investigative reporter turned activist who has published several reports on LOST. With just one vote within the mandatory Treaty organizations, the United States will simply be outvoted by whatever coalition decides to oppose us, he and other opponents of the Treaty argue.

Gaffney warned that Europe and the Third World were planning to use the Treaty as “lawfare” against the United States.

“Lawfare” involves using international treaties and regulations as a form of “assymetrical warfare,” he said, to restrict the passage of U.S. warships in times of

international crisis and otherwise defeat U.S. efforts to defend our national interests without using military force.

Gaffney and the anti-LOST coalition are asking Senate Minority leader Mitch McConnell (R, KY), to allow the various committees with jurisdiction over the Treaty to hold oversight hearings.

They argue that the Treaty will affect how the U.S. Navy can navigate the high seas, so it should be heard by the Armed Services committee. Because it involves taxation issues, the Appropriations and Banking committees should have a say.

Because it will regulate international commerce, the Commerce, Science and Transportation committee should hear from U.S. businesses and other interested parties.

And because the Treaty will also impose new environmental restrictions on U.S. inland waterways that flow into the sea, the Environment and Public Works committee should also examine it, they argue.

“Senator Mitch McConnell could sink this Treaty if he chose,” said Cliff Kincaid.

“And we are calling on him to do so,” Frank Gaffney added.

Gaffney related a recent meeting with a member of Parliament from a European country, who decried the rise of the European Union and the subsequent erosion of national sovereignty of member states.

“He told me, ‘This is how my country lost its sovereignty,’” Gaffney said. “Our national parliaments become rubber stamps.”

“That’s what we are trying to avoid here,” Gaffney added.

A Treaty of this magnitude “could benefit from a couple of months of scrutiny, instead of being rammed down our throats by the elites who claim they know best,” Gaffney said.

Senator Biden has promised one further hearing sometime in October during which Gaffney and one other critic of the Treaty will be allowed to speak.

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