

Cape Cod Times



FORUM



Test yourself

See how well you know your world.
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When it comes to geography, why is U.S. in another world?

By STEVENSON SWANSON
CHICAGO TRIBUNE

NEW YORK - When it comes to geography, Americans can't tell Kyrgyzstan from Kan-

sas. That's the conventional wisdom when it comes to the state of our knowledge about the states and our limited worldview.

Geography is one of nine key subjects in the No Child Left Behind law, but only 10 percent of schools provided with teaching materials.

Society is in the midst of a five-year instructional



DAN McCULLOUGH
A street sign jolts the columnist back in time, when fatherhood loomed.

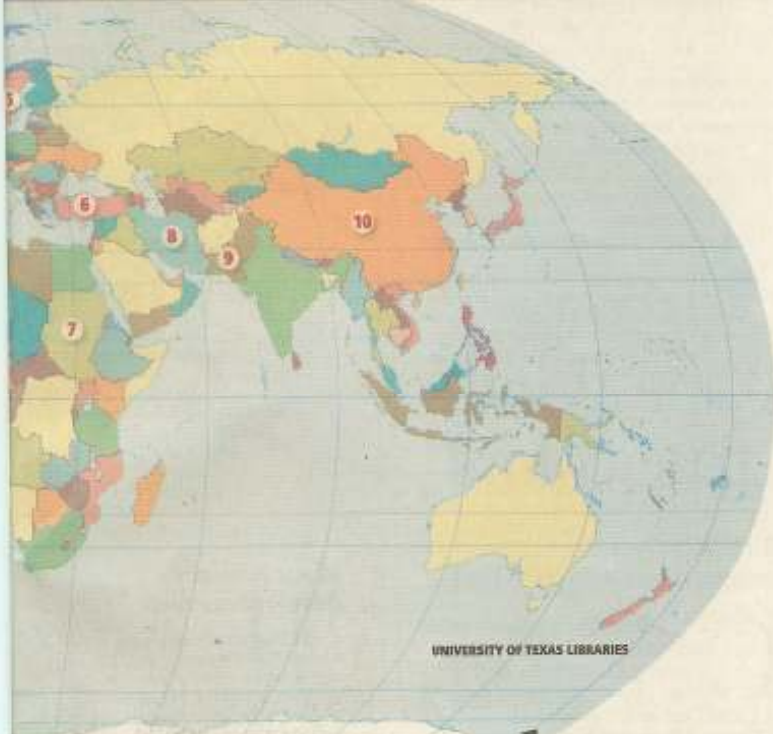
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Andresen, 34, whose company has five full-time employees and has notched up sales of 800,000 items, including its signature product, the 600-piece Geography Puzzle. "Understanding the world is increasingly important, and understanding geography is fundamental to understanding the world."

In addition, his company runs an online geography center that

Sea treaty may sink our Navy operations

This essay is in response to the Nov. 18 article "Interests align for international Law of the Sea treaty."

**By J. WILLIAM MIDDENDORF II
and LAWRENCE A. KOGAN**

During the past six months, a number of former and current administration officials have declared their support for the U.N. Law of the Sea Treaty (LOST), the largest environmental regulatory treaty in the history of the world. Based on

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their recommendations, President Bush, as did his predecessor, former President Clinton, agreed to resubmit the LOST to the Senate once again for ratification.

These officials, many of whom are giants in the conservative movement, have argued that LOST ratification would ensure America's national security, economic and technological vitality and positive standing within the international community. Regrettably, these claims are very much overstated.

Granted, ratification would signal our acceptance of long-established customary international freedom of navigation principles, as the U.S. Navy and Coast Guard have asserted. However, the general rule of "freedom of navigation/innocent passage" which the administration relies upon as the chief justification for binding America to this treaty has, over time, been eroded and diminished in scope by the LOST's more

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Treaty: Losing our dominance

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numerous environmental regulatory exceptions.

While the LOST contains only two articles (38 and 87) that refer expressly to the right of "freedom of navigation," and 10 articles (17, 19, 21-25, 45, 52 and 211) that refer expressly to the related right of "innocent passage," there are at least 45 environmental articles that effectively limit those rights. In addition to these "LOST 45 plus," there are also two recent International Seabed Authority environmental regulations and at least one entire environmental protocol related to the LOST (the LOST UN Migratory Fish Stocks Agreement) which European nations have already employed to create "marine protected areas" that even further burden such rights.

Collectively, these overwhelming environmental restrictions on American sovereignty obligate the U.S. government and private citizens to preserve and protect the "marine environment" and its "living resources" against all kinds of possible human-induced "pollution." This includes pollution generated from water, land and air-based sources (e.g., carbon dioxide), even those located within US sovereign territory, that could directly or indirectly impact the global marine environment. In other words, U.S. courts would be compelled to interpret these LOST 45 plus over our own environmental laws. Tragically, very few US lawmakers are familiar with these provisions or their relationship to numerous other U.N. environmental treaties.

Hence, following ratification, U.S. military and commercial shippers would no longer be able to rely on the right to freedom of navigation/innocent passage as an absolute right. Indeed, a growing number of foreign governments and commentators hostile to U.S. interests have argued that, under LOST "the right of unlimited freedom of navigation" is sub-

Ratification would provide other treaty parties (especially those in Europe) with a greater ability to gradually undermine U.S. military, economic and technological superiority.

and sustainable development programs.

In the context of the LOST, CHM mandates the establishment of a U.N.-sanctioned global environmental conservation trust that would protect and preserve, through strict non-science and non-economics-based international and national regulations, all human use and exploitation of the oceans.

Consequently, following LOST ratification, commercial businesses, including the military's industrial and technology suppliers, could no longer undertake design, manufacturing, processing, disposal and delivery activities within the U.S. in reliance upon current federal laws. This is especially true now that President Bush has forwarded, once again, for Senate ratification four other related U.N. environmental treaties that would require yet further amendments to existing chemicals legislation.

Ratification would provide other treaty parties (especially those in Europe) with a greater ability to gradually undermine U.S. military, economic and technological superiority. Such nations, for example, could more easily preclude the U.S. military's civilian technology and industrial supply chain

ject to "the obligation to protect the [marine] environment." This reality was previously corroborated by the Clinton administration's Oceans Report Task Force organized by former Vice President Al Gore. In light of the LOST's failure to define exempt "military activities," the 1999 report then warned that the domestic and international environmental obligations imposed by the LOST were being manipulated by foreign governments and environmental activists so as to "conflict [with] the US military's ability to test, train, exercise, and operate in the marine environment."

These findings should come as no surprise to this administration. Thirty years prior, the "father of the [first] Law of the Sea Conference," Malta's former UN Ambassador Arvid Pardo, declared that, "the new law of the sea must be based no longer on the notion of 'freedom of the seas' but on a new concept, the Common Heritage of Mankind" (CHM). Thereafter, Tommy Koh, Singapore's former U.N. ambassador and president of the third Law of the Sea Conference, described the LOST as "a global constitution for [the world's] oceans" drafted in the image of the U.N. charter.

This administration, presumably, is also aware that the "common heritage" theme was originally a central planning (socialism)-based wealth redistribution mechanism rooted in the Cold War era.

And, with a little homework, it should have discovered that, since 1994 (when former President Clinton submitted to the Senate LOST amendments that allegedly addressed former President Reagan's objections), CHM has evolved into a prominent instrument of 'soft' socialism within the European-dominated U.N. environment

from designing, producing, and delivering effective technologies, products and processes that maintain U.S. military preparedness. They also could disrupt U.S. military logistics by relying upon environmental hazard rather than risk assessments to restrict the otherwise "innocent passage" of vessels operated by the U.S. military's many private shipping contractors. This is extremely likely to occur where U.S. cargoes passing through navigational straits and territorial waters of other LOST parties include alleged "hazardous waste" and/or "dangerous" substances such as liquefied natural gas, oil, coal, chemicals, computers, electrical and electronic hardware, and perhaps, even genetically modified foods, feed and seed.

The lack of truth and public transparency surrounding the LOST are hard to ignore. By ratifying the LOST, the United States would subject U.S. military and economic sovereignty to eventual U.N. dominance and control. Therefore, the Senate must publicly review the LOST's largely hidden environmental regulatory agenda before it renders its advice and consent.

Ambassador J. William Middendorf II previously served as ambassador to the Netherlands, the European Union and the Organization of American States and as Secretary of the U.S. Navy. Lawrence Kogan is president and chief executive officer of the Institute for Trade, Standards and Sustainable Development (ITSSD), a nonpartisan, nonprofit, international legal research and educational organization, and has advised the Bush administration concerning Europe's use of the precautionary principle to dominate international economic affairs.



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