

Law of the Sea: The Correct U.S. Response

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Letters

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To the Editor:

Your Dec. 17 editorial criticizing the Reagan Administration for not signing the new Law of the Sea Treaty doubts the legal efficacy of a separate pact regarding seabed mining that the United States is proposing to Western European nations.

In fact, the Reagan Administration ought to be given credit for a brilliant initiative. The separate treaty certainly could contain provisions exactly equivalent to those in the Law of the Sea Treaty that everyone likes — the 12-mile territorial limit, the 200-mile economic zone, the marine environmental safeguards.

The result will be that nearly every nation in the world will have signed one of two treaties, each containing equivalent provisions. Those provisions themselves, therefore, will constitute the new norms of global international law.

As to the provisions that the Reagan Administration dislikes, regarding seabed mining, the proposed new accord with Western European nations will erect an alternate legal regime. There is nothing in international law requiring rule of the majority of states.

To be sure, there will be a clash between the two treaties with respect to mining provisions. You are correct in asserting that extended legal challenges will result. But without the second pact, the Reagan Administration

will be isolated; it will have no "treaty" to challenge the previous "treaty." Its legal position will be worse. It will not be able to argue that the mining provisions of the present



Law of the Sea Treaty will deter any mining, because of the unrealistic "sharing" aspects that third-world nations have foolishly insisted upon.

In my opinion, the Reagan Administration and its legal advisers are serving our country well in adopting a new-treaty approach to the Law of the Sea Treaty.

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