

Committee on Resources

Subcommittee on Energy & Mineral Resources

Statement

Testimony of Malcolm Wallop
Before the U.S. House of Representatives
Committee on Resources
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October 28, 1999

Chairman Cubin, thank you for inviting me to testify today. My name is Malcolm Wallop. As a third generation rancher from Big Horn, Wyoming, I have a lifetime of experience dealing with federal land agencies. I also serve as chairman of Frontiers of Freedom. Frontiers of Freedom is dedicated to protecting the constitutional economic, political, and legal freedoms of every American. It is our goal to protect freedom and resolve economic, political, and legal challenges by applying free market principles and the ideals embodied in the Declaration of Independence and the Constitution. In everything Frontiers of Freedom does, we promote a free and empowered citizenry served by a limited government. Before founding Frontiers of Freedom, I served 18 years in the United States Senate representing Wyoming. During my service in the Senate, I served on the Energy and Natural Resources Committee.

Frontiers of Freedom has been a strong supporter of Chairman Don Young's American Land Sovereignty Protection Act since it was first introduced in the 104th Congress. And we are grateful, Madam Chairman, for your strong support. We are pleased that it has once again passed the House and is now awaiting action in the Senate.

It is crucial that this important legislation be passed and enacted into law as soon as possible. This is a timely oversight hearing on the current activities of the elite international environmental movement. The latest actions of the International Union for the Conservation of Nature (IUCN) and the proposed action of the World Heritage Committee are troubling validation for supporters of the American Land Sovereignty Protection Act.

Nearly three years ago, Frontiers of Freedom was invited to testify at a hearing on an earlier version of this legislation. Testifying on the same panel on behalf of the United Nations was Nina Sibal, the Director of the New York and Washington offices of UNESCO. Director Sibal testified that: "The United Nations and its specialized agencies, such as UNESCO, have absolutely no jurisdiction over the territories designated as biosphere reserves or World Heritage sites, which remain totally under national jurisdiction."

That is a good and clear statement and would be reassuring if it were true in practice. But in fact, the World Heritage Committee, while protesting that it in no way threatens to infringe on national sovereignty, is finding more and more ways to meddle in the internal affairs of nations.

The intervention of the World Heritage Committee over the New World Mine, north of Yellowstone

National Park, one of the original 12 World Heritage Sites is the best known example in this country. But there is an expanding list of others. The World Heritage Committee on December 1, 1998 declared that the proposed Jabiluka uranium mine constituted a threat to Australia's Kakadu National Park, despite an official finding by the Australian government that it did not constitute a threat. The Australian government made this finding after an exhaustive environmental review process over many years, as prescribed by Australia's own environmental laws. The World Heritage Committee made its finding after a brief visit by a special investigation team and a huge amount of hysteria generated by environmental pressure groups. The World Heritage Committee and the UN may not yet have any power to enforce this finding, but it was clearly an attempt to assert authority over management of Kakadu National Park.

In December in Morocco, the World Heritage Committee of UNESCO will consider the recommendation of the IUCN to adopt a policy to ban mining in areas near World Heritage Sites. This ban would apply to all forms of mining including oil and natural gas exploration and production as well as hardrock mining.

This is outrageous on at least three counts. First, this is a blatant attempt to establish management jurisdiction over buffer areas or zones around World Heritage Sites. The intention to assert buffer zones has been repeatedly and expressly denied by UN officials.

Second, the World Heritage Committee has no authority and should have no role in deciding how to best protect World Heritage Sites. Those decisions should be left up to the countries that have the World Heritage Sites. These sorts of policy decisions need to be made by the people's elected representatives -- not by UN delegates from Spain or Mozambique.

Third, the behavior of our own Administration is equally outrageous. As active participants in the World heritage Committee, they have been aware of this proposed policy, but have not communicated their position to the Congress or affected parties in the mining and oil and gas industries. We have sunshine laws, which require government to operate in the open and in such a way that those affected by the law can comment on it and observe the process.

It appears that the Administration thinks little of our nation's tradition of conducting the people's business in open and in a way to involve the very people and businesses that will be most impacted by the proposed policy. How else can they explain their attempt to use the UN to slip this proposed policy by the American public without involving the people's representatives and the people and industries that have the most at stake with such a policy?

If this proposed policy is given effect, the result will be a disaster for American sovereignty, for private property rights, federal land management, environmental protection, and to the industries affected, not only in this country but also worldwide. Surely such a policy should not be pursued in secret, nor should such authority be ceded to international bureaucrats. It is for Congress to decide such policies, not Clintonian fiat, and certainly not foreign UN delegates.

It is especially important to notice the effect of this proposed policy on property rights. Private property is not included in World Heritage Sites, at least in the United States. But by asserting regulatory control over mining in buffer zones around World Heritage Sites, the World heritage Committee is proposing to violate property rights on a massive scale and effectively take the value of countless landowners' property. Under the Takings Clause of the Fifth Amendment to the Constitution, property owners must be compensated for such takings. If this rule is adopted and further if it is carried out by the Administration, the current or future ones, who will pay the takings claims -- U.S. taxpayers or UNESCO. I think we know the answer to that.

The taxpayers should not be required to fund stealth UN policies.

Another issue is the fact that this policy, whether it has any authority or not, will be another weapon in the arsenal of environmental pressure groups to stop economic development all around the world. Just as in the case of the New World Mine north of Yellowstone, pressure groups will use this policy to have World Heritage Sites declared as in peril and will use the publicity to whip up public opinion against proposed oil, gas, and mining activity.

The Clinton-Gore Administration has a lot of explaining to do. Their actions in this matter make it obvious that they think they can continue to administer the World Heritage program without consulting Congress or standing up for the interests of the American people. This is simply another confirmation that the Administration has little respect for the values of representative democracy as embodied in our Constitution.

Madam Chairman, this concludes my testimony. I would be happy to answer any questions you or members of the subcommittee may have.

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