

Admiral James D. Watkins (USN, Ret.)  
Chairman  
Commission on Ocean Policy  
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Washington, DC 20036

Dear Admiral Watkins:

Thank you for your letter of December 12, 2001, which included follow-up questions addressing in more detail specific topics arising from my testimony before the Commission. Answers to the questions are enclosed. The answers have also been transmitted electronically, as requested. If you need clarification or further information, please let me know.

One of the important outcomes of your November meeting in Washington was the Commission's resolution on the United Nations Convention on the Law of the Sea. By separate delivery, I have provided a copy of the text of the Convention and the transmittal package for each Commissioner.

If the State Department can be of any further assistance, please let me know.

Sincerely,

Mary Beth West  
Deputy Assistant Secretary  
For Oceans and Fisheries

Enclosures as stated

## Commission on Ocean Policy

### U.S. Department of State Responses to Follow-up Questions

#### 1. What is the optimal role of the State Department in brokering international marine science collaboration?

Based on its mandate to provide for the foreign relations of the United States, the State Department plays a key role in promoting and coordinating international marine science collaboration. That role takes three primary forms.

1. Diplomacy. Working with the agencies that have the technical expertise, the State Department provides representation at science-related international fora, including the Intergovernmental Oceanographic Commission, the Council for the Exploration of the Sea, the North Pacific Marine Science Organization, the World Meteorological Organization, the Arctic Council, the International Arctic Science Committee and numerous fisheries organizations. Our experience in chairing interagency processes to prepare for intergovernmental meetings also provides significant added value in U.S. preparations for such meetings.

While substantive expertise with respect to science on U.S. delegations is normally provided by technical experts from other agencies, the Department's breadth of understanding of international organizations helps to advance U.S. goals. For example, during the establishment of the International Arctic Science Committee, some countries felt that membership on the Committee should be restricted to nationals of the organizing countries. State Department negotiators successfully argued that international science must allow for participation by all interested parties, including scientists from non-Arctic countries, a position the Committee ultimately adopted.

The Department can also act to prevent decisions at scientific meetings that could weaken U.S. goals in other international fora. For example, we try to avoid precedents with respect to voting rights, budgets, rules of procedure, regional relationships and other non-

science issues that might negatively affect U.S. interests.

2. Policy Development. With respect to international oceans policy issues, the Department offers the role of honest broker among the various U.S. agencies that conduct marine scientific research. This function is fulfilled through our chairmanship of the Subcommittee on Oceans Policy of the National Security Council Committee on the Global Environment. Policy development through this mechanism complements the work of the National Oceanographic Partnership Program (NOPP), which coordinates federal oceanographic and ocean research programs.

3. Implementation of International Science Cooperation. Under customary international law, as reflected in the UN Convention on the Law of the Sea (UNCLOS), countries may establish a consent regime to regulate marine scientific research in waters subject to their jurisdiction. The Department of State each year arranges for clearances to allow U.S. scientists access to these marine areas. Recently, the number of clearances obtained has been over three hundred per annum. The Department monitors these clearances and in cases where other countries unnecessarily restrict research, the Department intervenes to seek the clearances in accordance with UNCLOS. The Department promotes and defends the U.S. view in international fora that such clearances are normally to be granted. The Department also provides for the exchange of reports following the research.

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#### **2. How do you see the effectiveness of international large programs that are led by the U.S.?**

##### General

The U.S. maintains a leadership role in a number of global and regional organizations and programs involved with global oceans issues. Our leadership role is important in encouraging these organizations to make progress on oceans issues. Our leadership is also critical to our ability to meet our own oceans objectives on the international stage.

As you are aware, most oceans issues, such as vessel-source pollution, land-based pollution, coral reef degradation and overfishing, can be addressed only through international cooperation. Global and regional oceans-related organizations and programs have been relatively successful in establishing international mechanisms to address such issues. However, these mechanisms have not yet reversed the degradation of many ocean and coastal areas and resources. There is much more work to do.

First, we need to bring into force those instruments that are not yet in force, such as the FAO Compliance Agreement, and to increase the number of parties to other instruments, such as the UN Straddling Stocks Agreement. Second, we need to continue to develop better measures where new technologies permit improvements or where improvements are possible for some other reason. Third, we need to ensure that the international measures are implemented. In most cases, implementation must occur at national and local levels. Thus, the measures set by international bodies need to be implemented through national plans of action. This is one of the biggest challenges facing the international community today, and it will require commitment of time and resources to assist coastal states, fishing states and other user states in implementing applicable rules and guidelines.

## Global Organizations and Programs

Examples of the global organizations and programs in which the U.S. exercises leadership are set forth here. This is, however, not an exhaustive list.

International Maritime Organization (IMO). The U.S. is actively involved in the IMO. The U.S. sends strong delegations to IMO Committee and Subcommittee meetings, and actively participates in its working groups, correspondence groups and other bodies as they develop international measures to improve maritime safety and security, and to protect the marine environment. Because of this level of effort and participation, the U.S. has generally been successful in achieving its objectives at IMO. For example, in November, 2001, when the U.S. asked the IMO to focus on improving maritime security worldwide, the IMO responded by scheduling meetings that will allow enhanced measures to come into force as soon as possible.

Food and Agriculture Organization (FAO). Another organization in which U.S. leadership has produced successful results is the FAO. Since the mid-1990s, the FAO Committee on Fisheries has spearheaded the negotiation of international instruments such as the voluntary Code of Conduct for Responsible Fisheries and several International Plans of Action related to global sustainable fisheries. State, Commerce, Interior, the Coast Guard and several NGO groups have been significant participants in these processes; the quality of the products reflects our hard work. The U.S. and a handful of FAO members have moved aggressively to implement these instruments, but implementation by others is lagging. Thus, as noted above, our current challenge is to ensure that these rules are implemented at the national level worldwide.

Global Program of Action on the Protection of the Marine Environment from Land-Based Activities (GPA). The U.S. was instrumental in starting the GPA in 1995. This program has established voluntary guidelines for use by coastal states to reduce and prevent land-based pollution, and has established a clearing-house function to assist coastal states in moving forward. As identified in a recent five-year review of the GPA, the challenge now is to move into the implementation stage, in particular at the national and regional levels.

International Coral Reef Initiative (ICRI). The Department of State was instrumental in 1994 in launching ICRI, a consortium of governments, NGOs, foundations, banks and other private sector groups dedicated to protecting, restoring, and preserving the world's coral reef ecosystems. ICRI has grown rapidly over the past three years from a small group of founding partners to a large consortium involving more than 70 countries. Project ownership and leadership is intentionally shared at regional, national or local levels. With this strategy, local resource users and the private sector can play a major role in implementing market-based management initiatives that are designed to promote the sustainable utilization of coral reef resources. The Department of State hosted the ICRI Secretariat until 1996 and continues to play a central role in the initiative.

#### Regional Organizations and Programs

U.S. leadership in regional organizations is also directly correlated to successful pursuit of U.S. objectives. Several examples are included here.

Regional Environment and Seas Programs. Several of the United Nations Environment Program regional programs have, with U.S. support, produced good results and provided value for resources expended. The Caribbean Regional Environment Program has made significant progress in addressing the problem of land-based sources of pollution in the Caribbean, although with additional resources for adequate reception facilities in the region, more could be achieved.

In the wake of the closure of many U.S. Embassies in small Pacific island states and the reduced presence of the Agency for International Development, the U.S. is no longer as engaged in the region as before. The South Pacific Regional Environmental Program (SPREP) represents one of the U.S.'s best remaining avenues for dialogue and engagement with small island developing states on environmental issues of mutual concern, such as fisheries, global climate change, marine pollution, non-indigenous invasive species, whaling and coral reefs. Our participation in SPREP leverages U.S. influence both in the Pacific Region and globally.

Asia Pacific Economic Cooperation. As one way to push for implementation of the new global fisheries rules in the Pacific, the U.S. is investing considerable effort to galvanize Asia-Pacific Economic Cooperation Forum (APEC) Fisheries Working Group members to implement the FAO initiatives in the APEC region. APEC economies together comprise 70 percent of the world's marine fisheries harvesting capacity and conduct more than 80 percent of the world's trade in fish and fish products. Our expectation is that, if APEC economies implement the agreements, others will follow.

Arctic Council. The Arctic Council is an innovative model for international cooperation that effectively addresses environmental protection and sustainable development issues in the Arctic region. The eight-nation Council is a high-level, voluntary forum with an informal structure based on the principle of cooperation. The Council is also unique in that Arctic indigenous representatives sit at the table as permanent members. The United States was chair of the Council from 1998-2000 and continues to lead several working groups and major projects. Examples of the varied projects supported by the Council and funded in part by the United States include monitoring of toxics in the Russian Far East, assessment of the impact of climate change in the Arctic, a hardbound report on the status of Arctic flora and fauna, a circumpolar map of resources at risk from oil spills, and a program to control emerging infectious diseases in the Arctic.

Regional Fisheries Management Organizations. The United States participates actively in 13 regional fisheries/marine resource management and related organizations, including the Inter-American Tropical Tuna Commission, the Great Lakes Fishery Commission, the Pacific Salmon Commission, the International Pacific Halibut Commission, the International Whaling Commission, the North Pacific Anadromous Fish Commission, the International Commission for the Conservation of Atlantic Tunas, the Northwest Atlantic Fisheries Organization, the Commission for the Conservation of Antarctic Marine Living Resources, the North Atlantic Salmon Conservation Organization, the International Council for the Exploration of the Sea, the North Pacific Marine Science Organization and the Inter-American Sea Turtle Commission. In addition, we are involved in the establishment of two new organizations -

the Western and Central Pacific Fisheries Commission, and the Southeast Atlantic Fisheries Organization.

These organizations manage fisheries and marine resources in their areas of jurisdiction with varying degrees of success. We believe it is important that these organizations base their decisions on science, take a precautionary approach to fisheries management and implement ways to enforce their management authority. It is particularly important that these organizations find creative ways to reduce or eliminate illegal, unreported, unregulated fishing in their regions.

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### U.S. Department of State Responses to Follow-up Questions

- 3. How does the State Department help other agencies weigh in with OMB and the Congress in terms of the priorities outlined in your presentation? How do we maintain horizontal coordination if the State Department sees priorities that other agencies do not have sufficient funding to address?**

The State Department presentation before the Commission in November, 2001, focused on the State Department's role as facilitator, coordinator and negotiator as oceans issues develop and mature through four levels: local, national, regional and global. Even though other agencies may be responsible for the substantive aspects of particular issues, the Department does, on occasion, advocate in support of other agencies attempting to develop international solutions to U.S. oceans issues. One example is State Department efforts before Congress to stress, on behalf of the National Science Foundation, the foreign policy component of maintaining a station at the South Pole. Maintaining a U.S. presence where there are disputed claims was beneficial from a policy standpoint, as well as from a scientific standpoint.

Although the Department works with other agencies to try to make sure that international priorities are appropriately reflected in their budgets (such as funds needed to implement treaty commitments), it has not been the Department's general practice to weigh in with OMB with regard to such priorities once budgets are sent to OMB. Once budgets are sent to Congress, the Department, as appropriate, acts to promote funding in support of international programs, even where the funding is in the budgets of other agencies.

A key mechanism for horizontal coordination within the Executive Branch on international oceans policy issues is the Subcommittee on Oceans Policy of the National Security Council Committee on the Global Environment. The Department of State chairs this Sub-Committee, exercising its role as facilitator and coordinator, as necessary, to achieve consensus on policy issues, or to develop those issues for appropriate decisions by the White House. The

Committee's mandate, however, is focused primarily on policy rather than budget issues. While specific budget issues may, on occasion, be discussed and coordinated, overall oceans budget coordination is not a function of this Committee. Such budget coordination is a function of the Office of Management and Budget.

Finally, looking to the future, the Oceans Act establishes a potential new mechanism for cross-cutting budget review and analysis through its requirement for a Biannual Report setting forth all existing Federal programs related to ocean and coastal activities. The preparation of this report may provide an additional mechanism for horizontal coordination on oceans-related budget issues as we look ahead.

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