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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. list	re: Arctic Contact List [partial] (1 page)	06/10/1993	P3/b(3)

COLLECTION:

Clinton Presidential Records
Council on Environmental Quality
Kathleen "Katie" McGinty
OA/Box Number: 2903

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Arctic

2012-0769-F

rs2966

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

WHITE HOUSE STAFFING MEMORANDUM

DATE: _____ ACTION/CONCURRENCE/COMMENT DUE BY: 7/14 2013THIRD BIENNIAL REVISION TO THE UNITED STATES ARCTIC
RESEARCH PLAN

SUBJECT: _____

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☐	☒	MONTOKA	☐	☐
McLARTY	☐	☐	NUSSBAUM	☐	☐
GEARAN	☐	☐	PASTER	☐	☐
NEEL	☐	☐	RASCO	☐	☐
PANETTA	☐	☐	RUBIN	☐	☐
EMANUEL	☐	☐	SEGAL	☐	☐
GIBBONS	☒	☐	STEPHANOPOULOS	☐	☐
HALE	☐	☐	TYSON	☐	☐
HERMAN	☐	☐	VARNEY	☐	☐
LAKE	☐	☐	WATKINS	☐	☐
LINDSEY	☐	☐	WILLIAMS	☐	☐
McGINTY	☒	☐	CLERK	☐	☒

REMARKS:

Please provide comments on
report or expanding the
transmittal letter

RESPONSE:

David D.

*Amy/PS - please
communicate "no
comment"*

JOHN D. PODESTA
Assistant to the President
and Staff Secretary
Ext. 2702

*(Ask Pam should this be done in writing or by
phone.)*

NATIONAL SCIENCE FOUNDATION
WASHINGTON, D.C. 20550

nsf

June 21, 1993

OFFICE OF THE
DIRECTOR

The President
The White House
Washington, D.C. 20500

Dear Mr. President:

I am pleased to forward to you for transmittal to the Congress the enclosed Third Biennial Revision to the United States Arctic Research Plan. This Plan is required under Public Law 98-373, as amended by Public Law 101-609, the Arctic Research and Policy Act.

The Plan is submitted on behalf of the Interagency Arctic Research Policy Committee for which the National Science Foundation serves as chair agency.

It is a distinct honor for the member agencies to serve on the Interagency Committee and for the National Science Foundation to chair it.

Sincerely,



Frederick Bernthal
Acting Director

Enclosure

- D R A F T -

TO THE CONGRESS OF THE UNITED STATES:

Pursuant to the provisions of the Arctic Research and Policy Act of 1984, as amended (15 U.S.C. 4108(a)), I hereby transmit the third biennial revision (1994-1995) to the United States Arctic Research Plan.

THE WHITE HOUSE,

This draft transmittal was prepared by the Executive Clerk's Office.

THIS FACSIMILE IS BEING SENT FROM:

The University of Alaska
Marine Advisory Program
Box 830
Cordova AK 99574

FAX #: 907-424-5246
Phone: 907-424-3446

TO: Dave Donniger

FROM: Rick Steiner

DATE: May 17, 1993

TIME: 1900 AST

FACSIMILE PHONE DESTINATION: 202-456-2710

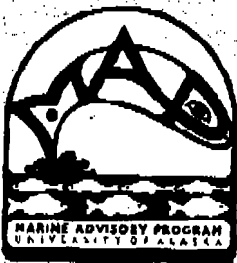
PAGE 1 OF 16 PAGES

Hello Dave. It was great to meet you, the "most formidable
environmental litigator in the nation", a few weeks ago in D.C.

The Marine Safety Committee of the United Nation's International
Maritime Organization is meeting next week in London. I met with
Admiral Henn of the Coast Guard, who is the U.S. delegate to that
committee, and he stated that they take direction from the State
Department at their meetings.

This is a HUGE issue, one where the Clinton administration can
make a clear, easy victory.

Good Luck.



Sea Grant Marine Advisory Program

University of
Alaska Fairbanks

School of Fisheries and
Ocean Sciences

Program Offices

Carlton Trust Building, #110
2221 E. Northern Lights Blvd.
Anchorage, Alaska 99508-4140
(907) 274-9691
FAX (907) 277-5242

*** P.O. Box 650
Cordova, Alaska 99574
(907) 424-3446
FAX (907) 424-5216

P.O. Box 1549
Dillingham, Alaska 99576
(907) 842-1265

4014 Lake Street
Suite #210-B
Homer, Alaska 99603
(907) 235-5646

900 Trident Way
Kodiak, Alaska 99615
(907) 486-1514
FAX (907) 486-1540

P.O. Box 297
Kotzebue, Alaska 99752
(907) 442-0003

P.O. Box 1329
Petersburg, Alaska 99833
(907) 772-3381
FAX (907) 772-4431

1297 Seward Avenue
Sitka, Alaska 99835
(907) 747-3888

May 17, 1993

Mr. David Donniger
Office of Environmental Policy
The White House
1600 Pennsylvania Ave.
Washington, D.C. 20500

Dear David,

This is a long-overdue followup to our conversation a couple weeks ago in Washington concerning the opportunity for the United States to provide some leadership in the international community on the issue of natural resource damages.

I mentioned to you during our get-together that the U.S. was the only nation in the world to my knowledge that acknowledges natural resource damages as a compensable loss in oil spills. You had suggested that such an issue might be incorporated into the Global Environmental Policy initiative being put together by your office. I truly hope it can be.

I spoke with Nina Sankovitch and Sarah Chasis at NRDC, who both seem to strongly support the notion that a system similar to the U.S. system needs to be established worldwide, and they offered to fill you in on the details and drawbacks of our system. Also, the Editors at National Wildlife Magazine are sending you a copy of their recent article on valuing natural resources.

There is a wealth of information that has been published about this subject over the past few years, but the bottom line is this - natural resources that are damaged by industrial accidents deserve to be compensated for in some manner. It is just that simple. At the moment, the international oil shippers have a strangle-hold on the International Maritime Organization that prevents environmental damages, that is non-economic losses, from being compensated.

Faxed along with this letter are parts of three papers that should give you some background on the international perspective regarding this issue. The full papers will follow via mail.

UNIVERSITY OF ALASKA FAIRBANKS

Rick Steiner, Associate Professor

**THE INTERGOVERNMENTAL OIL POLLUTION LIABILITY
AND COMPENSATION SYSTEM :
THEORY AND PRACTICE**

David Donniger

Page 2.

Suffice it to say that the oil shippers and the power brokers in government that favor commerce over environment are scared to death of the notion of natural resource damages. This should be abundantly obvious from Mr. Wall's discussion of the subject. By the way, I sat with Mr. Wall at a recent banquet in Shetland, and after many hours of Shetland hospitality and heated debate, I realized that they know this one is coming. Natural resource damages, or non-economic environmental damage will, sooner or later, have to become a compensable loss in the international oil pollution liability scheme.

The European Parliament has urged the E.C. to study this notion, and I understand that the study is now underway. Support from the United States would certainly help.

Mechanisms to accomplish this could include either altering the International Oil Pollution Compensation (I.O.P.C.) Fund to include such capability, or establishing an entirely new "International Natural Resource Damage" Fund. Either way, oil and other hazardous material shippers should be held responsible for the environmental damages caused by their activities, heh?

In closing, you should be informed about a very recent, quite remarkable example of why natural resource damages matter. The Exxon Valdez settlement was collected on behalf of natural resources injured by the Exxon Valdez Oil Spill. Last week, the first substantive step in putting these monies to good use was made. The Trustees of the funds agreed to purchase 42,000 acres of critical fish and wildlife habitat on Afognak Island to protect them from logging and other development. This would not have happened if such recoveries from the polluter were not possible, as is the case in the rest of the world.

I'll stop at this for now. I'd be glad to provide you with more information or assistance on this if you'd like.

Thanks very much for the interest. It is a welcome change in the operation of the government of "we the people". Keep up the good work.

Sincerely,



Rick Steiner, Associate Professor

THE INTERGOVERNMENTAL OIL POLLUTION LIABILITY
AND COMPENSATION SYSTEM :
THEORY AND PRACTICE

James F Wall

Introduction

1. Until 5 January, and the Braer, few people on the Shetland Islands, or indeed anywhere else in the United Kingdom, had heard of, or had any direct experience of, the operation of the intergovernmental oil pollution liability and compensation system established under two International Conventions; the 1969 International Convention on Civil Liability for Oil Pollution Damage (the 1969 Civil Liability Convention) and the 1971 International Convention on the Establishment of the International Fund for Compensation for Oil Pollution Damage (the 1971 Fund Convention). Yet these two Conventions stem directly from the last major oil pollution incident in our waters; the wreck of the Torrey Canyon in 1967 on Seven Stones Reef between the Scilly Isles and Land's End.
2. The totally inadequate compensation that was initially offered - \$50, the value of a lifeboat that was salvaged - after the Torrey Canyon led to the Diplomatic Conference in 1969 which agreed the 1969 Civil Liability Convention as the first tier in a liability and compensation system. That Diplomatic Conference set in train the work which culminated in the adoption of the 1971 Fund Convention which provided the second tier. The International Oil Pollution Compensation Fund (the IOPC Fund) established under the 1971 Fund Convention started its operations in 1979 and its first incident was the Antonio Gramsci, a Soviet tanker which grounded off the Finnish coast in February 1979.

The 1969 Civil Liability Convention - The First Tier

3. The 1969 Civil Liability Convention places strict liability -

without need to establish fault - on the shipowner for any pollution damage caused by persistent oil carried in bulk which escapes or is accidentally discharged from a ship. The shipowner can limit his liability within maximum limits (£14 million SDR (£13.4 million) set by the Convention and based on the ship's tonnage. Given the tonnage of the Braer the shipowner's limit is some £5.4 million. The shipowner has to have compulsory insurance to cover this liability and claimants have the right of direct action against the insurer, usually a Protection and Indemnity Club (P and I Club). However, the Convention provides that the owner's right to limit his liability can be challenged.

The Convention also includes express provisions regarding jurisdiction. The 1969 Civil Liability Convention was enacted in United Kingdom law by the Merchant Shipping (Oil Pollution) Act 1971.

The 1971 Fund Convention - The Second Tier

4. When oil pollution damage exceeds the shipowner's limit of liability under the 1969 Civil Liability Convention, the 1971 Fund Convention, which is a supplement to the 1969 Civil Liability Convention, provides for additional compensation up to a fixed limit per incident (900 million gold francs (£57 million) (£54.5 million on 5 January)). This compensation is funded by a levy on the oil importers in the 1971 Fund Convention's Contracting States. The 1971 Fund Convention also provides compensation in circumstances where the 1979 Civil Liability Convention does not apply or where the shipowner cannot, or does not, meet his liability under that Convention. The 1971 Fund Convention was enacted in United Kingdom law by Part 1 and Schedule 4 of the Merchant Shipping Act 1974. The IOPC Fund established under this Convention commenced its operations in 1979 and is based in London. The United Kingdom Government is therefore host government to the IOPC Fund.

Pollution Damage

5. The damage compensated under the 1969 Civil Liability and 1971 Fund Conventions is defined in Article I(6) of the former

Convention as meaning :

".... loss or damage caused outside the ship carrying oil by contamination resulting from the escape or discharge of oil from the ship, wherever such escape or discharge may occur, and includes the costs of preventive measures and further loss or damage caused by preventive measures."

6. There has been debate and discussion on the precise meaning of this definition and in particular as regards "pure economic loss", when no direct damage has been caused to property by oil, and "non-economic environmental damage", when a claim is made for environmental damage which is not based on actual loss, clean up or restoration costs. There have been no difficulties, other than agreeing the quantum, when direct damage has been caused to property including, grassland, houses, fishing boats, nets and the fish in fish farms.

Pure Economic Loss

7. Many jurisdictions, including the Scottish and English Courts, tend to have a restrictive approach to the question of pure economic loss. However, the IOPC Fund has payed compensation to claimants, such as fishermen, hoteliers and restaurant owners, who did not suffer direct damage to their property but who did suffer economic loss as a result of an oil pollution incident. Applying the same principles the IOPC Fund has agreed to pay compensation to fish processors on the Shetland Islands who suffered loss because of the cutting off of supplies of fish from the Fishing Exclusion Zone.

8. At the most recent meeting of the IOPC Fund Executive Committee there was further debate on how far the IOPC Fund should extend its payment of compensation in respect of pure economic loss. It was recognised that this was a "grey area" but concern was expressed of the implications of further extension of the Fund's policy in this area. Indeed, it was pointed out by some delegations that the Fund already went well beyond what

many national Courts would regard as the cut off point for such claims. We will be returning to this issue at the next meeting of the Executive Committee.



Non Economic Environmental Damage

9. The first incident with which the IOPC Fund was involved, the Antonio Gramsci (1979), raised the issue whether non economic environmental damage could be compensated under the Conventions' definition of "pollution damage". Claims for non economic environmental damage are usually made on behalf of a State on the basis that damage has been done to the environment even though there has been no clean up, restoration or replacement costs incurred nor any form of actual economic loss suffered by any person. In the case of the Antonio Gramsci the USSR claimed compensation for such loss based on a theoretical model. The Assembly of the IOPC Fund decided, through Resolution No 3 (October 1980), that the Conventions did not allow compensation in respect of such claims.

10. The United Kingdom supported this Resolution, and also supported the subsequent amendment of the Conventions to specifically exclude any such claim. In our view claims for non economic environmental damage cease to be claims for compensation and instead seek to impose penalties on the polluter. We do not consider that the IOPC Fund should stand to be penalised in this way either directly, or through increased claims against the shipowner's limitation fund established under the 1969 Civil Liability Convention. If punishment for pollution damage is desired this should be done through criminal or civil sanction, and not through a compensation system. A claim for non economic environmental damage is unlikely to be successful under United Kingdom law.

11. Under the existing Convention non economic environmental damage has been a continuing cause of controversy. There was a

second incident involving the Antonio Gramsci (1987) when once again non economic environmental damage was claimed by the State under USSR law. A claim for non economic environmental damage is also the subject of continuing litigation between the insurers, the IOPC Fund and the Italian State following the Patmos (1985). There may also be litigation on this matter following two other Italian incident the Agip Abruzzo (1991) and the Haven (1991). Indeed in the case of the Haven the sheer size of the claims for non economic environmental damage made by the Italian State and local authorities is one of the factors that has meant that no compensation whatsoever has been paid by either the insurer of the IOPC Fund in respect of this incident.

12. The confusion of compensation with punishment was one of the issues that led the United Kingdom to lobby, with others, in Washington against the liability and compensation provisions now found in the United States' Oil Pollution Act 1990 (OPA 90). We will continue to press this case in the studies of civil liability for environmental damage which are to be carried out by the European Commission following the decisions of the Joint Transport and Environment Council of 25 January following the Aegean Sea and the Braer.

Preventive Measures

13. The definition of "preventive measures" found at Article I(7) of the 1969 Civil Liability Convention :

"..... any reasonable measures taken by any person after an incident has occurred to prevent or minimize pollution damage.

has been held to apply only after oil has actually been spilt. This was a matter of dispute between the United Kingdom and the insurers and the IOPC Fund following the Tarpenbeck (1969) but was resolved without litigation. The definition of "preventive measures" has now been changed in the 1992 Protocols to include measures taken to prevent a spill occurring.

37. Prior to March 1989 France and Germany had ratified the 1984 Protocols and the United Kingdom had the necessary legislation in place. Legislation was before the United States Congress to allow ratification but, in the aftermath of *Exxon Valdez* (1989) Congress enacted the United States' Oil Pollution Act 1990 which specifically excluded US ratification of the 1984 Protocols. Without US membership the entry into force provisions of the 1984 protocols could not be met. The 1984 Protocols were dead.

↓
OPA 90

38. OPA 90 provides a domestic liability and compensation system in respect of oil spills in United States waters. Prior to its enactment Federal maritime law preempted State law on marine liability including the regime for oil pollution compensation. In addition to the Federal liability and compensation system OPA 90 allows the development of State liability and compensation laws for oil pollution so ships operating to the United States face varying State provisions as well as those of the federal statute.

39. OPA 90 makes the shipowner strictly liable for oil pollution but allows the owner to limit his liability to an amount based on the tonnage of the vessel. The figures are significantly higher than those in the 1968 Civil Liability Convention as amended by the 1984 Protocol, and it is significantly easier to break the owner's right to limit liability. Indeed, many observers consider that despite the references to limitation of liability in most cases, following an oil spill ship owners will face unlimited liability under OPA 90. In addition to clean up costs and economic loss OPA 90 allows claims for non economic environmental damage but the basis of such claims is not set out in the Act itself. Those who insure vessels, eg P and I Clubs, are subject to direct action and it is this provision, together with the risk of unlimited liability, that has meant that the P and I Clubs have indicated that they will not provide the certificates of financial responsibility required under OPA 90.

40. Under OPA 90 when claims exceed the shipowner's limit claims can be made against a revolving Federal Fund of \$1 billion financed by an oil tax. This Federal Fund seeks to provide early compensation but is as yet untested following a major incident. It appears that the Federal Fund will initiate recourse action against the ship owner to recover any outlays it makes including breaking the owner's right to limit his liability. The way OPA 90 is being interpreted by the US Coast Guard the ship owner is responsible for initiating, and ensuring the efficiency of, any clean up operations following a spill and any failing by the owner in this respect can affect his right to limit liability. The United States is unique in placing the responsibility for the clean up of pollution outside the ship on the owner of the ship.

Adoption of the 1992 Protocols

41. In 1990 the United Kingdom initiated procedures in the IOPC Fund and the International Maritime Organisation (IMO) which resulted in the adoption in November 1992 of the 1992 Protocols to the 1969 Civil Liability and 1971 Fund Conventions which are to replace the 1984 Protocols.

42. The international negotiations that led to the adoption of the 1992 Protocols showed no support, even among those States that had reservations about aspects of the 1984 Protocols, for national or international adoption of the untried and uncertain system contained in OPA 90.

43. Each of the States involved would give different reasons for their acceptance of the 1992 Protocols and their rejection of OPA 90, but they would include the following :

(a) the 1992 Protocols developed an existing system which had worked well in practice and which had sought through its operation to put the smaller and more vulnerable claimants first and had done so without the need for immediate recourse to litigation;

March 1993

THE INTERNATIONAL FRAMEWORK

James F Wall

Department of Transport

Introduction

1. You have heard much today on the history of liability and compensation in respect of marine oil pollution incidents. This paper has a far wider remit and while I cannot avoid reference to liability and compensation issues I will try to provide a series of outline sketches of what is a far wider and changing seascape. Indeed, for reasons you will readily understand when I have finished I considered altering the title of my presentation to "Pieces of the International Framework".

2. The paper therefore considers matters under four broad headings:

- (a) the intergovernmental liability and compensation systems for pollution their future direction and development;
- (b) the Law of the Sea;
- (c) the role of the International Maritime Organisation, and
- (d) the role of the European Community.

3. There is a considerable amount of overlap between these subjects so bear with me as I move back and forward between subject heads. Where possible I will illustrate points by reference to the action taken after the Aegean Sea and Braer incidents. I will start with the intergovernmental liability and compensation systems.

Intergovernmental Liability and Compensation Systems

4. For many the 1990s started, and finished, with OPA 90 and

much has been said here already on the virtues, or otherwise, of this particular legislation. It is, some have said, the model on liability and compensation that should be followed. Yet when this possibility was examined during the preparation of what are now the 1992 Protocols to the 1969 Civil Liability Convention and the 1971 Fund Convention in the IOPC Fund, and again at the IMO, none of the States involved, even those who had reservations about aspects of the 1984 Protocols, suggested that OPA 90 was the path on liability and compensation the international community should follow.

5. Instead the IOPC Fund member States, and later the IMO member States, revalidated the substantive provisions of the 1984 Protocols, whose prospects of entry into force the enactment of OPA 90 had effectively killed. The Protocols agreed last November simply changed the entry into force provisions of the 1984 Protocols and devised a "cap" on the contributions to be paid, notably by Japanese contributors, to the new 1992 Fund Protocols but for a specified period - a maximum, of 5 years - after its international entry into force. All of the 1984 Protocol amendments were adopted without alteration. Mr Browne has already detailed some of the key amendments for you. If OPA 90 was the solution why did this happen ?

6. Each of the States involved would probably give different reasons for their acceptance of the 1992 Protocols, and it is fully recognised that acceptance now has to be followed by formal ratification, but I venture to suggest that they would include the following :

(a) the 1992 Protocols developed an existing system which had worked well in practice and which had sought through its operation to put the smaller and more vulnerable claimants first and had done so without the need for immediate recourse to litigation;

(b) they struck an appropriate balance between the

financial capabilities of the individual shipowner, against that of the major (150,000 tones plus) oil importers in member States;

(c) that in the 1992 Fund Protocol the contributors in the major oil importing States continued to meet through the International Fund the costs of major oil pollution incidents in developing States, something that could not be provided by a national or regional system;

(d) that the higher limits and the accelerated amendment procedures for future increases to those limits agreed in 1984 retained their relevance having regard to claims experience outside the United States, and

(e) that the 1992 Protocols could be financed without United States membership and, if necessary, without Italian membership.

7. For whichever of these reasons, or combination of reasons, the intergovernmental liability and compensation system for oil pollution received a resounding vote of confidence in November and that was echoed by the European Communities Transport and Environment Ministers at their joint Council in January when they called for early ratification of the 1992 Protocols by the EC member States.

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Non Economic Environmental Damage

8. The question of payments in respect of claims relating to non economic environmental damage has been with the IOPC Fund since the first incident the Fund had to deal with; the Antonio Gramsci (1979). A second incident involving the same ship, in almost exactly the same location, in 1987 led to similar problems with the provisions of the law of the Soviet Union. As Mr Browne has mentioned Italian State claims for non economic environmental damage made under domestic Italian law are the subject of continuing litigation in the cases of the Patmos (1985) and the

Haven (1991). Similar claims may arise in the case of the Agip Abruzzo (also 1991).

9. In October 1980 the Assembly of the IOPC Fund resolved not to accept claims made on the basis of theoretical models and calculations and the 1984 Protocols, now the 1992 Protocols, were amended to limit claims to those involving economic loss - the Italian delegation reserving its position. The United Kingdom supported the IOPC Fund Assembly decision on this matter and also supported the amendments now found in the 1992 Protocols. In our view claims for non economic environmental damage cease to be claims for compensation and instead seek to punish the polluter. We do not consider that the International Fund should be punished in this way either directly, or through increased claims against the shipowner's limitation fund. If punishment for pollution damage is desired this should be done through criminal or civil sanction, and not through a compensation system.

10. This confusion of compensation with punishment was one of the issues that led us, with others, to lobby in Washington against the liability and compensation provisions of OPA 90 and we will continue to press this case in the studies on environmental liability that are to be undertaken the European Commission following the Extraordinary Council on 25 January (see below).

United Kingdom Ratification of the 1992 Protocols

11. The United Kingdom government proposes to ratify the 1992 Protocols once the necessary legislation has been passed by Parliament. This decision is firmly based on our acceptance of the provisions in the Protocols and our experience of the operation of the intergovernmental system and, in particular, of the IOPC Fund.

United Kingdom Claims Experience

12. Prior to the Braer (1993) the IOPC Fund had been involved in three incidents in United Kingdom waters and had paid

EUROPEAN PARLIAMENT

20 January 1993

B3-0047/RC1
B3-0048/RC1
B3-0054/RC1
B3-0067/RC1
B3-0076/RC1
B3-0085/RC1
B3-0095/RC1

JOINT MOTION FOR A RESOLUTION

by Mr COLLINS, on behalf of the Socialist Group

Mrs McINTOSH, on behalf of the Group of the European People's Party

Mr VOHRER, Mr PIMENTA and Mr BERTENS, on behalf of the Liberal Group

Mrs VAN DIJK and Mr AMENDOLA, on behalf of the Green Group in the European Parliament

Mr de la MALENE, on behalf of the Group of the European Democratic Alliance the following Members: EWING, BLANEY, SANDBAEEK, SIMEONI, MELIS and

VANDEMEULUBROUCKE, on behalf of the Rainbow Group

Mrs MAYER, on behalf of the Left Unity Group

seeking to replace the motions for resolutions by:

- Mr VOHRER and others, on behalf of the Liberal Group (B3-047/93)
- Mrs EWING and others, on behalf of the Rainbow Group (B3-048/93)
- Mrs McINTOSH and others, on behalf of the Group of the European People's Party (B3-054/93)
- Mr COLLINS and others, on behalf of the Socialist Group (B3-067/93)
- Mrs MAYER and others, on behalf of the Left Unity Group (B3-076/93)
- Mr AMENDOLA and others, on behalf of the Green Group in the European Parliament (B3-085/93)
- Mr DE LA MALENE, on behalf of the Group of the European Democratic Alliance (B3-095/93)

on the Braer tanker disaster

The European Parliament,

- A. whereas the Braer, an oil tanker built in 1975 and flying the Liberian flag, ran aground on the coast of the Shetland Islands on 5 January, releasing its 64 000 tonnes of oil into the sea,

DOC_EN\RE\220\220345

PE 170.044/RC1
170.045/RC1
170.051/RC1
170.064/RC1
170.073/RC1
170.082/RC1
170.092/RC1
Or. PA

- ↓
- ↑
- obligatory training in safety measures for the crew;
 - inspection of ships in EC ports, with sanctions in cases where they fall far below EC standards;
 - the fitting of sufficient duplicated and entirely independent essential systems on all existing tankers;
8. Urges the Commission, Council and the Member States to put pressure on the IMO to study the environmental impact, also using the Shetland Islands as a laboratory for analysing the effects of oil spills in the medium and long term, of marine transport of oil and dangerous cargoes and to apply the polluter pays principle, enforcing full liability for shipowners not only for the cleaning operation, but also for income loss of fishermen and also compensation payments for damage to the environment; in the case of non-payment by the shipowners, the country where the ship is registered should be made financially responsible;
9. Calls on the Commission and the Council to develop a comprehensive policy concerning maritime safety as soon as possible and condemns Council for not having taken action over a period of many years;
10. Calls on the governments of the Member States to implement and enforce existing conventions adopted by the International Maritime Organization on maritime safety; urges the Commission, Council and Member States to enable the IMO to ensure that national administrations licensed as flag states must in future meet high standards, and calls on the Commission, Council and Member States to co-ordinate their actions so that, if high safety standards are not met, ships may be excluded from EC ports and territorial waters;
11. Calls on the President to set up a committee of inquiry drawn from all the relevant committees to investigate all aspects of this resolution, in particular environmental and economic impact and maritime safety;
12. Instructs the President to forward this resolution to the Commission, the Council, the International Maritime Organization, the Secretary of State for Scotland and the Convener of the Shetland Islands Council.

DOC_EN\RE\220\220345

FE 170.044/RC1
170.045/RC1
170.051/RC1
170.064/RC1
170.073/RC1
170.082/RC1
170.092/RC1
Or. PA



United States Department of State

*Bureau of Oceans and International
Environmental and Scientific Affairs*

Washington, D.C. 20520

June 16, 1993

UNCLASSIFIED
MEMORANDUM

TO: Members of the IWG Sub-group on the Arctic

FROM: Ambassador David A. Colson *DC*

SUBJECT: Finishing the Arctic Paper for PRD-12

Ambassador Constable, Chairman of the IWG for Global Environmental Affairs, has asked that I chair the IWG Sub-group on the Arctic.

Attached is the latest draft of the Executive Summary. There will be a meeting of the Sub-group on June 22 from 1:00 p.m. to 3:00 p.m. in Room 7835 of the Department of State to discuss the draft Executive Summary and the policy it outlines. I would hope to be in a position to finalize the Executive Summary after that meeting for forwarding to the IWG. The main body of the paper can be conformed to the final Executive Summary, or the Sub-group could decide to recommend that the Executive Summary is a sufficient product in itself, as has been the case with some of the other papers prepared pursuant to PRD-12.

As Sub-group Chairman, I will try to finish this paper as soon as possible, and I look forward to your cooperation in this regard.

Attachment:
As stated

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. list	re: Arctic Contact List [partial] (1 page)	06/10/1993	P3/b(3)

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RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
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RR. Document will be reviewed upon request.

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- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

ARCTIC CONTACT LIST

6/10/93

<u>NAME/ORGANIZATION</u>	<u>TELEPHONE</u>	<u>TELEFAX</u>
ROBERT SENSENEY, OES/DOS	202/647-4537	647-0776
RAY ARNAUDO, OES/DOS	202/647-3262	
JOHN CARWILE, EB/DOS	202/647-3812	647-1894
PAUL RINGOLD, EPA	202/260-5609	260-6370
DOBERT DYER, EPA	202/233-9340	233-9651
JAMES DEVINE, DOI/USGS	703/648-4423	648-4466
OZZIE GIRARD, DOI	703/648-4428	648-4466
BRUCE MOLNIA, DOI/USGS	703/648-4120	648-4227
PAUL GERTLER, DOI/USFWS	703/358-1873	358-2272
CAPT. ALAN WALKER, USCG OR R. E. GARRETT, USCG	202/267-1461	267-4425
LOM LAUGHLIN, NOAA OR SUSAN WARE, NOAA	202/482-6196	482-4307
ED MYERS, NOAA	301/713-2465	713-0666
MAJ. CONNIE RYBKA, DOD/OSD	703/695-5819	693-7812
MO BANNON, DOD/REPOPA	703/697-9161	695-8073
JANE DALTON, DOD/JCS	703/614-6632	693-9379
LEONARD JOHNSON, DOD/NRL	703/696-4118	Alt. T. 697-5534 696-4884
JOHN DUGGER, DOE/IE	202/586-5899	586-1180
CURTIS OLSEN, DOE	301/903-3281	903-8519
NANCY MAYNARD, OSTP	202/456-6202	395-3719
CHARLES MYERS, NSF	202/357-7818	357-9422
JACK TALMADGE, NSF	202/357-7817	357-9422
JAMES NIX, OMB	202/395-3664	395-5157
PHILIP JOHNSON, ARC	202/371-9631	371-9634
ED POPE, DOD/ONR	703/696-4275	696-5126
GREGORY SILBER, MMC HOPFMAN	202/606-5504	606-5510
DAVID DONIGER, OEP/NSC	202/395-6938	456-2710
2098 KIP TOURTELLOTT	202/3669183	366-9188

(b)(3)

REVIEW OF U.S. POLICY IN THE ARCTIC

RESPONSE TO PRD/NSC-12

Executive Summary

I. SUMMARY

For well over a century the Arctic region has been important to the United States. Since we became an Arctic nation in 1867 by purchasing Alaska from Russia, we have exploited the region's natural resources; first whales and furs, then fish and oil. During the Cold War the region was strategically important for purposes of military defense. We will continue to have strategic interests in the Arctic, but increasingly our Arctic interests are defined by the fragility of the polar environment and its linkages to global systems, the potential of new technologies for developing the region's wealth in natural resources, and the aspirations of indigenous peoples to control their destiny and preserve their traditional ways of life.

Since 1983 U.S. Arctic policy has been guided by National Security Decision Document 90 (NSDD 90) and coordinated by the Interagency Arctic Policy Group. That policy focused on protecting essential national security interests in the Arctic region, supporting resource development and promoting scientific research. While it recognized the need to minimize adverse effects of development on the environment, NSDD 90 did not establish environmental protection as an independent U.S. priority in the Arctic, and it made no specific mention of the needs or roles of indigenous peoples and other Arctic residents. International cooperation is also referred to in NSDD 90, but Cold War politics limited the realization of that goal.

In response to PRD/NSC-12, the Interagency Working Group on Global Environmental Affairs has concluded that U.S. Arctic Policy requires reformulation, not to deemphasize national security or the promotion and support of resource development and scientific research, but to provide a new focus and emphasis on environmental protection, institution building and the role of native peoples. U.S. national security and resource interests remain strong. But environmental protection and the role of indigenous peoples in policy making require greater attention and action. Multilateral cooperation should be vigorously pursued, as the best means through which we can accomplish our objectives and protect our interests. Scientific research in the Arctic remains important in and of itself, and provides knowledge necessary for progress in other areas. Thus, the IWG has determined that a new United States Arctic Policy Statement should be issued identifying six principal U.S. interests in the Arctic:

Environmental protection

- International cooperation and institution building
- National security and defense

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- Indigenous peoples
- Environmentally sustainable development
- Scientific research

II. DISCUSSION OF U.S. INTERESTS

A. Environmental Protection

U.S. environmental protection interests in the Arctic fall into four major categories:

- monitoring, assessing and where possible remediation of contamination in the Arctic environment from radionuclides and industrial wastes;
- conservation of Arctic fauna and flora and protection of their habitats, including ocean, freshwater, boreal forest and tundra;
- protecting Arctic marine ecosystems from oil pollution and other effects of human activities;
- developing an adequate capacity to prevent, prepare for and respond to acute environmental emergencies in the Arctic.

not just water pollution

These four areas are the major areas of concern for the Arctic Environmental Protection Strategy (AEPS), agreed to by the eight Arctic nations in 1991. The AEPS is the result of an initiative led by Finland to coordinate Arctic country efforts to protect the polar environment. It is a non-binding agreement, the objectives of which include preserving environmental quality and natural resources, accommodating environmental protection principles with the needs and traditions of Arctic Native peoples, monitoring environmental conditions, and reducing and eventually eliminating pollution in the Arctic environment. Among the parties themselves, the AEPS calls for cooperative steps in Arctic monitoring and assessment, emergency preparedness and response, conservation of Arctic flora and fauna, and protection of the marine environment. Working groups have been established for the first three of these, and have begun the preparation of action plans.

The United States needs to take a stronger role in defining and implementing the AEPS. Specifically, Arctic countries must be more rigorous in preserving the integrity of the Arctic environment from contaminants of all sources, in defining a sound approach to sustainable use and development of natural resources and in achieving economic progress for indigenous peoples.

1. Monitoring, Assessment, and Cleanup

Arctic environmental contamination has received recent attention in the press following reports of radiological

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contamination in Russia. Other pollutants, including persistent organic compounds and heavy metals, may also pose serious risks to Arctic ecosystems and inhabitants. In addition to direct discharge, contaminants are transported to the North through atmospheric circulation and ocean currents, as well as in rivers and streams from all nations which border the Arctic. The levels of contamination from various sources and the risk posed by them to the environment and to humans are not well understood and warrant investigation.

The Strategy prescribes specific actions to control six types of pollutants. The AEPS countries work within international organizations such as the International Maritime Organization (IMO) or the Convention on Long-Range Trans-boundary Air Pollution (LRTAP), to institute these controls.

✓
The International Atomic Energy Agency's (IAEA) four-year program, entitled the International Arctic Seas Assessment Program (IASAP), is specifically designed to assess the risks to human health and to the environment associated with radioactive waste dumped into the Kara and Barents Seas. The results of this program support the radiological component of the AEPS's Arctic Monitoring and Assessment Program (AMAP). Similar multilateral efforts do not currently exist to address the other major contaminants of concern in the same concerted manner. U.S. expertise could be used to design region-wide programs to assess and monitor these contaminants for the U.S. to propose as AMAP initiatives. Specifically, the U.S. could use its national laboratories for this purpose. Former U.S. weapons scientists could provide valuable help to Arctic assessment efforts by contributing their unique expertise in the identification and monitoring of radionuclide contamination and by helping to design monitoring programs for all major contaminants.

open in progress

2. Flora and Fauna Conservation

United States policy must continue to place priority on the conservation of biological resources and their habitats. The Flora and Fauna Working Group of AEPS provides a useful forum for international coordination. The economic value of living resources and the intrinsic value of wildlife and wilderness must be recognized and protected. The migratory nature of many Arctic species creates shared responsibility for these species among the Arctic nations, and requires international cooperation for effective conservation and management.

Of all the creatures that inhabit the biologically rich waters of the Arctic, marine mammals, including polar bears, engender the most controversy, provide greatest benefit to indigenous coastal inhabitants and are most in need of cooperative international management. Whales, walrus, seals, and polar bears migrate between Russia and Alaska. Some of these species have benefitted from cooperative research, but none are

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cooperatively managed to ensure that the take is sustainable according to sound ecosystem management principles. Because they are at the top of the food chain, they are vulnerable to contaminants and can affect the health of indigenous people who eat them. They are also vulnerable to offshore oil and gas development.

International attention is increasingly focusing on the need to conserve and sustainably manage boreal forests, which in many ways are as fragile and easily degraded as their tropical counterparts. Although boreal forests contain fewer species and therefore less biological diversity than tropical forests, they are extremely important as carbon sinks to help reduce global warming. The primary threats to slow growing Arctic forests are destructive logging practices and unsustainable harvesting to produce wood for domestic use and international trade.

The Bering Sea is one of Earth's most biologically productive marine ecosystems. Its fish and shellfish are a food source for millions of seabirds and some 25 species of marine mammals, provide over 10% of the world's commercial catch of seafood and are the foundation of the subsistence economy and culture of the indigenous peoples inhabiting its shores. A drastic decline in pollock, a principal commercial fishery, and many species of seabirds and marine mammals that appear to depend on pollock raises serious concerns about the health of this important ecosystem.

Bilateral and multilateral wildlife management agreements need to be reviewed, supported, and improved where called for. Specifically, the United States should: ① work with Canada to resolve the problem of spring subsistence harvest of waterfowl by rural residents of Alaska and northern Canada, an activity currently prohibited by the 1916 Migratory Bird Treaty; ② work with Canada to ensure conservation of the Porcupine Caribou herd; ③ review the Polar Bear Treaty and the U.S.-Russia Migratory Bird Treaty; and, initiate negotiations of an agreement with Russia on walrus management. Within the context of the AEPS flora and fauna working group, the U.S. should promote the establishment of a series of international Arctic wildlife reserves. detail

3. Protection of the marine environment

Protecting Arctic waters from oil pollution and the effects of shipping and off-shore operations is one of the priorities of the AEPS. The strategy adopted by the AEPS countries is to work together in existing organizations which regulate maritime activities, such as the IMO and the London Convention, to ensure that Arctic concerns are addressed. Concerted efforts should be made by the AEPS countries within these organizations to press for sound resource development practices in several Arctic countries. Protecting the Arctic marine environment is also included in the work of the AEPS Emergency Response Working Group (see below).

4. Response Strategies

What's really happening?

A key goal of the AEPS is to create a comprehensive system of prevention and response to acute environmental emergencies in the Arctic. To this end, the U.S. and Canada are leading the preparation of a framework for a risk assessment of potential pollution accidents in the Arctic involving radioactivity, oil, or other toxic substances. This assessment will be used in connection with a study of existing multilateral, regional and bilateral agreements to determine whether the Arctic is adequately covered for emergency response purposes. The AEPS will then be able to negotiate new agreements if necessary to fill any gaps.

B. International Cooperation and Institution Building

1. Bilateral-Russia

The changed political situation in Russia offers many new opportunities for bilateral efforts to address Arctic concerns. The potential exists for increased cooperation in habitat management, Arctic science, sustainable economic development, reunification of divided cultures and families, improved public health and emergency response and transportation. There is agency consensus that U.S. Arctic policy needs to be more focused on developing bilateral cooperation with Russia, and that the overall U.S. economic and environmental assistance program for Russia should specifically include an Arctic component.

Pursuant to Summit statements signed by the Presidents of Russia and the United States in 1990, 1992, and 1993, the United States should continue working with Russia to develop our knowledge about the human, archaeological and natural resources of the Beringian region, establish national conservation areas on each side of the Bering Strait that can be linked by international agreement, and develop mechanisms for increasing scientific cooperation and tourism. The two countries should continue efforts to establish of an international park or reserve to safeguard the natural resources and remnants of the Bering land bridge and associated indigenous cultures which would create a symbolic link between Alaska and the Russian Far East.

Economic difficulties in Russia have left few resources for risk assessment, pollution control (including waste storage) and remediation. The Russian scientific and technical infrastructure is in danger of dissolution. U.S. efforts to counter these forces will require a significant commitment of resources and collaboration with other nations and institutions, and must be conducted in a manner which recognizes the fluid state of the Russian nation and economy.

Since the 1960s the Soviet Union located industrial complexes, energy development, weapons testing and production facilities, and mining operations north of the Arctic circle.

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These activities and facilities at past and present emit a range of contaminants including persistent organics, heavy metals, and radionuclides. As the rivers and drainage systems of this region empty into the Arctic Ocean, these activities and facilities pose a potentially serious threat to fragile Arctic ecosystems and indigenous populations. Additionally, accidents at material production facilities, such as the April 6, 1993 explosion at Tomsk-7, and at nuclear power facilities in or near the Arctic region may pose a more immediate threat to residents of the United States.

The Yablokov Commission has confirmed widespread dumping of radioactive materials in both the Barents and Kara Seas in the Arctic, and, for the first time, has confirmed dumping in the northern Pacific as well. By their own admission, the dumping of radioactive waste is in violation of both Russia's obligations under the London Convention and domestic laws on the protection of the natural environment. The dumping of liquid radwaste is expected to continue while Russia awaits construction of land-based radwaste storage facilities in 1997.

*needs:
integrated only*

The U.S. is actively supporting the efforts of the International Atomic Energy Agency (IAEA) to assess the risks to human health and the environment from the dumping of radioactive waste in the Kara and Barents Seas, and to examine possible remedial action to mitigate and negative effects. The U.S. should initiate discussions with Japan, Russia, and the IAEA to determine the most effective means to establish similar programs in the Sea of Japan, North Pacific Ocean and the Sea of Okhotsk since they are known to flow northward through the Bering Strait and across the Chukchi Sea, and work to strengthen the AEPS to press the Russians toward quicker remedial actions.

*Coherent strategy
what projects*

Recent political changes in the former Soviet Union present new opportunities for cooperation on Arctic Science. It is widely known that Russian scientists have worked extensively in the Russian Arctic marine environment. A window of opportunity exists for obtaining their data and engaging former weapons scientists on environmental issues. A comprehensive environmental assessment/land use program in the Russian Arctic, similar to the Lake Baikal comprehensive land use program, could engage the Russian science community and incorporate protection and restoration of the Arctic environment as an underlying principle of economic development programs in that region. The International Science and Technology Center (ISTC), which was recently established in Moscow, provides a ready mechanism for engaging Russian scientists in a wide array of Arctic science issues. Most of Russia's hard currency earnings come for energy, gold and diamonds found in the Russian Arctic. Assisting the Russians to develop an environmental infrastructure for the rational development of these resources will contribute to the economic stability of that country and help ensure that development is conducted in an environmentally safe manner.

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2. Multilateral

Consultation among Arctic nations and peoples has increased dramatically in recent years. This is in part due to the opening of Russia and the opportunity to view Arctic issues on a region wide basis for the first time. The AEPS and the International Arctic Science Committee (IASC) each provide mechanisms for international cooperation in the Arctic. Also, indigenous peoples have organized the Inuit Circumpolar Conference (ICC). Other native groups have been formed to express their concerns to Arctic governments. Canada has proposed an Arctic Council as a permanent forum where governments and indigenous peoples organizations could discuss issues of common interest and promote circumpolar cooperation.

With the growing interest in Arctic issues it is natural to see a proliferation of ideas and initiatives. However, U.S. interests will be best served if a proliferation of institutions is avoided, so as not to duplicate effort or dissipate resources. Further, an organized approach to institution building in the Arctic will reduce the potential for mischievous initiatives that might undermine our security or other interests, while maximizing the possibility for promoting U.S. objectives and protecting our interests.

In this regard, the U.S. has found the AEPS to be a multilateral forum worthy of our support. It is the only multilateral agreement with an Arctic policy focus (as opposed to IASC) in which all eight Arctic governments participate. As such, it offers a valuable forum for pursuing overall U.S. Arctic policy. The Strategy serves as a means of coordinating Arctic scientific, environmental and other issues under bilateral programs and northern regional agreements. It also overlaps with efforts to monitor and clean up Russian nuclear contamination.

Canada's initial proposal for an Arctic Council got a cool reception from most countries. It would be a permanent, ministerial-level body for discussing issues of common interest in the Arctic and for promoting circumpolar cooperation and sustainable development. The Canadians also want the Council to be an international forum for northern indigenous peoples. There has been uniform opposition among USG agencies to the Arctic Council initiative, for the general reason that there was no demonstrated need for another Arctic forum. There was also concern that the proposed Council's agenda could include strategic and military issues, or review of domestic resource development decisions in a multilateral context. Although the Council would operate by consensus, the political cost would be high if we found ourselves frequently blocking consensus on its agenda. Canada has pressed hard for full participation in the proposed Council by indigenous non-governmental groups, which raises the question of how our own indigenous peoples and non-governmental organizations would participate. There is currently little interest in Alaska's state government for

AEPS
Structure?

Arctic Council
Name ongoing
our first
concerning

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What's that?

Canada's proposal as it appears to compete with Governor Hickel's Northern Forum. U.S. members of the Inuit Circumpolar Conference (ICC) are supportive.

and?

We must realistically assess the prospect of blocking Canada on this over any extended period of time. The real policy question is whether it is better for the U.S. to be outside of this forum or to participate and shape it to our needs.

OK

Why not now?

The IWG believes it would be useful to try to reconcile the need for greater Arctic cooperation with the pressure to participate in new organizations by proposing an integration of the AEPS with the Canadian idea for an umbrella Arctic organization with more significant involvement by indigenous peoples. This could be accomplished through an expansion of the AEPS: 1) to include the policy coordination function of a Council, including the expanded role for indigenous peoples; and 2) to include other areas of focus, such as sustainable development, boreal forest management, or a working group on indigenous peoples issues. If such a combination was acceptable it could be reformulated into a legally binding agreement in the future. A legal working group could begin studying that potential. A U.S.-led effort in this area would be in marked contrast to previous Administrations.

What's the strategy?

The IWG believes that active U.S. engagement in international institution building for the Arctic - combining the various ideas - and leading to legally binding obligations at some stage - is the best way to maintain our influence on the security matters we must protect, while accomplishing other policy objectives of a multilateral character in the Arctic.

C. National Security and Defense

U.S. national security goals in the Arctic are not greatly changed, however the atmosphere in which they are pursued is evolving from one of confrontation toward one of potential openness and cooperation. In the post-Cold War era, U.S. national security interests in the Arctic remain focused on protecting against attack from or across the region, maintenance of peace and political stability, freedom of navigation and overflight in accordance with the 1982 UN Convention on the Law of the Sea (UNCLOS), maintenance of the ability to mount joint and combined operations from the sea, control of borders and areas under U.S. jurisdiction, and the peaceful resolution of maritime and other disputes in or about the region.

What are their views?

It is important in this regard to recognize that our Arctic neighbors -- Canada and Russia, have points of view about sovereignty in the Arctic Ocean which we do not share and which are inimical to our basic interests. Fundamentally, we must ensure that the Arctic Ocean is treated like an ocean for purposes of sovereignty and jurisdictional claims and that activities there are in accord with the principles of the 1982

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Law of the Sea Convention. U.S. leadership on a multilateral institution-building approach gives us an opportunity to promote and protect this important point, which these countries easily lose sight of when we are not present.

What plan?

In connection with a discussion of our security interests, the increasing use of military assets for scientific purposes should be noted. This is one area in which traditional security activities in the Arctic may change. There are long-standing military programs which have collected data and conducted research in the Arctic, and there is also a history of military cooperation with civilian science in the region, in both research and support roles. The relaxing of Cold-War tensions could lead to an increase in military-civilian cooperation on scientific and environmental protection issues both domestically and internationally in the region.

D. Indigenous Peoples

The Inuit Circumpolar Conference and other native movements in the Arctic have increasing influence. Governments have an interest in working with these groups to support their legitimate concerns, but also to deflect sovereignty claims and nationalistic movements which may occur if indigenous people are isolated from decision-making which affects their interests.

What mechanisms?

Arctic Native peoples have considerable knowledge of Arctic flora and fauna and a genuine interest in contributing to Arctic policy decision-making and scientific inquiry. Mechanisms should be established to ensure meaningful participation by Natives in the Arctic policy process. Traditional knowledge should be incorporated into overall Arctic research efforts, and indigenous peoples should be made to feel like partners in the scientific inquiry rather than the subject of that inquiry. Health concerns of Arctic inhabitants require greater attention. The effects of environmental degradation caused by dumping of hazardous wastes or industrial pollution on the health of Arctic inhabitants are becoming more apparent as scientific and epidemiological data are collected.

What do countries suggest?

Within a multilateral institution building initiative, U.S. promotion of a meaningful role for indigenous people, similar to that suggested by Canada, can be done within U.S. domestic legal constraints and provide an opportunity for Alaska native groups to participate in international meetings within a governmental framework.

E. Sustainable Development

The Arctic is an area rich in natural resources, including fish, wildlife, oil, gas, timber, and high quality coal and other minerals. It offers considerable potential for revenues and jobs for local populations and improved balance of payments for governments. It is in the U.S. national interest to ensure that

decisions on the management of resources under U.S. jurisdiction continue to reflect U.S. policies and practices. However, bilateral and regional cooperation on the methods, strategies and means for the sound, rational and sustainable use or development of these resources, consistent with U.S. policies and practices, is also in the U.S. national interest. Further, to the extent we can, it is important to ensure that the development of Arctic resources by other countries follows sound, rational, and environmentally sustainable development policies comparable to our own.

What would that approach be

The Arctic is threatened by a variety of development pressures including land use changes, mining activities, over-fishing, and off-shore oil and gas development that may not be conducted in a manner consistent with the principles of environmental sustainability. The Arctic nations need to establish agreed standards and an environmental impact assessment process to guide such development. It should be noted that development pressures will be especially strong in relation to Russian Arctic resources. A multilateral approach to ensure that such development occurs in an environmentally sound manner which does not affect adversely the interests of other Arctic nations is more likely to succeed in influencing Russian policy than scattered efforts by individual Arctic countries.

There is considerable interest in using the Arctic as a transportation corridor. The State of Alaska has entered into an agreement with the Murmansk Shipping Company to conduct two demonstration voyages via Russia's Northern Sea Route (Northeast Passage) to compile economic and technical data on its future use for transit of European, Asian, and North American cargo. Increasing transportation through environmentally sensitive Arctic areas will require expanded safety measures and services and greater coordination with affected Arctic countries. Growing contacts between Alaska and the Russian Far East have increased demand for air travel between the U.S. and Russian destinations, such as Magadan and Khabarovsk. U.S.-Russian negotiations are underway to obtain overflight and technical stop rights for U.S. aircraft in previously closed areas of eastern Siberia.

F. Scientific Research

A strong U.S. program of scientific research is an essential base for sound policy. It must be responsive to both the increasing economic and environmental significance of the Arctic and the increasing worldwide awareness of arctic issues. Basic research to understand the Arctic as an integral component of the global earth system is important, but there also needs to be greater effort on applied research in the areas of natural resources, environment and engineering to better manage the Arctic as an integral component of the global economic system.

Arctic research programs, as mandated by the Arctic Research and Policy Act of 1984, P.L. 98-373 (ARPA), are coordinated through the Interagency Arctic Research Policy Committee (IARPC)

with advice from the Arctic Research Commission (ARC). IARPC is chaired by the National Science Foundation and includes representatives from all federal agencies with Arctic-related research programs or responsibilities. The ARPA legislation provides an adequate basis for the promotion and coordination of scientific research in the Arctic. It also defines the mechanism for review and consideration by the Office of Science and Technology Policy (OSTP) and the Office of Management and Budget (OMB) of an integrated Arctic research budget. The fact that this latter provision has never been fully implemented, however, has limited U.S. ability to implement IARPC programs and contribute to key international environmental initiatives, such as the AEPS, the AMAP, and the IAEA's International Arctic Sea Assessment Project.

G. The State of Alaska

The U.S. is an Arctic country by virtue of the geographic location of the State of Alaska. Institutions in Alaska shape our national Arctic policy. The first major conference on U.S. Arctic Policy was held at the University of Alaska in Fairbanks in 1992 and some of the recommendations of this paper were broadly discussed there. The State government, and the people of the State, have a special interest in, and views about, virtually all components of U.S. Arctic policy. Since U.S. Arctic policy manifests itself concretely on matters directly affecting State management authority, the interests of its native and non-native peoples, and its environmental and economic development goals and objectives, it is important that the formulation of U.S. Arctic policy take the State's interests into account in a meaningful way.

III. RECOMMENDATIONS

The IWG on Global Environmental Affairs makes the following recommendations:

Recommendation One: Adopt a new United States Arctic Policy Statement:

- to place greater emphasis on environmental protection, including contamination and monitoring, indigenous peoples' concerns, environmentally sustainable development, and international cooperation in the Arctic, while maintaining previous focus on national security and scientific research.

Recommendation Two: Establish an Arctic Policy Group of the IWG to coordinate and oversee implementation of Arctic.

Recommendation Three: Involve the State of Alaska in the Arctic Policy process; invite the State to participate from time to time in meetings of the Arctic Policy Group of the IWG, as appropriate.

Recommendation Four: Lead a multilateral effort to implement and strengthen the Arctic Environmental Protection Strategy by:

- expanding the scope of the Strategy to include additional objectives and areas of cooperation, such as indigenous peoples and environmentally sustainable development;
- creating a formal policy forum among the eight Arctic nations to oversee implementation of the Strategy and to discuss other issues along the lines of the proposed Arctic Council;
- focussing priority efforts on protecting the marine environment from pollution and contamination;
- providing an opportunity for representatives of indigenous peoples and other non-governmental organizations active in the Arctic to participate in the policy-making forum, and in AEPS working groups; and
- if there is international agreement to combine the best elements of AEPS and the Council recommending a legal working group to consider the development of a legally binding agreement building on the principles and objectives of the AEPS and providing the policy-making forum.

Recommendation Five: Support the International Arctic Science Committee (IASC). Strengthen IARPC and encourage scientific research to increase our knowledge and understanding of the Arctic, its components, and its relationship to the global environment. Carry out the mandate of the Arctic Research and Policy Act to develop an integrated Arctic research budget for the United States as set forth in that Act.

Recommendation Six: Initiate a strategy to conserve Arctic wildlife and protect its habitat by:

- seeking amendment of the U.S.-Canada 1916 Migratory Bird Treaty to provide for subsistence taking by native peoples consistent with sound wildlife management practices under such regulations as the Secretary of the Interior may prescribe in consultations with Native leaders;
- fully implementing of the U.S.-Russia Migratory Bird Treaty;
- reviewing the Agreement on the Conservation of Polar Bears and U.S. laws and regulations implementing it to ensure that the U.S. is meeting our international obligations, and take such steps as are necessary to bring the U.S. into full compliance;

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- initiating negotiations with Russia on an agreement to co-manage walrus and other marine mammals, as appropriate, in the Bering and Chukchi Seas;
- initiating negotiations with Canada to create an international wildlife reserve for the Porcupine River caribou herd to protect habitat of the herd and other shared wildlife resources and to provide for the well-being and cultural heritage of the Native people; without prejudice to future national decisions about development activities in the area;
- pursuing discussion in the Flora and Fauna Working Group of AEPS to establish international wildlife reserves in the Arctic to protect important wildlife habitat, unique ecological systems and the subsistence resources of indigenous people; and
- exploring an Arctic agreement to implement the UNCED Forest Principles for boreal forests.

Recommendation Seven: Continue within AEPS to develop and coordinate response strategies in the event of an environmental catastrophe.

Recommendation Eight: Strongly support AMAP

- Cooperate to establish effective monitoring programs with special emphasis on such contaminants as radionuclides, heavy metals, and persistent organic pollutants;
- provide technical, personnel and financial support, as appropriate, to the AMAP Secretariat;
- ensure coordination between AMAP and IAEA on radioactive waste monitoring and assessment activities;
- offer the provision of technical support for AMAP in the development of assessment and long-term monitoring strategies for the variety of contaminants in the Arctic by drawing on the expertise of the Department of Energy's National Laboratories, as appropriate.

Recommendation Nine: Support the State of Alaska's initiatives to establish links with provincial authorities and key scientific centers in Far East Russia, to cooperate on major environmental issues, including contamination and monitoring, indigenous peoples' concerns, transportation, sustainable development, and scientific cooperation in the Arctic;

Recommendation Ten: Undertake a U.S./Russia initiative on the Arctic environment (including radwaste control), scientific research, sustainable development, travel and transportation, and

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social and cultural exchanges in line with the Presidential Statement at the Vancouver Summit:

- The U.S. should work with Russia to develop our knowledge about the human and natural resources of the Beringian region, identify management opportunities for areas on each side of the Bering Strait, establish national conservation units that can be linked by international agreement, and develop mechanisms for increasing the existing scientific and tourism linkages.
- The U.S. should establish contacts and working relationships with the Russian science community to obtain recently released Russian data on the Russian Arctic and to foster collaborative efforts on habitat identification, conservation, and, as appropriate, economic and industrial development strategies, in a manner which is environmentally sound.
- The U.S. should pursue commercial overflight privileges and work with Russia to ensure that development of any Northern Sea Route as a transportation corridor is done with due regard for safety and the environment.
- The U.S. should encourage the Russians to undertake an aggressive program to construct land-based radioactive and waste storage/treatment facilities and naval decommissioning facilities to provide the Russian Navy with a viable, immediate alternative to ocean disposal. The U.S. should provide technical advice to the Russians in this area to ensure that future storage, disposal and decommissioning activities are conducted in an environmentally safe manner.
- Through the International Science and Technology Center and other scientific centers which currently exist or can be established readily in the Russian Arctic, the U.S. should vigorously pursue a comprehensive environmental evaluation and land-use study of the Russian Arctic and utilize this venue to actively engage former weapons scientists in environmental assessment and restoration efforts.

Recommendation Eleven: Create mechanisms to ensure the provision of advice from the indigenous people of Alaska to the IWG Arctic Policy group and to allow their participation in international meetings on the Arctic.