

Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	Kathleen Cooper to Donald Kerrick and Glyn Davies. Subject: Iraq Book. (36 pages)	11/05/1998	P1/b(1)
002. email	David Wippman to Eric Schwartz and Scott Busby. Subject: International Criminal Court (ICC). (11 pages)	11/12/1998	P1/b(1)
003. email	Fulton Armstrong to Mara Rudman, Gina Abercrombie-Winstanley, James Baker, and Mary DeRosa. Subject: Cuba Package #8044. (7 pages)	11/30/1998	P1/b(1)

COLLECTION:

Clinton Presidential Records
NSC Emails
Exchange-Record (Sept 97-Jan 01) ([Senator Helms])
OA/Box Number: 620000

FOLDER TITLE:

[11/05/1998-11/30/1998]

2006-1363-F

vz5660

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]

Withdrawal/Redaction Marker

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Exchange Mail

DATE-TIME 11/6/98 8:01:16 AM
FROM Bouchard, Joseph F.
CLASSIFICATION UNCLASSIFIED
SUBJECT FW: Talking Points On Law of the Sea for ABC Lunch [UNCLASSIFIED]
TO Peterman, David (Brian)

CARBON_COPY**TEXT_BODY**

My input for the first ABC that addressed LOS. This was the first memo/e-mail on LOS that went to Berger since he became APNSA in February 1997. You may be able to cut and paste from this or subsequent e-mails for future e-mails.

Joe Bouchard

-----Original Message-----

From: Bouchard,
Joseph F.
Sent: Friday, January 30, 1998 4:58 PM
To: @NSA - Natl
Security Advisor
Cc: @DEFENSE - Defense Policy; @EXECSEC - Executive
Secretary; @LEGAL - Legal Advisor; @LEGISLAT - Legislative Affairs
Subject: Talking
Points On Law of the Sea for ABC Lunch [UNCLASSIFIED]

Summary

There are important national security, economic and environmental grounds for ratifying the UN Convention on the Law of the Sea; and an interagency consensus that the Administration should attempt to gain Senate advice and consent to ratification in 1998. Ratification of the Convention would be a significant Presidential legacy to national security and to the rule of law on the high seas. Secretary Cohen will seek agreement from you and Secretary Albright on a legislative strategy that emphasizes national security grounds for ratifying the treaty and gives DoD the lead in the ratification effort. I recommend that you support that strategy with the qualification that efforts to gain Senate advice and consent to ratification in 1998 must not conflict with other urgent treaty ratification efforts.

Points to be Made

* The

NSC supports the ratification effort being coordinated by the Sub-Group on Ocean Policy, but with the important qualification that efforts to gain Senate advice and consent to ratification in 1998 must not conflict with higher priority treaty ratification efforts, specifically, NATO enlargement, CTBT and the ABM agreements.

* The NSC supports

the legislative strategy of focusing on the national security grounds for ratification and on correcting the lingering misperceptions on deep seabed mining.

Background

The UN Convention on the Law of the Sea was signed in 1982. Need for the Convention arose from the breakdown of customary international law as more and more nations unilaterally declared ever larger territorial seas and other claims over ocean resources. Unfortunately, Part XI of the Convention on deep seabed mining contained provisions to which several industrialized nations, including the U.S., objected. In 1994 an Agreement on Implementation of PART XI was signed that eliminated the objectionable provisions on deep seabed mining. On October 7, 1994, President Clinton submitted the Convention and the Seabed Mining Agreement to the Senate for advise and consent to ratification. The SFRC held an initial round of hearings on the Convention and Agreement, but no action has been taken by the SFRC on them since 1994. PDD-36 set ratification of the Convention as the Administration's top ocean policy objective. Given that it was President Clinton who submitted the Convention to the Senate after it had languished for twelve years, it is entirely appropriate that ratification of the Convention be a legacy of his Presidency.

There are critically important national security, economic and environmental grounds for ratifying the treaty, and pressure is growing within and outside the U.S. government to ratify the Convention. DoD is leading the effort within the Administration due to the strategic importance of the Convention in ensuring freedom of navigation and limiting territorial waters claims. To illustrate, Oman recently challenged the right of U.S. Navy warships to transit the Strait of Hormuz under the provisions of international strait passage (which exempts warships from restrictions they otherwise would have to observe in territorial waters) on the grounds that the U.S. has not ratified the Convention. Although that particular challenge is not a serious problem, DoD and the Navy believe that it illustrates the type of challenges U.S. forces will face increasingly often in the years ahead if we do not ratify the Convention.

There

are two specific arguments for ratifying the convention in 1998 rather than later: First, the United States will lose its provisional seat on the International Seabed Authority if it has not ratified the treaty by October 31. That would have serious long term negative consequences for U.S. competitiveness in the seabed mining industry. Second, 1998 is the UN Year of the Ocean and on January 28 the President proclaimed 1998 the Year of the Ocean. Ratifying the Convention would be by far the most significant action the U.S. could take to recognize the Year of the Oceans.

The Global Environmental Affairs

IWG's Sub-Group on Oceans (established by PDD-36) is coordinating ratification efforts. Recent efforts that have been taken to support ratification of the Convention include:

- * Since November 1997, DOD

and Navy briefers (including CNO and key highly-regarded retired admirals) have briefed Helms' Chief of Staff (Bud Nance), the staffs of key Republican Senators (Lott, Stevens, Lugar, McCain, Warner) and Senate Democrats' staffs. All went very well. Nance told the retired Navy admirals who met with him that he is willing to support ratification of the convention, but does not think that he alone can persuade Senator Helms to move it forward.

- * On November 14,

SECDEF signed a letter to Sen. Helms urging ratification on national security grounds.

- * Feedback from the DOD/Navy briefings indicated there is a lot of confusion over the 1994 Agreement and whether or not we are satisfied that it corrected the deep seabed mining problems. In December 1997, a joint State/NOAA/Navy briefing team began a series of briefings to staffs of key Senators and Committees (Energy, Commerce, SASC) on national security and economic reasons for ratification, making the point that the deep seabed mining provisions were fixed by the 1994 agreement. That series of briefings is still in progress, focusing on the staffs of Republican Senators. Feedback has been very positive.

- * State and DOD prepared a legislative strategy that was approved by the Sub-Group on Oceans. It focuses attention on convincing Sen. Helms to support the Convention on national security grounds, giving DOD the lead in the ratification effort. Other departments and agencies play a supporting role, covering other key Senators and committees (the Commerce, Environment and Energy committees, in particular).

- * White House involvement in the ratification effort is deliberately kept low key to avoid conflict with other urgent treaty ratification efforts and because it will be easier to sell Senator Helms on the Convention without a White House role initially. At the right moment in the next couple of months, a letter from Mr. Berger to Senator Helms endorsing Secretary Cohen's letter would be helpful.

- * The draft legislative strategy sets June 1998 as the

goal for gaining Senate advice and consent to ratification. This deadline is driven by (a) completing the effort before election campaigning reaches full swing, and (b) trying to achieve ratification prior to the U.S. National Day at the Expo in Lisbon on June 14 (the theme of the Expo is the UN Year of the Ocean and U.S. ocean efforts will be the theme of the U.S. National Day program).

Joe Bouchard

Exchange Mail

DATE-TIME 11/6/98 7:54:56 AM
FROM Bouchard, Joseph F.
CLASSIFICATION UNCLASSIFIED
SUBJECT FW: Ocean Policy and Law of the Sea [UNCLASSIFIED]
TO Peterman, David (Brian)

CARBON_COPY**TEXT_BODY**

My first progress report.

Joe Bouchard

-----Original Message-----

From: Bouchard,
Joseph F.
Sent: Wednesday, November 26, 1997 5:55 PM
To: Bell,
Robert G.; Sandalow, David B.
Cc: @LEGISLAT - Legislative Affairs
Subject: Ocean
Policy and Law of the Sea [UNCLASSIFIED]

I attended a very productive meeting of the Global Environmental Affairs IWG's Sub-Group on Oceans yesterday. Summary:

- * Ratification of the UN Convention on the Law of the Sea (UNCLOS):
- * DOD/Navy briefers have briefed Nance, Lott's staff, and Senate Dems' staffs. All went very well.
- * SECDEF signed out letter to Sen. Helms urging ratification on national security grounds.
- * State has a draft letter from Secretary Albright to Senator Helms ready, hopes to have it signed next week.
- * State/NOAA/Commerce briefing team is tentatively scheduled to give next week the first of a series of briefings on economic reasons for ratification (making the point that the deep seabed mining provisions were fixed by the 1994 agreement). Feedback from the DOD/navy briefings indicate a lot of confusion over the 1994 agreement and whether or not we are satisfied that it corrected the deep seabed mining problems.
- * A

draft legislative strategy prepared by State/DOD was reviewed. It focuses attention on convincing Sen. Helms to support UNCLOS on national security grounds, giving DOD the lead in the ratification effort. Other departments and agencies play a supporting role, covering other key Senators and committees that have already expressed an interest in or concerns about UNCLOS (the Commerce, Environment and Energy committees, in particular).

- * A working group (including me) will review a revised draft legislative strategy on Tuesday. I will share the draft strategy that results from that meeting with all of you.

- * The draft legislative strategy sets March 1998 as goal for gaining Senate advice and consent to ratification.

- * UN

Year of the Oceans, 1998

- * The Group discussed the desirability of a Presidential Proclamation of 1998 as the Year of the Ocean in the U.S. Consensus was that it would be OK as long as it did not impede the UNCLOS ratification effort (concerns were expressed that it might). There was also consensus that such a Proclamation should not be issued until after both Senate and House pass resolutions calling for 1998 to be designated the Year of the Ocean (such resolutions were introduced in both houses of Congress).

- * A number of ocean-related organizations (industry, research, environmental, etc.) have planned a big media event at the National Press Club on January 27 to draw attention to the UN Year of the Oceans. The Oceans Sub-Group discussed whether or not anyone from the Executive Branch should participate as a representative of the Clinton Administration. General feeling was no, because it might distract from UNCLOS ratification efforts. (Senator Helms might not react warmly to an event that will feature Ted Danson as the celebrity spokesman for the UN Year of the Oceans.)

- * The

UN is hosting a conference on the oceans in Lisbon in mid-June. The Ocean Principles Group has begun coordination of US participation.

- * Various

members of the Oceans Sub-Group pressed for ocean policy to be the topic of various Presidential speeches and media events over the course of the year. I warned them that this was not feasible and that they should not plan on more than one speech (at the White House Conference on the Oceans, if it is held) and one or two statements (one announcing the Conference and, hopefully, an UNCLOS ratification statement).

- * White House Conference on the Oceans

- * Commerce

(NOAA) and Defense (Navy) are leading a working group that is formulating a proposal for a White House Conference on the Oceans to be the centerpiece of US government recognition of the UN Year of the Oceans. The draft

proposal is for the White House Conference on the Oceans to be held June 8, the week before the UN Lisbon conference. I supported their effort by providing background material on the four White House Conferences that have been held this year. Their proposal is similar to the White House Conference on the Environment that was held in October. The proposal is being developed so as to support well-known White House priorities, such as the economy, environment and education.

- * State,

Commerce and DOD are drafting a letter from the Secretary of State (on behalf of the other interested Departments and Agencies) to the President proposing the Conference. The goal is to get it to the White House in the next 2-3 weeks.

- * In the past, White House Conferences

like this have been announced in a Statement by the President about six months ahead of time. If this ocean conference follows that precedence, the announcement would be in January.

- * Questions were

raised as to the need or desirability of informing key members of Congress or their staffs about the conference before it is announced by the White House.

- * The Oceans Sub-Group will be meeting again

in two weeks to review the conference proposal and draft Secretary of State letter. I will share both with all of you.

- * NSC action

items:

- * Feedback from DOD/Navy UNCLOS briefings on the Hill is that SFRC wants to know White House position on UNCLOS ratification. I will draft a letter from SRB to Sen. Helms expressing support for SECDEF efforts to get it ratified.

- * The UNCLOS ratification

effort would receive a boost if it could be a topic at an ABC breakfast no later than mid-January. Both Secretaries want to know that the White House is behind their efforts. The legislative strategy described above will be completed in time for this ABC breakfast to provide a specific proposal for them to discuss.

- * We need to decide if

the White House Conference on the Oceans proposal is worthy of NSC support. That decision should await the next iteration of the proposal in two weeks, when it will be largely fleshed out.

- * We need to

take a position on whether or not the President should proclaim 1998 the Year of the Ocean, and, if we support such a proclamation, the timing of it. This decision can wait until January.

Joe Bouchard

Exchange Mail

DATE-TIME 11/6/98 7:57:57 AM
FROM Bouchard, Joseph F.
CLASSIFICATION UNCLASSIFIED
SUBJECT FW: Talking Points on Law of the Sea for Steinberg-Pickering Meeting
[UNCLASSIFIED]
TO Peterman, David (Brian)

CARBON_COPY**TEXT_BODY**

This was my first opportunity to elevate LOS above the IWG level. Steinberg and Pickering try to have a breakfast or lunch meeting once a week. Keep this in mind as an option for initial discussions on 1999 ratification effort. Pickering has long association with LOS and is a strong supporter.

Joe Bouchard

-----Original
Message-----

From: Bouchard, Joseph F.
Sent: Thursday, December
04, 1997 7:10 PM
To: Helweg, M. Diana
Cc: @DEFENSE - Defense Policy;
@EXECSEC - Executive Secretary; @LEGISLAT - Legislative Affairs
Subject: Talking
Points on Law of the Sea for Steinberg-Pickering Meeting [UNCLASSIFIED]
Importance: High

Background

The
UN Convention on the Law of the Sea was signed in 1982. Need for the Convention arose from the breakdown of customary international law as more and more nations unilaterally declared ever larger territorial seas and other claims over ocean resources. Unfortunately, Part XI of the Convention on deep seabed mining contained provisions to which several industrialized nations, including the U.S., objected. In 1994 an Agreement on Implementation of PART XI was signed that eliminated the objectionable provisions on deep seabed mining. On October 7, 1994, President Clinton submitted the Convention and the Seabed Mining Agreement to the Senate for advise and consent to ratification. The SFRC held an initial round of hearings on the Convention and

Agreement, but no action has been taken by the SFRC on them since 1994. PDD-36 set ratification of the Convention as the Administration's top ocean policy objective.

There are critically important national security, economic and environmental grounds for ratifying the treaty, and pressure is growing within and outside the U.S. government to ratify the Convention. DoD is leading the push within the government due to the strategic importance of the Convention in ensuring freedom of navigation and limiting territorial waters claims. In addition to the many timeless reasons for ratifying the Convention, there are two specific arguments for ratifying the convention in 1998 rather than later: (1) the United States will lose its provisional seat on the International Seabed Authority if it has not ratified the treaty by October 31; and (2) 1998 is the UN Year of the Oceans and ratifying the Convention would be by far the most significant action the U.S. could take to recognize the Year of the Oceans .

The Global Environmental Affairs IWG's Sub-Group on Oceans (established by PDD-36) is coordinating ratification efforts. Efforts that have been taken this year to support ratification of the Convention include:

* DOD/Navy

briefers (including CNO and key highly-regarded retired admirals) have briefed Helms' Chief of Staff (Bud Nance), Lott's staff, Lugar's staff, and Senate Democrats' staffs. All went very well.

* SECDEF

signed letter to Sen. Helms urging ratification on national security grounds.

* A joint NOAA/Navy briefing team is scheduled to give next week the first of a series of briefings on national security and economic reasons for ratification (making the point that the deep seabed mining provisions were fixed by the 1994 agreement). Feedback from the DOD/Navy briefings indicate a lot of confusion over the 1994 Agreement and whether or not we are satisfied that it corrected the deep seabed mining problems. These briefings will cover staffs of key Senators and Committees (Energy, Commerce, SASC).

* A

draft legislative strategy has been prepared by State/DOD. It focuses attention on convincing Sen. Helms to support the Convention on national security grounds, giving DOD the lead in the ratification effort. Other departments and agencies play a supporting role, covering other key Senators and committees that have already expressed an interest in or concerns about UNCLOS (the Commerce, Environment and Energy committees, in particular).

* White House involvement in

the ratification effort is deliberately kept low key to avoid conflict with other urgent treaty ratification efforts and because it will be easier to sell Senator Helms on the Convention without a White House role initially. At the right moment in the next couple of

months, a letter from Mr. Berger to Senator Helms endorsing Secretary Cohen's letter would be helpful.

- * The draft legislative strategy sets June 1998 as the goal for gaining Senate advice and consent to ratification. This deadline is driven in part by trying to achieve ratification prior to the UN Conference on the Oceans being held in Lisbon in mid-June.

The State and Defense members of the Sub-Group on Ocean Policy have both proposed that ratification of the convention be the topic of an ABC breakfast. Pickering may mention that proposal.

Pickering

may also mention that the Sub-Group on Ocean Policy is exploring the idea of holding a White House Conference on the Oceans to be the centerpiece of US government recognition of the UN Year of the Oceans. Commerce (NOAA) is leading the effort to put together a specific proposal, which should be ready in a week or two.

Points
to be Made

- * The NSC supports the ratification effort being coordinated by the Sub-Group on Ocean Policy, but with the important qualification that efforts to gain Senate advice and consent to ratification in 1998 must not conflict with other urgent treaty ratification efforts, such as NATO enlargement and CTBT .

- * The NSC supports the draft legislative strategy's focus on national security grounds for ratification and on correcting the lingering misperceptions on deep seabed mining.

- * If Pickering mentions the idea of holding a White House Conference on the Oceans, tell him the NSC would have to review the specific proposal.

Exchange Mail

DATE-TIME 11/6/98 8:02:14 AM
FROM Bouchard, Joseph F.
CLASSIFICATION UNCLASSIFIED
SUBJECT FW: Talking Points On Law of the Sea for ABC Lunch [UNCLASSIFIED]
TO Peterman, David (Brian)

CARBON_COPY**TEXT_BODY**

Another update.

Joe Bouchard

-----Original Message-----

From: Bouchard,
Joseph F.
Sent: Monday, March 02, 1998 8:12 AM
To: @LEGISLAT -
Legislative Affairs
Cc: Bell, Robert G.
Subject: FW: Talking Points
On Law of the Sea for ABC Lunch [UNCLASSIFIED]

Mara,

Per your
Thursday e-mail, this is the earlier input I provided. I agree with
Bob that it is still good for today's ABC lunch.

No mention in
here of MKA intercession with Sen. Helms. State plan (per Pickering)
is to hold MKA call to Helms as a "silver bullet" to be expended
at the right moment to help convince him to send the convention to
the floor. No one that I know of thinks that now is the right time
(due to higher priority issues on the legislative agenda).

The
only new information I have since I sent this on January 30 is that
DOD and State legislative affairs report Senators Lott and Stevens
are sold on granting Senate advice and consent to ratification during
this session and intend to send letters to Helms asking him to get
the hearings over with and send it to the floor. That is not something
I would add to this summary until the letters have actually been
sent.

Joe Bouchard

-----Original Message-----

From: Bouchard,

Joseph F.

Sent: Friday, January 30, 1998 4:58 PM

To: @NSA - Natl

Security Advisor

Cc: @DEFENSE - Defense Policy; @EXECSEC - Executive

Secretary; @LEGAL - Legal Advisor; @LEGISLAT - Legislative Affairs

Subject: Talking

Points On Law of the Sea for ABC Lunch [UNCLASSIFIED]

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* The NSC supports

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There are two specific arguments for ratifying the convention in 1998 rather than later: First, the United States will lose its provisional seat on the International Seabed Authority if it has not ratified the treaty by October 31. That would have serious long term negative consequences for U.S. competitiveness in the seabed mining industry. Second, 1998 is the UN Year of the Ocean and on January 28 the President proclaimed 1998 the Year of the Ocean. Ratifying the Convention would be by far the most significant action the U.S. could take to recognize the Year of the Oceans.

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IWG's Sub-Group on Oceans (established by PDD-36) is coordinating ratification efforts. Recent efforts that have been taken to support ratification of the Convention include:

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retired Navy admirals who met with him that he is willing to support ratification of the convention, but does not think that he alone can persuade Senator Helms to move it forward.

* On November 14, SECDEF signed a letter to Sen. Helms urging ratification on national security grounds.

* Feedback from the DOD/Navy briefings indicated there is a lot of confusion over the 1994 Agreement and whether or not we are satisfied that it corrected the deep seabed mining problems. In December 1997, a joint State/NOAA/Navy briefing team began a series of briefings to staffs of key Senators and Committees (Energy, Commerce, SASC) on national security and economic reasons for ratification, making the point that the deep seabed mining provisions were fixed by the 1994 agreement. That series of briefings is still in progress, focusing on the staffs of Republican Senators. Feedback has been very positive.

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Joe Bouchard

Exchange Mail

DATE-TIME 11/6/98 8:05:31 AM
FROM Bouchard, Joseph F.
CLASSIFICATION UNCLASSIFIED
SUBJECT FW: Ratification of the UN Law of the Sea Convention (UNCLOS)
[UNCLASSIFIED]
TO Peterman, David (Brian)

CARBON_COPY**TEXT_BODY**

My first effort to coordinate LOS ratification with the rest of the foreign affairs legislative agenda. CEDAW not a factor in 1999.

Joe
Bouchard

-----Original Message-----

From: Rudman, Mara E.
Sent: Wednesday,
March 04, 1998 9:43 PM
To: Bouchard, Joseph F.; @LEGISLAT - Legislative
Affairs
Cc: Bell, Robert G.; Allen, Charles A.
Subject: RE: Ratification
of the UN Law of the Sea Convention (UNCLOS) [UNCLASSIFIED]

Thanks
for the detail. I think it's fine as far as it goes for national
security/defense issues -- but the treaty list -- never mind other
legislative priorities -- goes beyond what you've delineated and
would need to be considered in any interagency prioritization meeting.
The immediate treaty item that comes to mind that is absent here
is CEDAW, on which FLOTUS is holding a major WH event on march 11,
and on which the aim is to meet a July anniversary/deadline.

-----Original
Message-----

From: Bouchard, Joseph F.
Sent: Wednesday, March
04, 1998 12:15 PM
To: @LEGISLAT - Legislative Affairs
Cc: Bell,
Robert G.; Allen, Charles A.
Subject: Ratification of the UN Law

of the Sea Convention (UNCLOS) [UNCLASSIFIED]

At Monday's ABC

lunch, Berger, Albright and Cohen agreed on a strategy that gives DOD the lead in the effort to gain Senate advice and consent to ratification of UNCLOS this year, with Albright interceding with Senator Helms at the appropriate moment. Berger emphasized one qualification: that the UNCLOS ratification effort not interfere with higher priority treaty ratification efforts.

To implement the ABC decision, State and DOD are setting up a meeting of NSC, State and DOD Legislative Affairs and Ocean Policy persons. I do not have a date or time yet, but ask that a rep from Legislative Affairs accompany Chuck and I to that meeting.

A key issue at that meeting will be to ensure that State and DOD understand exactly how to interpret Berger's guidance that the UNCLOS ratification effort not interfere with higher priority treaty ratification efforts. I have discussed this with Bob Bell, and offer the following as guidance for DOD and State:

1. If

we find ourselves in a situation in which UNCLOS is competing with other ratification efforts for time on the SFRC or Senate floor calendars, the following would take precedence:

- * NATO expansion. This has

already been voted out of committee, so the only issue that might come up is scheduling of debate/vote on the Senate floor.

- * CTBT

- * CWC

implementing legislation

- * ABM/TMD demarcation agreement, ABM succession agreement and the START II Extension Protocol (which will be submitted to the Senate after Russian ratification of START II).

2. UNCLOS

can be placed on the SFRC and Senate floor calendars only if we are confident that it can be done "surgically," meaning we are confident that UNCLOS will be non-controversial and not spark extensive debates or amendments that would interfere with SFRC or Senate action on the four items listed above.

3. If the SFRC or Senate attempt

to link UNCLOS with any of the four items above or hold UNCLOS hostage for concessions on other high priority Administration issues, no deals will be made to gain Senate advice and consent to ratification of UNCLOS this year. Possible examples of other Administration issues include but are not limited to the Bosnia/Southwest Asia supplemental or to force early submission of the Kyoto Agreement.

Comments
and criticism of these points are most welcome.

Joe Bouchard

Exchange Mail

DATE-TIME 11/6/98 8:24:35 AM
FROM Bouchard, Joseph F.
CLASSIFICATION UNCLASSIFIED
SUBJECT FW: Memo on Law of the Sea for John Podesta [UNCLASSIFIED]
TO Peterman, David (Brian)

CARBON_COPY

TEXT_BODY Finally was able to get LOS to COS level, thanks to the Ocean Conference later that month.

Joe Bouchard

-----Original Message-----

From: Bouchard, Joseph F.
Sent: Thursday, June 04, 1998 3:50 PM
To: Bell, Robert
G.; @LEGISLAT - Legislative Affairs
Cc: Allen, Charles A.
Subject: Memo on Law of the Sea for John Podesta [UNCLASSIFIED]
Importance: High

Bob
and Mara,

Laura Marcus asked me for a memo summarizing the Law of the Sea Treaty and the status of our ratification effort. Attached is my draft response. Please provide comments this afternoon as she wanted this today. Sorry for the short fuse. Thanks for your support.

Joe Bouchard

TRANSLATED_ATTACHMENT LOS-mem5.doc
Summary

There are critically important national security, economic and

environmental
grounds for ratifying the UN Convention on the Law of the Sea.
Ratification of
the Convention would be a significant Presidential legacy to national
security
and to the rule of law on the high seas.

The Administration should attempt to gain Senate advice and consent
to
ratification in 1998 rather than waiting until later because the United
States
will lose its provisional seat on the International Seabed Authority if it
has
not ratified the treaty by October 31. That would have serious long
term
negative consequences for U.S. ocean interests and our
competitiveness in the
seabed mining industry.

Remarks by the President on the Law of the Sea Treaty at the National
Ocean
Conference would be perfectly timed to support our ratification effort.
The
President's remarks should devote a paragraph or two to the treaty,
emphasizing
the national security and commercial grounds for ratifying the treaty.
His
remarks should point out the strong bipartisan support for the treaty
and that
the Administration is working with the Senate Foreign Relations
Committee on
gaining ratification. NSC has provided Lowell Weiss with background
materials on
the treaty.

Current Status of the Ratification Effort

There is strong bipartisan support for the Law of the Sea Treaty in the
Senate.
The only barrier to getting the Senate to pass it is the calendar. If we
can get
the Law of the Sea Treaty on the SFRC calendar, we will not have a
problem
getting it out of Committee. If we can get it on the docket for a vote
by the
Senate, it will pass easily.

Secretary Albright will call Senator Helms next week to ask his
support for
moving on the treaty out of committee. Secretary Cohen will meet

with or call
Senator Helms next week to follow up on Secretary Albright's call.
Senator Lott
has agreed to ask Senator Helms to hold hearings on the treaty.

Background

The Law of the Sea Treaty was signed in 1982. Need for the Convention arose from the breakdown of customary international law as more and more nations unilaterally declared ever larger territorial seas and other claims over ocean resources. It is the first time in history, after several failed multi-year efforts, that the international community has developed a comprehensive legal regime covering the world's oceans, comprising 72% of the Earth's surface. The treaty lends the certainty of the rule of law to an area critical to our national security -- maintaining global access and freedom of navigation. Unfortunately, Part XI of the treaty contained provisions on deep seabed mining to which the United States and other industrialized nations objected. An Agreement on Implementation of PART XI was signed in 1994 that eliminated the objectionable provisions on deep seabed mining.

On October 7, 1994, President Clinton submitted the Law of the Sea Treaty and the Seabed Mining Agreement to the Senate for advise and consent to ratification. The SFRC held an initial round of hearings on the Convention and Agreement, but no action has been taken by the SFRC on them since 1994. PDD-36 set ratification of the treaty as the Administration's top ocean policy objective, and the treaty was listed in the highest priority of treaties in the State Department's June 1998 letter to Senator Helms on Administration treaty priorities. President Clinton submitted the Convention to the Senate after it had languished for twelve years; it is entirely appropriate that ratification of the Convention be a legacy of his Presidency.

Ratification Strategy

On March 2, 1998, Berger, Albright and Cohen agreed on a strategy that gives DOD the lead in the effort to gain Senate advice and consent to ratification of the Law of the Sea Treaty this year. They last discussed the ratification effort on April 13 to coordinate calls to Senators Lott and Helms.

The ratification strategy emphasizes national security grounds for ratification. DOD and Navy have the lead and have been very successful in gaining support. Secondary effort has been to point out commercial grounds for ratification, including correcting lingering misconceptions about seabed mining. Commerce has had the lead here and has also had great success. Third effort has been to counter opposition to anything with "UN" in the title and threat of the treaty being portrayed as "internationalism that sacrifices U.S. interests" by pointing out the significant leverage that the treaty gives the United States in international affairs, particularly in ocean policy.

Background on the Ratification Effort

* Beginning in November 1997, DOD and Navy briefed Helms' Chief of Staff (Bud Nance), the staffs of key Republican Senators (Lott, Stevens, Lugar, McCain, Warner, Murkowski and Snowe) and Senate Democrats' staffs. All went very well.

* On November 14, Secretary Cohen sent a letter to Senator Helms urging ratification on national security grounds.

* In December 1997, a State/Commerce/Navy briefing team began a series of briefings to staffs of key Senators and Committees on national security and economic reasons for ratification.

* In March and April, Under Secretary Pickering spoke with Senators Stevens, Murkowski, Warner and Snowe, and Under Secretary Slocombe spoke with Bud Nance

and Senators McCain and Warner.

* In April, Secretary Cohen spoke with Senator Lott. He agreed to speak with Helms about moving the treaty out of Committee.

* Secretary Daley spoke with Senators Stevens, Murkowski and McCain in April and wrote to Senator Helms in May.

* Secretary Dalton held a meeting with former Navy Secretaries in April, urging Senators Chafee and Warner to support ratification of the treaty.

* On April 20, the Commerce Department held an event at the National Press Club to brief industry on the treaty. The event went very well.

* On May 5, a letter co-signed by Senators Chafee, McCain, Murkowski and Snowe was sent to Senator Helms supporting the treaty and urging him to schedule hearings on it.

* In May, AT&T and the Chamber of Shipping of American sent letters to Senator Helms emphasizing the importance of the treaty to American commerce and industry.

* In May, Senator Stevens spoke with Senator Helms, urging him to hold hearings on the treaty.

* DOD and Navy briefed Senator Lott's staff on June 4 to help prepare the Senator for his approach to Senator Helms.

Exchange Mail

DATE-TIME 11/6/98 8:26:52 AM
FROM Bouchard, Joseph F.
CLASSIFICATION UNCLASSIFIED
SUBJECT RE: Breakfast at Pickering's [UNCLASSIFIED]
TO Peterman, David (Brian)

CARBON_COPY**TEXT_BODY**

Still trying to overcome Albright's lack of enthusiasm for LOS.

Joe
Bouchard

-----Original Message-----

From: Bouchard, Joseph F.

Sent: Wednesday, June 17, 1998 1:51 PM

To: Hachigian, Nina L.

Cc: @LEGISLAT

- Legislative Affairs; @LEGAL - Legal Advisor; Bell, Robert G.

Subject: RE:

Breakfast at Pickering's [UNCLASSIFIED]

Nina,

If you are looking for an important but easy topic, I propose that Jim encourage Pickering to have Secretary Albright call Senator Helms to urge him to schedule hearings on the Law of the Sea Treaty soon so that the Senate can vote on it this year. The President laid the groundwork for an Albright call by emphasizing the importance of ratifying the treaty in his Friday speech at the National Ocean Conference in Monterey. The President also told the Chairman of the panel that reviewed ocean law and security at the conference that ratifying the Law of the Sea Treaty is his top treaty priority for the rest of the year. Sandy discussed the Law of the Sea Treaty ratification strategy with Secretaries Albright and Cohen in March and April.

The attached paper provides background and talking points for Jim. Bob Bell concurs.

<< File: LOS-mem7.doc >>

Joe Bouchard

-----Original Message-----

From: Hachigian,

Nina L.

Sent: Wednesday, June 17, 1998 9:36 AM

To: @ALLNSC - NSC

Staff

Subject: Breakfast at Pickering's [UNCLASSIFIED]

Please

send me topics for the Steinberg-Pickering breakfast by noon tomorrow (Thursday). If you have previously sent me a topic that is still current, please send me that email again. Thanks.

Exchange Mail

DATE-TIME 11/6/98 8:28:12 AM
FROM Bouchard, Joseph F.
CLASSIFICATION UNCLASSIFIED
SUBJECT FW: ABC Lunch [UNCLASSIFIED]
TO Peterman, David (Brian)

CARBON_COPY**TEXT_BODY**

I'm nothing if not persistent. (Still trying to overcome Albright's lack of enthusiasm for LOS.)

Joe Bouchard

-----Original Message-----

From: Bouchard,
Joseph F.
Sent: Wednesday, June 17, 1998 1:55 PM
To: Malley, Robert
Cc: Bell,
Robert G.; @LEGISLAT - Legislative Affairs; @LEGAL - Legal
Advisor
Subject: RE:
ABC Lunch [UNCLASSIFIED]

Rob,

Once again, I propose that Sandy encourage Albright and Cohen to call Senators Helms and Lott to urge

them to schedule hearings on the Law of the Sea Treaty and vote on it this year. The President laid the groundwork for their calls by emphasizing the importance of ratifying the treaty in his Friday speech at the National Ocean Conference in Monterey (excerpt attached).

The President also told the Chairman of the panel that reviewed ocean law and security at the conference that ratifying the Law of the Sea Treaty is his top treaty priority for the rest of the year. Sandy discussed the Law of the Sea Treaty ratification strategy with Albright and Cohen in March and April.

The attached paper provides background and talking points for Sandy. Bob Bell concurs.

Joe Bouchard

-----Original Message-----

From: Malley, Robert

Sent: Wednesday, June 17, 1998 1:26 PM

To: @ALLNSC - NSC Staff

Subject: ABC

Lunch [UNCLASSIFIED]

Importance: High

Please provide proposed
topics for next week's lunch with MKA and BC by COB today.

Thanks

TRANSLATED_ATTACHMENT

LOS-mem6.doc

POINTS TO BE MADE FOR ABC MEETING ON
LAW OF THE SEA TREATY

Background

There are critically important national security, economic and environmental grounds for ratifying the UN Convention on the Law of the Sea. The Administration should attempt to gain Senate advice and consent to ratification in 1998 rather than waiting until later because the United States will lose its provisional seat on the International Seabed Authority if it has not ratified the treaty by October 31. That would have serious long term negative consequences for U.S. ocean interests and our competitiveness in the seabed mining industry.

There is strong bipartisan support for the Law of the Sea Treaty in the Senate. Senate Republican leadership (Lott, Stevens, Lugar, McCain, Warner, Murkowski and Snowe) all support the treaty. Senator Stevens has approached Helms on the treaty and Senator Lott has agreed to do so. If we can get the Law of the Sea Treaty on the SFRC calendar, we will not have a problem getting it out of Committee. If we can get it on the docket for a vote by the Senate, it will pass

easily. We are confident that we can dispose of the Law of the Sea Treaty quickly without prejudicing efforts to ratify the Comprehensive Test Ban Treaty.

Remarks by the President on the Law of the Sea Treaty last Friday at the National Ocean Conference (attached) were perfectly timed to support our ratification effort. President Clinton submitted the treaty to the Senate after it had languished for twelve years; it is entirely appropriate that ratification of the treaty be a legacy of his Presidency.

Points to be Made

- * The efforts by your staffs have been successful in building strong bipartisan support for the Law of the Sea Treaty. Bill, I appreciate your letter to Helms and call to Lott.

- * Madelein, I'd like for you to call Senator Helms and urge him to hold hearings on the treaty and report it out of committee for a vote by the Senate this year.

- * Bill, follow up with Senator Lott. Ask him to approach Helms on reporting the treaty out of committee.

- * Emphasize to Helms and Lott that this is a bipartisan effort.

EXCERPT FROM REMARKS BY THE PRESIDENT
TO THE NATIONAL OCEANS CONFERENCE

San Carlos Park
Monterey, California

June 12, 1998, 1:30 P.M. PDT

Fifth, we must join the rest of the world in ratifying, at long last, the Convention on the Law of the Sea. (Applause.) The character of our country, and, frankly, the nature of a lot of the economic and political success we have enjoyed around the world has rested in no small part on our continuous championing of the rule of law at home and abroad. The historic Convention on

the Law of the Sea extends the rule of law to the world's oceans.

There is not a scientist here in any discipline who seriously believes that we will ever turn the tide on these dangerous trends until we have a uniform legal system that can provide a framework necessary to give us a global approach to this problem. This convention assures the open seaways that our Armed Forces and our fishing, telecommunications and shipping industries require. But it also, I will say again, gives us the framework to save the oceans while we grow as a people and while we grow economically.

This year, during this legislative session, the United States Senate should, and must, confirm its leadership role by making America a part of the community of nations already party to the Convention on the Law of the Sea.

Exchange Mail

DATE-TIME 11/6/98 8:29:15 AM
FROM Bouchard, Joseph F.
CLASSIFICATION UNCLASSIFIED
SUBJECT FW: Update on Law of the Sea Treaty Ratification Effort [UNCLASSIFIED]
TO Peterman, David (Brian)

CARBON_COPY**TEXT_BODY**

My fifth update. This was our big breakthrough. Unfortunately, it turned out to be the high point of the effort.

Joe Bouchard

-----Original

Message-----

From: Bouchard, Joseph F.

Sent: Wednesday, June 24,
1998 7:30 PM

To: @DEFENSE - Defense Policy; @LEGISLAT - Legislative
Affairs; @LEGAL - Legal Advisor

Subject: Update on Law of the Sea
Treaty Ratification Effort [UNCLASSIFIED]

Senator Helms met with
Secretary Cohen, Secretary Dalton and General Shelton this afternoon
to discuss the Law of the Sea Treaty. The meeting went very well
and Senator Helms expressed a willingness to schedule hearings on
the treaty. This is a major breakthrough in the ratification effort.
Next steps:

- * Get Secretary Albright to tell Senator Helms that
she concurs with holding hearings on the Law of the Sea Treaty.

- * As
soon as we get word that hearings are indeed scheduled, the Ocean
Policy IWG will stand up a "command center" to closely coordinate
the final ratification push. DOD has agreed to host the command
center.

- * Deliver to targeted papers a series of op-ed pieces
that the Ocean Policy IWG has been coordinating. This is to pre-empt
or at least minimize the impact of the inevitable anti-treaty op-ed
pieces that will appear.

* Push even harder the message we've been sending to the Senate -- that this is a bipartisan effort supported by the Republican leadership and that the treaty should not be held hostage to other issues before the SFRC on which the Administration and the majority party (or the SFRC Chairman) do not agree.

Joe
Bouchard

Exchange Mail

DATE-TIME 11/6/98 8:31:41 AM
FROM Bouchard, Joseph F.
CLASSIFICATION UNCLASSIFIED
SUBJECT FW: ABC Lunch [UNCLASSIFIED]
TO Peterman, David (Brian)

CARBON_COPY**TEXT_BODY**

By this point they were getting tired of me.

Joe Bouchard

-----Original

Message-----

From: Bouchard, Joseph F.

Sent: Wednesday, July 08,
1998 5:24 PM

To: Malley, Robert

Cc: @DEFENSE - Defense Policy;

@LEGAL - Legal Advisor; @LEGISLAT - Legislative Affairs;

@EXECSEC

- Executive Secretary

Subject: RE: ABC Lunch [UNCLASSIFIED]

Rob,

Once again, I propose that Sandy encourage Albright to call Senator Helms to urge him to schedule hearings on the Law of the Sea Treaty this month. Sandy discussed the Law of the Sea Treaty ratification strategy

with Albright and Cohen in March and April.

The President laid the groundwork for their calls by emphasizing the importance of ratifying the treaty in his speech at the National Ocean Conference in Monterey

(excerpt attached). The President also told the Chairman of the panel that reviewed ocean law and security at the conference that ratifying the Law of the Sea Treaty is his top treaty priority for the rest of the year. Senator Helms told Secretary Cohen on June 24 that he would hold hearings on the treaty. We need Albright to call to get Helms to commit to a date. The attached paper provides background and talking points for Sandy. Bob Bell concurs.

Joe
Bouchard

-----Original Message-----

From: Malley, Robert
Sent: Wednesday,
July 08, 1998 8:31 AM
To: @ALLNSC - NSC Staff
Subject: ABC Lunch
[UNCLASSIFIED]

Please provide proposed topics for next Monday's
ABC lunch by OOB tomorrow.

Thanks

TRANSLATED_ATTACHMENT

LOS-mem6.doc
POINTS TO BE MADE FOR ABC MEETING ON
LAW OF THE SEA TREATY

Background

There are critically important national security, economic and environmental grounds for ratifying the UN Convention on the Law of the Sea. The Administration should attempt to gain Senate advice and consent to ratification in 1998 rather than waiting until later because the United States will lose its provisional seat on the International Seabed Authority if it has not ratified the treaty by October 31. That would have serious long term negative consequences for U.S. ocean interests and our competitiveness in the seabed mining industry.

There is strong bipartisan support for the Law of the Sea Treaty in the Senate. Senate Republican leadership (Lott, Stevens, Lugar, McCain, Warner, Murkowski and Snowe) all support the treaty. Senator Stevens has approached Helms on the treaty and Senator Lott has agreed to do so. In a meeting with Secretary Cohen on June 24, Senator Helms agreed to schedule hearings on the treaty. We are confident that we can dispose of the Law of the Sea Treaty quickly

without
prejudicing efforts to ratify the Comprehensive Test Ban Treaty.

Remarks by the President on the Law of the Sea Treaty last Friday at the National Ocean Conference (attached) were perfectly timed to support our ratification effort. President Clinton submitted the treaty to the Senate after it had languished for twelve years; it is entirely appropriate that ratification of the treaty be a legacy of his Presidency.

Points to be Made

* The efforts by your staffs have been successful in building strong bipartisan support for the Law of the Sea Treaty. Bill, I appreciate your meeting with Helms and call to Lott.

* Madelein, I'd like for you to call Senator Helms and urge him to hold hearings on the treaty this month and report it out of committee for a vote by the Senate no later than September.

* Bill, if Madelein's call doesn't do the trick, please ask Senator Lott to approach Helms on scheduling hearings.

* Emphasize to Helms and Lott that this is a bipartisan effort.

EXCERPT FROM REMARKS BY THE PRESIDENT TO THE NATIONAL OCEANS CONFERENCE

San Carlos Park
Monterey, California

June 12, 1998, 1:30 P.M. PDT

Fifth, we must join the rest of the world in ratifying, at long last, the Convention on the Law of the Sea. (Applause.) The character of our country, and, frankly, the nature of a lot of the economic and political success we have enjoyed around the world has rested in no small part on our continuous championing of the rule of law at home and abroad. The historic Convention on

the Law of the Sea extends the rule of law to the world's oceans.

There is not a scientist here in any discipline who seriously believes that we will ever turn the tide on these dangerous trends until we have a uniform legal system that can provide a framework necessary to give us a global approach to this problem. This convention assures the open seaways that our Armed Forces and our fishing, telecommunications and shipping industries require. But it also, I will say again, gives us the framework to save the oceans while we grow as a people and while we grow economically.

This year, during this legislative session, the United States Senate should, and must, confirm its leadership role by making America a part of the community of nations already party to the Convention on the Law of the Sea.

Exchange Mail

DATE-TIME 11/6/98 8:32:09 AM
FROM Bouchard, Joseph F.
CLASSIFICATION UNCLASSIFIED
SUBJECT FW: Jim's Friday breakfast with Pickering [UNCLASSIFIED]
TO Peterman, David (Brian)

CARBON_COPY**TEXT_BODY**

Jamie lends a hand.

Joe Bouchard

-----Original Message-----

From: Baker,
James E.
Sent: Wednesday, July 08, 1998 6:02 PM
To: Hachigian,
Nina L.
Cc: @LEGAL - Legal Advisor; Bouchard, Joseph F.
Subject: FW:
Jim's Friday breakfast with Pickering [UNCLASSIFIED]

I strongly
concur as well. As I have noted before, this will be good for national
security and good for the rule of law. An important legacy for the
President. Thank you.

-----Original Message-----

From: Bouchard,
Joseph F.
Sent: Wednesday, July 08, 1998 5:39 PM
To: Hachigian,
Nina L.
Cc: @DEFENSE - Defense Policy; @EXECSEC - Executive
Secretary;
@LEGAL - Legal Advisor; @LEGISLAT - Legislative Affairs
Subject: RE:
Jim's Friday breakfast with Pickering [UNCLASSIFIED]

Nina,

Once
again, if you are looking for an important but easy topic, I propose

that Jim encourage Pickering to have Secretary Albright call Senator Helms to urge him to schedule hearings on the Law of the Sea Treaty this month so that the Senate can vote on it no later than September. Sandy Berger discussed the Law of the Sea Treaty ratification strategy

with Secretaries Albright and Cohen in March and April. The President

laid the groundwork for an Albright call by emphasizing the importance

of ratifying the treaty in his Friday speech at the National Ocean Conference in Monterey. The President also told the Chairman of the panel that reviewed ocean law and security at the conference that ratifying the Law of the Sea Treaty is his top treaty priority for the rest of the year. Senator Helms told Secretary Cohen on June 24 that he would hold hearings on the treaty. We need Albright to call to get Helms to commit to a date. The attached paper provides background and talking points for Jim. Bob Bell concurs.

Joe
Bouchard

-----Original Message-----
From: Hachigian, Nina L.

Sent: Wednesday, July 08, 1998 10:31 AM
To: @ALLNSC - NSC Staff
Subject: Jim's
Friday breakfast with Pickering [UNCLASSIFIED]

Please send me
topics for the Steinberg-Pickering breakfast by noon tomorrow (Thursday).
If you have previously sent me a topic that is still current, please send me that email again. Thanks.

TRANSLATED_ATTACHMENT LOS-mem7.doc
**POINTS TO BE MADE FOR STEINBERG-PICKERING
BREAKFAST
ON THE LAW OF THE SEA TREATY**

Background

There are critically important national security, economic and environmental grounds for ratifying the UN Convention on the Law of the Sea. The Administration should attempt to gain Senate advice and consent to ratification in 1998 rather than waiting until later because the United States will

lose its
provisional seat on the International Seabed Authority if it has not
ratified the
treaty by October 31. That would have serious long term negative
consequences
for U.S. ocean interests and our competitiveness in the seabed mining
industry.

There is strong bipartisan support for the Law of the Sea Treaty in the
Senate.
Senate Republican leadership (Lott, Stevens, Lugar, McCain, Warner,
Murkowski and
Snowe) all support the treaty. Senator Stevens has approached Helms
on the
treaty and Senator Lott has agreed to do so. In a meeting with
Secretary Cohen
on June 24, Senator Helms agreed to schedule hearings on the treaty.
We are
confident that we can dispose of the Law of the Sea Treaty quickly
without
prejudicing efforts to ratify the Comprehensive Test Ban Treaty.

Remarks by the President on the Law of the Sea Treaty last Friday at
the National
Ocean Conference (attached) were perfectly timed to support our
ratification
effort. President Clinton submitted the treaty to the Senate after it had
languished for twelve years; it is entirely appropriate that ratification
of the
treaty be a legacy of his Presidency.

Points to be Made

- * The efforts by State and DOD have been successful in building
strong bipartisan
support for the Law of the Sea Treaty.
- * Please encourage Secretary Albright to call Senator Helms and urge
him to hold
hearings on the treaty this month and report it out of committee for a
vote by
the Senate no later than September.
- * We will be asking Secretary Cohen to follow up with Senator Lott,
if necessary.
- * Secretary Albright should emphasize to Senator Helms that this is a
bipartisan
effort.

EXCERPT FROM REMARKS BY THE PRESIDENT
TO THE NATIONAL OCEANS CONFERENCE

San Carlos Park
Monterey, California

June 12, 1998, 1:30 P.M. PDT

Fifth, we must join the rest of the world in ratifying, at long last, the Convention on the Law of the Sea. (Applause.) The character of our country, and, frankly, the nature of a lot of the economic and political success we have enjoyed around the world has rested in no small part on our continuous championing of the rule of law at home and abroad. The historic Convention on the Law of the Sea extends the rule of law to the world's oceans.

There is not a scientist here in any discipline who seriously believes that we will ever turn the tide on these dangerous trends until we have a uniform legal system that can provide a framework necessary to give us a global approach to this problem. This convention assures the open seaways that our Armed Forces and our fishing, telecommunications and shipping industries require. But it also, I will say again, gives us the framework to save the oceans while we grow as a people and while we grow economically.

This year, during this legislative session, the United States Senate should, and must, confirm its leadership role by making America a part of the community of nations already party to the Convention on the Law of the Sea.

Exchange Mail

DATE-TIME 11/6/98 8:34:04 AM
FROM Bouchard, Joseph F.
CLASSIFICATION UNCLASSIFIED
SUBJECT FW: Update on Law of the Sea Treaty Ratification Effort [UNCLASSIFIED]
TO Peterman, David (Brian)

CARBON_COPY**TEXT_BODY**

My sixth update.

Joe Bouchard

-----Original Message-----

From: Bouchard,
Joseph F.

Sent: Thursday, July 09, 1998 6:00 PM

To: @NSA - Natl

Security Advisor; @DEFENSE - Defense Policy; @LEGISLAT - Legislative
Affairs; @LEGAL - Legal Advisor

Cc: @PRESS - Public Affairs

Subject: Update

on Law of the Sea Treaty Ratification Effort [UNCLASSIFIED]

Update

on Law of the Sea Treaty Ratification Effort :

* Key upcoming

action: If Secretary Albright has not called Senator Helms on setting
a date for hearings on the treaty by Monday's ABC lunch, urge her
to do so as soon as possible.

* Last week all seven living former

Chiefs of Naval Operations sent a letter to Senators Lott, Thurmond
and Helms urging the Senate to act promptly to ratify the treaty.

* RADM

Ryan (Navy OLA) delivered to Bud Nance written answers to questions
on the treaty that were given to DOD at the June 24 meeting between
Senator Helms and Secretary Cohen. Nance agreed to a briefing for
SFRC and Helms staffers by OSD (Frank Miller and RADM Smith) on July
14 at 9:00 a.m. This briefing was described by Nance as a prerequisite
for hearings on the treaty. Slocombe will call Nance after the briefing
to get Senator Helms to commit to a date for hearings.

* State

has asked Ed Hall to work with Bud Nance on setting a date for hearings. Hall agreed to help.

* Senators Murkowski and Chafee hosted a

luncheon briefing on the treaty in the Russell building today. Briefers included VADM Ellis (CNO's staff), Paul Kelly (American Petroleum Institute), John Norton Moore (expert on ocean law), and Reed Harrison (AT&T). 20 Senate staffers were present, including Patty McNerney (SFRC) and Wayne Boyles (Helms). Tom Lippman (Washington Post) also attended. Event organizers believe it was very productive.

* DOD,

Navy, State and Commerce have launched full scale press effort, including submission of op-ed pieces to key papers, briefings for reporters, and meetings with editorial boards.

* DOD is seeking letters to

Senator Helms supporting the treaty from former Secretaries Cheney, Weinberger and Rumsfeld. State is seeking similar letters from Schulz and Baker.

* Commerce, supported by DOD and Navy, is seeking a

letter supporting the treaty from President Bush. They have requested NSC assist with approach via Scowcroft.

Joe Bouchard

Exchange Mail

DATE-TIME 11/6/98 8:37:44 AM
FROM Bouchard, Joseph F.
CLASSIFICATION UNCLASSIFIED
SUBJECT FW: Update on Law of the Sea Ratification Effort [UNCLASSIFIED]
TO Peterman, David (Brian)

CARBON_COPY**TEXT_BODY**

I think you had already arrived by the time I sent this one, my last update on LOS.

Joe Bouchard

-----Original Message-----

From: Bouchard,
Joseph F.

Sent: Wednesday, September 23, 1998 7:04 PM

To: @DEFENSE

- Defense Policy; @LEGAL - Legal Advisor; @LEGISLAT - Legislative
Affairs; @ENVIRON - Environmental

Subject: Update on Law of the
Sea Ratification Effort [UNCLASSIFIED]

* Senator Helms told Secretary
Cohen earlier this week that he would not hold hearings on the Law
of the Sea Treaty during this session of Congress. This was a reversal
of a previous Helms statement that he would hold hearings on the
treaty. Helms' stated to Cohen: "Why should I hold a hearing on
something I'm not going to report out?"

* After that conversation,
Secretary Cohen stated that he would not engage on the LOS Treaty
again this year. State has also decided that it has higher priority
issues that need to be addressed in the remainder of this session
of Congress.

* The Ocean Policy IWG is now formulating a strategy
to gain ratification in the next session of Congress. Further efforts
directed toward gaining ratification this year have been halted.

* Impact:

* U.S. will continue to experience credibility problems dealing with ocean issues in which we attempt to cite the LOS Treaty as grounds for opposing excessive maritime claims by other nations. This is already a problem, as in our negotiations with Mexico over maritime claims in the Gulf of Mexico. This forewarns that the U.S. may experience a gradual erosion of its influence in the ocean policy arena the longer we go without ratifying the LOS Treaty.

* U.S. loses its provisional seat on the UN Seabed Authority in November. The Seabed Authority regulates exploitation of seabed minerals in international waters (beyond national exclusive economic zones). This will have very little immediate economic impact because very little exploitation of seabed minerals takes place beyond national exclusive economic zones due to high cost and immature technology. Over long term, however, not having a seat on the Seabed Authority will become a serious problem for the U.S. as seabed mining becomes economically viable.

* The Ocean Policy IWG also discussed the possibility that an effort to gain Senate advice and consent to ratification of the LOS Treaty in the next session of Congress may be futile and therefor not worth the effort. Some participants suggested that either a Republican President or Democratic Senate may be needed to gain ratification. Given that the U.S. will soon miss the deadline for retaining its seat on the Seabed Authority, an argument could be made to put the LOS Treaty on hold until more favorable circumstances arise. The IWG decided to continue planning for another ratification effort in the next session unless/until it becomes clear the effort would be hopeless.

* In the course of the conversation, the rep from State Leg Affairs noted that in the next session of Congress they would be pressing for Senate action on a backlog of treaties needing the advice and consent of the Senate -- treaties that had not been pushed in the Senate this year in order to pursue high priority ratification efforts. NSC probably needs to be involved in setting priorities for gaining Senate action on this backlog of treaties.

Joe
Bouchard

Withdrawal/Redaction Marker

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
002. email	David Wippman to Eric Schwartz and Scott Busby. Subject: International Criminal Court (ICC). (11 pages)	11/12/1998	P1/b(1)

COLLECTION:

Clinton Presidential Records
NSC Emails
Exchange-Record (Sept 97-Jan 01) ([Senator Helms])
OA/Box Number: 620000

FOLDER TITLE:

[11/05/1998-11/30/1998]

2006-1363-F

vz5660

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]
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- 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]

Exchange Mail

DATE-TIME 11/20/98 10:44:10 AM
FROM Bell, Robert G.
CLASSIFICATION UNCLASSIFIED
SUBJECT Chances occurrences [UNCLASSIFIED]
TO Andreasen, Steven P.
Bell, Robert G.
Bouchard, Joseph F.
Kelly, Sandra L.
Langley, Janice M.
Mulligan, George D.
Peterman, David (Brian)
Pimentel, Betsy J.
vonLipsey, Roderick K.
Wasserman, Elaine P.
Witkowsky, Anne A.

CARBON_COPY

TEXT_BODY Giant comet narrowly misses Earth....Senator Helms announces he's "found God"; endorses CTB and ABM Saddam slips on bathtub; killed by cerebral concussion ... Washington Post endorses increase in defense budget.

Note: only one of these chance occurrences actually happened today!

Exchange Mail

DATE-TIME 11/23/98 2:27:26 PM

FROM Gallucci, Gerard M.

CLASSIFICATION UNCLASSIFIED

SUBJECT Further on CenAm Trade & investment [UNCLASSIFIED]

TO Brainard, S. Lael
Hammonds, D. Holly
Hendricks, Lori A.
Holtzapple, Richard A.
Hurwitz, Marc I.
Lee, Malcolm R.
McNamer, Bruce
Mitsler, Elaine M.
Smith, Scott A.
Armstrong, Fulton T.
Dobbins, James F.
Gallucci, Gerard M.
Kinser-Kidane, Brenda J.
Miller, Laurel E.
Piccone, Theodore J.
Russ, Judith P.
Williams, Mary C.
Bernard, Kenneth W.
Busby, Scott W.
Guarnieri, Valerie N.
Hawley, Leonard R.
Hill, Roseanne M.
Kale, Dora A.
Malley, Robert
Metzl, Jamie F.
Moller, Catherine A.
Naplan, Steven J.
Schwartz, Eric P.
Wippman, David
Abercrombie-Winstanley, Gina K.
Burrell, Christina L.
Farrar, Jay C.
Rudman, Mara E.

CARBON_COPY Brown, Keim C.
Davies, Glyn T.
Dejban, Donna D.
Hachigian, Nina L.
Hasman, Thomas M.

Joshi, M. Kay
Kerrick, Donald L.
Millison, Cathy L.
Moretz, Sheila K.
O'Brien, Penelope R.
Rice, Edward A.
Scott-Perez, Marilyn L.
Storey, Sharon V.
Sutphen, Mona K.
Brainard, S. Lael
Allen, Charles A.
Baker, James E.
DeRosa, Mary B.
Highsmith, Newell L.
Hunerwadel, Joan S.

TEXT_BODY

Going over what we can do on trade & investment enhancements for CenAm with USTR, got following to add to my email of earlier today.

USTR

says that POTUS ought to be able to say to CenAm presidents should opportunity arise that the Administration continues to strongly support CBI parity and will seek passage early next year. (This leaves aside whether to handle as part of a general trade package or as part of an eventual CenAm assistance package.)

USTR is dropping most of its effort to use BIT to get IPR commitments from Honduras. Now only is seeking a "short letter" from GOH noting its intent to take on such commitments. USTR says it has no IPR conditionality for moving ahead with Nicaragua but Sen Helms has had problem with GON over expropriations. GON has been making progress and maybe Helms is open to helping cause of Mitch. Says State should take lead in working with Helms.

Looks like we need a decision (by Deputies?) to introduce these treaties in January and to consult accordingly.

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
003. email	Fulton Armstrong to Mara Rudman, Gina Abercrombie-Winstanley, James Baker, and Mary DeRosa. Subject: Cuba Package #8044. (7 pages)	11/30/1998	P1/b(1)

COLLECTION:

Clinton Presidential Records
NSC Emails
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OA/Box Number: 620000

FOLDER TITLE:

[11/05/1998-11/30/1998]

2006-1363-F
vz5660

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