

THE WHITE HOUSE
WASHINGTON

April 5, 1995

PRESIDENTIAL DECISION DIRECTIVE/NSC-36

MEMORANDUM FOR THE VICE PRESIDENT
THE SECRETARY OF STATE
THE SECRETARY OF THE TREASURY
THE SECRETARY OF DEFENSE
THE ATTORNEY GENERAL
THE SECRETARY OF THE INTERIOR
THE SECRETARY OF AGRICULTURE
THE SECRETARY OF COMMERCE
THE SECRETARY OF TRANSPORTATION
THE SECRETARY OF ENERGY
DIRECTOR OF THE OFFICE OF MANAGEMENT & BUDGET
UNITED STATES TRADE REPRESENTATIVE
REPRESENTATIVE OF THE UNITED STATES TO THE
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DEVELOPMENT
ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION
AGENCY
CHAIR, COUNCIL ON ENVIRONMENTAL QUALITY
ADMINISTRATOR OF THE NATIONAL AERONAUTICS AND
SPACE ADMINISTRATION
DIRECTOR OF THE NATIONAL SCIENCE FOUNDATION
DIRECTOR OF THE UNITED STATES INFORMATION AGENCY

SUBJECT: United States Policy on Protecting the Ocean
Environment

This Presidential Decision Directive directs the implementation of United States policy for protecting the ocean and coastal environment and conserving living marine resources. Our policy reflects our country's important environmental, national security and economic interests in sustainable management of ocean resources. It recognizes the need for stewardship of the marine resources under our jurisdiction and for U.S. leadership in promoting international cooperation to care for the high seas. It also recognizes the role the United States can play in assisting other nations to manage sustainably the ocean resources within their jurisdiction. The policy shall be implemented by the Interagency Working Group on Global Environmental Affairs and, in particular, by its Oceans Sub-Group. In addition, Departments and agencies shall carry out this policy using available budgetary resources.

The United States has five principal objectives in this area: becoming a party to the 1982 U.N. Convention on the Law of the Sea, as modified in 1994; ensuring sustainable management of ocean fisheries; supporting integrated coastal resource management and reducing marine and coastal pollution; promoting the conservation of marine biodiversity, including whales and other protected species; and conducting scientific research and ocean monitoring both to support these objectives and to more fully understand oceanic and atmospheric processes of global importance.

Becoming Party to the Law of the Sea Convention

The Administration will continue to work toward Senate advice and consent to the 1982 U.N. Law of the Sea Convention, as modified in 1994. This treaty, and the accompanying agreement on Part XI of the Convention that was signed by the United States, was transmitted to the Senate in October 1994. It provides a comprehensive legal framework for the rights and responsibilities of nations in the use of the oceans and their resources and will provide a legal basis for implementing the other policy objectives set forth in this Directive. The Convention's major provisions, including freedom of navigation and overflight, protection of the marine environment and regimes for management of fisheries and other offshore resources, serve important U.S. economic and national security interests. The Administration will continue to pursue a concerted interagency strategy, as appropriate, to obtain Senate advice and consent to accession to the Convention and to ratification of the agreement on Part XI of the Convention.

Promoting Sustainable Fisheries Management

The United States will show domestic and international leadership on sustainable management of the world's fisheries. Fish are increasingly important as a food source for the world's rapidly growing population. Yet many fisheries are already exploited at or beyond sustainable levels, and some have collapsed dramatically. Coastal states have the most responsibility for fisheries and coastal zone management, as 90 percent of the world's fish catch takes place within their 200-mile exclusive economic zones (EEZs). Major reforms are also needed in regional organizations responsible for fisheries conservation and management on the high seas.

The United States can lead by example in both settings. The Administration has already taken significant steps to restore depleted domestic fisheries and has concluded international agreements to promote compliance with conservation measures adopted by regional organizations. Building on these positive steps, much more needs to be done, including an analysis of economic incentives such as individually transferable quotas, to promote sustainable management.

The negotiations underway in the U.N. Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks afford an important opportunity to achieve broad reforms in international fisheries management. The United States must maintain its strong leadership role in those negotiations, seeking a legally-binding international agreement setting forth specific measures to stem the depletion of these valuable marine resources. The United States will continue to seek to negotiate an agreement that contains strong provisions on sustainable fisheries management, including (1) a process for reforming existing regional fisheries organizations (or creating new ones where none now exist); and, (2) concrete enforcement provisions to ensure the effectiveness of conservation standards on the high seas against all vessels that might engage in fishing practices that contravene those standards. The agreement should include minimum standards for a precautionary approach to establishing fishing restrictions, for conserving affected species and ecosystems and for effective monitoring. It should provide for updating those standards as new information about the affected species and affected ecosystems is garnered. The agreement should also require consistent management of stocks throughout their migration range by both coastal states and regional organizations where fisheries cross boundaries between EEZs and the high seas.

The United States needs to resolve differences with Canada over the conservation, management and fair allocation of Pacific salmon and will continue working with Canada to reach agreement

on measures to protect salmon habitat and rebuild depleted stocks and on equitable allocations for the harvest of healthy salmon stocks. The United States must take a firm position in response to any unilateral measures taken by Canada in this area and act swiftly to avoid escalation of tensions over this sensitive issue.

The United States will build on successful first steps achieved in 1994 by seeking to further measures to conserve Atlantic bluefin tuna and swordfish. Appropriate agencies should also consider whether enforcement measures similar to those provided for under the International Convention for the Conservation of Atlantic Tunas would be appropriate provisions in other fisheries agreements. Finally, the United States will continue to pursue negotiations under the auspices of the U.N. Food and Agriculture Organization on the International Code of Conduct for Responsible Fishing.

Complementing these efforts to conserve our own fisheries and those on the high seas, the United States should assist other coastal states, particularly developing nations, to better manage the fisheries within their EEZs. Relevant agencies should work to help countries improve their scientific, management, and enforcement capabilities related to fisheries and should encourage multilateral institutions to provide focused and coordinated programs to strengthen national management capacities.

Supporting Integrated Coastal Resource Management and Reducing Marine Pollution

The United States will promote in relevant fora the development and implementation of integrated coastal resource management by coastal states to deal with marine degradation and the conservation of marine biodiversity. A significant contribution to ocean pollution -- including sewage; municipal, industrial and agriculture wastes and non-point source pollution; sediments; and airborne contaminants -- emanates from land-based human activities and affects the most productive areas of the marine environment: estuaries and near-shore coastal waters. Pollution from vessels, including knowing and negligent spills of oil and other substances, poses additional serious threats. Our strong domestic programs to control pollution place the United States in a position to exercise international leadership in pursuit of this objective, consistent with the U.S. national security interest in fostering navigational freedom and immunity for sovereign immune vessels and aircraft.

The United States will host in October-November 1995 an intergovernmental conference on land-based sources of marine

pollution as a follow-up to the United Nations Conference on Environment and Development. The United States should take the lead in obtaining consensus on an international program of actions to assess, prevent and control such pollution and its sources and in seeking to mobilize resources to implement the action program at the national and regional level by identifying priorities for multilateral and bilateral donors.

The United States will also participate actively in the development of a legally-binding regional agreement to address impacts of land-based activities upon the marine environment of the wider Caribbean region.

Particular attention should be paid to the conservation and sustainable management of coral reefs and mangrove and seagrass systems. These complex ecosystems are vital habitats for fish and many other marine species and are threatened, in many parts of the world, by marine pollution and other impacts of human activities. In this regard, the United States will continue its leading role in the International Coral Reef Initiative to promote the protection, restoration, sustainable use and understanding of coral reefs and related ecosystems as part of integrated coastal zone management and marine biodiversity.

The United States will continue to take the lead within the International Maritime Organization to promote actions to prevent pollution from vessels. Priorities include improving vessel construction and safety standards and promoting navigational safety and protection of the marine environment by implementing measures to ensure compliance with generally accepted international regulations; curbing spread of aquatic and marine nuisance species through ships' ballast waters; raising maritime personnel training and certification standards; promoting insurance requirements; and reducing air pollution from ship operations.

The United States will effectively implement existing agreements, including the new limitations on ocean dumping negotiated in 1993 under the 1972 London Convention and will continue to press Russia to accept the Convention's prohibition on disposal of low-level radioactive wastes and encourage non-parties to the London Convention to become parties.

Promoting the Conservation of Whales and Other Protected Species

The Administration also is committed to promoting the conservation of whales and other protected species, based on our policy of sustainable management, and consistent with U.S. navigational interests. The United States will continue to express its opposition to commercial whaling at this time and

continue to support the recently-created whale sanctuary in the Southern Ocean. At the same time, the United States will remain committed to science-based international solutions to global conservation problems. Accordingly, within the International Whaling Commission (IWC) the United States will support continuation of the IWC's moratorium on commercial whaling, until all aspects of the IWC's Revised Management Scheme are in place. The United States will work to assure that the IWC's assessment methodologies are scientifically sound and resolve uncertainties in a precautionary manner. This is essential to ensure that any countries that engage in whaling do so under scientifically credible limits that do not pose danger of extinction.

The United States will work with other countries to develop an ecologically sound approach to the protection of dolphins in tuna fisheries. The United States will also work with other countries to protect and restore endangered sea turtles. Efforts should be made to recognize positive steps by other countries, including by reviewing trade embargoes now in place and by exploring with Congress legislative options that would provide for Presidential discretion in this area while affording effective leverage to encourage conservation efforts by other countries.

Supporting Critical Scientific Research

The United States recognizes that an understanding of the changing ocean and coastal environment is essential in order to manage ocean resources in a sustainable manner. Relevant U.S. agencies should engage in ocean monitoring and support appropriate research on fisheries and marine biodiversity, as well as on the marine physical system and ocean-atmosphere relationships important to understanding climate change. The United States will continue to cooperate with other countries and international bodies in support of the Global Ocean Observing System.

The United States will continue to vigorously promote: (a) consistent and equitable implementation by nations of the provisions of the U.N. Law of the Sea Convention on marine scientific research to ensure maximum access to oceanographic data vital to managing ocean resources, as well as for understanding global change; and, (b) international acceptance of the principle of full and open access to oceanographic and meteorological data.

William J. Clinton