

HOUSE JOINT RESOLUTION NO. 22

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES VEZEY, Ogan, Toohey, James

Introduced: 1/25/95

Referred: House Special Committee on World Trade and State/Federal Relations, State Affairs

A RESOLUTION

1 **Relating to the maritime boundary between Alaska and the former Union of**
2 **Soviet Socialist Republics.**

3 **BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 **WHEREAS** on June 1, 1990, the United States negotiated and signed the United States
5 - U.S.S.R. Maritime Boundary Agreement without the participation or consent of Alaska in
6 the negotiations or terms of the agreement; and

7 **WHEREAS** the maritime boundary described in the Agreement places on the U.S.S.R.
8 side the following eight islands and their entire territorial seas and seabeds: Wrangell,
9 Herald, Bennett, Henrietta, and Jeannette Islands in the Arctic, and Copper Island, Sea Lion
10 Rock, and Sea Otter Rock on the west end of the Aleutian Chain; and

11 **WHEREAS** the maritime boundary described in the Agreement delimits the territorial
12 sea and seabeds of Little Diomedede Island at less than the normal 3-mile or 12-mile extent; and

13 **WHEREAS** Alaska has sovereignty and potential or actual property interests in these
14 islands and their territorial seas and seabeds; and

15 **WHEREAS** the Fifteenth Alaska State Legislature unanimously passed Senate Joint
16 Resolution 12, which requested that a representative of Alaska be included in the U.S.

1 Department of State's negotiations on setting a maritime boundary between Alaska and the
2 Soviet Union; however, a reply was never received from the Department of State and a
3 representative of Alaska was never included in the negotiations; and

4 **WHEREAS** the views of 28 bipartisan members of the Alaska House of
5 Representatives and eight bipartisan members of the Alaska Senate were expressed on the
6 Agreement in a letter dated May 17, 1991, to Senator Joseph Biden, Jr., of the United States
7 Senate Committee on Foreign Relations, stating in part:

8 "We firmly believe United States interests and Alaskan interests are at stake
9 and in jeopardy in the proposed treaty... No Alaskan official has ever been
10 invited to participate in the treaty negotiations, in spite of abiding Alaskan
11 interests in fisheries, petroleum and other potential continental shelf resources
12 and the considerations of navigation in the area. In the entire history of the
13 treaty negotiations, Alaska has had no official voice. Alaska has not been fully
14 consulted in the entire matter...It is our purpose to urgently recommend that the
15 presently-proposed treaty not be ratified by the U.S. Senate, and that
16 negotiations be continued to include appropriate Alaskan officials and current
17 United States and Alaskan historic, territorial, and resource interests"; and

18 **WHEREAS** the California Legislature unanimously passed in 1991 Senate Joint
19 Resolution 20 supporting Alaska, and the resolution requested the President to withdraw the
20 proposed Agreement from consideration by the U.S. Senate and the California United States
21 Senators to decline to consider the proposed Agreement, until Alaska has been able to
22 participate fully in negotiations and has been guaranteed that its consent will be required for
23 any agreement affecting its boundaries; and

24 **WHEREAS** the U.S.S.R. dissolved itself without taking action to approve the
25 Agreement and the Agreement has not been put into force; and

26 **WHEREAS** at the same time he signed the Agreement on June 1, 1990, Secretary of
27 State James A. Baker III signed a side agreement with the U.S.S.R. Foreign Minister that
28 stated that, pending the entry into force of the Agreement, the two governments agreed to
29 abide by the terms of the Agreement as of June 15, 1990; and

30 **WHEREAS** that the side agreement was not publicly revealed at the time or
31 mentioned in the transmittal of the Agreement to the United States Congress, in the

1 Department of State testimony to the U.S. Senate Committee on Foreign Relations, in the
2 committee report, or in the Senate floor debate; and

3 **WHEREAS** the authority of the Secretary of State to establish on his own a maritime
4 boundary that has implications for land territory, seabed jurisdiction, sovereignty, and Alaska
5 property raises questions of constitutionality and personal culpability;

6 **BE IT RESOLVED** by the Alaska State Legislature that because the proposed United
7 States-U.S.S.R. Maritime Boundary Agreement was not put into force before the dissolution
8 of the U.S.S.R., the agreement does not have legal force, and any agreement on a maritime
9 boundary between Alaska and eastern Russia must be negotiated anew with whatever new
10 foreign government has sovereignty in the area at the time; and be it

11 **FURTHER RESOLVED** by the Alaska State Legislature that for an agreement on a
12 maritime boundary between Alaska and eastern Russia to be negotiated by the United States
13 government, Alaska must be formally represented in the negotiations and its consent obtained;
14 and be it

15 **FURTHER RESOLVED** that the Alaska State Legislature respectfully requests the
16 Governor, in consultation with the state Attorney General, to prepare and to provide to the
17 Legislature within 120 days after passage of this resolution a study of the legal aspects of the
18 maritime boundary proposed in the Agreement in order to determine

19 (1) what effect the boundary would have had on the state's sovereignty over
20 Wrangell, Herald, Bennett, Jeannette, and Henrietta Islands in the Arctic, over Copper Island,
21 Sea Otter Rock, and Sea Lion Rock on the western end of the Aleutian Chain, and over Little
22 Diomedes Island in the Bering Strait;

23 (2) what effect, including an appraisal of the dollar values involved, the
24 proposed boundary would have had on the state's property interests in the areas identified in
25 (1) of this clause and their territorial seas and seabeds;

26 (3) what legal actions Alaska could take to prevent the usurpation, abrogation,
27 or cession of state sovereignty over these islands and their territorial seas and seabeds and to
28 recover just compensation for the taking of Alaska property if attempts are made to enforce
29 the proposed maritime boundary; and be it

30 **FURTHER RESOLVED** that the Alaska State Legislature considers null and void the
31 side agreement requiring the two governments to abide by the Agreement pending its entry

1 into force, requests the U.S. Department of State to reveal any and all acts, directives, and
2 reports regarding implementation of the side agreement, and respectfully requests the Governor
3 and the state Attorney General to investigate whether any actions in this matter may have
4 violated state law and to report on their findings to the Legislature within 120 days after
5 passage of this resolution; and be it

6 **FURTHER RESOLVED** that the Alaska State Legislature urges the Alaska delegation
7 in Congress to promote and aggressively pursue the views expressed in this resolution,
8 especially the need for state representation in any negotiations over setting a maritime
9 boundary between the state and eastern Russia.

10 **COPIES** of this resolution shall be sent to the Honorable Bill J. Clinton, President of
11 the United States; the Honorable Warren M. Christopher, U.S. Secretary of State; the
12 Honorable Janet Reno, Attorney General of the United States; the Honorable Jesse Helms,
13 Chair of the U.S. Senate Committee on Foreign Relations; the Honorable Benjamin A.
14 Gilman, Chair of the U.S. House Committee on International Relations; the Honorable
15 Claiborne Pell, Ranking Minority Member of the U.S. Senate Committee on Foreign Relations;
16 the Honorable Lee H. Hamilton, Ranking Minority Member of the U.S. House Committee on
17 International Relations; and to the Honorable Ted Stevens and the Honorable Frank
18 Murkowski, U.S. Senators, and the Honorable Don Young, U.S. Representative, members of
19 the Alaska delegation in Congress.