

**CS FOR HOUSE JOINT RESOLUTION NO. 22(STA)**

**IN THE LEGISLATURE OF THE STATE OF ALASKA**

**NINETEENTH LEGISLATURE - FIRST SESSION**

**BY THE HOUSE STATE AFFAIRS COMMITTEE**

**Offered: 2/23/95**

**Referred: Rules**

**Sponsor(s): REPRESENTATIVES VEZEY, Ogan, Toohey, James, Kott**

**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 Diomede 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 considers null and void the  
16 side agreement requiring the two governments to abide by the Agreement pending its entry  
17 into force, requests the U.S. Department of State to reveal any and all acts, directives, and  
18 reports regarding implementation of the side agreement, and respectfully requests the Governor  
19 and the state Attorney General to investigate whether any actions in this matter may have  
20 violated state law and to report on their findings to the Legislature within 120 days after  
21 passage of this resolution; and be it

22 **FURTHER RESOLVED** that the Alaska State Legislature urges the Alaska delegation  
23 in Congress to promote and aggressively pursue the views expressed in this resolution,  
24 especially the need for state representation in any negotiations over setting a maritime  
25 boundary between the state and eastern Russia; and be it

26 **FURTHER RESOLVED** that the Alaska State Legislature finds that setting a  
27 maritime boundary between the state and eastern Russia is a states' rights issue and  
28 respectfully requests the Governor and the Attorney General of Alaska to actively pursue the  
29 matters described in the previous resolves.

30 **COPIES** of this resolution shall be sent to the Honorable Bill J. Clinton, President of  
31 the United States; the Honorable Warren M. Christopher, U.S. Secretary of State; the

1 Honorable Janet Reno, Attorney General of the United States; the Honorable Jesse Helms,  
2 Chair of the U.S. Senate Committee on Foreign Relations; the Honorable Benjamin A.  
3 Gilman, Chair of the U.S. House Committee on International Relations; the Honorable  
4 Claiborne Pell, Ranking Minority Member of the U.S. Senate Committee on Foreign Relations;  
5 the Honorable Lee H. Hamilton, Ranking Minority Member of the U.S. House Committee on  
6 International Relations; and to the Honorable Ted Stevens and the Honorable Frank  
7 Murkowski, U.S. Senators, and the Honorable Don Young, U.S. Representative, members of  
8 the Alaska delegation in Congress.