

SENATE CS FOR HOUSE JOINT RESOLUTION NO. 22(RLS)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - SECOND SESSION

BY THE SENATE RULES COMMITTEE

Offered: 5/7/98

Referred: Today's Calendar

Sponsor(s): REPRESENTATIVES VEZEY, Ryan, Barnes, Hodgins, Davies, Kemplen, Austerman

SENATORS Halford, Taylor, Leman, Ward

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
5 States - U.S.S.R. Maritime Boundary Agreement without the participation or consent of Alaska
6 in 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, Herald,
9 Bennett, Henrietta, and Jeannette Islands in the Arctic, and Copper Island, Sea Lion Rock, and
10 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 may have sovereignty and potential or actual property interests in
14 these 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 United States

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
15 the 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";

18 and

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

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

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

31 **WHEREAS** the side agreement was not publicly revealed at the time or mentioned in

1 the transmittal of the Agreement to the United States Congress, in the Department of State
2 testimony to the United States Senate Committee on Foreign Relations, in the committee
3 report, or in the Senate floor debate; and

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

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

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

16 **FURTHER RESOLVED** that the Alaska State Legislature considers null and void the
17 side agreement requiring the two governments to abide by the Agreement pending its entry
18 into force and requests the United States Department of State to reveal any and all acts,
19 directives, and reports regarding implementation of the side agreement; and be it

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

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

28 **COPIES** of this resolution shall be sent to the Honorable Bill J. Clinton, President of
29 the United States; the Honorable Madeleine K. Albright, U.S. Secretary of State; the
30 Honorable Janet Reno, Attorney General of the United States; the Honorable Jesse Helms,
31 Chair of the U.S. Senate Committee on Foreign Relations; the Honorable Benjamin A.

1 Gilman, Chair of the U.S. House Committee on International Relations; the Honorable Joseph
2 R. Biden, Jr., Ranking Minority Member of the U.S. Senate Committee on Foreign Relations;
3 the Honorable Lee H. Hamilton, Ranking Minority Member of the U.S. House Committee on
4 International Relations; and to the Honorable Ted Stevens and the Honorable Frank
5 Murkowski, U.S. Senators, and the Honorable Don Young, U.S. Representative, members of
6 the Alaska delegation in Congress.