

STATE OF ALASKA
THE LEGISLATURE

1999

Source
CSHJR 27(STA)

Legislative
Resolve No.
28



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

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

WHEREAS, on June 1, 1990, United States Secretary of State James A. Baker III signed the United States - U.S.S.R. Maritime Boundary Agreement without the participation or consent of Alaska in the negotiations or terms of the proposed treaty agreement; and

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

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

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

WHEREAS the Fifteenth Alaska State Legislature unanimously passed Senate Joint Resolution 12, which requested that a representative of Alaska be included in the United States

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

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

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

and

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

WHEREAS the U.S.S.R. and its successor, Russia, have not approved the proposed treaty agreement, and the agreement has not been put into force as a treaty; and

WHEREAS, at the same time he signed the proposed treaty agreement on June 1, 1990, Secretary of State Baker signed an executive agreement with the U.S.S.R. Foreign Minister that stated that, pending the entry into force of the proposed treaty agreement, the two governments agreed to abide by the terms of the proposed treaty agreement as of June 15, 1990; and

WHEREAS the executive agreement was not publicly revealed at the time or mentioned in the transmittal of the proposed treaty agreement to the United States Congress, in the United States Department of State testimony to the United States Senate Committee on Foreign Relations, in the committee report, or in the Senate floor debate; and

WHEREAS the United States Department of State is currently negotiating with the Russian government over its demand to redraw the maritime boundary under the executive agreement so as to take from the American side and give to the Russians an additional 40,000 square miles of ocean and seabed that would yield 300,000,000 pounds of fish a year without any quid pro quo for the United States;

BE IT RESOLVED by the Alaska State Legislature that, because the proposed United States - U.S.S.R. Maritime Boundary Agreement has not been put into force, negotiations for the proposed treaty should include participation by the State of Alaska, and any discussion of terms in a new proposed treaty regarding Alaska's territory, sovereignty, or property should involve representatives of the State of Alaska; and be it

FURTHER RESOLVED that the Alaska State Legislature considers participation of the State of Alaska to be essential to the validity of the executive agreement, requests the United States Department of State to report any and all acts and directives regarding implementation of the executive agreement, and respectfully requests the Governor and the Attorney General of Alaska to investigate whether any actions in this matter are not consistent with law and to report on their findings to the legislature before the convening of the Second Regular Session of the Twenty-First Legislature; and be it

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

FURTHER RESOLVED that the Alaska State Legislature finds that setting a maritime boundary between Alaska and eastern Russia is a constitutional issue of states' rights and respectfully requests the Governor and the Attorney General of Alaska to actively pursue the matters described in the previous resolves; and be it

FURTHER RESOLVED that the current negotiations by the United States Department of State with the Russian government over conceding more seabed and fishing rights to the

Russians under the executive agreement on the maritime boundary should be opened to include representatives of the State of Alaska and to provide hearings for public input before signing.

COPIES of this resolution shall be sent to the Honorable Bill Clinton, President of the United States; the Honorable Madeleine K. Albright, U.S. Secretary of State; the Honorable Janet Reno, Attorney General of the United States; the Honorable Jesse Helms, Chair of the U.S. Senate Committee on Foreign Relations; the Honorable Benjamin A. Gilman, Chair of the U.S. House Committee on International Relations; the Honorable Joseph R. Biden, Jr., Ranking Minority Member of the U.S. Senate Committee on Foreign Relations; the Honorable Sam Gejdenson, Ranking Minority Member of the U.S. House Committee on International Relations; and to the Honorable Ted Stevens and the Honorable Frank Murkowski, U.S. Senators, and the Honorable Don Young, U.S. Representative, members of the Alaska delegation in Congress.