

HOUSE JOINT RESOLUTION NO. 27

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIRST LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE COGHILL

Introduced: 3/10/99

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

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

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

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

16 WHEREAS the Fifteenth Alaska State Legislature unanimously passed Senate Joint

1 Resolution 12, which requested that a representative of Alaska be included in the United States
2 Department of State's negotiations on setting a maritime boundary between Alaska and the
3 Soviet Union; however, a reply was never received from the United States Department of
4 State, and a representative of Alaska was never included in the negotiations; and

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

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

19 and

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

26 **WHEREAS** the U.S.S.R. and its successor, Russia, have failed to approve the
27 proposed treaty agreement, and the agreement has not been put into force as a treaty; and

28 **WHEREAS**, at the same time he signed the proposed treaty agreement on June 1,
29 1990, Secretary of State Baker signed an executive agreement with the U.S.S.R. Foreign
30 Minister that stated that, pending the entry into force of the proposed treaty agreement, the
31 two governments agreed to abide by the terms of the proposed treaty agreement as of June 15,

1 1990; and

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

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

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

14 **BE IT RESOLVED** by the Alaska State Legislature that, because the proposed United
15 States - U.S.S.R. Maritime Boundary Agreement has not been put into force, the proposed
16 treaty should be rescinded, new negotiations must include the participation by the State of
17 Alaska, and terms in a new proposed treaty regarding Alaska's territory, sovereignty, or
18 property should require the consent of the State of Alaska; and be it

19 **FURTHER RESOLVED** that the Alaska State Legislature considers null, void, and
20 nonbinding on the State of Alaska the executive agreement requiring the two governments to
21 abide by the proposed treaty agreement pending its entry into force, requests the United States
22 Department of State to reveal any and all acts, directives, and reports regarding
23 implementation of the executive agreement, and respectfully requests the Governor and the
24 Attorney General of Alaska to investigate whether any actions in this matter may have
25 violated state law and to report on their findings to the Legislature within 120 days after
26 passage of this resolution; and be it

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

31 **FURTHER RESOLVED** that the Alaska State Legislature finds that setting a

1 maritime boundary between the state and eastern Russia is a states' rights issue and
2 respectfully requests the Governor and the Attorney General of Alaska to actively pursue the
3 matters described in the previous resolves; and be it

4 **FURTHER RESOLVED** that the current negotiations by the United States Department
5 of State with the Russian government over conceding more seabed and fishing rights to the
6 Russians under the executive agreement on the maritime boundary should be opened to
7 include representatives of the State of Alaska and to provide hearings for public input before
8 signing.

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