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PETTYJOHN, ZAWACKI, LEMAN, TAYLOR,
PHILLIPS, RIEGER, SHULTZ AND GRUENBERG

1 IN THE HOUSE

2

HOUSE JOINT RESOLUTION NO. 29

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

SIXTEENTH LEGISLATURE - FIRST SESSION

5

Asserting sovereign jurisdiction over

6

the territorial sea out to 12 nautical

7

miles and the air, water, submerged

8

land, and resources found there.

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

10 WHEREAS customary international law recognizes that the sovereignty of
11 coastal nations extends, beyond its land territory and internal waters and,
12 in the case of archipelagic areas, its archipelagic waters, to an adjacent
13 belt of the sea known as the territorial sea; and

14 WHEREAS customary international law recognizes that this sovereignty
15 extends to the air space over the territorial sea as well as to the seabed
16 and subsoil below the territorial sea; and

17 WHEREAS customary international law recognizes that this sovereignty
18 includes sovereignty over both living and nonliving resources found in the
19 territorial sea, in the air space over the territorial sea, and on or in
20 the seabed and subsoil below the territorial sea; and

21 WHEREAS customary international law recognizes that each nation has
22 the right to establish the breadth of its territorial sea up to a limit not
23 exceeding 12 nautical miles, measured from baselines determined according
24 to customary international law; and

25 WHEREAS the states of the United States entered into the federal union
26 as sovereign nations, having the inherent powers of sovereign nations,
27 limited only by the powers delegated to the federal government in the
28 United States Constitution; and

29 WHEREAS the states' inherent powers include the power to assert

1 jurisdiction over their territorial seas; and

2 WHEREAS the Alaska Statehood Act provided that Alaska entered into the
3 Union as a state on an equal footing with all other states in all respects;
4 and

5 WHEREAS the Alaska Statehood Act provided that the State of Alaska
6 consists of all the territory, together with the territorial waters appur-
7 tenant to the Territory of Alaska, which then extended out to three nauti-
8 cal miles; and

9 WHEREAS President Reagan issued an executive order on December 27,
10 1988, to extend the territorial sea of the United States from three nauti-
11 cal miles to 12 nautical miles, consistent with customary international law
12 but failed to extend the territorial jurisdiction of the states; and

13 WHEREAS the United States Constitution does not explicitly provide the
14 federal government with the power to exercise territorial jurisdiction over
15 the territorial sea; and

16 WHEREAS the 10th amendment to the United States Constitution provides
17 that powers not delegated to the United States by the Constitution, nor
18 prohibited by it to the states, are reserved to the states;

19 BE IT RESOLVED that the Alaska State Legislature asserts, for the
20 State of Alaska, the sovereign jurisdiction of the State of Alaska over,
21 and affirms its claim under AS 44.03.010 and 44.03.020 to, the territorial
22 sea beyond its land territory, internal waters, and archipelagic waters out
23 to 12 nautical miles, including the air space over the territorial sea and
24 the seabed and subsoil below the territorial sea, and including sovereign
25 jurisdiction over living and nonliving resources found there, consistent
26 with customary international law.

27 COPIES of this resolution shall be sent to the Honorable George Bush,
28 President of the United States; the Honorable Dan Quayle, Vice-President of
29 the United States and President of the U.S. Senate; the Honorable Jim

1 Wright, Speaker of the U.S. House of Representatives; the Honorable James
2 A. Baker, III, U.S. Secretary of State; the Honorable Robert A. Mosbacher,
3 U.S. Secretary of Commerce; the Honorable William E. Evans, Administrator
4 of the National Oceanic and Atmospheric Administration; the Honorable James
5 W. Brennan, Assistant Administrator for Fisheries, National Marine Fisher-
6 ies Service; the Honorable Ernest F. Hollings, Chairman of the U.S. Senate
7 Committee on Commerce, Science, and Transportation; the Honorable J.
8 Bennett Johnston, Chairman of the U.S. Senate Committee on Energy and Natu-
9 ral Resources; the Honorable Quentin N. Burdick, Chairman of the U.S.
10 Senate Committee on Environment and Public Works; the Honorable Claiborne
11 Pell, Chairman of the U.S. Senate Committee on Foreign Relations; the
12 Honorable Dante B. Fascell, Chairman of the U.S. House of Representatives
13 Committee on Foreign Affairs; the Honorable John Conyers, Jr., Chairman of
14 the U.S. House of Representatives Committee on Government Operations; the
15 Honorable Morris K. Udall, Chairman of the U.S. House of Representatives
16 Committee on Interior and Insular Affairs; the Honorable Jack Brooks,
17 Chairman of the U.S. House of Representatives Committee on the Judiciary;
18 the Honorable Walter B. Jones, Chairman of the U.S. House of Representa-
19 tives Committee on Merchant Marine and Fisheries; the governor, president
20 of the senate, and speaker of the house of representatives of each of the
21 coastal states of the United States; and to the Honorable Ted Stevens and
22 the Honorable Frank Murkowski, U.S. Senators, and the Honorable Don Young,
23 U.S. Representative, members of the Alaska delegation in Congress.