

SJR

61

STATE OF ALASKA  
1988 LEGISLATIVE SESSION

BILL VERSION : SJR 61  
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22

FISCAL NOTE

REQUEST:

Revision Date: \_\_\_\_\_ Agency Affected: \_\_\_\_\_  
Title: Requesting the Government of the US BRU: \_\_\_\_\_  
to reassert jurisdiction over Wrangel Island...  
Sponsor: Fischer Components: \_\_\_\_\_  
Requestor: \_\_\_\_\_

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL						
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REVENUE						
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FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Prepared by: Senate State Affairs Committee Phone: 465-4522  
Division: \_\_\_\_\_ Date: \_\_\_\_\_  
Approved by Senator Mitch Abood Date: 2-19-88  
Agency: Senate State Affairs Committee

Distribution (by preparer):  
Legislative Finance  
Legislative Sponsor  
Requestor  
Office of Management and Budget  
Impacted Agency(ies)

THIS IS FROM A U.S. STATE DEPT.  
BRIEFING PAPER ABOUT WRANGEL ISLAND  
CLAIMS. PROVIDED BY GOV'S D.C. OFFICE.

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The islands in question are Wrangel (sometimes spelled Wrangell), Herald, Bennett, Henrietta and Jeannette. Wrangel and Herald are located in the Chukchi Sea, approximately 85 nautical miles north of Siberia, 300 nautical miles west of continental Alaska, and 200 nautical miles west of the line established by the 1867 U.S.-Russia Convention ceding Alaska. Bennett, Henrietta and Jeannette are located approximately 500 nautical miles farther northwest, in the East Siberian Sea near the East Siberian Islands. We have no reliable information concerning natural resources on or in the vicinity of the islands nor any evidence of oil reserves existing there. So far as we are aware, no U.S. energy firms have conducted seismic research on or near the islands, in part because they are located in such remote areas. Enclosed is a map showing the location of the islands.

Allegations that the United States is engaged in a "give-away" of these islands are unfounded. Each of the islands was formally claimed by Russia in 1916 and by the U.S.S.R. in 1924 and 1926. Wrangel, the largest, has been occupied by the Soviets since 1924. Extensive research has produced no evidence of U.S. protests of the Russian or Soviet claims to the islands or of the Soviets' occupation of Wrangel since 1924. Although American citizens were involved in the discovery and exploration of several of the islands and attempted to claim them for the United States -- and despite the listing of several of the islands in some early publications such as the U.S. Geological Survey's 1906 Dictionary of Alaska -- there is no evidence that the Government of the United States ever formally asserted a claim to any of these islands.

Wrangel Island was first sighted in 1849 by the crew of a British ship which had landed on Herald, but the first landing on Wrangel did not occur until 1881. While searching for the missing U.S. Navy vessel Jeanette, U.S. Revenue Cutter Service (Coast Guard) Captain C.L. Hooper of the U.S. vessel Corwin briefly landed on Wrangel and reportedly raised the American flag and purported to claim the island for the United States. Later that year, the crew of another U.S. vessel spent several weeks on Wrangel exploring and mapping it. The crew of a Russian vessel landed on the island in 1911, surveyed part of it and erected a beacon which served as an astronomical positioning station. This visit led to the assertion of a formal claim to Wrangel by the Russian government in 1916. The Russian claim was communicated to the U.S. Government, which made no substantive response. In 1914 Arctic explorer Vilhjalmur Stefansson led a Canadian expedition to Wrangel and purported to claim it for the British empire. Stefansson undertook several more expeditions to the island in the early 1920's in an effort to establish Canadian or, failing that, British sovereignty, but neither government ever asserted a claim.

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The Soviet Union sought to assert sovereignty over Wrangel Island in 1922 by vigorously protesting Stefansson's expedition and the intrusion into Soviet waters of the expedition's relief vessels, which had departed from U.S. ports. The Soviets protested to both the U.S. and the U.K., informing them that Wrangel was a Soviet possession and denying both U.S. and British sovereignty over the island. In 1924 the Soviet government formally asserted a claim to Wrangel by diplomatic note to the U.S. and other countries. Extensive research has failed to produce any evidence of a U.S. reply to this note. The crew of a Soviet vessel landed on the island in August 1924 and raised the Soviet flag. The Soviet government reasserted its formal claim to Wrangel in 1926 by decree to the U.S. and other countries. The Soviets have occupied it since 1924, with no evidence of any protest by the U.S. government.

Several months prior to the Soviet landing in 1924 an Alaskan company, Lomen Bros., reportedly purchased whatever rights Stefansson had acquired in Wrangel Island. In response to a request for the U.S. view on the question of the island's sovereignty, the Acting Secretary of State replied that the Department of State declined to express an opinion on the status of Wrangel and refrained from expressing approval or disapproval of Lomen's proposed commercial venture. When the Soviets landed on Wrangel in 1924 they removed the 14 members of the last Stefansson expedition -- one U.S. citizen and one Canadian and 12 Alaskan Eskimos -- and confiscated their personal property. Lomen Bros., Stefansson's successor in interest, sought compensation for the confiscated personal property, for which it received an award from the Foreign Claims Settlement Commission in 1959.

As indicated above, the crew of a British ship discovered and landed on Herald Island in 1849. The crews of U.S. vessels landed there in 1855 and 1881, but reportedly did not attempt to claim it. The Russian government formally asserted a claim to Herald in 1916 when it formally claimed Wrangel, as did the Soviet government in 1924 and 1926. Crews of Soviet vessels landed on Herald and raised the Soviet flag in 1926 and again in 1934. In 1924 there were press reports that two U.S. citizens had landed on Herald and purported to claim it for the United States. In response to a 1926 Congressional inquiry into this expedition, the Department of State said it was not prepared to make a statement regarding the status of Herald.

Bennett and Henrietta islands reportedly were first discovered in 1881 by the crew of the Jeannette under U.S. Navy Commander G.W. DeLong. Apparently it also sighted Jeannette island, but did not land on it. Crews of several Russian ships reportedly landed on Bennett in 1901 (and stayed for over three months) and again in 1913. The Russians attempted to survey

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Henrietta and Jeannette in 1914, but failed to reach them. At the same time the Russian government formally claimed Wrangel and Herald in 1916, it also asserted formal claims to Bennett, Henrietta and Jeannette, as did the Soviet government in 1924 and 1926. A Soviet vessel reportedly visited each of these islands in 1937 and raised the Soviet flag on Henrietta and Jeannette. In 1956 a Soviet expedition reached Bennett by air and remained there for three to five months.

Under international law, discovery itself is not sufficient to establish a right of sovereignty over or valid title to territory not already under the sovereignty of a country. Instead, discovery is generally considered to give rise only to an inchoate claim that temporarily bans the establishment of dominion by another country until the discovering country has had a reasonable opportunity to occupy and possess the territory. Discovery by a national of a country does not suffice to create even an inchoate claim. The nation itself, rather than its nationals, must manifest the intention to establish dominion. To establish definitive territorial sovereignty, discovery must be combined with effective occupation by which the claimant nation exercises the actual, continuous, and peaceful display of the functions of a state over the territory.

The negotiations to which reference is often made are apparently the United States' discussions with the Soviet Union concerning the maritime boundary between the two countries. The sovereignty of Wrangel, Herald, Bennett, Henrietta and Jeannette islands has not been raised as an issue in these discussions.

The United States regards the line established by the 1867 U.S.-Russia Convention Ceding Alaska as our maritime boundary with the U.S.S.R. for the purpose of defining jurisdiction over maritime resources, including fisheries and continental shelf resources. Following the establishment in 1977 of 200-nautical-mile fisheries zones by the United States and the Soviet Union, differences concerning the depiction and application of the 1867 Convention line became apparent. Until 1977, most of the Convention line lay beyond the limits of offshore maritime jurisdiction claimed by the United States and the Soviet Union, and most of the continental shelf over which the Convention line runs was beyond the limits of exploitability. The establishment in 1977 of 200-mile fisheries conservation zones revealed conflicting depictions of the Convention line. The United States depicts the line by arcs of great circles, the shortest distance between two points on the earth. The Soviet Union depicts the line by rhumb lines, lines of constant direction used mainly by mariners. This difference results in areas in the Bering Sea over which both countries claim maritime resource jurisdiction.

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As authorized by the President, the United States has had eight rounds of discussions with the Soviet Union since 1981, the latest in early October 1987, for the purpose of resolving differences in the interpretation and application of the 1867 Convention line. U.S. participation in these talks has involved extensive coordination with all concerned agencies of the Executive branch, including the Departments of Interior, Defense, Commerce (NOAA), Transportation (Coast Guard) and Energy, as well as consultations with the interested Committees and Delegations of the Congress and the Governor of Alaska's Office.

A number of issues remain to be resolved in our discussions with the Soviet Union, including the form of any future agreement. We will continue to consult closely with Congress on the progress of these talks.

As with any diplomatic discussions with another government, we do not believe it appropriate to comment publicly in detail on the substance of these discussions with the Soviets. However, we can say that our position in these talks furthers the full range of U.S. interests, including maximizing our exclusive economic zone and continental shelf resource interests. During October 1986 discussions, each side informed the other of its willingness and intention not to take enforcement action against vessels of the other country fishing in disputed areas in the Bering Sea in which fisheries enforcement incidents had occurred, and each side informed the other that it would not permit third country vessels to fish in these areas. Also, despite our boundary differences with the Soviet Union the U.S. outer continental shelf leasing program has proceeded in the Navarin Basin in the Bering Sea. Special procedures were established in 1984 to put the highest bids in the disputed area into interest-bearing escrow accounts.

