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for two years. As a joint expedition of the Navy and the noted *New York Herald* publisher James Gordon Bennett, the *Jeannette* had left San Francisco in July 1879 under the command of Lt. George Washington DeLong and passed through the Bering Strait in search of Wrangell's Land and the northwest passage. Unfortunately, several miles east of Wrangell the ship became trapped in the ice on September 6 and began drifting to the northwest. For nearly two years the crew endured unrelenting hardships as the ship traversed about five hundred miles. Finally, on June 12, 1881, it was crushed in the ice and sank about eight hundred miles from the North Pole. In this vicinity the crew discovered and claimed for the United States the islands they named Bennett, Jeannette, and Henrietta. (Jeannette was named for Bennett's sister, and Henrietta for his mother, and the three are known collectively as the DeLong Islands.)

"Latitude 77-8 Longitude E 153-25: We break camp and start southward over the ice tomorrow evening, hoping with God's grace to reach the New Siberian Islands, and from there to make our way by boats to the coast of Siberia," read DeLong's log of June 17, 1881. Persevering through severe cold, shifting icebergs, darkness, storms, and shortage of food, the crew eventually became separated into two parties. One group reached the Lena River delta in Siberia and was rescued. DeLong's group also reached land, but it ran out of food and all hands perished of starvation or exposure. Congress subsequently issued special medals to the crew, and a poignant statue of a cross draped in icicles stands at the Naval Academy in Annapolis to commemorate this stunning feat.¹⁰

The newly acquired territories were promptly listed in various U.S. government publications, and the Board of Geographic Names made appropriate topographical designations.¹¹ Although Hooper wanted to call his island "New Columbia," it remained Wrangell Island. Clark River was named after Ezra W. Clark, chief of the U.S. Revenue Marine Service, and Berry Peak and Rodgers Harbor on Wrangell commemorated the U.S. Navy survey party. Herald Island (about fifty miles to the east of Wrangell) was later claimed by the United States after the British abandoned it in the late nineteenth century. But not surprisingly, the settlement of such remote and frozen lands proved to be arduous and sporadic. Wrangell Island served as the setting of a 1910 Hollywood movie, numerous polar bear and whale hunts sponsored by wealthy sportsmen, and expeditions from the Field Museum in Chicago and Carnegie Museum in Pittsburgh. In 1921 Vilhjalmur Stefansson, an American with Canadian backing, acquired rights on the island and established a small settlement.¹² In 1923 the

well-established Lomen Brothers firm in Nome, Alaska, acquired Wrangell from Stefansson and founded a wildlife hunting and reindeer herding business.¹³

Russia, in the meantime, had become interested in extending its Arctic empire in reaction against its earlier retreat from North America (an expansionist ambition most recently reflected in Vladimir Zhirinovskiy's demand that Alaska be retroceded to Russia). In 1902 the tsarist regime took the occasion of a dispute over various whaling and sealing claims to assert that its sovereignty extended deep into the Arctic Ocean.¹⁴ At that time the United States rejected the pretense. In 1916 the tsarist government, then in its death throes during World War I, presented a diplomatic memorandum to the State Department claiming that Wrangell, Herald, Bennett, Jeannette, and Henrietta were now part of the Russian empire because they "form an extension northward of the continental tableland of Siberia."¹⁵ In essence, anything in the thousand miles between mainland Russia and the North Pole was being declared under Russian domain (known as the "sector theory"). This assertion, too, was summarily rejected by the United States.

The Bolsheviks' revolution and victory in the Russian civil war only whetted the Russian appetite in the Arctic. On August 20, 1924, the Soviet gunboat *Red October* landed at Wrangell Island, seized the Lomen settlement, forcibly hauled down the American flag, and removed the Lomen party to Siberia. The Americans were eventually repatriated (two died in the process). The State Department issued a passport for the group, which included an Eskimo baby who was born on Wrangell and had become an American national by virtue of being born on American soil.

No significant diplomatic follow-up was made by the State Department for this occupation of Wrangell. An obvious problem was that the United States did not recognize the Bolshevik government and had no diplomatic relations with it. This Arctic territory dispute thus remained on the back burner through the Depression, World War II, and Cold War. The Lomens tried for years to have the U.S. government take action over the family's lost real estate, but to no avail. For their confiscated furs, skins, equipment, and so forth, the Lomens were awarded compensation by the Department of Justice's Foreign Claims Settlement Commission in 1959.¹⁶

A Bizarre About-Face

In 1965, to dispel the misimpression that many mapmakers created when they drew the 1867 convention line onto world maps and labeled the

¹³ David B. Nolan and Mark J. Seklenberg, "The Right of American Sovereignty over Wrangell Island," *Alaska Quarterly* (University of Saskatchewan) 29, 1981, pp. 6-7.

¹⁴ Herbert H.D. Pierce, *Foreign Relations of the United States*, app. 1 (Washington, D.C.: Department of State, 1903), pp. 18, 107.

¹⁵ Russian diplomatic note of Nov. 13, 1916, Department of State, file no. 861.014/2, rec. gr. 59.

¹⁶ Foreign Claims Settlement Commission of the United States Claim no. SOV-40944, Decision no. SOV-3115, June 29, 1959, Washington, D.C.

¹⁰ Leonard F. Guttridge, *Icebound* (Annapolis, Md.: Naval Institute Press, 1986), p. 182.

¹¹ Department of the Interior, U.S. Geological Survey Bulletin no. 169, *Altitudes in Alaska* (1900); Bulletin no. 187, *Geographic Dictionary of Alaska* (1902); Bulletin no. 274, *A Dictionary of Altitudes in the United States* (1906); Bulletin no. 299, *Geographic Dictionary of Alaska* (1906); and Bulletin no. 817, *Boundaries, Areas, Geographic Centers and Altitudes of the United States* (1930) (Washington, D.C.: GPO). Also, U.S. Geological Survey Professional Survey Paper 567, *Dictionary of Alaska Place Names* (Washington, D.C.: GPO, 1967, rev. 1971, 1975, and 1977).

¹² William R. Hunt, *Stef* (Vancouver, Canada: University of British Columbia Press, 1986), p. 196.

ocean on one side as "U.S." and the other "USSR" as if the line were an actual boundary, the Geographer of the State Department issued a detailed study. It stated, "Furthermore, in keeping with the policy that the line does not constitute a boundary, the standard symbol for the representation of an international boundary should never be used."¹⁷ In 1973 the Digest of International Law plainly declared, "The United States has not relinquished its claim to Wrangell Island."¹⁸ Then, sometime in the mid-1970s, the State Department's stance radically changed. It subsequently has sought to abandon to the Soviets/Russians all of Wrangell, Herald, Bennett, Jeannette, and Henrietta Islands in the Arctic, and Copper Island (with Sea Lion Rock and Sea Otter Rock) at the end of the Aleutians, along with the adjoining seabeds. It has never even sought a peace treaty to deal with the Soviet military invasion of Wrangell.

Following the 1976 passage of the Fishery Conservation and Management Act, the State Department made a preemptive concession to the Soviets over setting the maritime boundary between Alaska and Siberia. Without so much as public hearings or consultation with Congress, the State Department delivered a diplomatic note from the U.S. embassy in Moscow on January 24, 1977, stating, "... the U.S. Government, in enforcing its fishery jurisdiction, intends to respect the line set forth in the Convention signed at Washington March 30, 1867."¹⁹ The instructions from the secretary of state for delivery of the note stated, "Note speaks for itself, and accordingly, we do not wish to comment or solicit a reaction from Soviets orally at this time."²⁰

The 1867 convention line had never been a boundary before, and nowhere did it approximate an equidistant formulation. The five islands in the Arctic would be on the Soviet side. Moreover, the State Department ignored the 167 degrees east meridian segment and put Copper Island (with Sea Lion Rock and Sea Otter Rock) on the Soviet side.

The Soviet diplomats were taken aback by this generous offer. They eagerly accepted it with the proviso that no maritime boundary would be created by the 1867 line where it was farther than two hundred nautical miles from either coastline.²¹ In a confidential telegram from the American embassy in Moscow describing the presentation of the January 24 note to the nonplussed Soviet official, it was reported, "He did ask, as a personal aside, whether it was not customary to negotiate or at least discuss such matters before giving notice about enforcement provisions."²²

¹⁷ The Geographer, U.S. Department of State, "U.S.-Russia Convention Line of 1867," *International Boundary Study* no. 14 (Revised), Oct. 1, 1965, 3.

¹⁸ Green Haywood Hackworth, *Digest of International Law*, vol. 1 (New York: Garland Publishing, Inc., 1973), 464.

¹⁹ U.S. Embassy (Moscow) note 99 of Jan. 24, 1977.

²⁰ U.S. Department of State telegram 013984 from secretary of state to American embassy, Moscow, DTG 211915ZJAN77, 1.

²¹ USSR Ministry of Foreign Affairs note no. 11/dusa of Feb. 24, 1977.

²² American embassy, Moscow, telegram 01163 to secretary of state, DTG 251544ZJAN77, 1.

"Alaska" only came into being years later as U.S. Army, Navy, Revenue Marine, Treasury Department, and other federal officers took over the few Russian settlements and fanned out to make vast discoveries and assert U.S. sovereignty. Included in these postcession discoveries were five specific islands in the Arctic Ocean. They were not part of the 1867 purchase, and the Russians could not have ceded them to the United States since they had never owned them. This should not be surprising given the fact that the Arctic Ocean is frozen over for about nine months of the year, and during the summer the ice breaks up a little on the southern rim to allow only very limited navigation.

The closest of the five islands to the Russian mainland is Wrangell Island, eighty miles north of Siberia at 71 degrees north, 180 degrees east and west. In 1881 American sailors were the first to set foot on Wrangell and take possession for the United States. Captain Calvin Leighton Hooper of the U.S. Revenue Marine (later to become the Coast Guard) on patrol aboard his steamer *Thomas Corwin* directed the landing party coming ashore on Wrangell at the mouth of the Clark River on August 12, 1881. In his report

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could not cede
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not own.**

to Congress Hooper stated that after the ship had maneuvered through ever-threatening ice floes, "We immediately landed and, raising the American flag, took possession in the name of the United States."²³

The famed explorer John Muir, who was aboard the *Corwin* and in the landing party, wrote, "A notable addition was made to the national domain when Captain Calvin L. Hooper landed on Wrangell Land, and took formal possession of it in the name of the United States."²⁴ Muir's illustrations show the raising of the American flag and other shore activities.

A few weeks later the USS *John Rodgers* under the command of Navy Lt. Robert M. Berry, arrived to complete an extensive survey. The island turned out to measure about eighty miles east and west and forty miles north and south, and covered nearly twenty-eight hundred square miles, or more than Rhode Island and Delaware combined. Up until this time it was not known if "Wrangell's Land" was an island or an extensive peninsula of a larger land farther north. It had been named by an American whaling captain Thomas Long in 1867 when he spotted it from the south on his bark *Nile*. He named it in honor of a Russian official, Baron Ferdinand Petrovich von Wrangell, who had conducted Arctic forays but never sighted nor landed on the island himself.

The *Corwin* and *Rodgers* were patrolling the area in the summer of 1881 partly in search of the U.S. Navy steamer *Jeannette* which had been lost

²³ Calvin Leighton Hooper, *Report of the Cruise of the U.S. Revenue Steamer Thomas Corwin in the Arctic Ocean, 1881*, Senate Executive Document 204, 48th Cong., 1st sess., 1884, 66.

²⁴ John Muir, *The Cruise of the Corwin* (Boston, Mass.: Houghton Mifflin, 1917), p. 169. This is a better version of the book than the Sierra Club's 1993 reprint. The reprint fails to include Muir's own illustrations (including the ones showing the landing on Wrangell Island). It fails to include the title page illustration of the Muir aster (*Erigeron Muirii*), the flower named after Muir which he discovered on his cruise aboard the *Corwin*. It consistently misspells Wrangell as "Wrangel." Its new introduction also undercuts Muir's account by questioning, without any substantiation, the fact that the *Corwin* was the first landing on Wrangell.

agreements that otherwise would require a treaty (such as setting a boundary with another country). Its original 1977 agreement with the Soviet Union obviously was never intended to be a treaty. By signing the executive agreement on June 1, 1990 (which would have the U.S. government abide by the terms of the maritime boundary agreement in treaty form regardless of whether it was ever ratified and put into force), the State Department has claimed the power to ignore entirely the treaty process and treat the main maritime boundary agreement in treaty form as the side act.

A Long and Chilling History

Before presenting more legal and policy issues, it would be useful to recount the historical record of Alaska's geography so that the magnitude of what is at stake can be appreciated.

First, "Alaska" was not bought from Russia in 1867, as we all "learned" in school. Rather, the term "Alaska" does not even appear in the treaty of cession (Convention of March 30, 1867), signed by Secretary of State William H. Seward and tsarist ambassador Eduard de Stoeckel.⁷ What the United States did acquire in this treaty were various Russian coastal and island settlements toward the southern end of modern day Alaska: settlements known collectively as "Russian America." The Russians had not settled or claimed much inland, nor had they even settled or claimed territory around the Bering Strait or the Arctic Ocean littoral. Modern day Alaska, after all, is more than twice the size of Texas, and the five hundred or so Russian officials and pioneers could hardly claim to have effectively occupied more than a fraction of the "great land," as the Aleuts called it.

In describing what was being ceded to the United States in Article I of the treaty a couple of geographic lines were created. One line starts in the Bering Straits midway between Big and Little Diomed Islands and "proceeds north, without limitation, into the same Frozen (Arctic) ocean"; and from the same midway point it extends southwesterly to a midpoint between St. Lawrence Island and Cape Chukotski and thence to a midpoint between Copper Island and Attu Island. This line is sometimes referred to as the "1867 convention line." The other line in the treaty is a north-south meridian at 167 degrees east (the treaty calls it 193 degrees west) which extends between Copper Island and Bering Island in the Komandorski Islands, "so as to include in the territory conveyed the whole of the Aleutian islands east of that meridian" (i.e. Copper Island and the rest).

⁷ U.S. Statutes at Large 15: 539.

This U.S.-Soviet executive agreement unraveled later in 1977 when it was discovered that the U.S. and Soviet diplomats were using different geographical coordinates to depict the 1867 line. The 1867 treaty did not have any specific coordinates, since the line existed out in the middle of the ocean for the sole purpose of partially describing what was being transferred to the United States. For the segment that runs diagonally for over one thousand miles from the Bering Strait to a point in the mid-Aleutians, the United States was using a line that was the shortest between two points on a globe (i.e. the arc of a great circle). The Soviets used a straight line on a Mercator flat map (i.e. a rhumb line). The Soviet version lies considerably eastward from the U.S. version and gives the Soviets about fifty thousand square miles more seabeds.

Unaware of this interchange, the authoritative William Butler, dean of the Faculty of Laws at University College in London, wrote in 1978, "The Russo-American Convention Line of 1867 is not regarded as a state frontier, and the continental shelf boundary in the Chuckchi Sea and northward remains to be negotiated."²³

An uneasy impasse continued until 1981 at which time the two sides started negotiations. These were concealed from public view by the State Department. The negotiations took on additional significance when on March 10, 1983, President Ronald Reagan proclaimed U.S. exclusive economic zones in general, with specific boundaries to be negotiated with nearby countries. Thus the maritime boundary between the United States and the Soviet Union would establish more than fishery conservation zones.

The maritime boundary issue came to public light in 1984, resulting in a heated reaction in Alaska, Congress, and the press to the effect that Washington was engaged in a vast giveaway. The public disclosure surfaced in March when the Department of the Interior was about to conduct an oil tract lease sale in the Navarin Basin of the Bering Sea. It had to admit that it was not quite sure where the western boundary of the Navarin Basin would be finally fixed (because of the dispute with the Soviets), hence, oil companies that bid on those western tracts might not eventually receive the leases. The announcement in the Federal Register stated, "The United States depicts the 1867 Convention line as the maritime boundary"²⁴

Sharp disapproval of the State Department's actions echoed in Congress, in state legislatures, and in public groups. Initiatives in the Senate were led by the ranking member of the Foreign Relations Committee Jesse Helms (R-N.C.), who introduced a series of resolutions with extensive commentaries in the *Congressional Record*.²⁵ In the House, Congressmen Mark Siljander (R-Mich.),

²³ William E. Butler, *International Straits of the World*, vol. 1, *Northeast Arctic Passage* (Alphen aan den Rijn, Netherlands: Sijthoff & Nordhoff, 1978).

²⁴ Federal Register (Mar. 16, 1984): 10056-68.

²⁵ S.R. 279, 99th Cong., 1st sess., *Congressional Record*, 131, no. 176 (Dec. 18, 1985): S18002-21; S.R. 20, 101st Cong., 1st sess., *Congressional Record*, 135, no. 6 (Jan. 25, 1989): S779-87; and Amend. 387 to the Department of State Authorization Bill, 101st Cong., 1st sess., *Congressional Record*, 135, no. 99 (July 20, 1989): 28438-47.

William Dannemeyer (R-Calif.), and Dan Burton (R-Ind.) introduced bills in the 99th, 100th, and 101st Congresses respectively.²⁶ In addition to questioning the giveaway nature of the proposed maritime boundary, the measures reiterated that the agreement would need to be in the form of a treaty and thus subject to congressional and public scrutiny.

The Alaska legislature was understandably upset. Urging the State Department to resist the Soviet demands was the subject of a resolution by State Representative Roger Jenkins, which passed both houses unanimously and was signed by Governor Bill Sheffield in April 1986.²⁷ After repeated rebuffs from the State Department, the legislature passed a resolution by State Senator Rich Uehling and signed by Governor Steve Cowper in May 1988 complaining that it was being improperly excluded from the negotiations.²⁸ The State Department contends that it briefed the governor's staff on various occasions during the negotiations. However, since none of the governor's staff held federal security clearances, they would not have been granted access to any of the substantive parts of the negotiations considered classified information.

Alaska's congressional delegation was split on this issue. Representative Don Young cosponsored the Burton bill in 1989. Senator Ted Stevens, however, appeared before the Alaska legislature in March 1986 and declared, "Alaskans don't belong in that fight."²⁹ Senator Frank Murkowski (R-Alaska) promised to introduce a bill in December 1985 to require the State Department to give a full report on this matter, but never fulfilled his promise.³⁰ Both senators testified in favor of the maritime boundary agreement at the Senate Foreign Relations Committee hearing on June 13, 1991.

The state of California agreed with Alaska, recognizing that if the State Department could ignore one state in negotiating over its boundaries and territory, it could abuse all states. The California legislature passed a resolution in September 1987 authored by Assemblywoman Marian La Follette to support Alaska's rights to be represented in the negotiations and give consent to relevant terms.³¹

Numerous nationwide and local groups passed resolutions questioning the impending giveaway, including the American Legion, Veterans of Foreign Wars, Daughters of the American Revolution, and Young Americans for Freedom. Editorials and news articles appeared in several publications including the *Wall Street Journal*, *Christian Science Monitor*, *Forbes*, *Chicago Tribune*, and *Detroit Free Press*, while State Department Watch, a public advocacy group, sponsored

If one state is excluded from boundary negotiations, then all states stand to be ignored.

islands on the Russian side, and thus apparently disposes of them by abandonment or by inverse condemnation. Disposals of U.S. territory and property are subject to the power of Congress (Article IV, Section 3), but the State Department has never approached the House of Representatives or Senate to approve its disposal plan.

3. In the federal system of government, the state and federal governments have coequal powers when a state's boundary and/or territory is involved. The proposed maritime boundary line impinges on Alaskan land and sea resources (under the Submerged Lands Act of 1953). Nevertheless, the State Department has refused repeatedly to allow representatives of the state of Alaska to participate in the negotiations, and has denied that the terms of the maritime boundary that impact on Alaska be subject to approval by the state of Alaska. This refusal contradicts a long-standing policy, dating from 1846 when Secretary of State Daniel Webster negotiated the boundary between Maine and New Brunswick with Great Britain. Webster required that commissioners from both Maine and Massachusetts (Massachusetts having some residual interests in Maine) participate in the negotiations, and that the states also consent to the terms of the final Webster-Ashburton Treaty.⁶

4. A novelty of the maritime boundary agreement creates a "western special area" on the U.S. side in the Bering Sea and gives the Russians the power "to exercise the sovereign rights and jurisdiction derived from exclusive economic zone jurisdiction that the United States would otherwise be entitled to exercise under international law in the absence of [this agreement]." The power of a foreign government to exercise sovereignty and jurisdiction on American soil is highly unusual, such as in the case of embassy grounds. The agreement also gives the United States similar sovereign powers over three "eastern special areas" on the Russian side.

5. Finally, the State Department apparently arrogates to itself the power to conclude binding executive

²⁶ H.R. 3766, 99th Cong., 1st sess., introduced by Siljander on Nov. 14, 1985; H.R. 341, 100th Cong., 1st sess., by Dannemeyer on Jan. 6, 1987; and H.R. 2383, 101st Cong., 1st sess., by Burton on May 17, 1989.

²⁷ Alaska House Joint Resolution 53, 14th Legislature, Juneau.

²⁸ Alaska Senate Joint Resolution 12, 15th Legislature, Juneau.

²⁹ "Oil deposits shift Cold War to drab, icy Arctic islands," *Miami Herald*, Mar. 23, 1986.

³⁰ Senator Murkowski, letter to the editor, *Wall Street Journal*, Dec. 2, 1985.

³¹ California Assembly, Joint Resolution 37, Sacramento, adopted Sept. 10, 1987.

⁶ Hunter Miller, *Treaties and Other International Acts of the United States*, vol. 4 (Washington, D.C.: U.S. Department of State, 1934), pp. 383-93.

hence it has not entered into force. The executive agreement, by contrast, appears to have been implemented by both sides.

The form of the agreement has considerable importance. The U.S. Constitution makes a treaty the supreme law of the land that can override any state law. An executive agreement, on the other hand, is not superior to any state law, and can be as easily amended or abrogated as entered into with the foreign government.

In February 1997 the Russian Duma (the lower house of the Russian legislature) resoundingly voted to denounce the executive agreement and demanded even more seabeds with their fishing rights yielding annually 150,000 tons of fish harvests worth over \$300 million. According to one news report:

State Department sources, speaking on the condition that they not be quoted by name, said the Clinton administration is working furiously to rescue the agreement. But they acknowledged that the dispute poses a serious difficulty that can be resolved only through concessions to the Russians. "Opposition to the treaty has emerged on the Russian side," a State Department source said. "It reflects the view of Russian fishing interests that the agreement disadvantaged them and that they lost opportunities to fish in the Bering Sea."¹

In May 1997 the State Department had to scrub a planned signing ceremony in Petropavlovsk on Kamchatka due to the failure of both sides to arrive at a new agreement that would transfer fishing rights to the Russians. Considerable opposition was voiced by U.S. fishing groups and others toward any further giveaways. Russian criticism continued in September with a front page story in the newspaper *Izvestia* and vocal complaints by foreign ministry officials and Duma leaders.²

The apparent ability of the State Department to exercise its will unilaterally with little input from the public has raised considerable question as to the processes involved. With respect to the treaty form of the maritime boundary agreement, the State Department has evidently and willfully ignored no less than five constitutional requirements for treaties.

1. Negotiations intended to produce a treaty are supposed to be revealed promptly to the U. S. Senate so that it can effectively exercise its "advice" power under the "advice and consent" clause (Article II, Section 2). The State Department never provided any such notification or request for input to the Senate for the original 1977 agreement, the series of negotiations in the 1980s, or the current round.

2. Because of the way the proposed boundary line has been drawn, it places eight American/Alaskan

a letter-writing campaign that resulted in some fifty thousand protests being delivered to the State Department.

Nevertheless, the unyielding State Department produced its agreement in 1990 without any formal input from the Senate, the state of Alaska, or the public. The line it created for the boundary was based on the 1867 line with significant zigs and zags added approximately halfway between the "arc of a great circle" and the "rhumb line" depictions. Almost no equidistant lines were used. Two hundred mile arcs were drawn with the assumption that the Soviet Union owned Copper Island in the south and Herald Island in the north. The line ran north-south through the reef that extends from the western shore of Little Diomed Island (U.S.) in the Bering Strait. It also created the novel concept of the eastern and western "special zones" by which the Soviet Union and United States were to exercise sovereign rights and jurisdiction on the other's seabeds. The two hundred mile arcs from the U.S. coast baselines were questionable, inasmuch as the U.S. Coast and Geodetic Survey has never compiled a survey of the coast baseline in the vicinity of the Bering Strait or Little Diomed Island.

A further problem of the constructive cession of the eight islands presented itself. This would amount to a substantial removal of property from the state of Alaska and any private owners of the islands, who ought then to receive just compensation from the federal government. (State Department Watch has attempted to assist the heirs of the Lomen Brothers, who had given up hope decades ago, with two of the group's directors taking on parts of the ownership of Wrangell Island.)

As previously mentioned, the executive agreement that was signed at the same time on June 1, 1990, was shielded from the public and Congress. It was not announced at the time of signing. It was not mentioned in the president's transmittal of the treaty agreement to the Senate.³ It was not mentioned in the State Department's testimony at the Senate Foreign Relations Committee hearing on the treaty in June 1991.⁴ It did not come up in the committee report, nor in the Senate floor debate in September.⁵

Prior to the Senate vote, state legislatures of Alaska and California again expressed strong disapproval and urged rejection. A letter signed by a majority of members of the Alaska legislature stated:

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 consideration of

¹ "Russians Won't Back Sea Boundary," *Fairbanks Daily News-Miner*, Mar. 9, 1997.

² *Izvestia* (Moscow), Sept. 1, 1997; "Russians Set To Go on Offensive in U.S. Fish Dispute," *Journal of Commerce* (New York), Sept. 4, 1997.

³ Senate Treaty Document 101-22, 101st Cong., 2nd sess., Sept. 26, 1990.

⁴ Senate Committee on Foreign Relations hearing transcript on U.S.-Soviet Maritime Boundary Agreement, S. Hrg. 102-90, 102nd Cong., 1st sess., June 13, 1991.

⁵ Senate Executive Report 102-13, *Foreign Relations Committee Report on the Agreement with the Union of Soviet Socialist Republics on the Maritime Boundary*, July 31, 1991; *Congressional Record*, 102nd Cong., 1st sess., 1991, 137, no. 127: 513009-10 and 513036-40.

navigation in the area. In the entire history of the treaty negotiations, Alaska has had no official voice.³⁴

The California legislature joined in with unanimous passage of a resolution authored by State Senator Don Rogers renewing its support for the state of Alaska and asking the president to withdraw the proposed treaty.³⁵ Senator Pete Wilson (R-Calif.) in September 1990 entered into the *Congressional Record* a commemoration of the congressional medals to the DeLong crew on the 100th anniversary of the awards.³⁷

The State Department testified at the Senate hearing on June 13, "The agreement is a maritime boundary agreement. It does not recognize Soviet sovereignty over those (five Arctic) islands."³⁸ But Helms was not impressed with the State Department's ultimate intentions, stating, "Since I doubt that the State Department will make use of the opportunity to press U.S. claims to the five islands—even though the right to do so is preserved—I intend to vote against the treaty."³⁹ Nevertheless, the treaty passed the Senate on September 16, 1991, in the wave of post-Cold War euphoria.

What Is To Be Done?

Six years later, the State Department has still failed to assert anything regarding the islands. The Alaska legislature has spoken again by the passage in the House of Representatives in 1997 of a resolution, introduced by Representatives Al Vezey and Joe Ryan, reiterating the position that Alaska's exclusion from the process is unconstitutional, that the executive agreement is considered null and void, and that the State Department ought to reveal what it has done to implement the executive agreement over the past six years.⁴⁰

Just exactly what is at stake economically with the seabeds under consideration? Alaska is the biggest fishing state in the nation, with billions of dollars in catches yearly. Conflicts over fishing rights have been rife for decades not only with the Russians, but with Japanese, Korean, and other fishing fleets. The Duma's objection to the agreement appears primarily motivated by desire for even more Russian fishing beds.

Oil is an even more significant prize. The north slope of Alaska is the largest oil field in the United States. This field faces and extends out into the Arctic Ocean, which is so shallow that the continental shelf (two hundred meter depth) extends out hundreds of miles, beyond both Wrangell and Herald Islands.

of the negotiators, the dates and places of the rounds, and the substance of the talks remain classified information.¹

Billions of dollars of petroleum, fishery, and other resource potential are at stake in hundreds of thousands of square miles of seabeds under consideration. Strategic American/Alaskan land outposts in the Arctic and Aleutians (along with their seabeds) are in danger of being permanently abandoned to the Russians without any quid pro quo whatsoever.

Before discussing the current situation further, it would be helpful to give some legal perspective. Prior to 1976 countries did not divide up seabeds between themselves farther than their territorial seas of three or twelve miles from their coastlines. With the development of sea mining techniques and open sea fishing disputes, the international concepts of exclusive economic zones, fishery conservation zones, continental shelves (two hundred meter depth), and so on came into being with two hundred nautical miles from coastal baselines adopted. Generally countries adopt some form of equidistant line. These zones don't necessarily include all the seabeds between two landmasses and an open nonzone sea area can be completely surrounded by EEZs. In the Bering Sea a well-known open area called the "doughnut hole" is surrounded by the U.S. and Russian zones, and is subject to fishing by other countries.

The Fishery Conservation and Management Act of 1976 set the scene for negotiations with the Soviet Union by the outgoing Ford administration. The State Department, without any negotiations, then entered into a secret executive agreement with the Soviet Union in 1977 over a maritime boundary. The agreement fell apart later that year when the actual geographic coordinates of the proposed line became disputed (the Soviets wanted the line much farther toward the east and closer to Alaska). In 1981 a series of at least eight rounds of negotiations began. It resulted in the signing of a maritime boundary agreement in treaty form by Secretary of State James A. Baker III and Soviet foreign minister Eduard Shevardnadze on June 1, 1990, in Washington, D. C.² The two also signed an executive agreement that "pending the entry into force of that [maritime boundary] Agreement, the two Governments agree to abide by the terms of that Agreement as of June 15, 1990."³ No public announcement of this executive agreement was made by the State Department at the time of its signing in 1990. The U.S. Senate consented to the treaty in September 1991, and President George Bush carried out ratification for the U.S. side in December. The Soviet/Russian side, however, has let six years go by without ratifying the treaty,

¹ Some State Department representatives at the July 1984 negotiations in Moscow were legal advisor Davis Robinson, attorneys Elizabeth Verville and Scott Hajos, and staff members Harry Marshall, Richard T. Scully, and Robert W. Smith.

² Agreement between the United States of America and the Union of Soviet Socialist Republics on the Maritime Boundary, signed on June 1, 1990, at Washington, D.C., *International Legal Materials*, vol. 29, American Society of International Law, (1990), 941.

³ Untitled agreement signed June 1, 1990, at Washington, D.C., relating to the Agreement between the United States of America and the Union of Soviet Socialist Republics on the Maritime Boundary, Department of State, *United States Treaties and other International Acts Series* 11451.

³⁴ Letter dated May 17, 1991, from 36 members of the Alaska Legislature (headed by Rep. Ramona Barnes) to Sen. Joseph Biden Jr. (D-Del.), chair, Subcommittee on European Affairs, Senate Committee on Foreign Relations.

³⁵ California Senate, Joint Resolution 20, Sacramento, adopted Sept. 3, 1991.

³⁶ *Congressional Record*, 101st Cong., 2nd sess., 1990, 136, no. 117: 513524.

³⁷ Senate Committee hearing transcript, U.S.-Soviet Maritime Boundary, 12.

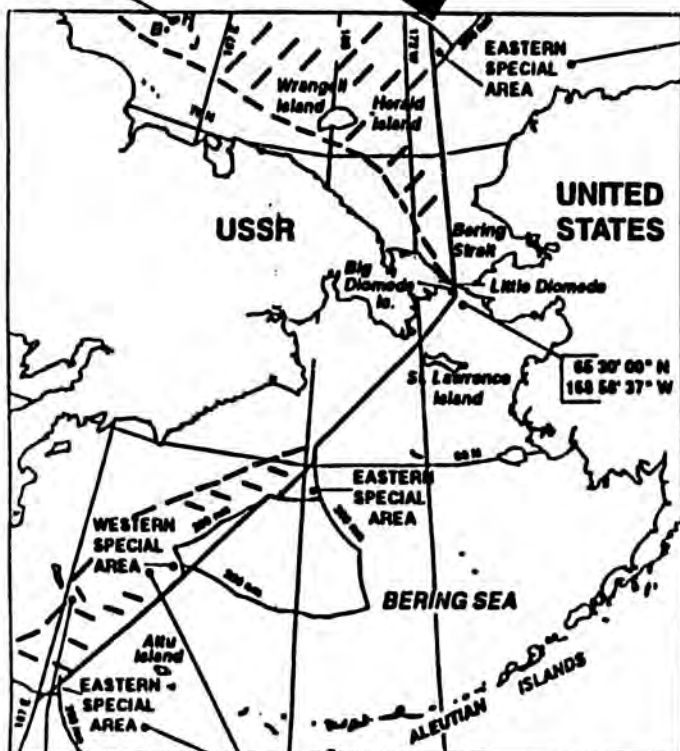
³⁸ *Congressional Record*, 102nd Cong., 1st sess., 1991, 137, no. 127: 513037.

³⁹ Alaska House Joint Resolution 22, 20th Legislature, 1st sess., Juneau, 1997.

Map: Maritime Boundary Giveaway

UNITED STATES-USSR MARITIME BOUNDARY *

The DeLong Islands of Henrietta, Bennett, and Jeanette.



This Eastern Special Area is based on Russian sovereignty on Herald Island.

The maritime boundary cuts off part of the western reef of Little Diomedes Island.

The Russians get "sovereign rights and jurisdiction" over the United States Western Special Area.

Copper Island, Sea Otter, and Sea Lion Rocks.

These Western and Eastern Special Areas are based on Russian sovereignty on Copper Island.

EIGHT U.S. ISLANDS AND SURROUNDING SEABEDS BEING GIVEN TO RUSSIANS.

* Maritime boundary as adopted by executive agreement of June 1, 1990, but not yet ratified by treaty.

Scale of miles
500 mi 1000 mi

Oil reserves are generally measured in the billions of barrels valued around twenty dollars per barrel depending on production requirements. Oil companies make their own proprietary surveys. In the Department of the Interior's Chukchi Sea oil and gas lease sale in 1990, for tracts in the Arctic Ocean bordering on the 1867 line, the low estimate was 430 million barrels and the high estimate was 3.5 billion barrels.⁴¹ As for estimates in the vicinity of Wrangell Island, the Russians are not talking. However, it is known that both ARCO and Halliburton have conducted petroleum surveys for the Russians on and around Wrangell.

Why then—and here we come to a key player in our mystery—has not one U.S. oil company, over the two decades of 1977–97, expressed any opposition to the concessionary treaty? Until someone says otherwise, we can only conclude that U.S. oil executives believe that the Russians will be easier and cheaper to deal with for exploration and development of the oil reserves than the American and Alaskan governments. They may also be looking at other vast oil deals in southern and European Russia, and hope to curry favor with the relevant officials in Moscow. And in the absence of other powerful lobbies seeking to influence U.S. policy, secretaries of state may be expected to accede to the oil industry's wishes.

One industry group that did want to retain the Arctic islands for the United States was based in Rhode Island and Connecticut: the submarine shipbuilding industry which was facing severe post-Cold War cutbacks. These firms had designed wide-bodied submarines (similar to ballistic missile ones) that could be used as undersea tankers for use under the Arctic ice pack year-round.

In conclusion, whatever its private motives, the State Department cannot now conclude a new maritime boundary agreement with the Russians, or a companion agreement to turn over American fishing rights to the Russians, without confronting the following "unpleasant" realities:

1. Helms is now the chairman of the Senate Foreign Relations Committee and has the power to hold up any treaty under the rules of the Senate.
2. The effect of a new maritime boundary agreement will be called into question, given that the State Department has asserted its own unilateral authority to adopt a maritime boundary without a treaty. A thorough explanation of its actions to implement the executive agreement since 1990 will need to be forthcoming.
3. The abandonment of the eight islands would amount to a confiscation by the federal government

of property owned by individual Americans and the state of Alaska who would then be entitled to just compensation.

4. Alaska is not the only part of America's coast for which the EEZ has not been fully asserted by the State Department. For any American island, the two hundred nautical mile EEZ circle around it contains at least 125,000 square miles of potential seabed resources. Among the American islands where the State Department has neglected to assert the EEZ are the Caribbean island of Navassa (situated among Haiti, Jamaica, and Cuba) and the Pacific islands of Washington, Fanning, Baker, Stewart, and Kingman Reef.

5. The State Department's seeming haste to conclude a maritime boundary with our erstwhile adversary Russia is in stark contrast to its treatment of our friends in Canada. The State Department has not yet arrived at a maritime boundary agreement with Canada for either the Arctic end or the southern end of Alaska.

6. The posture of the United States as the victor in the Cold War with the Soviet Union is being undermined. The United States should be in a better bargaining position in 1997 than it was in 1990. And yet, even as Germans, Poles, Hungarians, Ukrainians, and others have succeeded in removing the Russian troops from their soil, America itself has not.



U.S.-Russian Maritime Boundary Giveaway

by Carl L. Olson, Mark J. Seidenberg, and Robert W. Selle

Admiral James D. Watkins, the Chief of Naval Operations (CNO), disappeared from Washington for several days in May 1985. When he literally "resurfaced" Watkins, a veteran submariner, was aboard the USS *Trepang* (SSN 674) about 250 miles from the North Pole. He was visiting an Arctic Ocean hydroacoustic research site at 86 degrees north, and the CNO's presence there underscored the strategic naval importance of this Arctic interface between the United States and the Soviet Union. Data developed there was proving vital for the cat-and-mouse games that U.S. attack submarines played and continue to play with Russian attack and ballistic missile submarines hiding under the ice cap. Exact sonar readings are crucial for the tricky acoustic behavior for near freezing temperatures in the confined environs bounded by the ice floes above and the shallow Arctic Ocean bottom below.

The *Trepang's* crew was ignorant of the negotiations then shuttling between Washington and Moscow over where precisely to fix the maritime boundary between the two countries in the Arctic Ocean and Bering Sea. The talks had already lasted four years and another five would pass before their conclusion.

But no headline screaming "Americans and Soviets Meet in Historic Talks on Maritime Boundary between Alaska and Siberia" ever appeared in print, and no television news program ever displayed smiling ambassadors congratulating each other at an auspicious locale such as Geneva. Instead, the superpowers, without publicity, exchanged diplomatic notes in 1977, and conducted at least eight face-to-face negotiating sessions from 1981 to 1990, their purpose being to divide up the fishery conservation zones and exclusive economic zones (EEZ) in the Bering Sea and Arctic Ocean where the coasts of the two countries came within four hundred nautical miles of each other. And the reason the public never heard anything is that the Department of State saw fit to conduct these historic negotiations in secrecy. To this date the names

Carl L. Olson, Mark J. Seidenberg, and Robert W. Selle are chairman, vice-chairman, and senior advisor, respectively, of State Department Watch, a nonpartisan foreign policy watchdog group in Washington, D. C.

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America Offers Russia an Arctic Empire

Carl L. Olson, Mark J. Seidenberg, and Robert W. Selle

Australia Shuns Isolationism

Robyn Lim

Catholic Democracy in Latin America

Edward A. Lynch

Alaska State Legislature

Interim:
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Fairbanks, AK 99701
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(907) 456-8245 - Fax



Session:
State Capitol, Room 416
Juneau, AK 99801
(907) 465-3719 - Phone
(907) 465-3258 - Fax

Representative John Coghill

Date: March 15, 1999

To: Representative Ramona Barnes, Chairman
World Trade and State and Federal Relations Committee

From: Representative John Coghill *JBC*

Re: Scheduling HJR 26 & HJR 27 for hearing

Representative Coghill is requesting that HJR 26, "Relating to establishing maritime boundaries with Canada", and HJR 27, "Relating to the maritime boundary between Alaska and the former Union of Soviet Socialist Republic", be heard in the World Trade and State and Federal Relations Committee.

He would request that he receive enough notice to arrange for a representative of State Department Watch to attend the hearing and testify. State Department Watch has been monitoring U.S. activities with the U.S.S.R. and Russia in relation to Alaska's boundaries.

I have enclosed the resolutions, sponsor statements, and additional back up information.

Thank you for your assistance.

Alaska State Legislature

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119 N. Cushman, Suite 211
Fairbanks, AK 99701
(907) 456-5081 - Phone
(907) 456-8245 - Fax



Session:
State Capitol, Room 418
Juneau, AK 99801
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Representative John Coghill

HJR 26 Maritime Boundary Between Canada and Alaska Sponsor Statement March 10, 1999

I have introduced HJR 26 to encourage the federal government to begin a dialog with Canada and Alaska over the disputed maritime boundaries between Canada and Alaska.

The federal government established a maritime boundary with Canada between Maine and Nova Scotia fourteen years ago. Since the late 1970's the Alaska Trollers Association has requested assistance from the U.S. State Department but Alaska has received no assistance in resolving the problem.

In 1976 the United States unilaterally expanded its territorial waters from the 12-mile traditional limit to the 200-mile Exclusive Economic Zone (EEZ) in hopes that everyone else would follow suit. Canada, however, maintains the A/B Line in the Dixon Entrance as its maritime boundary.

On February 25, 1998, Captain Vince O'Shea, Chief of Maritime Operations Plans and Policy Division of the 17th District United States Coast Guard, testified about the problem before the House Special Committee on Fisheries. He said that the U.S. has had an agreement with Canada since 1977 as to how to enforce laws in the disputed waters. Under the agreement each country enforces its fishing rules on its own vessels in the disputed area. In 1980 Canadian officers took law enforcement action against U.S. trollers operating in the disputed waters claiming the agreement did not apply to nontraditional fisheries in the area. The issue has been debated every since.

The only solution to the ongoing disputes over fishing rights, mineral rights, transportation rights, and other rights of Alaskans, Canadians and the federal government is the establishment of a maritime boundary.

This resolution also clarifies that the sovereignty, territory, jurisdiction, and property rights of Alaska must be protected. It resolves that any negotiations on a maritime boundary with Canada must include participation of representatives of the State of Alaska.

FISCAL NOTE

STATE OF ALASKA
1999 LEGISLATIVE SESSION

BILL NO. HJR 26

Revision Date: _____
Title: Establishing Maritime Boundaries
with Canada
Sponsor: Rep. John Coghill
Requester: WTR

Dept. Affected _____
BRU _____
Component _____
Component Serial No. _____

Expenditures/Revenues

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 00	FY 01	FY 02	FY 03	FY 04	FY 05
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES

CHANGE IN REVENUES []

FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
1091 Designated Program Receipts						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY98) cost: _____

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

No fiscal impact.

Prepared by D. Mark Riehle, WTR Aide

Phone 465-6643

Phone _____

Date 3-29-99

AMENDMENT NO. 1

OFFERED IN THE HOUSE WORLD TRADE & STATE & FEDERAL RELATIONS
COMMITTEE

BY REPRESENTATIVE COGHILL

TO: HJR 26

- 1 Page 2, line 17 after the words "the federal government to":
- 2 Delete: initiate
- 3 Insert: pursue

AMENDMENT NO.

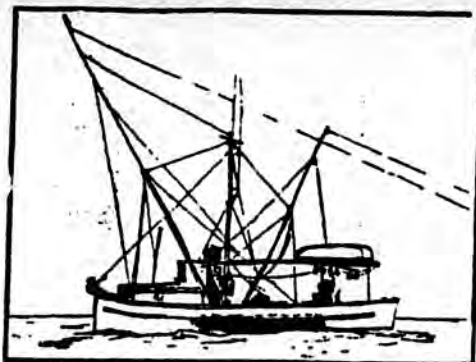
2

OFFERED IN THE HOUSE WORLD TRADE & STATE & FEDERAL RELATIONS
COMMITTEE

BY REPRESENTATIVE COGHILL

TO: HJR 26

- 1 Page 2, line 24, after the word "public":
- 2 Delete: "input and hearings during the negotiating process; and"
- 3 Insert: disclosure and hearings after the negotiating process and prior to ratification; and



Alaska Trollers Association

130 Seward St., No. 505
Juneau, Alaska 99801
(907) 586-9400
(907) 586-4473 Fax

December 2, 1997

Secretary Madeline Albright
U.S. State Department
2201 C Street, NW
Washington, D.C. 20520

Dear Secretary Albright:

I am writing to inform you about the concerns of commercial fishermen operating in the disputed waters between Alaska and Canada. Our association has requested relief on this issue since the late 1970s. Since that time, the U.S. and Canada have come no closer to resolving the maritime boundary dispute. The Alaska troll fleet has essentially been forced out of U.S. waters in Dixon Entrance, due to harassment by Canadian fishermen and enforcement officials. The Alaska Trollers Association (ATA) remains deeply concerned about the safety of Alaska fishermen who operate in Dixon Entrance and requests your assistance to ensure our boats can freely conduct their business.

This summer, at least one sport and four commercial fishermen were harassed by Canada's Department of Fisheries and Oceans Enforcement (DFO) while fishing legally in the disputed area of Dixon Entrance. DFO's conduct underscores the failure of reciprocal flag state enforcement, as agreed to by the U.S. and Canada in the 1978 Exchange of Diplomatic Notes.

Since signing the Reciprocal Fisheries Agreement with Canada in 1977, the U.S. has allowed Canadian vessels to operate within its EEZ at Dixon Entrance, in contravention of Section 307(2) of the Stevens-Magnuson Fishery Conservation and Management Act. This agreement and the subsequent exchange of diplomatic notes on June 2, 1978, provided for reciprocal flag state enforcement at Dixon Entrance. Simply put, Canada is to enforce fisheries regulations only on its fishing vessels and the United States is to enforce only on U.S. vessels fishing in the disputed area. However, by both its stated policy and enforcement conduct, Canada has clearly demonstrated its disregard for flag state enforcement in the disputed area.

DFO claims the Alaska troll fishery is not a "traditional" fishery subject to flag state enforcement. This is absurd. Our 120 year old troll fishery is neither new, nor should its "traditional" status be a matter of debate in this case, as is clearly pointed out in former Secretary Alexander Haig's July 13, 1981 memo to the U.S. Coast Guard. While the 1977 Reciprocal Fisheries Agreement included a provision on "traditional" fisheries, the more recent set of diplomatic notes includes only one element of that agreement, Article IX Reciprocal Flag State Enforcement.

ATA believes the U.S. must reaffirm its commitment to reciprocal flag state enforcement, by stating its expectation that Canada return to reciprocal procedures by January 1, 1998. In addition, the U.S. should insist that Canada recognize all U.S. fisheries presently operating in the disputed area. If Canada refuses to recognize the Alaska troll fleet, the U.S. should, in turn, consider the Canadian troll fleet to be illegally operating in Dixon Entrance and take appropriate enforcement action.

Furthermore, Canada should be reminded that the parties agreed to flag state enforcement only as an interim measure, *pending the resolution of questions pertaining to the delimitation of areas subject to the respective fisheries jurisdiction of each party*. In its own 1978 diplomatic note Canada stated it, *"reaffirms its commitment to pursue negotiations on maritime boundaries"*. It was on the basis of this commitment that the U.S. agreed in its responding diplomatic note to continue reciprocal flag state enforcement. Accordingly, in October 1985, Secretary Schultz suggested to Canadian Foreign Minister Joe Clark that the two countries attempt to resolve the boundary dispute. Late in 1986, Minister Clark informed the Secretary that it was not an opportune time for Canada to negotiate. To date, Canada has consistently refused to begin negotiations with the U.S. and remains unwilling to submit the matter to the World Court for resolution. Unless Canada honors its commitments to flag state enforcement and negotiation of the maritime boundary, the U.S. should not hesitate to enforce its EEZ in Dixon Entrance, as it deems appropriate.

The importance of this issue to U.S. fishermen should not be under-estimated. What effectively forced the U.S. fleet out of Dixon Entrance is not just the sporadic harassment of a few fishermen by DFO, but daily harassment by the Canadian fishing fleet. Canada's troll fleet did not have a large presence in the area until after the U.S. claimed its 200 mile limit. Since that time, the Canadian fleet has grown to the detriment of U.S. fishermen. The majority of the Canadian boats are large, efficient processor/trollers operations, fishing six lines of gear (U.S. trollers are limited to only 2 or 4 lines, depending on permit type). They target U.S. origin salmon to, redress "equity imbalances", as stated by Canada in Pacific Salmon Treaty negotiations. Apparently, some Canadian fishermen have come to believe that these waters are sovereign Canadian waters, and that U.S. vessels are fishing there illegally. The Canadian fishermen are not at all shy about taking matters into their own hands when it comes to driving out U.S. boats. We cannot expect the U.S. Coast Guard to referee chronic right of way skirmishes, nor can we expect U.S. trollers to subject themselves to intimidation in order to fish U.S. waters.

Management of the coastwide salmon resource has been confounded by Canada's unwillingness to provide timely and meaningful harvest and coded wire tag data from its boundary area fleet. This is particularly galling to U.S. fisherman, who must often release chinook salmon to rebuild runs, while the Canadian fisherman fishing next to him continues to catch chinook all summer long. Also disturbing is when U.S. fishermen are stopped from fishing to conserve weak coho salmon runs in both countries, as they were in 1997, and Canada continues to fish our waters for the same fish. In contrast, Alaska closed

part of its troll fishery this year to protect coho stocks, and voluntarily managed both the seine and gillnet fisheries to assist in the conservation of salmon stocks bound for the Nass River in Canada.

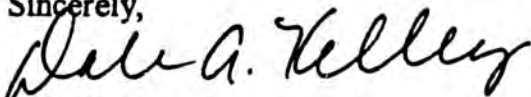
Not only does the presence of the Canadian fleet in Dixon Entrance violate the Stevens-Magnuson Act, it also poses an enforcement dilemma for the State of Alaska. By catching and transporting unprocessed fish within state waters, and by failing to report information about any processed catch aboard, Canadian fishermen operate in violation of Alaska's statutes and regulations. Furthermore, a U.S. Customs policy permits these vessels to bypass clearance at a port of entry and routinely anchor in U.S. harbors. This creates a safety threat for U.S. fishermen who must compete for scarce anchorages, particularly during foul weather. In addition, Canadians use our harbors as staging areas for their fishing operations, which is illegal under both federal and state law.

Finally, tension over this issue contributes to our inability to effectively engage Canada in discussions in important fisheries management forums, such as the Pacific Salmon Commission.

It is the hope of our members that you will assist us by finally bringing resolution to this long-standing disagreement. Our hope is that timely resolution will assist in securing long-term goodwill between the two countries.

Thank you in advance for considering the perspective of ATA. If I can provide additional information on this or other issues of concern to our industry, please don't hesitate to contact me.

Sincerely,

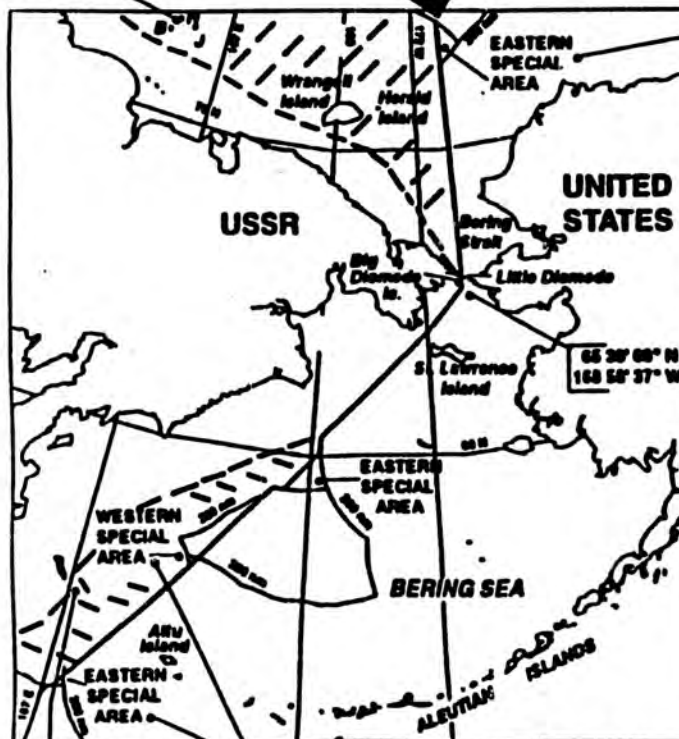


Dale A. Kelley
Executive Director

Map: Maritime Boundary Giveaway

UNITED STATES-USSR MARITIME BOUNDARY *

The DeLong Islands of Henrietta, Bennett, and Jeanette.



The Eastern Special Area is based on Russian sovereignty on Herald Island.

The maritime boundary cuts off part of the western reef of Little Diomed Island.

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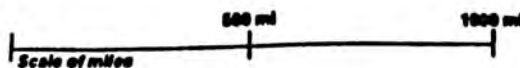
Copper Island, Sea Otter, and Sea Lion Rocks.

These Western and Eastern Special Areas are based on Russian sovereignty on Copper Island.

EIGHT U.S. ISLANDS AND SURROUNDING SEABEDS BEING GIVEN TO RUSSIANS.



* Maritime boundary as adopted by executive agreement of June 1, 1990, but not yet ratified by treaty.



American Sovereignty Task Force

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Washington, D.C. 20035



Official Business

Alaska State Legislature

P.O. Box V
State Capitol
Juneau, Alaska 99811

May 17, 1991

Honorable Senator Joseph Biden, Chair
Subcommittee on European Affairs
Senate Committee on Foreign Relations
446 Dirksen Building
Washington, D.C. 20510-6232

Dear Senator Biden:

The undersigned members of the Seventeenth Alaska State Legislature, individually and collectively, urgently invite your attention to a pressing matter.

An issue before the Congress, presently scheduled to be heard on June 13 by your European Subcommittee of the Senate Foreign Relations Committee, is the proposed treaty to establish an Arctic maritime boundary between the United States and the Soviet Union.

➔ We firmly believe United States interests and Alaskan interests are at stake and in jeopardy in the proposed treaty. The scenarios you have perhaps seen, selectively constructed from actual history, are only part of the misinformation contributing to support for the proposal. There is a great body of geographic and scientific geologic evidence which militates against, but which has been subordinated to, other interests in drafting 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 officially consulted in the entire matter. There is precedent. In 1842, at the behest of Secretary of State Daniel Webster, two commissioners from the State of Maine and three from Massachusetts participated in U.S. negotiations with England over a border disputed since the time of the Revolutionary War.

Further, in no way are Alaskan interests severable from those of the United States, but other considerations would appear to have outweighed them all. We have absolutely no interest in laying blame; only in averting possible grievous wrongs. Even though firmly-held persuasions might depend on acceptance of the proposal, they cannot be as vital to all interests as is justice.

It is not our purpose to rewrite the proposal. Able diplomats could do that above our ability. 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.

Once ratified, a treaty would be a fact of history virtually impossible to amend. The use of your influence to defer ratification of the proposed treaty and to continue negotiations might prove to have been of presently inestimable value to this and future generations of Alaskans and all Americans.

Thank you most sincerely for your attention and consideration.

Very truly yours,

(Signed)

Members of Alaska House of Representatives

Larry Baker (R)
Ramona Barnes (R)
Mark Boyer (D)
Betty Bruckman (D)
Patrick Carney (D)
David Choquette (R)
Cliff Davidson (D)
Cheri Davis (R)
David Finkelstein (D)
Richard Foster (D)
John Gonzales (R)
Mark Hanley (R)
William Hudson (R)
Ivan Ivan (R)
Nillo Koponen (D)
Ronald Larson (D)
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Mary Miller (R)
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Gail Phillips (R)
Randy Phillips (R)
Bert Sharp (R)
Robin Taylor (R)
Fran Ulmer (D)
Jim Zawacki (R)

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Albert Adams (D)
Virginia Collins (R)
Richard Eliason (R)
Paul Fischer (R)
Rick Halford (R)
Lloyd Jones (R)
Dick Shultz (R)
Fred Zharoff (D)

The Alaska State Legislature is hopping mad about the giveaway treaty!

THE CRUISE OF THE CORWIN

Journal of the Arctic Expedition
of 1881 in search of De Long
and the Jeannette

BY
John Muir

EDITED BY
WILLIAM FREDERIC BADE



BOSTON AND NEW YORK
HOUGHTON MIFFLIN COMPANY
222 Washington Street
1917

CHAPTER XV

THE LAND OF THE WHITE BEAR

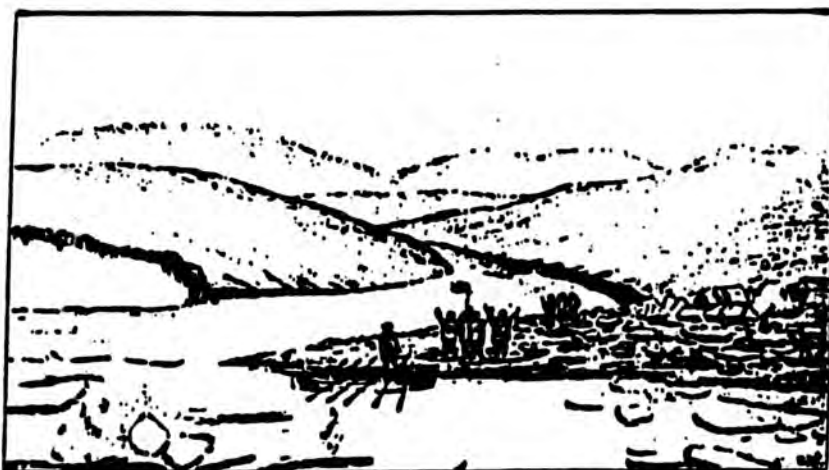
[Steamer Corwin,
Wrangell Land, August 12, 1881.]

A NOTABLE addition was made to the national domain when Captain Calvin L. Hopper landed on Wrangell Land,¹ and took formal possession of it in the name of the United States. We landed near the southeast cape, at the mouth of a river, in latitude $71^{\circ} 4'$, longitude $177^{\circ} 40' 30''$ W. The extent of the new territory thus acquired is not definitely known, nor is likely to be for many a century, or until some considerable change has taken place in the polar climate, rendering the new land more attractive and more accessible. For at present even its southmost portion is almost constantly beset with ice of a kind that renders it all but inaccessible during both the winter and summer, while to the northward it extends far into the frozen ocean.

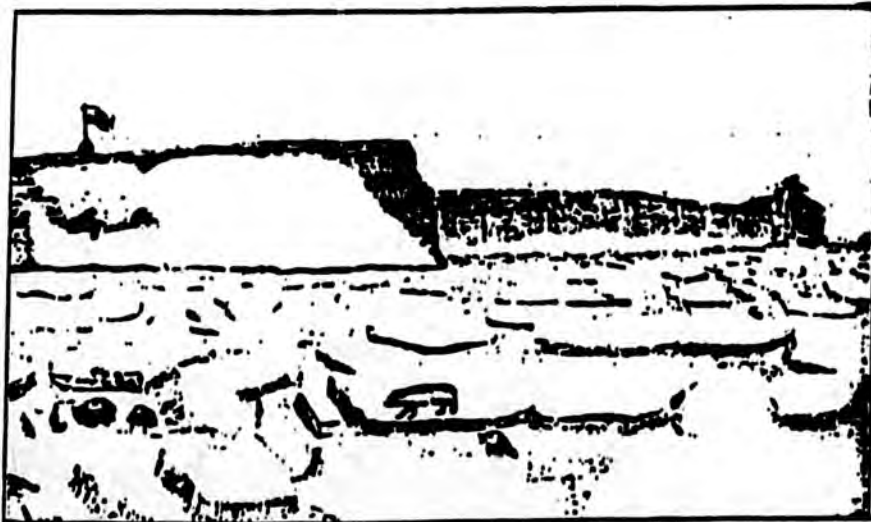
Going inland, along the left bank of the river, we found it much larger than it at first appeared to be. There was no snow left on the lowlands or any of the hills or mountains in sight, excepting the remnants of heavy drifts; nevertheless, it was still

¹ The landing was made August 12, 1881.

[169]



FIRST LANDING ON WRANGELL LAND



Russians won't back sea boundary

Scripps-McClatchy Western Service

WASHINGTON—A Bering Sea boundary agreement between the United States and the former Soviet Union is in jeopardy of unraveling, raising fears that Russian nationalists will assert fishing rights in areas that now are under U.S. jurisdiction.

Alaska Sen. Ted Stevens, a key player on fisheries issues in the Congress, described Russian opposition to the 1990 agreement as "a most difficult and dangerous situation."

The U.S. Senate ratified the treaty in 1991. Stevens said the Russian legislature is opposed to the deal because it "believes their negotiators gave away too much."

State Department sources, speaking on the condition that they not be quoted by name, said the Clinton administration is working furiously to rescue the agreement.

But they acknowledged that the dispute poses a serious diplomatic difficulty that can be resolved only through concessions to the Russians.

"Opposition to the treaty has emerged on the Russian side," a State Department source said. "It reflects the view of Russian fishing interests that the agreement disadvantaged them and that they lost opportunities to fish in the Bering Sea."

"We have engaged in informal negotiations to see if there is some way to deal with the opposition on the political side, recognizing that some of the (fish) stocks are on both sides of the boundary," the source said.

At stake is the Bering Sea's huge pollock fishery, which many believe is being overfished.

The North Pacific Fishery Management Council, which regulates the commercial pollock fishery in U.S. waters, is under pressure to drastically reduce harvesting. In Russian waters, the concern is that young pollock spawned in U.S. waters are being over exploited to raise cash for Russia's sputtering economy.

The dispute has the American Factory Trawler Association on edge. The association represents factory ships that fish pollock out of U.S. waters off the Alaska coast.

"There's a possibility of them moving the boundary line to take fishing grounds from us," said the association's lobbyist, Jim Gilmore.

Greenpeace, an environmental group that has targeted pollock fishing by the factory ships as the culprit in the collapse of the Steller sea lion population, is concerned that the negotiations could lead to increased fishing in the U.S. zone.

"The last thing we need is an agreement that brings more boats in," said Gerry Leape, Greenpeace's legislative director. "If the Russians insist on fishing in the U.S. zone, we'd insist on a comparable reduction in U.S. fishing effort."

The 1990 boundary agreement, reached after 10 years of negotiations, was initiated by President George Bush and former Soviet President Mikhail Gorbachev during a 1990 summit in Washington, D.C. It was one of the last bilateral agreements before the Soviet Union's collapse.

The agreement clarified the boundary left fuzzy for more than a century after the \$7.2 million purchase of Alaska from Russia in 1867.

The impetus was settlement of increasing competition over Bering Sea fishing grounds and the ownership of subsea areas of the Navarin Basin of the Chukchi Sea, where U.S. companies had bid \$108 million for oil-development rights in 1984.

The negotiations centered on a difference of opinion between the two countries on how to interpret a convention line cited in the 1867 agreement. The Soviets believed that the line should be fixed closer to the Alaska mainland while the United States said it belonged closer to the Russian shore.

The overlapping areas involved about 21,000 square nautical miles.

From Russia Today press summaries
<http://www.russiatoday.com>

→Izvestiya

1 September 1997

Lead story

→Russia Can Lose One More Alaska ←

Summary

More than 40,000 square kilometers of the Russian continental shelf, rich with fish, oil and gas, may pass to the United States as the result of the unwise policies of Moscow, the daily wrote.

The U.S. Coast Guard in the Alaskan port of Kodiak continues to hold the Russian trawler "Chernyaev," which was seized on Aug. 15 in Russian waters of the Bering Sea. The Russian government has yet to receive an answer from the U.S. administration to its official request that the trawler be released.

The trawler belongs to the collective enterprise "50 Years of October." It was seized by a U.S. patrol boat. The daily wrote that if anything like that had been tried on an American schooner, the U.S.'s Seventh Fleet would be at Russia's borders immediately.

The trawler incident is another episode in the long controversy over delineation of the Bering Sea, which Russian and U.S. representatives drew up in a 1990 agreement. Russians in the Far East were angered at the agreement and at Eduard Shevardnadze, who signed it as head of the Soviet Foreign Ministry.

The pact has not yet been ratified by the Russian side, because it means large territorial concessions to the U.S. It is only in effect temporarily. If the agreement really had taken force, the U.S. would gain 40,000 square kilometers of continental shelf in the open part of the Bering Sea, which is rich with oil and gas.

→ Russia has, in fact, already been deprived of its annual catch of 150,000 tons of fish in the waters, the daily said. The Russian economic zone in the region is less than 200 miles, while the American zone is much greater.

After the memorable sale of Alaska, this was another act of idiocy on the part of Russia, Izvestiya wrote. The excesses of the American Coast Guard against Russian fishing boats are aimed at confirming the agreements by simply scaring the Russian side with a show of force.

Journal of Commerce
→ 4 September 1997

→ Russians set to go on the offensive in US fish dispute

BY JOHN HELMER

JOURNAL OF COMMERCE SPECIAL

MOSCOW -- Russian officials believe the 18-day detention of a Russian trawler by the U.S. Coast Guard will trigger parliamentary demands for renegotiation of the Bering Sea economic zone.

In a front-page report this week, the Moscow daily newspaper Izvestia charged the U.S. arrest of the Chernyaev was due to the "unwise policies of Moscow," claiming "temporary" concession of a 40,000 square-kilometer zone of the Bering Sea to the United States was costing the Russian Far Eastern fishing fleet an annual catch of 150,000 tons of fish.

Foreign Ministry official Vladimir Sinitsin confirmed that the Chernyaev was in Russian territorial waters on the night of Aug. 15, when a Coast Guard cutter ordered the vessel into the Alaskan Port of Kodiak, where it remains today. U.S. officials say the Russians had earlier been detected fishing in the American zone. Mr. Sinitsin did not dispute the claim. He regretted that so far efforts by officials on both sides had failed to secure the release of the ship and crew.

Russian officials in Moscow speculate that the Chernyaev incident, coming soon after First Deputy Foreign Minister Igor Ivanov discussed the territorial waters issue on a visit to the United States, is intended to pressure the government into accepting permanent American control of the disputed zone. Izvestia editorialized that the United States was "confirming agreements by scaring the Russians with a show of force."

According to Mr. Sinitsin, the first concessions to allow American fishing in Russian waters of the Bering Sea were granted by Leonid Brezhnev in 1977. This was followed, he said, by an agreement in 1990 between Soviet Foreign Minister Eduard Shevardnadze and U.S. Secretary of State James Baker. Mr. Sinitsin emphasized this "temporary" arrangement was approved by President Mikhail Gorbachev and President Reagan in Washington that year.

Legally, however, the Russian Foreign Ministry's position is that without parliamentary ratification, there is no American right to continue fishing in the concessionary zone.

Legislative jurisdiction over the continental shelf agreements is exercised in the Duma, Russia's lower house of parliament, by the Committee on Geopolitical Issues, which is a bastion of opposition sentiment. The Duma resumes after its summer recess this week, and it is expected Chairman Alexei Mitrofanov will go on the offensive, attacking the Foreign Ministry for failing to recover the Chernyaev, and insisting on the cancellation of the Shevardnadze-Baker agreement.

BRITISH AND FOREIGN
STATE PAPERS

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1824.—1825.
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COMPILED BY THE LIBRARIAN AND KEEPER OF THE PAPERS,
Gr. Brit. FOREIGN OFFICE.

LONDON:
JAMES RINGWAY AND SONS, PICCADILLY.
—
1846.

CONVENTION between Great Britain and Russia.—

Signed at St. Petersburg, February 28, 1825.

(Presented to Parliament, May 16, 1825.)

*In the Name of the Most Holy
and Undivided Trinity.**(Translation.)*

His Majesty The King of the United Kingdom of Great Britain and Ireland, and His Majesty The Emperor of all the Russias, being desirous of drawing still closer the Ties of good Understanding and Friendship which unite them, by means of an Agreement which may settle, upon the basis of reciprocal convenience, different points connected with the Commerce, Navigation, and Fisheries of their subjects on the Pacific Ocean, as well as the limits of their respective Possessions on the North-West Coast of America, have named Plenipotentiaries to conclude a Convention for this purpose, that is to say:—His Majesty The King of the United Kingdom of Great Britain and Ireland, The Right Honourable Stratford Canning, a Member of His said Majesty's Most Honourable Privy Council, &c. And His Majesty The Emperor of all the Russias, The Sieur Charles Robert Comte de Nesselrode, His Imperial Majesty's Privy Councillor, a Member of the Council of the Empire, Secretary of State for the Department of Foreign Affairs, &c.; and the Sieur Pierre de Poletica, His Imperial Ma-

*Au Nom de la Très Sainte et Indi-
visible Trinité.*

Sa Majesté le Roi du Royaume Uni de La Grande Bretagne et de l'Irlande, et Sa Majesté l'Empereur de toutes les Russies, désirant resserrer les liens d'une bonne intelligence et d'amitié qui les unissent, au moyen d'un accord qui réglerait, d'après le principe des convenances réciproques, divers points relatifs au Commerce, à la Navigation, et aux Pêcheries de leurs Sujets sur l'Océan Pacifique, ainsi que les limites de leurs Possessions respectives sur la Côte Nord-Ouest de l'Amérique, ont nommé des Plénipotentiaires pour conclure une Convention à cet effet, savoir:—Sa Majesté le Roi du Royaume Uni de La Grande Bretagne et de l'Irlande, Le Très Honorable Stratford Canning, Conseiller de Sa dite Majesté en Son Conseil Privé, &c. Et Sa Majesté l'Empereur de toutes les Russies, le Sieur Charles Robert Comte de Nesselrode, Son Conseiller Privé actuel, Membre du Conseil de l'Empire, Secrétaire d'Etat dirigeant le Ministère des Affaires Etrangères, &c.; et le Sieur Pierre de Poletica, Son Conseiller d'Etat actuel, &c. Lesquels Plénipotentiaires, après s'être communiqué leurs Plein-

royaux, Councillor of State, &c. Who, after having communicated each other their respective Full Powers, found in good and due form, have agreed upon and signed the following Articles:—

I. It is agreed that the respective Subjects of The High Contracting Parties shall not be troubled or molested, in any part of the Ocean, commonly called the Pacific Ocean, either in navigating the same, in fishing therein, or in landing at such Parts of the Coast as shall not have been already occupied, in order to trade with the Natives, under the restrictions and conditions specified in the following Articles.

II. In order to prevent the Right of navigating and fishing exercised upon the Ocean by the Subjects of The High Contracting Parties, from becoming the pretext for an illicit Commerce, it is agreed that the Subjects of His Britannick Majesty shall not land at any place where they may be a Russian Establishment, without the permission of the Governor or Commandant; and, on the other hand, that Russian Subjects shall not land, without permission, at any British Establishment on the North-West Coast.

III. The line of demarcation between the Possessions of the High Contracting Parties, upon the Coast of the Continent, and the Islands of America to the North-West, shall be drawn in the manner following:—

bonne et due forme, ont arrêté et signé les Articles suivans:—

I. Il est convenu que dans aucune partie du Grand Océan, appelé communément Océan Pacifique, les Sujets respectifs des Hautes Puissances Contractantes ne seront ni troublés, ni gênés, soit dans la navigation, soit dans l'exploitation de la pêche, soit dans la faculté d'aborder aux Côtes, sur des Points qui ne seroient pas déjà occupés, afin d'y faire le commerce avec les Indigènes, sauf toutefois les restrictions et conditions déterminées par les Articles qui suivent.

II. Dans la vue d'empêcher que les droits de navigation et de pêche exercés sur le Grand Océan par les Sujets des Hautes Parties Contractantes, ne deviennent le prétexte d'un commerce illicite, il est convenu que les Sujets de Sa Majesté Britannique n'aborderont à aucun Point où il se trouve un Etablissement Russe, sans la permission du Gouverneur ou Commandant, et que, réciproquement, les Sujets Russes ne pourront aborder, sans permission, à aucun Etablissement Britannique sur la Côte Nord-Ouest.

III. La ligne de démarcation entre les Possessions des Hautes Parties Contractantes sur la Côte du Continent et les Iles de l'Amérique Nord-Ouest, sera tracée ainsi qu'il suit:—

Commencing from the Southernmost Point of the Island called *Prince of Wales Island*, which Point lies in the parallel of 54 degrees 40 minutes North latitude, and between the 131st and the 133d degree of West longitude (Meridian of Greenwich), the said line shall ascend to the North along the Channel called *Portland Channel*, as far as the Point of the Continent where it strikes the 56th degree of North latitude; from this last-mentioned Point, the line of demarcation shall follow the summit of the mountains situated parallel to the Coast, as far as the point of intersection of the 141st degree of West longitude (of the same Meridian); and, finally, from the said point of intersection, the said Meridian Line of the 141st degree, in its prolongation as far as the Frozen Ocean, shall form the limit between the Russian and British Possessions on the Continent of America to the North-West.

IV. With reference to the line of demarcation laid down in the preceding Article, it is understood;

1st. That the Island called *Prince of Wales Island* shall belong wholly to Russia.

2nd. That wherever the summit of the mountains which extend in a direction parallel to the Coast, from the 56th degree of North latitude to the point of intersection of the 141st degree of West longitude, shall prove to be at the distance of more than ten marine leagues from the Ocean, the limit between the British Possessions

A partir du Point le plus méridional de l'Île dite *Prince of Wales*, lequel Point se trouve sous la parallèle du 54me degré 40 minutes de latitude Nord, et entre le 131me et le 133me degré de longitude Ouest (Méridien de Greenwich), la dite ligne remontera au Nord le long de la passe dite *Portland Channel*, jusqu'au Point de la terre ferme où elle atteint le 56me degré de latitude Nord; de ce dernier point la ligne de démarcation suivra la crête des montagnes situées parallèlement à la Côte, jusqu'au point d'intersection du 141me degré de longitude Ouest (même Méridien); et, finalement, du dit point d'intersection, la même ligne méridienne du 141me degré formera, dans son prolongement jusqu'à la Mer Glaciale, la limite entre les Possessions Russes et Britanniques sur le Continent de l'Amérique Nord-Ouest.

IV. Il est entendu, par rapport à la ligne de démarcation déterminée dans l'Article précédent;

1. Que l'Île dite *Prince of Wales* appartiendra toute entière à la Russie.

2. Que partout où la crête des montagnes qui s'étendent dans une direction parallèle à la Côte depuis le 56me degré de latitude Nord au point d'intersection du 141me degré de longitude Ouest, se trouveroit à la distance de plus de dix lieues marines de l'Océan, la limite entre les Possessions Britanniques et la lisière de Côte

and the line of Coast which is to belong to Russia, as above mentioned, shall be formed by a line parallel to the windings of the Coast, and which shall never exceed the distance of ten marine leagues therefrom.

V. It is moreover agreed, that no Establishment shall be formed by either of the Two Parties within the limits assigned by the two preceding Articles to the Possessions of the Other: consequently, British Subjects shall not form any Establishment either upon the Coast, or upon the border of the Continent comprised within the limits of the Russian Possessions, as designated in the two preceding Articles; and, in like manner, no Establishment shall be formed by Russian Subjects beyond the said limits.

VI. It is understood that the Subjects of His Britannick Majesty, from whatever Quarter they may arrive, whether from the Ocean, or from the interior of the Continent, shall for ever enjoy the right of navigating freely, and without any hindrance whatever, all the rivers and streams which, in their course towards the Pacific Ocean, may cross the line of demarcation upon the line of Coast described in Article 3 of the present Convention.

VII. It is also understood, that, for the space of ten Years from the signature of the present Convention, the Vessels of the Two Powers, or those belonging to Their respective Subjects, shall mutually be at liberty to frequent,

mentionnée ci-dessus comme devant appartenir à La Russie, sera formée par une ligne parallèle aux sinuosités de la Côte, et qui ne pourra jamais en être éloignée que de dix lieues marines.

V. Il est convenu en outre, que nul Etablissement ne sera formé par l'une des deux Parties dans les limites que les deux Articles précédens assignent aux Possessions de l'Autre. En conséquence, les Sujets Britanniques ne formeront aucun Etablissement soit sur la Côte, soit sur la lisière de terre ferme comprise dans les limites des Possessions Russes, telles qu'elles sont désignées dans les deux Articles précédens; et, de même, nul Etablissement ne sera formé par des Sujets Russes au delà des dites limites.

VI. Il est entendu que les Sujets de Sa Majesté Britannique, de quelque Côte qu'ils arrivent, soit de l'Océan, soit de l'intérieur du Continent, jouiront à perpétuité du droit de naviguer librement, et sans entrave quelconque, sur tous les fleuves et rivières, qui, dans leurs cours vers la Mer Pacifique, traverseront la ligne de démarcation sur la lisière de la Côte indiquée dans l'Article 3 de la présente Convention.

VII. Il est aussi entendu que, pendant l'espace de dix Ans, à dater de la signature de cette Convention, les Vaisseaux des deux Puissances, ou ceux appartenans à leurs Sujets respectifs, pourront réciproquement fréquenter, sans

without any hindrance whatever, all the inland Seas, the Gulfs, Havens, and Creeks on the Coast mentioned in Article 3, for the purposes of fishing and of trading with the Natives.

VIII. The Port of Sitka, or Novo Archangelsk, shall be open to the Commerce and Vessels of British Subjects for the space of ten Years from the date of the exchange of the Ratifications of the present Convention. In the event of an extension of this term of ten Years being granted to any other Power, the like extension shall be granted also to Great Britain.

IX. The above-mentioned liberty of Commerce shall not apply to the trade in spirituous liquors, in fire-arms or other arms, gunpowder or other warlike stores; the High Contracting Parties reciprocally engaging not to permit the above-mentioned articles to be sold or delivered, in any manner whatever, to the Natives of the Country.

X. Every British or Russian Vessel navigating the Pacific Ocean, which may be compelled by storms or by accident, to take shelter in the Ports of the respective Parties, shall be at liberty to refit therein, to provide itself with all necessary stores, and to put to sea again, without paying any other than Port and Light-house dues, which shall be the same as those paid by National Vessels. In case, however, the Master of such Vessel should be under the necessity of disposing

entrave quelconque, toutes les Mers intérieures, les Golfs, Havres, et Criques sur la Côte mentionnée dans l'Article 3, afin d'y faire la pêche et le commerce avec les Indigènes.

VIII. Le Port de Sitka, ou Novo Archangelsk, sera ouvert au Commerce et aux Vaisseaux des Sujets Britanniques durant l'espace de dix Ans, à dater de l'échange des Ratifications de cette Convention. Au cas qu'une prolongation de ce terme de dix Ans soit accordée à quelque autre Puissance, la même prolongation sera également accordée à La Grande Bretagne.

IX. La susdite liberté de commerce ne s'appliquera point au trafic des liqueurs spiritueuses, des armes à feu, des armes blanches, de la poudre à canon, ou d'autres munitions de guerre; les Hautes Parties Contractantes s'engageant réciproquement à ne laisser ni vendre, ni livrer, de quelque manière que ce puisse être, aux Indigènes du Pays, les articles ci-dessus mentionnés.

X. Tout Vaisseau Britannique ou Russe naviguant sur l'Océan Pacifique, qui sera forcé par des tempêtes, ou par quelque accident, de se réfugier dans les Ports des Parties respectives, aura la liberté de s'y radoubier, de s'y pourvoir de tous les objets qui lui seront nécessaires, et de se remettre en mer, sans payer d'autres Droits que ceux de Port et de Fanaux, lesquels seront pour lui les mêmes que pour les Bâtimens Nationaux. Si, cependant, le Patron d'un tel navire se trouvoit dans la néces-

of a part of his merchandize in order to defray his expences, he shall conform himself to the Regulations and Tariffs of the Place where he may have landed.

XI. In every case of complaint on account of an infraction of the Articles of the present Convention, the Civil and Military Authorities of The High Contracting Parties, without previously acting or taking any forcible measure, shall make an exact and circumstantial Report of the matter to their respective Courts, who engage to settle the same, in a friendly manner, and according to the principles of justice.

XII. The present Convention shall be ratified, and the Ratifications shall be exchanged at London, within the space of six weeks, or sooner if possible.

In Witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto the Seal of their Arms.

Done at St. Petersburg, the ^{Ten}_{th} day of February, in the Year of our Lord one thousand eight hundred and twenty-five.

(L.S.)

STRATFORD CANNING.

(L.S.)

The COUNT de NESSELRODE.

(L.S.)

PIERRE DE POLETICA.

sité de se défaire d'une partie de ses marchandises pour subvenir à ses dépenses, il sera tenu de se conformer aux Ordonnances et aux Tarifs de l'Endroit où il aura abordé.

XI. Dans tous les cas de plaintes relatives à l'infraction des Articles de la présente Convention, les Autorités Civiles et Militaires des deux Hautes Parties Contractantes, sans se permettre au préalable ni voie de fait, ni mesure de force, seront tenues de faire un rapport exact de l'affaire et de ses circonstances à leurs Cours respectives, lesquelles s'engagent à la régler à l'amiable, et d'après les principes d'une parfaite justice.

XII. La présente Convention sera ratifiée, et les Ratifications en seront échangées à Londres dans l'espace de six semaines, ou plutôt si faire se peut.

En Foi de quoi les Plénipotentiaires respectifs l'ont signée, et y ont apposé le Cachet de leurs Armes.

Fait à St. Pétersbourg, le ^{Vingt-huit}_{ième} Février, de l'An de Grâce mil huit cent vingt-cinq.

(L.S.)

STRATFORD CANNING.

(L.S.)

Le COMTE de NESSELRODE.

(L.S.)

PIERRE DE POLETICA.