

ALASKA LEGISLATURE SPECIAL COMMITTEE/SUBJECT FILES 8672

2659 SCOMM 119: HOUSE SPECIAL COMMITTEE WORLD TRADE... , 1999-2000

Orbis

A Journal of World Affairs

Volume 42, Number 1, Winter 1998

Carnes Lord
On Public Diplomacy

BEDROCK SECURITY ISSUES

Don't Even Think about Abolishing Nukes

Robert G. Joseph and John F. Reichart

The Case against NATO Enlargement

Alvin Z. Rubinstein

Security Threats on the Horizon

Mark T. Clark

The True Nature of Chinese Nationalism

Thomas A. Metzger and Ramon H. Myers

Reprinted By:

American Sovereignty Task Force

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

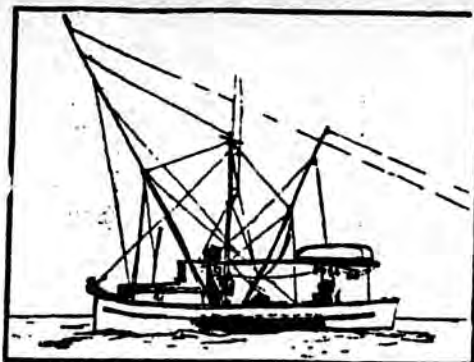
2

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.

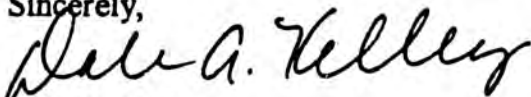
Not only does the presence of the Canadian fleet in Dixon Entrance violate the Stevens-Magnuson Act, it also poses an enforcement dilemma for the State of Alaska. By catching and transporting unprocessed fish within state waters, and by failing to report information about any processed catch aboard, 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,

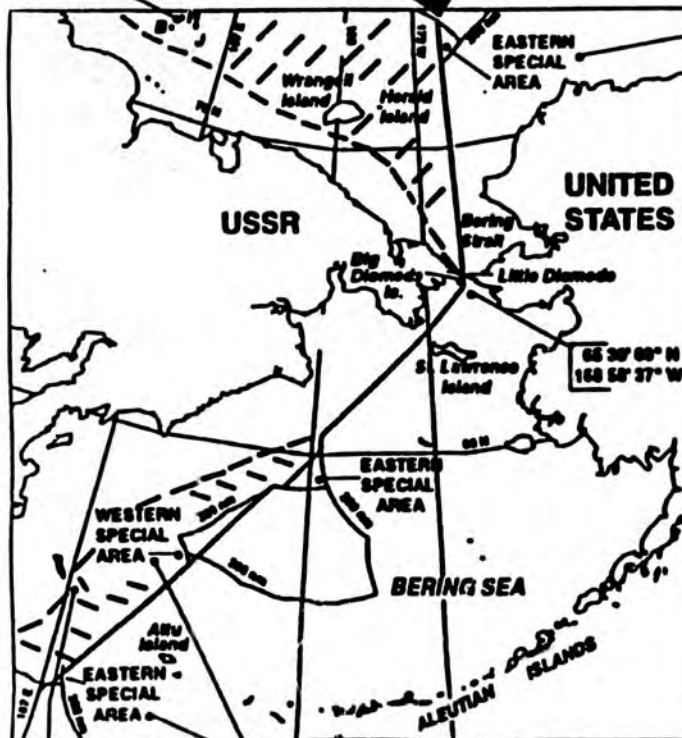


Dale A. Kelley
Executive Director

Map: Maritime Boundary Giveaway

UNITED STATES-USSR MARITIME BOUNDARY *

The DeLong Islands of Henrietta, Bennett, and Jeannette.



This 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.

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

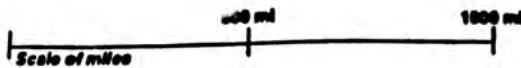
Copper Island, Sea Otter, and Sea Lion Rocks.

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.



American Sovereignty Task Force

NATIONAL CENTER
Post Office Box 65631
Washington, D.C. 20035

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
1917

CHAPTER XV

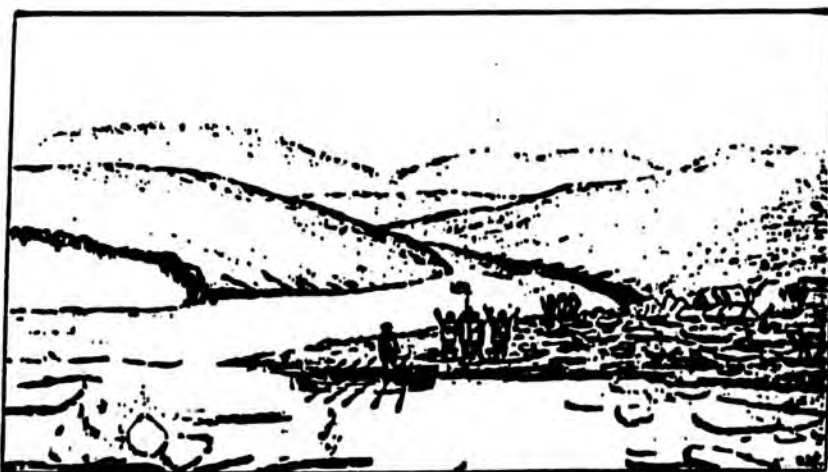
THE LAND OF THE WHITE BEAR

(Steamer Corwin,
Wrangell Land, August 22, 1881.)

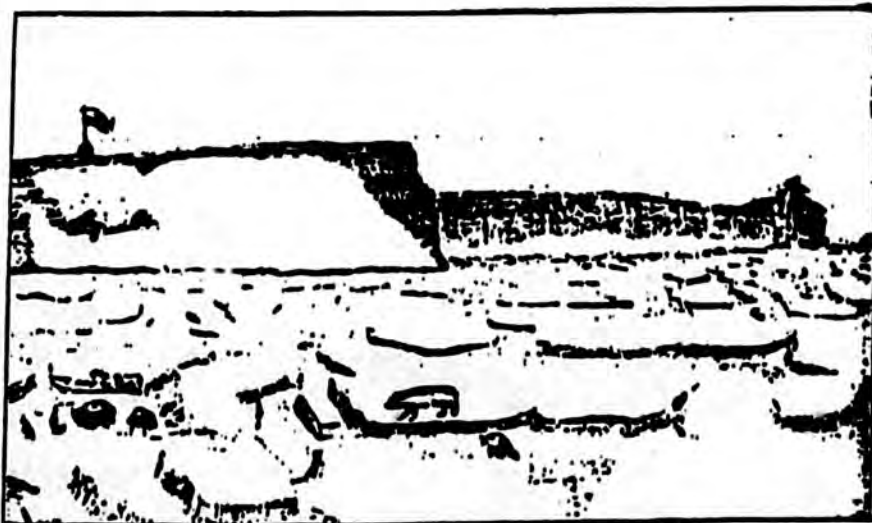
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Going inland, along the left bank of the river, we found it much larger than it at first appeared to be. There was no snow left on the lowlands or any of the hills or mountains in sight, excepting the remnants of heavy drifts; nevertheless, it was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

¹ The landing was made August 22, 1881.



FIRST LANDING ON WRANGELL LAND



CORRECTION

**THE FOLLOWING DOCUMENT(S)
HAVE BEEN REFILMED TO
ASSURE LEGIBILITY OR PAGINATION**



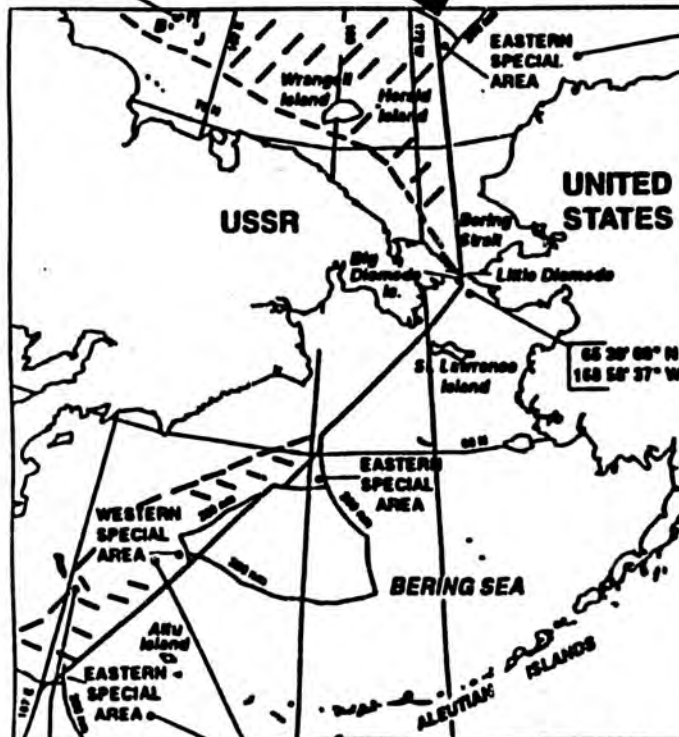
Rev. 6/98

Central Microfilm Services
Department of Education & Early Development
State of Alaska

Map: Maritime Boundary Giveaway

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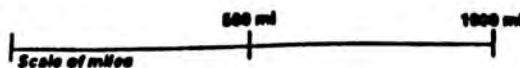
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American Sovereignty Task Force

NATIONAL CENTER
Post Office Box 65631
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)
Georgiana Lincoln (R)
Jerry Mackie (D)
Eileen MacLean (D)

Mary Miller (R)
Mike Miller (R)
Tom Moyer (D)
Gail Phillips (R)
Randy Phillips (R)
Bert Sharp (R)
Robin Taylor (R)
Fran Ulmer (D)
Jim Zawacki (R)

Members of Alaska Senate

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
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BOSTON AND NEW YORK
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CHAPTER XV

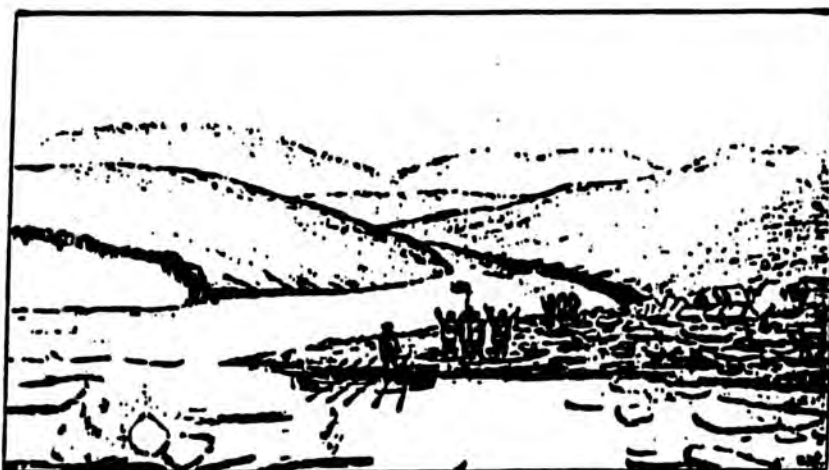
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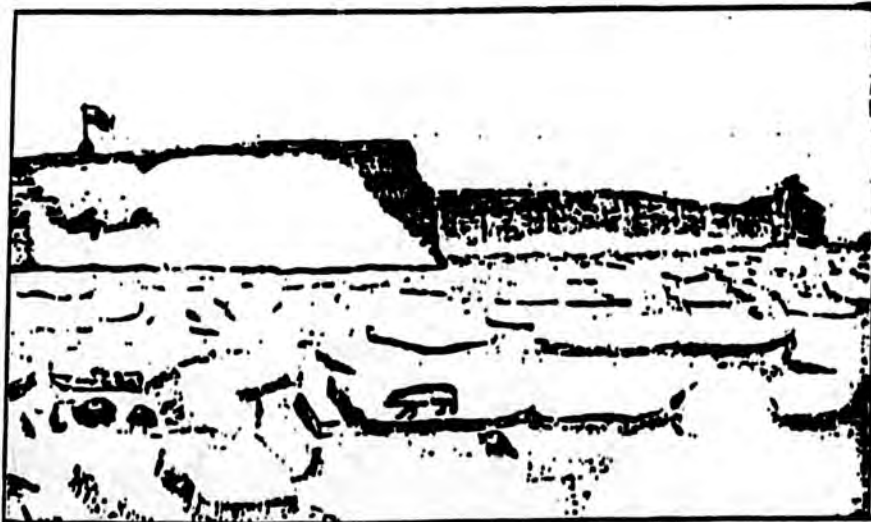
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¹ The landing was made August 12, 1881.



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 (Méridian 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 Côté 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.

SCOMM

119:11

Alaska State Legislature

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Representative John Coghill

HJR 27 Maritime Boundary Dispute between Alaska and Russia

Sponsor Statement

March 10, 1999

HJR 27 explains the boundary dispute between Russia and Alaska and requests the Governor and Attorney General to actively pursue resolving the problem.

The current boundary dispute arises from two sources. First, when the United States acquired much of Alaska from Russia in 1867, no boundary line was established since no land areas of Russia and the United States touched each other. Secondly, additional islands in the Arctic were added to Alaska in 1881, including Wrangell, Bennett, Jeannette, and Henrietta. Equal in size to Rhode Island and Delaware combined, Wrangell was discovered by the U.S. Revenue Marine ship Corwin commanded by Captain Calvin Leighton Hooper, whose landing party included the famed naturalist John Muir. The other three islands were discovered by the U.S. Navy expedition aboard USS Jeannette commanded by Lt. George Washington DeLong and the island group still bears the name of DeLong Islands. These additions to the United States were reflected in official territorial records, and much American activity was conducted in and around them. In 1924, Soviet Forces invaded Wrangell Island and interned the American inhabitants. The United States has never relinquished sovereignty over these islands to the Russians.

These areas became more valuable in 1976 when international law established the 200 nautical mile fishery conservation zones from every country's coasts. In 1983 the exclusive economic zones (EEZ) were added that gave countries the rights to seabeds and below. Thus any small island would have 125,000 square miles of ocean resources inside its 100 nautical mile radius. The disputed seabeds in the Arctic and Bering Sea amount to an area the size of Texas.

Because the U.S. and the former Soviet Union were within 400 nautical miles, it became necessary to negotiate a maritime boundary extending over 1200 miles. The U.S. and the former Soviet Union started boundary discussions in the late 1970's, but never invited the State of Alaska to participate in any negotiations despite the fact that the potential maritime boundaries would significantly affect Alaska's territorial, sovereignty, and property rights. The public and the U.S. Congress were also excluded from any knowledge or input. The negotiations extended over 10 years, consisting mostly of disagreements about how to draw a 1000-mile diagonal line from the Bering Strait to the end of the Aleutian Islands.

In 1990, an executive agreement was reached between the U.S. State Department and the Soviet Foreign Ministry on a maritime boundary, and at the same time a proposed treaty was signed with the same provisions. This proposed treaty has never been ratified by the Russians and thus is not in force. The Russians are now demanding that the maritime boundary be moved even closer to Alaska so that it can get another 300 million pounds of fish per year from the American side and the State Department seems ready to concede to it.

The maritime boundary between Alaska and Russia thus remains unresolved, as does the status of the islands in the Arctic Ocean and at the end of the Aleutians. Under Constitutional principles, Alaska has the right to participate in any negotiations that affect its territory, sovereignty, or property, and consent to the terms of any agreement. California has passed resolves supporting Alaska's rights in this matter, and Idaho is anticipating passing a resolve on our behalf. The Governor and Alaska State Legislature cannot continue to stand by and allow the United States government to encroach any more on its states rights and valuable economic resources.

FISCAL NOTE

STATE OF ALASKA
1999 LEGISLATIVE SESSIONBILL NO. HJR 27

Revision Date: _____

Title: Maritime Boundary between Alaska and
the former Union of Soviet Socialist Rep.Sponsor: Rep. John CoghillRequester: 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 RiehlePhone 465-6643

Phone _____

Date March 29, 1999

#15

Journal of Commerce

4 September 1997

[for personal use only]

Russians set to go on the offensive in US fish dispute=20

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."

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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.

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From Russia Today press summaries

<http://www.russiatoday.com>

Izvestiya

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 "Chernyaevo," 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 50,000 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.

Russians won't back sea boundary

Scraps-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 reunite the agreement.

But they acknowledged that the dispute poses a serious diplomatic difficulty that can be resolved only through consultations 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 over-fished.

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 Stellar 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 Garry Lease, 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 unknown areas of the Novaya Zemlya of the Chukchi Sea, where U.S. companies had bid \$105 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 1967 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 area involved about 21,000 square nautical miles.

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BY JOHN HELMER
JOURNAL OF COMMERCE SPECIAL

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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 1980 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.

THE JOURNAL OF COMMERCE
THURSDAY SEPTEMBER 4, 1997

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.

The Wrangle over Wrangell

A treaty proposing the most disgraceful surrender of U.S. territory and economic interests since the surrender of the Panama Canal is now pending in the Senate. Hearings were held in mid-June and the pact, titled the "Soviet Union-United States Maritime Boundary Agreement," could soon be sent to the floor for debate and a ratification vote.

The agreement was signed on June 1, 1990 by Secretary of State James Baker and then-Soviet Foreign Minister Eduard Shevardnadze, and transmitted to the Senate by President Bush on September 26th. At first glance, it may appear innocuous, since it merely seeks to establish a maritime boundary between the U.S. and USSR that would eliminate existing disputes regarding sea, continental shelf, and economic jurisdictions in the Arctic Ocean, Bering and Chukchi Seas, and a portion of the North Pacific Ocean. But when closely scrutinized, it becomes shockingly apparent that what it amounts to is a willing capitulation by our government to Soviet demands.

Surrendering U.S. Soil

Although the treaty does not specifically say so, one of its effects would be to surrender to the Soviets sovereign control of five islands, including huge Wrangell (often spelled "Wrangel") Island off the northeast coast of Siberia. Four of the five islands were discovered by Americans; all of them became part of the U.S. in the last half of the 19th Century.

The treaty would establish as the maritime boundary line between the two countries the demarcation line defined in the 1867 treaty that transferred Alaska to the United States for the "Seward's folly" sum of \$7.2 million. The demarcation line terminated all Russian claims to sovereignty to the east, but had absolutely no bearing on future U.S. claims on as yet undiscovered territories to the west. At the time, four of the five islands affected by the pending treaty



had not been discovered. In 1924, State Department Solicitor F. M. Anderson reviewed documents leading to the 1867 treaty, and the treaty itself, and confirmed (in a memorandum dated November 25, 1924), "The Emperor of all the Russias ceded to the United States certain territories, [while] the United States in its part entered into no commitment which could be interpreted as an undertaking not to press claims to any land west of the particular line above described [the demarcation line]."

The question today is whether the 1867 demarcation line should become a formal maritime boundary line between the U.S. and USSR. That is what the pending treaty would do, and should it be ratified, the five Alaskan islands situated west of the line would become Soviet territory.

The State Department, always anxious to protect Soviet interests when they conflict with those of the U.S., has for more than a decade contended that the 1867 line is already a legal maritime boundary.

The language of the 1867 treaty, however, does not even hint that the

demarcation line could serve as a boundary line. In 1978, Dr. William E. Butler, dean of the faculty of law at University College in London, wrote in the authoritative *International Straits of the World: The Russo-American Convention Line of 1867* is not regarded as a state frontier, and the continental shelf boundary in the Chukchi Sea and northward remain to be negotiated." And, as we shall see shortly, in 1984 the Interior Department admitted that there is no maritime boundary between the U.S. and USSR (or its Russian predecessor). The pending treaty would establish one for the first time, on terms stacked heavily in favor of the Soviets.

Startling Claim

Negotiations regarding the maritime boundary line began in 1981. They were conducted in strictest secrecy. It was only by chance that the scheming came to light. Mark Seidenberg, who is today vice-chairman of State Department Watch (the organization most responsible for keeping Americans informed about

in 1916, 1924 and 1925, and have "occupied" Wrangell Island since 1924. (As we shall see, the term "occupied" to describe the Soviet presence on Wrangell is indeed appropriate).

Wrangell Island is located some 35 miles off the northeast coast of Siberia, and 270 miles northwest of Cape Lisburne, Alaska, in the Chukchi Sea. It covers about 2,800 square miles, making it slightly smaller than Delaware and Rhode Island combined. It, and nearby Herald Island, are collectively called the Chukchi Sea Islands. Bennett, Henrietta and Jeanette Islands are located farther northwest, in the East Siberian Sea near the East Siberian Islands. Collectively, they comprise the De Long Islands. Herald Island was discovered by British Captain Henry Kellett in 1849, and was later acquired by the U.S. when the initial claim was abandoned.

On August 14, 1867, while searching for whales, Captain Thomas Long of New London, Connecticut sailed his whaling bark *Nile* within sight of "unfamiliar land that he named 'Wrangell's Land' in honor of the famed Russian Arctic explorer Baron Ferdinand Petrovich von Wrangell. The Baron, who had heard rumors of the island's existence from some Chukchi chiefs of Siberia, conducted a number of valiant (but unsuccessful) expeditions to find it between 1820 and 1824.

Other U.S. whalers later confirmed the sighting, and the rumor spread that the large land mass was actually an undiscovered frozen continent similar to Antarctica. That exciting possibility prompted *New York Herald* publisher James Gordon Bennett to cooperate with the Navy in outfitting an expedition in 1879 led by Naval Lieutenant George Washington De Long. In June and July 1881, during the search for the new "continent," De Long discovered Bennett, Henrietta and Jeanette Islands (he named them for, respectively, publisher Bennett and Bennett's mother and sister). Shortly thereafter, De Long's ship, the *Jeannette*, met a tragic fate when it became trapped in ice floes, drifted westward past Wrangell, and was crushed and sunk. Fearing the worst,

Congress had already appropriated funds to finance a search by two of the vessel's relief ships, the *Thomas Corwin* and the *John Rodgers*.

Captain Calvin Leighton Hooper commanded the *Thomas Corwin*. At the time, Hooper also headed the Bering Sea Patrol of the U.S. Revenue Marine, thereby making him the de facto governor of Alaska (the District of Alaska was under jurisdiction of the Treasury Department, which had placed Alaska under the charge of the U.S. Revenue Marine). Hooper had full authority to discover and claim sovereignty over land on behalf of the United States.

While searching for the *Jeannette*, Hooper and his crew (which included John Muir, the renowned naturalist) landed on Wrangell Island on August 12, 1881. It was the first time on record that man had set foot on the island. Hooper and his fellow officers raised the American flag and took possession of the island in the name of the United States. Crew member William Reynolds later recalled: "I had the flag and with the Captain's permission waved it and took possession of the new land in the name of liberty and of the Government of the United States of America. I planted the flag on a bluff a little to the northwest of our landing place and left it there together with a record of our visit." And naturalist John Muir would later write in his book *The Cruise of the Corwin* that "a notable addition was made to the national domain when Captain Calvin L. Hooper landed on Wrangell Land and took formal possession in the name of the United States."

Captain Hooper renamed the island New Columbia. He meant no offense to Baron von Wrangell, but believed that since it had become, "by our act of landing upon it, a part of the United States," a name reflecting that national character was more appropriate. But custom prevailed, and Wrangell Island it has remained.

On August 26, 1881 a party from the *John Rodgers* landed on Wrangell and, by September 13th, completed an official U.S. government survey. The ship's crew also raised the American flag and confirmed that the new U.S. possession was merely a large island, not a continent.

The chief of the U.S. Revenue Marine Service informed the U.S. Coast and Geodetic Survey in 1881 that Wrangell Island had been annexed to the United States, and determined that it should be included in the District of Alaska (along with the three islands discovered by De Long). In 1884 the Departments of the Treasury, Navy and War, as well as the U.S. Coast Survey and the Smithsonian Institution, listed Wrangell Island as part of Alaska, and therefore U.S. territory. U.S. Geological Survey Bulletins Nos. 169 (1900), 187 (1902), and 274 and 299 (1906) included the island as part of the United States, as did Russian naval maps and encyclopedias at the turn of the century.

Russian Claim

The first visit to the island by Russians occurred in mid-September 1911, when the ice-breaker *Vaigatch* took shelter from a storm at the southwest corner of the island. A landing party was sent ashore, and the ship subsequently circumnavigated the island. But the crew made no claim of discovery.

On November 13, 1916 the Imperial Russian Embassy in Washington wrote a memorandum to the U.S. State Department, claiming that Wrangell Island (and the other four as well) belonged to Russia. The memorandum claimed that the islands "form an extension Northward of the Continental tableland of Siberia," a contention that had no validity in international law. Today, the State Department implies that when the U.S. did not respond to the Russian memo, it agreed to its terms, which is nonsense, since the memo became moot within a few months when the Russian government was booted out in March 1917.

Great Britain, Japan and the United States formally opposed the Bolsheviks. In 1920, Vilhjalmur Stefansson, a Canadian who had led an earlier, unsuccessful expedition to Wrangell, became concerned with the prospect that the Japanese government might attempt to grab Wrangell Island as part of its designs on eastern Siberia. Stefansson met in Michigan with a Canadian (Alan Crawford) and the British ambas-

torical record to the contrary, beginning with the first "claim" by Captain Hooper in 1881.

The Department also contends that "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." Discovery must be followed by "effective occupation by which the claimant nation exercises the actual, continuous, and peaceful display of the functions of a state over the territory." The Soviet invasion was hardly peaceful. And the Americans who were kidnapped could reasonably be regarded as the nucleus of a valid settlement which might have matured and expanded had it been allowed to do so.

In 1959, the Foreign Claims Settlement Commission, a U.S. government agency, ruled that personal property confiscated by the Soviets from the American fur trappers on Wrangell in 1924 had been illegally expropriated. The Lomen company was granted compensation. While, as the State Department now contends, "the Board's decision did not address the question of the island's sovereignty," the conclusion that the Soviets acted illegally would indeed seem to have implications for the sovereignty issue.

Nixonian Protocol

Today, wildly exaggerated environmental concerns (about ozone, global warming, acid rain, etc.) are serving as the excuse for international agreements that are seriously eroding our national sovereignty and independence. Such use of environmentalism is not new. In 1972, President Richard Nixon and Soviet President Nicolai Podgorny signed an Agreement on the Cooperation in the Field of Environmental Protection. A protocol under the agreement falsely described Wrangell Island as being "in the USSR." The protocol's stated objectives included: "To study the ecological problems associated with the expansion of muskoxen populations into new areas of the Arctic. It is planned to prepare for and execute a transplant of muskoxen from Juntvak Island in Alaska to Wrangell Island and the Taimyr Peninsula in the USSR." The protocol was ap-

proved by President Gerald Ford on November 24, 1974 and on December 12th of that year then-Environmental Protection Agency Administrator Russell Train signed an "environmental protection" memorandum which included the text of the protocol. On April 14, 1975 our government gave the Soviets formal use of Wrangell Island during an airport ceremony in Bethel, Alaska. Using the appeal of "environmental cooperation," those involved apparently intended to mislead the American people into believing that Wrangell Island had belonged to the Soviets all along. Thanks to the courageous and persistent efforts of such groups as State Department Watch, and legislators like Senator Helms, it didn't work.

Gulag Expansion Project

Not only have the Soviets occupied Wrangell Island, there is also compelling evidence that they have extended their gulag there. On February 2, 1973 Avraham Shifrin, who was imprisoned for many years in the USSR at the height of Josef Stalin's anti-Jewish campaign, testified before the Senate Internal Security Subcommittee. He asserted that he had a decade earlier met a new group of prisoners who told him they had been transferred from a concentration camp on Wrangell Island, and that there were "three concentration camps for prisoners of war" on the island. Shifrin did not believe them, but in 1971 he received a letter from a man who (in Shifrin's words) "was also on Island of Wrangell in 1962 and he have [sic] seen there three concentration camps with thousands of prisoners of war," in one of which there was an "atomic reactor, and they make experiments on the live people with radiation." In another "they have experiments with physicians on the people and in third they have submarines and they have experiments with live people under water."

In a sworn statement dated December 15, 1977 given to the American consul in Tel Aviv, Efim Moshinskiy (a former operative of SMERSH, a Stalin-era division of Soviet intelligence, who was arrested by the KGB and imprisoned in 1958)

asserted (with spelling errors in the original corrected) that he "was transferred, through a deportation prison in Vladivostok, to the Wrangell Island; this happened in May 1958." Moshinskiy claimed that there had been "one huge concentration camp divided into three separate camp zones for prisoners with whom I had many opportunities to communicate." At one such zone, "prisoners were sometimes transferred for some experiments the essence of which the prisoners did not know."

The most famous prisoner believed to have served time on Wrangell Island was Raoul Wallenberg, the Swedish diplomat noted for his efforts to save 100,000 Hungarian Jews during World War II. In 1988, Soviet officials claimed that Wallenberg had died in a Soviet prison in Moscow in 1947. But Moshinskiy claims that Wallenberg was among the prisoners on Wrangell Island while he himself was there.

According to the *Anchorage Times* for November 18, 1990, a "Hungarian who had been a prisoner at a different Soviet camp in Siberia claimed to have met Wallenberg in 1967. He reportedly said he [Wallenberg] had just been transferred from Wrangell Island."

The *Anchorage Times* also reported that in "1975 Simon Wiesenthal, the head of the Nazi-hunting Jewish Documentation Center, located another prisoner from Wrangell Island who heard about a Swedish inmate when he was on the island in the 1960s."

To sum-up, the Soviets, in illegally annexing Wrangell Island, invaded U.S. territory, kidnapped the Americans they found, then apparently established concentration camps that included Nazi-like experimentation. Our State Department responded to all of this by offering to give the Soviets Wrangell, the other four U.S.-owned islands, and vast areas of oil-rich seabed.

In his September 26, 1990 message transmitting the proposed U.S.-USSR Maritime Boundary Treaty to Congress, President Bush stated: "I believe the agreement to be fully in the United States interest." Those who disagree are letting their senators know about it without delay. ■

STATE OF CALIFORNIA

Assembly Joint Resolution No. 37

RESOLUTION CHAPTER 122

Assembly Joint Resolution No. 37—Relative to the boundaries of Alaska.

Adopted September 10, 1987

(Filed with Secretary of State September 17, 1987.)

LEGISLATIVE COUNSEL'S DIGEST

AJR 37, La Follette. Alaska: boundary negotiations.

This measure would state the Legislature's support for the State of Alaska in its rightful position of participation in any boundary negotiations involving its boundaries with the Soviet Union or Canada. It would memorialize the President and Congress of the United States to ensure that any terms and conditions of any boundary agreement with respect to Alaska's boundaries is consented to by the State of Alaska and that the agreement is drafted in the form of a treaty for ratification by the United States Senate.

WHEREAS, The boundaries of the State of Alaska are of vital concern to the state government of Alaska; and

WHEREAS, The essence of sovereignty of a state within America's federal system requires that a state government have complete and unambiguous jurisdiction over well-defined geographical boundary lines; and

WHEREAS, Any time that boundaries of a state are to be altered in any way, that state has an essential and overriding interest in the determination of the boundary; and

WHEREAS, Alaska is unique among all American states in that it is the only state with the potential for having boundaries with more than one foreign country (i.e. Canada and the Soviet Union); and

WHEREAS, Boundaries with foreign countries and a state are, and ought to be, coterminous with America's national boundaries with those foreign countries; and

WHEREAS, Negotiations are underway between the United States Department of State and the government of the Soviet Union over setting boundaries between the United States and the Soviet Union, and there have been at least seven rounds of negotiations on this issue since 1981; and

WHEREAS, The economic issues of petroleum, fishery, and other valuable resources have great impact on Alaska's welfare and prosperity; and

WHEREAS, At no time has the United States Department of State allowed, or even offered to invite, a representative of the state government of Alaska to be on any negotiating delegation, nor has it formally solicited the input or advice of the state government of Alaska over the content or form of these negotiations; and

Res. Ch. 122

— 2 —

WHEREAS, These negotiating delegations, which the United States Department of State has assembled, have included representatives of various other agencies of the federal government; and

WHEREAS, It is settled procedure for negotiation of boundaries that representatives of any affected state not only must be included in the negotiations, but also must consent to the proposed terms of the boundary treaty (such as was the case when Secretary of State Daniel Webster negotiated with Great Britain in 1842 over the boundary between Canada and the State of Maine); and

WHEREAS, A usurpation of one state's rights and sovereignty is an attack on the entire federal system of the United States of America; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California supports the State of Alaska in its rightful position of participation in any boundary negotiations involving its boundaries with the Soviet Union or Canada; and be it further

Resolved, That the Legislature of the State of California respectfully memorializes the President and Congress of the United States to ensure that any terms and conditions of any boundary agreement with respect to Alaska's boundaries are consented to by the State of Alaska, and that any such boundary agreement is drafted in the form of a treaty for ratification by the United States Senate; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, and to the Governor of Alaska.

Passed State Senate 35-0, July 11, 1991
 Passed State Assembly 73-0, Sept. 3, 1991

Introduced by Senator Rogers

May 2, 1991

Senate Joint Resolution No. 20—Relative to the boundaries of Alaska.

LEGISLATIVE COUNCIL'S DIGEST

SJR 20, as introduced, Rogers. Alaska boundary negotiations.

This measure would state the Legislative support for the State of Alaska in its rightful position of participation in any boundary negotiations involving its boundaries with the Soviet Union. The measure would memorialize the President to withdraw from the United States Senate the proposed boundary treaty between the United States and the Soviet Union and request the California United States Senators to decline to consider the proposed treaty until the State of Alaska has been allowed to participate in the treaty negotiations and has been guaranteed that its consent will be required for the agreement.

Fiscal committee: no.

WHEREAS, Every state has a compelling constitutional interest in determining its own boundaries with other states and foreign countries; and

WHEREAS, The State of Alaska's boundary with the Soviet Union has been the subject of negotiations between the United States government and the Soviet government since 1981; and

WHEREAS, The State of Alaska has never been permitted to participate in the negotiations carried on by the Department of State; and

WHEREAS, The Alaska Legislature has vigorously protested this exclusion in the form of Senate Joint

Resolution 12, which was passed unanimously by both houses and signed by Governor Steve Cowper in May 1988; and

WHEREAS, The Department of State ignored these protests, and its negotiations have resulted in a proposed treaty titled "Agreement with the Union of Soviet Socialist Republics on the Maritime Boundary," which is now before the United States Senate for ratification; and

WHEREAS, The California Legislature previously expressed its support for the State of Alaska for its right to participate in any negotiations affecting its boundaries in the form of Resolution Chapter 122 of the Statutes of 1987; and

WHEREAS, It is settled procedure with respect to negotiations of state boundaries that representatives of any affected state not only must be included in the negotiations, but also must consent to the terms of the proposed boundary treaty, (such as was the case when Secretary of State Daniel Webster negotiated with Great Britain over the boundary between Canada and the State of Maine in 1842); now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly: That the California Legislature renews its support for the State of Alaska in its rightful position of participation in any boundary negotiations involving its boundaries with the Soviet Union; and be it further

Resolved, That the California Legislature (1) respectfully memorializes the President of the United States to withdraw the proposed treaty from consideration by the United States Senate and (2) requests the California United States Senators to decline to consider the proposed treaty, until such time as the State of Alaska has been able to participate fully in negotiations and has been guaranteed that its consent will be required for any agreement affecting its boundaries; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and the Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, to the Governor of Alaska, to the President of the Alaska Senate, and to the Speaker of the Alaska House of Representatives.

Resolution author:

Sen. Don Rogers
 State Capitol
 Sacramento, Calif.
 95814
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REPORT
OF THE
CRUISE OF THE U. S. REVENUE STEAMER
THOMAS CORWIN,
IN THE
ARCTIC OCEAN,
1881.

BY
CAPTAIN C. L. HOOPER, U. S. R. M.,
COMMANDING.

WASHINGTON:
GOVERNMENT PRINTING OFFICE.
1884.

Reprinted by:

WATCH
STATE DEPARTMENT

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LETTER
FROM
THE SECRETARY OF THE TREASURY,
TRANSMITTING,

In response to Senate resolution of February 27, 1884, the report and papers of Capt. C. L. Hooper upon the second cruise of the revenue steamer Corwin.

JUNE 30, 1884.—Referred to the Committee on Commerce and ordered to be printed.

TREASURY DEPARTMENT,
June 24, 1884.

SIR: Respectfully referring to the Senate resolution directing that the Secretary of the Treasury furnish to the Senate a copy of the report of Capt. C. L. Hooper, United States Revenue Marine, upon the second cruise of the revenue steamer Corwin in the Arctic Ocean, and its accompanying documents and illustrations, in possession of this Department, I have the honor to transmit herewith the report and papers mentioned.

Very respectfully,

H. F. FRENCH,
Acting Secretary.

HON. GEORGE F. EDMUNDS,
President pro tempore of the United States Senate.

REPORT

OF THE

SECOND CRUISE OF THE STEAMER CORWIN.

The Corwin sailed from San Francisco on May 4, 1881, at 1 p. m., accompanied out of the harbor by the revenue steamers Rush and Hartley, and a number of vessels of the San Francisco yacht fleet, under command of Commodore Harrison.

Moderate weather prevailed until the 15th instant, when, within 50 miles of Unalaska Island, heavy gales and snow storms were encountered.

On the morning of the 16th the island was seen bearing northwest, distant 40 miles. Soon after it began snowing and the weather became so thick that we were compelled to proceed with great caution, and did not reach the entrance of the pass between Unalaska and Onalga Islands until noon, when, owing to the rough state of the sea caused by a strong current running against the northwest gale which was blowing, we were glad to turn back and run into Beaver Harbor, barely escaping the loss of our boats.

The Onalga Pass, although very rough at times and subject to strong currents, is in many respects preferable to either the Oumiak or Akoutan Pass, especially to vessels bound to Unalaska. It contains no hidden dangers, and is safely navigable by all classes of vessels except as mentioned before, when a strong gale is blowing against the current. At such times the sea truly boils and foams, and it is advisable to wait until slack water before attempting to go through.

Beaver Harbor affords ample protection for a vessel under such conditions. Although the water is deep, several good anchorages may be found near the shore, where vessels can lie in safety.

On the 17th of May we arrived at Unalaska and hauled the vessel on the beach to repair the oak sheathing which had started off in many places. The oak being very dry when put on and closely fitted, had bulged off upon becoming wet and swollen. After repairing it we took on board a supply of coal and water and nine months' extra provisions. The latter were purchased from the Alaska Commercial Company with the understanding that, if not used, they were to be returned without cost to the Government.

The past winter was reported to have been unusually mild, although at this time the weather was quite cold and the island covered with snow to the sea. The natives were suffering from an epidemic of pleuro-pneumonia, which proved fatal in a great many cases.

Unalaska settlement, or Illuluck, has been so often described that a repetition is unnecessary, but to those who are not familiar with the subject the following reference to it by the late Capt. George W. Bailey, U. S. N. M., will be found of interest:

Unalaska is the largest commercial port of the Alentian Islands, and now a port of entry. . . . It is also the principal depot of the two large trading companies, the Alaska Commercial Company and the Western Fur and Trading Company. There is a full priest resident at Unalaska, and the church building presents a creditable appearance, church matters being conducted at this station on a seemingly more proper basis than in any other part

water to wait for a more favorable chance. The ice was so closely packed around the vessel that the operation of thrusting around, assisted by steam and sail, poles and small spars to push against the ice, and all means at our command, occupied just one hour. After several hours' more hard work we reached the head of the lead. Although sadly disappointed at the failure of this third attempt this season to reach the land, I felt relieved to be again in clear water, and did not despair of ultimate success.

While in the ice a number of polar bears were seen near the vessel and one or two walrus. They showed no signs of fear of us, but a good deal of curiosity. One of the bears was just making a breakfast of seal, which he seemed to enjoy very much. It was evidently just killed, being still bleeding, and the bear's head, neck, breast, and fore legs being covered with blood. He seemed to be taking his breakfast very leisurely, and after eating awhile would go away a few feet and roll and play like a kitten. Although we were quite near him he paid no attention, not even looking at us. During the day we were fortunate enough to get good observations for latitude and longitude, which, with the bearings already attained, gave us a very close approximation to the position of the land. These were subsequently confirmed by bearings and observations taken near the land off its east coast. They show the land on the American Hydrographic chart to be laid down 18 miles too far south, although the general trend of the coast is very nearly correct. After reaching open water we followed the edge of the eastern ice, which gradually changed the direction of its trend from southeast to east and northeast. The weather, which had been very clear in the evening, had grown misty, so that the land became less distinct and seemed farther away during the afternoon. The trend of the ice was observed to be more to the northward, and it was noticed that as the mist cleared away a little from time to time the snow-banks on shore seemed nearer than at any time before. Bearings of one of these snow-banks taken from different points showed its distance to be only 13 miles. Soon after the edge of the pack fell back, so that we were enabled to steer a course almost directly for the land. We had just taken in all sail and changed our course, when the lookout reported ice on the starboard beam making off to the eastward as far as he could see, showing that we had been running into a lead. This we continued to follow until we came to its end, where we found the ice heavy and closely packed. We had 15 fathoms of water, with sticky bottom, and judged ourselves to be about 8 miles from the land. I believed that no great difficulty would be encountered in crossing on the ice to the land. Lieutenant Reynolds, Assistant Engineer Owens, Professor Muir, Mr. Nelson, and Coxswain Gessler, having volunteered, were very anxious to make the attempt, but, owing to the mist and fog, which was rapidly shutting out the land from our view, and the uncertainty of holding our position in the lead, I was compelled to withhold my consent at that time, but determined to try to hold on in the lead until the fog should clear away. We observed the set of the current to be northeast, about one knot per hour. Running back to the eastward a short distance, to where the lead was about 3 miles in width, we came to with the kedge, in 19 fathoms of water.

The constant changes taking place in the position of the lead, owing to the set of the current, necessitated changing our position several times during the night to avoid the ice. We got under way at 4 a. m. (August 12). The mist began to clear away, giving us occasional glimpses of the snow patches that lined the cliffs. We had made all necessary preparations for crossing on the ice; the skin boat had been placed on runners, and arms, ammunition, provisions, &c., served out. At 4.30 we reached the end of the lead, which we judged to be 8 miles from the land, and which we found by bearing of points on shore that we could recognize as those we had observed the night before to have changed their position to the northward 8 miles during the night. The ice appearing to be much less closely packed than on the previous evening, I determined to shorten up the journey over the ice by pushing in with the vessel as far as possible before embarking the party. Accordingly we entered the ice at 5.30 and worked in the direction of a place where the land appeared low, with high, dark-looking cliffs on each side. The ice, which was quite heavy, continued to open as we advanced, until, at 6.30, we could see the shore line distinctly, and, in the direction in which we were steering, what appeared to be a small space of open water adjoining the land. As the ice still remained sufficiently open to admit of forcing a way through it at the expense of a good deal of hard bumping, squeezing, and pushing, hopes were entertained of reaching the open space of water with the vessel. The last 2 or 3 miles were made with a good deal

of difficulty. Inside of the 10 fathom curve we found much of the ice aground, while the floating portion was drifting past and occasionally shooting up over the top of the grounded pieces. Navigation under such circumstances was anything but safe or agreeable. However, we felt that the land was certainly within our reach, and thought of nothing but pushing ahead. At 7.30 we reached the open space and dropped anchor within a cable's length of the land in 3 fathoms of water. We immediately landed and, raising the American flag, took possession in the name of the United States of America. We landed at the mouth of a river, which at this time was about 75 yards in width, although the entire distance between its banks was about 200 yards. The cliffs in the vicinity of our landing place were of a dark slate formation, and from 100 to 300 feet high. On the beach small pieces of sandstone, quartz, and mica schist were found. The surface of the land where the slate has weathered away is composed of sticky clay, and is but sparsely covered with vegetation. As observed from the ship, while cruising in the vicinity and also from the shore, it presents the general appearance of smoothly-rounded hills, which, towards the interior and near the south side, are from 1,000 to 3,000 feet in height. The upper portion of the higher hills appeared more rugged in outline, as if composed of more enduring material, probably granite. These summits resemble those seen on the Siberian coast in the vicinity of Plover Bay, being entirely destitute of vegetation, with occasional red patches probably indicating the presence of iron. Those near the coast are remarkable for the smoothness and beauty of their outlines, and present here and there patches of green or gray, according to the nature of the vegetation. On the beach near the mouth of the river we found a kayak paddle, a cast-stave, a piece of small spar, probably part of a boat's mast, and a piece of board about a foot in length bearing ax-marks. All these things were below the marks of extreme high water, and were undoubtedly brought there by the current. Although the beach showed undoubtedly signs of a rise and fall of tide, no tidal change could be detected, probably owing to the fresh southerly wind which was blowing. The presence of this drift matter on the beach would seem to indicate that the east coast of Wrangel Island was at times entirely free from ice, though it does not necessarily follow, as it could easily have been carried through the pack to the shore by the constant twisting and turning to which it is at all times subject. I believe that it is a very unusual thing for the ice to leave any portion of Wrangel Island entirely. Our stay on shore was necessarily short on account of the strong northerly current, which was sweeping the ice-pack along with irresistible force. Much of the ice inside of 10 fathoms, as stated, was aground, but not sufficiently firm to form any protection from the drifting mass, the largest pieces of which were constantly being pushed and turned in every direction when struck by the drift, and the utmost vigilance was required to avoid getting caught between the drifting and grounded masses. At 9.30 a. m., being unable to maintain our position any longer, a gun was fired to recall the parties sent out to explore the cliffs in search of cairns or other signs of human life, and we began to work out towards the lead, which we reached at 11 a. m. We left the American flag flying and also a record of our visit. We had good observations during the day, and found our landing-place to be in latitude $71^{\circ} 04'$ north and longitude $177^{\circ} 40'$ west. This is undoubtedly the part of the land seen by Captain Kellett, R. N., in 1849, when he discovered and landed on Herald Island, and which since appeared on the British Admiralty charts as Plover Island, although erroneously laid down somewhat further to the eastward. We now know that Plover Island has no separate existence, and that what Kellett saw was the main island. As there is no record of any one else having seen the land previous to that date, or in fact until several years after, when, in 1876, it was seen by nearly the entire whaling fleet, all must accord to Captain Kellett the honor of its discovery.

While steaming through the ice, in our several attempts to reach the land, a number of species of sea-fowl were seen from time to time, and carefully noted by Mr. Nelson. Among these the most numerous were the murres and guillemots (*Uria-urra* and *Uria-grylle*), with numerous kittiwake gulls (*Larus tridactylus* Kotzebue) and the common ice gull (*Larus glaucus*). More rarely single individuals of the Sabine's gull (*Xema Sabini*) were seen circling about the ship. Numerous small flocks of black-headed turnstones (*Strepilas melanocorypha*) were seen near shore, and two parties of common eider ducks (*Somateria nigra*). In both instances the latter were females with their young. The second brood of eiders was seen swimming close along the shore and away from the mouth of the river as we made our landing. On shore we found numerous snow-bunting (*Plectrophenax nivalis*) and a snowy owl (*Nyctes nives*), which, with a shrike picked up dead on the

WRANGEL
←

beach and a solitary golden plover (*Chlorodreus fulvus*), complete the short list of land birds seen. At a number of places on the hillsides we found the droppings of wild geese so numerous that it was evident this place must have been a common resort for flocks of these birds earlier in the season. Their absence at the time of our landing is easily accounted for by the fact this was the time when the geese shed their large wing feathers and lose the power of flight. As this season comes on they congregate in large flocks in low marshy land and remain until their new growth of feathers enables them to spread over the country again a month or six weeks later.

Saddle-backs and hair-seals were rather common among the ice, and in addition there was a small species of hair seal unknown upon the American coast and perhaps new to science. Walrus were not rare on the outer edge of the pack, and their foe, the polar bear, was seen almost every time we entered the ice; on several occasions it was seen swimming in the water several miles from the pack. Upon the hilltops on shore were found numerous burrows of some animal, probably white fox (*Canis lagopus*), as some tracks of that animal were found mingled with those of the polar bear in the mud along the banks of the river. Stranded on the sand-bar at the mouth of the river lay the skeleton of a whale (*Balaena mysticetus*), which closes the list of mammals observed.

Numerous small fish, from two to four inches long, and having large heads, were brought to the surface by rolling masses of ice as it was turned over by contact with the vessel in her passage through it. These are called by the whalers ice-fish. No specimens were obtained, unfortunately.

The following plants we collected: Grasses, three varieties; dwarf willow, pblox, saxifrage, sibbaldia, draba, potentilla, anemone, papaver, veronica, artemisia, carex, stellaria, three; mosses, three; lichens, five; and four composites. In many places where the snow remained in the ravines and in banks against the steep cliffs, it presents the peculiar reddish color caused by the presence of *Protococcus nivalis*, commonly called red snow. This is a minute plant with which the surface of the snow is often covered in high latitudes. It was seen and its appearance described by Sir John Ross in 1818, and by Sir Edward Parry in 1827, but its true character was not understood until many years later, when it became known as a vegetable growth.

Upon taking possession of this land in the name of the United States, the name New Columbia was provisionally given to it. The provision being the approval and concurrence of that portion of the Government having the authority to issue charts, &c., the decision of that body was adverse to my suggestion, and by its action I cheerfully abide not only on account of its undoubted right to decide according to its own judgment in this and all other matters over which it has jurisdiction, but because the size of the island, as now known, does not justify the bestowal of a name of this character, the name of one of the early Arctic navigators being much more appropriate. At the time I suggested the change of name I believed the land to be an island and had so reported it to the Department, but I supposed it to be considerably larger than it has proved. In the report of my first cruise in the Corwin, submitted November 1, 1881, page 50, I say, in reference to this land:

The part of Wrangel Land which we saw covered an arc of the horizon of about fifty degrees from northwest quarter north to west quarter south (true), and was distant from 25 miles on the former bearing to 35 or 40 on the latter. On the south were three mountains, probably 2,000 feet high, entirely covered with snow, the central one presenting a conical appearance and the others showing slightly rounded tops. Northward of these mountains was a chain of rounded hills, those near the sea being lower and nearly free from snow, while the back hills, which probably reach an elevation of 2,000 feet, were quite white; to the north of the northern bearing given the land ends entirely or becomes very low. The atmosphere was very clear, and we could easily have seen any land above the horizon within a distance of 60 or 70 miles, but none except that described could be seen from the mast-head.

Again, on page 52, I say:

I am of the opinion that Wrangel Land is a large island, probably one of a chain that passes entirely through the polar regions to Greenland; that there is other land to the north there can be no doubt. . . . large numbers of geese and other aquatic birds pass Point Barrow going north in the spring, and returning in August and September with their young. As it is well known that these birds breed only on land, this fact must be regarded as proof of the existence of land in the north. Another reason for supposing that there is either a continent or a chain of islands passing through the polar regions is the fact that, notwithstanding the vast amount of heat diffused by the warm current passing through Bering Straits, the icy barrier is from six to eight degrees farther south on this side than on the Greenland side of the Arctic Ocean, where the temperature is much lower.

NOMINATION OF SECRETARY OF STATE

HEARING

BEFORE THE

COMMITTEE ON FOREIGN RELATIONS

UNITED STATES SENATE

ONE HUNDRED FIFTH CONGRESS

FIRST SESSION

JANUARY 8, 1997

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PREPARED STATEMENT OF CARL OLSON, CHAIRMAN, STATE DEPARTMENT WATCH

State Department Watch is a nonpartisan public interest foreign policy watchdog group. We desire to raise significant ongoing issues and questions that Ambassador Albright should provide written answers for, so that the American public and the U.S. Senate can be fully informed as to the nominee's views.

UNITED NATIONS

1. The issues of slave labor and child labor have been decried by organs of the United Nations, such as the International Labor Organization and UNICEF. However, the United Nations does not have a policy to refuse to buy goods made by slave labor or child labor. The UN should make its rhetoric into a practical reality by adopting such a policy for its billions of dollars of purchases annually.

2. Troops under United Nations command are in a unique and sensitive position. Since the United Nations is not a government, it has no direct sovereignty. Any military person from a member country who is assigned for United Nations command duty should (1) be required to be a volunteer for such duty, (2) should not be required to swear a higher allegiance to the United Nations over his own country, (3) should enjoy all POW rights under the Geneva convention (even though the UN is not a signatory), and (4) should not need to surrender his rights or identity card for his own country's military.

BAN ON SLAVE-MADE IMPORTS

The ban on importing goods made in whole or in part by slave labor was well established in the Tariff Act of 1930. In today's world, the largest forced labor system is in China, and some gulags remain in the former Soviet Union. The Chinese array of 1100 "laogai" forced labor factories, farms, and other facilities use upwards of 20 million workers. They produce a wide range of products, from simple toys and tea to sophisticated machinery and electronics, much of which is exported, including to the United States. The American Harry Wu has documented this massive human rights abuse and economic warfare threat to American jobs and companies. For his efforts he was falsely imprisoned in Chinese jail for "spying" during the summer of 1995.

In order for the U.S. Customs Service to enforce this ban, it is necessary to inspect the suspected facilities. Under a Memorandum of Understanding that the Department of State negotiated with the government of China in 1992, these inspections were to be conducted easily and routinely in China. However, even though the Customs Service has made dozens of requests, only one factory has ever been inspected, and none has been in the last year and a half.

1. The Department of State should aggressively pursue its own MOU on inspecting suspected forced labor facilities, and it should emphasize to the Chinese government that over 95% of its own economy is also being unfairly disadvantaged by the existence of the forced labor system.

2. The Department of State should screen its own purchases to avoid slave-made goods, including those for the embassy in Beijing.

3. The Department of State should propose to all international agencies to adopt a policy to refuse to buy slave-made goods.

4. The Department of State should expand its coverage of this issue in its Country Reports on Human Rights.

RUSSIAN DEFAULTS TO THE AMERICAN TAXPAYER

Over the past decade, the countries of the former Soviet Union have conducted massive asset sales overseas by government agencies and various individuals. A vast amount of money received was left overseas in numerous investments and bank accounts, estimated authoritatively in the hundreds of billions of dollars. These funds are easily available for usage by the Russian and other governments of the former Soviet Union.

The Russian government (and others of the former Soviet Union) owe the American public (1) approximately \$1 billion of bond debt from World War I, (2) approximately \$1 billion of lend-lease debt from World War II, and (3) billions of dollars of recent U.S. agricultural loan defaults.

Unfortunately, the Department of State has on an annual basis routinely agreed to postpone collecting the World War II debt plus interest, and has not even asked for the World War I and agricultural loan defaulted amounts.

1. The Department of State should stop postponing collection of the World War II debts, and should press for collection of World War I debts and agricultural loan defaults.

2. The Department of State should also press aggressively to aid Americans who have filed valid claims with the Foreign Claims Settlement Commission against the countries of the former Soviet Union.

3. The Department of State should require the Russian government to make reg-

The unratified JS-USSR maritime boundary agreement and an executive side agreement suffer from serious equitable and constitutional problems. The stated intent was to agree upon the seabed boundary between Alaska and Siberia.

This agreement was signed by Secretary of State James A. Baker III on June 1, 1990, approved by the Senate in September 1991, and ratified by President George Bush in December 1991. However, it has never been ratified by the Soviet/Russian side, and thus is not in force.

Also on June 1, 1990, Secretary of State Baker signed an executive side agreement that provided " . . . pending the entry into force of that (US-USSR Maritime Boundary) Agreement, the two Governments agree to abide by the terms of that Agreement as of June 15, 1990."

The major problems that these agreements present are:

A. They were negotiated by the Department of State in complete secrecy without any input or review by the Congress, the public, or the State of Alaska. The dates and places of the negotiations and the names of the negotiators remain classified materials. At least, this treaty fails the test of requiring prior advice by the Senate.

B. The exclusion of the State of Alaska from participating in the negotiations and from approving its terms violates the federal principle of state-federal sovereignty involving boundary lines. In essence the federal government arrogated to itself the ability to affect Alaska's land and seaward boundary and property without its consent or participation. The legislatures of Alaska and California have repeatedly protested this extra-constitutional treatment.

C. The proposed maritime boundary line places 8 Alaskan islands and their 200-mile exclusive economic zones on the Russian side. This amounts to a giveaway of thousands of square miles of territory and tens of thousands of miles of oil-rich seabeds to the Russians, valued in the billions of dollars. The affected Alaskan islands in the Arctic are Wrangell, Herald, Bennett, Jeannette, and Henrietta, and the Alaskan islands at the end of the Aleutian chain are Copper Island, Sea Lion Rock, and Sea Otter Rock.

D. The proposed maritime boundary line creates a "western special area" on the U.S. side, but " . . . the United States agrees that henceforth the Soviet Union may exercise the sovereign rights and jurisdiction derived from the exclusive economic zone jurisdiction that the United States would otherwise be entitled to exercise under international law." . . . This appears to be a unique cession of sovereignty on American soil to a foreign power.

E. The executive side agreement purports to do exactly what the main agreement does. Maritime boundary agreements need to be in the form of treaties to be put into force. By adopting this side agreement, the Department of State appears to be arrogating the power to adopt maritime boundaries without any consent by Congress or the President.

We suggest the following corrective actions:

1. The Department of State should withdraw the proposed US-USSR maritime boundary agreement.
2. The Department of State should re-negotiate it with the full participation and consent of the State of Alaska where it affects the Alaskan land and seabed boundary and property rights.
3. The Department of State should declassify the records of the negotiations over the agreement.
4. The Department of State should renounce the executive side agreement, and should provide a public report of its actions to implement this side agreement. It should also publicly renounce its unilateral ability of the Department of State to agree to matters that constitutionally belong to Congress, the Senate, or the President.

CUBA AND THE AMERICAN EXCLUSIVE ECONOMIC ZONE

The Department of State has failed to exert the U.S. exclusive economic zone in the vicinity of U.S. islands around Cuba. When the country of Cuba was created by the United States following the Spanish-American War in 1898, the only territory was the island of Cuba itself. The only other island ceded to it by treaty from the U.S. was the Isle of Pines (Isla de la Juventud), which lies about 60 miles southwest. There are numerous other small American islands surrounding Cuba.

In negotiating a maritime boundary line between the U.S. and Cuba in 1977, the Department of State failed to measure the EEZ from the American islands and thus would negligently cede the islands and the thousands of square mile of EEZ around them to Cuba.

Inasmuch as this maritime boundary agreement has not been consented to by the U.S. Senate or put into force, the Department of State should renegotiate the maritime boundary agreement to include the U.S. islands around Cuba.

The American Navassa Island is situated among Haiti, Jamaica, and Cuba. The Department of State has failed to assert the exclusive economic zone for it. Moreover, it has acceded to Haitian claims to EEZ around it. Haiti and Cuba have an agreement that creates a maritime boundary based on the assumption that Navassa belongs to Haiti. The Department of State should not only protest this agreement between Haiti and Cuba, but should assert the EEZ around Navassa and enter into negotiations with Haiti, Jamaica, and Cuba over the appropriate maritime boundary line.

U.S. PACIFIC ISLANDS AND EXCLUSIVE ECONOMIC ZONES

The Department of State has failed to assert the EEZ for Washington Island, Fanning Island, Kingman Reef, Baker Island, Nassau Island, and the Stewart Islands. These are valuable U.S. territories in the Pacific Ocean, and the Department of State should protect the public interest by asserting the EEZ for them.

ABANDONMENT OF AMERICAN STEWART ISLANDS

The Stewart Islands in the Pacific (near Guadalcanal in the Solomons) have been part of Hawaii since 1856. Nevertheless the Department of State has abandoned them and refused to recognize their American status. The inhabitants suffer several consequent problems, including outbreaks of malaria, one of the few places in the world where this disease still exists.

CREDIBILITY OF PUBLIC STATEMENTS

Information at the Department of State is subjected to various levels of secrecy. There are penalties for anyone divulging any secret information.

All statements made to the public contain only unclassified (nonsecret) information. Much of the time, when a public statement is made, there is related secret information that is not released. This secret information may amplify or even contradict the public statement. The public statement may well not be "the truth, the whole truth, and nothing but the truth." Public statements may well mislead the public, and this is not in the public interest. Years later if and when the secret information is declassified and released to the public, the truthful account of the situation is revealed.

In the interest of providing credibility to the American public, when the Department of State makes public statements in situations where there are related secret matters that amplify or contradict the public statement, the Department of State in its public statement should always include a disclaimer indicating that the public statement does not include significant related secret material.

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Representative Gail Phillips

SPONSOR STATEMENT

HJR 33 – U.N. TREATY ON CLIMATE CHANGE

In December 1997, the United Nations Framework Convention on Climate Change met at Kyoto, Japan and adopted a treaty which, if ratified by the U.S. Senate, would commit the United States to reducing our carbon dioxide levels to seven percent below the levels of 1990. If the U.S. Senate ratifies this treaty, the United States would be placed at a considerable economic disadvantage to many other countries with no assurance that these efforts would substantively impact global warming.

In spite of the lack of sound scientific evidence supporting the conclusion that carbon emissions are a major contributing factor to global warming, the Kyoto treaty sets very tough standards for the United States and other industrialized countries to meet. However, the treaty exempts 129 developing nations. China, Mexico, India, Brazil and South Korea are among the many nations exempted from the treaty requirements. Not considered by the Framework Convention were the rapidly increasing greenhouse gas emissions of the exempted developing countries. As early as 2015, these countries are expected to surpass emissions of the United States and other countries included under the more strict applications of the treaty.

Forcing a reduction in our carbon emissions would no doubt result in more government regulation, and, potentially, imposition of carbon production permits, rationing and taxes on consumer carbon emissions. These actions would result in sharply increasing the costs of production and in the loss of many jobs.

Finally, the charge to the United Nations Framework Convention on Climate Change was to address the greenhouse gas emissions problem on a global basis. The Kyoto treaty fails to do this. While the United States should make every effort to do its part to address the global warming problem, the burden should not fall disproportionately on our shoulders while other countries are exempted from responsibility.

Your support for this message to the U.S. Senate would help ensure that the Kyoto treaty is not ratified.

FISCAL NOTE

STATE OF ALASKA
1999 LEGISLATIVE SESSION

BILL NO. HJR 33

Revision Date: _____
Title: UN Treaty on Climate Change

Dept. Affected _____
BRU _____
Component _____

Sponsor: Phillips
Requester: WTR

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						
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CHANGE IN REVENUES ()						
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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)

THERE IS NO FISCAL IMPACT

Prepared by Donald M. Riehle

Phone 907-465-3438

bù) House World Trade & State/Federal Relations

Phone _____

Date April 7, 1999

Policy Statement of the Energy Council on The Kyoto Protocol

Background

In March 1995, nations who had ratified the 1992 Rio Treaty on global climate met in Germany and agreed to set legally binding limitations on greenhouse gases for time period 2000. The negotiations on this agreement culminated in Kyoto, Japan in December, 1997 the adoptions of the "Kyoto Protocol."

There are two key issues with the Kyoto Protocol. One is the fact that the binding limitations on greenhouse gases cannot be met in the United States without a dramatic reduction in the fossil fuels. The second is the distinction between industrialized and developing nations a continuing lack of commitment by developing nations to address greenhouse gas emissions. Without wide involvement of developing as well as industrialized nations, the potential competitive advantages and disadvantages clearly exists. This concern was addressed in a resolution adopted by the U.S. Senate in June, 1997 (Senate Resolution 98) which recommended that the U.S. refrain from signing any agreement in Kyoto that would harm the U.S. economy and would not impose commitments equally on industrialized and developing nations.

The Kyoto Protocol failed both of these tests, because no limits, even voluntary limits, are imposed on the developing nations, potentially leading to the transfer of jobs and industrial development from the U.S. to developing countries.

Recommendation

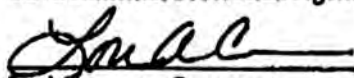
The Energy Council believes that the nation's opposition to adoption of the Kyoto Protocol should be made clear and unequivocal.

The Energy Council urges the President not to sign the Kyoto Protocol. Should the President sign the Kyoto Protocol, he is urged to promptly submit the treaty to the United States Senate for its timely consideration. Finally, the United States Senate is urged to reject the protocol and any other amendment to the Kyoto Protocol that does not impose commitments equally on industrialized and developing nations or that does not conform fully with U.S. Senate Resolution No. 98.

The Energy Council further requests that the agencies of the federal government refrain from promulgating regulations intended to implement the Kyoto Protocol prior to its ratification by the United States Senate.

Disposition

This policy statement adopted unanimously by the Energy Council on June 24, 1998 should be transmitted to the President of the United States, Speaker of the United States House of Representatives, Majority Leader of the United States Senate, Congressional delegations and presiding officers of both Houses of the state legislature of the Energy Council's member states, Secretary of State, Secretary of the Department of Energy, and Administrator of the Environmental Protection Agency.


Lori Cameron, Secretary



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David McCombridge
Frank E. McQuerry
Clarence "Rocky" Miller
Berna C. Miller
Benjamin P. Nageak
Wesley P. Nason
John K. Norman
Wilbur O'Brien
Michael O'Connor
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William E. Pierce
Debbie Reinwand
John A.L. Rense
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Senator Frank Murkowski
Congressman Don Young
Governor Tony Knowles

April 8, 1999

Representative Gail Phillips
Alaska State House
State Capitol
Juneau, AK 99801-1182

Dear Representative Phillips:

On behalf of the Resource Development Council for Alaska, Inc. (RDC), I would like to express our support of HJR 33, urging the United States Senate to oppose ratification of the treaty developed at the United Nations Framework Convention on Climate Change.

As you are aware, pressure to ratify the treaty is based more on politics than science. In fact, ratification of this treaty is likely to place American industry at a competitive disadvantage with regard to our global competitors. Until the supposed benefits of ratification are justified by sound science, the treaty should not be adopted.

It is our understanding similar resolutions have been introduced and passed the legislatures of several other states. We appreciate your willingness to take a leadership role on this issue for Alaska and we urge HJR 33's immediate passage.

Thank you for the opportunity to comment. Please contact me if I can be of additional assistance.

Sincerely,

RESOURCE DEVELOPMENT COUNCIL
for Alaska, Inc.

Tadd Owens
Projects Coordinator

Alaska State Legislature

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Official Business
Phone: (907)465-2689
Fax: (907)465-3472

State Capitol
Room 411
Juneau, Alaska 99801-1182

Representative Gail Phillips

DATE: March 26, 1999

TO: REPRESENTATIVE RAMONA BARNES *Ramona*
CHAIR, WORLD TRADE & STATE/FEDERAL RELATIONS

FROM: REPRESENTATIVE GAIL PHILLIPS *Gail*

RE: HJR 33 - REQUEST FOR HEARING

Attached are copies of a resolution I recently introduced (HJR 33) and my sponsor statement. This resolution urges the U.S. Senate not to ratify the treaty prepared by the United Nations Framework Convention on Climate Change in Kyoto, Japan.

The House Special Committee on World Trade & State/Federal Relations is the first and only committee of referral in the House, and I would appreciate your scheduling it for a hearing at your earliest convenience.

Thank you.

GP:jmj

Enc. HJR 33
Sponsor Statement

HOUSE JOINT RESOLUTION NO. 33
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FIRST LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES PHILLIPS, Green

Introduced: 3/26/99

Referred: House Special Committee on World Trade and State/Federal Relations

A RESOLUTION

1 **Urging the United States Senate to decline to ratify the treaty from the United**
2 **Nations Framework Convention on Climate Change adopted in December 1997 at**
3 **Kyoto, Japan.**

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

5 **WHEREAS**, in December 1997, the United Nations Framework Convention on
6 Climate Change met in Kyoto, Japan, and adopted a treaty that would commit the United
7 States to reducing carbon dioxide emissions to seven percent below 1990 levels; and

8 **WHEREAS** the claim that global warming is due to increased levels of carbon dioxide
9 has not been scientifically proven, and scientists are continuing to investigate and debate this
10 claim; and

11 **WHEREAS** the convention on climate change intended to address climate change on
12 a global basis; and

13 **WHEREAS** 129 developing nations, including China, Mexico, India, Brazil, and South
14 Korea, are exempt from the restrictions of the Kyoto treaty, putting the United States at a
15 severe competitive disadvantage in the global economy; and

16 **WHEREAS** the adoption of the Kyoto treaty may lead to government control of

Alaska State Legislature



Official Business
Phone: (907)465-2689
Fax: (907)465-3472

State Capitol
Room 411
Juneau, Alaska 99801-1182

Representative Gail Phillips

SPONSOR STATEMENT

HJR 33 – U.N. TREATY ON CLIMATE CHANGE

In December 1997, the United Nations Framework Convention on Climate Change met at Kyoto, Japan and adopted a treaty which, if ratified by the U.S. Senate, would commit the United States to reducing our carbon dioxide levels to seven percent below the levels of 1990. If the U.S. Senate ratifies this treaty, the United States would be placed at a considerable economic disadvantage to many other countries with no assurance that these efforts would substantively impact global warming.

In spite of the lack of sound scientific evidence supporting the conclusion that carbon emissions are a major contributing factor to global warming, the Kyoto treaty sets very tough standards for the United States and other industrialized countries to meet. However, the treaty exempts 129 developing nations. China, Mexico, India, Brazil and South Korea are among the many nations exempted from the treaty requirements. Not considered by the Framework Convention were the rapidly increasing greenhouse gas emissions of the exempted developing countries. As early as 2015, these countries are expected to surpass emissions of the United States and other countries included under the more strict applications of the treaty.

Forcing a reduction in our carbon emissions would no doubt result in more government regulation, and, potentially, imposition of carbon production permits, rationing and taxes on consumer carbon emissions. These actions would result in sharply increasing the costs of production and in the loss of many jobs.

Finally, the charge to the United Nations Framework Convention on Climate Change was to address the greenhouse gas emissions problem on a global basis. The Kyoto treaty fails to do this. While the United States should make every effort to do its part to address the global warming problem, the burden should not fall disproportionately on our shoulders while other countries are exempted from responsibility.

Your support for this message to the U.S. Senate would help ensure that the Kyoto treaty is not ratified.

CORRECTION

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Central Microfilm Services
Department of Education & Early Development
State of Alaska

HOUSE JOINT RESOLUTION NO. 33

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIRST LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES PHILLIPS, Green

Introduced: 3/26/99

Referred: House Special Committee on World Trade and State/Federal Relations

A RESOLUTION

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2 **Nations Framework Convention on Climate Change adopted in December 1997 at**
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10 claim; and

11 **WHEREAS** the convention on climate change intended to address climate change on
12 a global basis; and

13 **WHEREAS** 129 developing nations, including China, Mexico, India, Brazil, and South
14 Korea, are exempt from the restrictions of the Kyoto treaty, putting the United States at a
15 severe competitive disadvantage in the global economy; and

16 **WHEREAS** the adoption of the Kyoto treaty may lead to government control of

1 industry through the imposition of carbon production permits, rationing, and a tax levy on
2 consumer carbon emissions, resulting in sharply increased costs and the loss of thousands of
3 jobs in the United States;

4 **BE IT RESOLVED** that the Alaska State Legislature urges the United States Senate
5 to decline to ratify the Kyoto treaty adopted by the United Nations Framework Convention
6 on Climate Change under its present terms; and be it

7 **FURTHER RESOLVED** that the Alaska State Legislature urges the Congress to enact
8 legislation prohibiting the adoption of an executive order or regulation that attempts to
9 implement any provision of the treaty.

10 **COPIES** of this resolution shall be sent to the Honorable Bill Clinton, President of the
11 United States; the Honorable Al Gore, Jr., Vice-President of the United States and president
12 of the U.S. Senate; the Honorable J. Dennis Hastert, Speaker of the U.S. House of
13 Representatives; the Honorable Trent Lott, Majority Leader of the U.S. Senate; and to the
14 Honorable Ted Stevens and the Honorable Frank Murkowski, U.S. Senators, and the
15 Honorable Don Young, U.S. Representative, members of the Alaska delegation in Congress.

Alaska State Legislature



Official Business
Phone: (907)465-2689
Fax: (907)465-3472

State Capitol
Room 411
Juneau, Alaska 99801-1182

Representative Gail Phillips

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Finally, the charge to the United Nations Framework Convention on Climate Change was to address the greenhouse gas emissions problem on a global basis. The Kyoto treaty fails to do this. While the United States should make every effort to do its part to address the global warming problem, the burden should not fall disproportionately on our shoulders while other countries are exempted from responsibility.

Your support for this message to the U.S. Senate would help ensure that the Kyoto treaty is not ratified.

Policy Statement of the Energy Council on The Kyoto Protocol

Background

In March 1995, nations who had ratified the 1992 Rio Treaty on global climate met in Germany and agreed to set legally binding limitations on greenhouse gases for time period 2000. The negotiations on this agreement culminated in Kyoto, Japan in December, 1997 the adoptions of the "Kyoto Protocol."

There are two key issues with the Kyoto Protocol. One is the fact that the binding limitations on greenhouse gases cannot be met in the United States without a dramatic reduction in the fossil fuels. The second is the distinction between industrialized and developing nations a continuing lack of commitment by developing nations to address greenhouse gas emissions. Without wide involvement of developing as well as industrialized nations, the potential competitive advantages and disadvantages clearly exists. This concern was addressed in a resolution adopted by the U.S. Senate in June, 1997 (Senate Resolution 98) which recommended that the U.S. refrain from signing any agreement in Kyoto that would harm the U.S. economy and would not impose commitments equally on industrialized and developing nations.

The Kyoto Protocol failed both of these tests, because no limits, even voluntary limits, are imposed on the developing nations, potentially leading to the transfer of jobs and industrial development from the U.S. to developing countries.

Recommendation

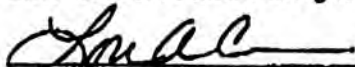
The Energy Council believes that the nation's opposition to adoption of the Kyoto Protocol should be made clear and unequivocal.

The Energy Council urges the President not to sign the Kyoto Protocol. Should The President sign the Kyoto Protocol, he is urged to promptly submit the treaty to the United States Senate for its timely consideration. Finally, the United States Senate is urged to reject the protocol and any other amendment to the Kyoto Protocol that does not impose commitments equally on industrialized and developing nations or that does not conform fully with U.S. Senate Resolution No. 98.

The Energy Council further requests that the agencies of the federal government refrain from promulgating regulations intended to implement the Kyoto Protocol prior to its ratification by the United States Senate.

Disposition

This policy statement adopted unanimously by the Energy Council on June 24, 1998 shall be transmitted to the President of the United States, Speaker of the United States House of Representatives, Majority Leader of the United States Senate, Congressional delegations and presiding officers of both Houses of the state legislature of the Energy Council's member states, Secretary of State, Secretary of the Department of Energy, and Administrator of the Environmental Protection Agency.


Lori Cameron, Secretary

ALEC

Memo

To: Chris
From: Brian
Date: 3/02/99
Re: Kyoto Model Bill

Kyoto Protocol Act Summary of State Activity

The following states have passed Kyoto Legislation (*text attached)

AL H J Res 72/ S J Res 23 (1998)	PA S Res 134* (1997)
AZ HM 2001 432R (1998)	SC H B 4761/ S B 1132* (1997)
CO SJR 023 (1998)	SD H Con Res 1004 (1998)
IL S J Res 42* (1997)	UT S J Res 9* (1998)
IN SCR 20 (1998)	VA S J Res 58* (1998)
KY SH 300* (1998)	WV H Con Res 3 (1998)
MI H Con Res 70* (1998)	WY H B 171* (1999)

Legislation has been introduced in these states although it is yet to be adopted.

AL HB 465 (1998)
IL HB 2940 (1998)
WV IIB 4228 (1998)
DE HR 49 (1998)
OH H Con Res. 35 (1997)
MO SCR 4 (1999)
MS HB 850, SB 2760 (1999)



People for the USA

March 30, 1999

The Honorable Gail Phillips
House of Representatives
State Capitol
Juneau, AK 99801-1182

Dear Representative Phillips:

I want to congratulate you for introducing HJR 33, "Urging the United States Senate to decline to ratify the treaty from the United Nations Framework Convention on Climate Change adopted in December 1997 at Kyoto, Japan."

My organization, *People for the USA* is comprised of over 26,000 members throughout the western United States, who make their living producing the nation's natural resources. We also have 51 affiliate organizations with over 200,000 members. All of these groups are united in their opposition to the Kyoto Treaty.

If Alaska passes their resolution, they will join other western states, such as Arizona, Colorado, Utah, Idaho, Wyoming, Nevada and Montana, which have either passed similar resolutions or are in the process of doing so.

The goal of the Kyoto Treaty and it's supporters is to drastically reduce our use of fossil fuels, regardless of whether there is any sound science to support the treaty. A Kyoto Treaty clearly is not in Alaska's best interest.

Again, I commend you Representative Phillips for introducing HJR 33 and urge your fellow legislators to pass this resolution during this session.

Sincerely,



Jeffrey P. Harris
Executive Director

711 H Street, Suite 600
Anchorage, Alaska 99501

DRVEN CORPORATION

April 7, 1999

Representative Gail Phillips
House of Representatives
State Capitol
Juneau, AK 99801-1182

Subject: HJR 33 "Alaska Resolution Opposing the Kyoto Treaty"

Dear Representative Phillips,

Please consider this letter my strong support for the HJR33, a resolution opposing ratification of the treaty from the United Nations Framework Convention on Climate Change.

This so-called accord is a prime example of politically driven pseudo science: the ratification and implementation of which would cause severe economic difficulties for both US citizens and business with no demonstrable benefit to the global environment.

I can not express too strongly my personal, as well as my professional, opposition to ratification of this treaty.

Thank you for your leadership in pressing for passage of HJR 33.

Respectfully,



R.B. Stiles
President



Global Climate Change

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NOTABLE QUOTES

LINKS TO OTHER GLOBAL CLIMATE INFORMATION

The Clinton-Gore Administration has committed the nation to a binding international agreement on reducing emissions of greenhouse gases. The U.S. Senate, however, has not yet ratified the "Kyoto Protocol." The United Nations plan, as currently designed, would impose enormous costs on Americans personally and significantly harm the U.S. economy. The UN plan lacks a sound scientific basis and offers the prospect of little environmental benefit.

In December 1997, U.S. negotiators approved the "Kyoto Protocol" for reducing greenhouse gases in the environment. The agreement requires that by 2008-2012, U.S. emissions, including those of carbon dioxide, be 7 percent lower than they were in 1990. In reality, because the U.S. economy has grown significantly since 1990 and will continue to grow, carbon dioxide emissions would have to be cut by more than 30 percent from levels expected in 10-14 years.

The bulk of greenhouse gases are natural in origin (water vapor, the most abundant, accounts for 97% of all greenhouse gases; another is carbon dioxide that is exhaled by every living being) but a portion are the result of human activity, including the combustion of oil, coal, and natural gas. That fraction is the target of the Kyoto Protocol. Realistically, in the short term the only way to achieve a 30 percent reduction in emissions is to drastically reduce the consumption of energy.

The Oil & Gas Industry And Climate Change

Global climate change is an issue requiring serious inquiry and analysis. Although the U.S. oil and gas industry has some doubts about the level of certainty in the scientific research to date, the industry favors taking action now to address potential climate change. Most of our companies have in place voluntary programs to reduce carbon emissions and improve energy efficiency. These programs make perfect sense.

The American Petroleum Institute opposes U.S. adoption of the Kyoto Protocol in its present form with legally binding mandates and timetables. Given the unique legal and regulatory system in place in the United States, the codification of "stretch goals" for emissions reductions under the current Kyoto Protocol would be ruinous. In the U.S. system, unlike that of virtually every other country, there is no regulatory or legal flexibility, so "stretch goals" cannot be accommodated. API stands firm in asking for an open debate on the consequences to our economy of the Protocol.

Before the Kyoto Protocol can have the force of law in the United States, though, the U.S. Senate must ratify it. In Congress, there is considerable opposition to its provisions, for a number of reasons.

The Kyoto Protocol is based on interpretations of scientific reports by representatives of the governments which participated in writing the climate change treaty -- formally the Framework Convention on Climate Change. The U.S. Administration claims that a consensus in the scientific community justifies limitations on energy use, but UN science reports and others clearly demonstrate significant uncertainties about the extent, causes and implications of global warming. Climate scientists themselves do not agree on many aspects of this debate. There is no imperative for

says the price of gasoline would go up by 50 percent.

[For the Executive Summary of the WEFA analysis, click here.](#)

[To read press reports on the WEFA study, click here.](#)

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Global Climate Change

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The bulk of greenhouse gases are natural in origin (water vapor, the most abundant, accounts for 97% of all greenhouse gases; another is carbon dioxide that is exhaled by every living being) but a portion are the result of human activity, including the combustion of oil, coal, and natural gas. That fraction is the target of the Kyoto Protocol. Realistically, in the short term the only way to achieve a 30 percent reduction in emissions is to drastically reduce the consumption of energy.

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immediate targets and timetables for large decreases in energy use and emissions.

Another sticking point: The Kyoto Protocol requires the United States and other industrial countries to take drastic actions to reduce emissions, while developing countries -- which within 50 years will produce the bulk of world greenhouse gas emissions resulting from human activities -- are not required to commit to reducing their greenhouse gas emissions. Without participation by developing countries -- including such future economic powerhouses as India, China, Mexico, Brazil, South Korea and Pakistan -- the impact of any actions by the U.S. and other developed countries would be small.

Another issue is the inadequate understanding of the economic impacts of reducing energy use so drastically. The Administration claims there will be very little impact on consumers -- about \$100 per household -- but the Administration has refused to make public the analyses which lead to that conclusion. Private sector economists who have analyzed the Kyoto Protocol's effects on the U.S. economy have issued reports showing that Americans would be hit hard.

The High Cost of the Kyoto Protocol

A study now confirms that the Kyoto Protocol would cost the average American family of four more than \$2,700 annually. The findings—released by the economic forecasting firm WEFA, Inc.—confirm that the Protocol's impact on Americans will be significant. According to WEFA:

- The Protocol jeopardizes 2.4 million American jobs in mining, energy, manufacturing, agriculture and service industries.
- Family incomes would be reduced by \$2,700 as the cost of all goods—including food, energy, medicine and housing—rise sharply and paychecks get slimmer.
- Energy and electricity prices would double, and the price of gasoline would rise by 65 cents per gallon.
- The value of goods and services Americans produce would be \$300 billion lower in 1992 dollars.
- America's competitiveness would be damaged because developing nations would compete against the United States without raising energy prices to meet greenhouse gas targets.
- State tax revenues would be cut by \$93.1 billion because fewer people would be working and paying taxes.

Dr. Janet Yellen, who chairs the President's Council of Economic Advisers, says the Protocol would cost the average family only \$100 a year, but she has refused to make public her underlying analysis. Economists at Charles River Associates used the Administration's model and its unrealistic assumptions to reproduce the study. Once three key assumptions were made more realistic, they found that the Protocol would actually cost American consumers 10 times more than the Administration estimates.

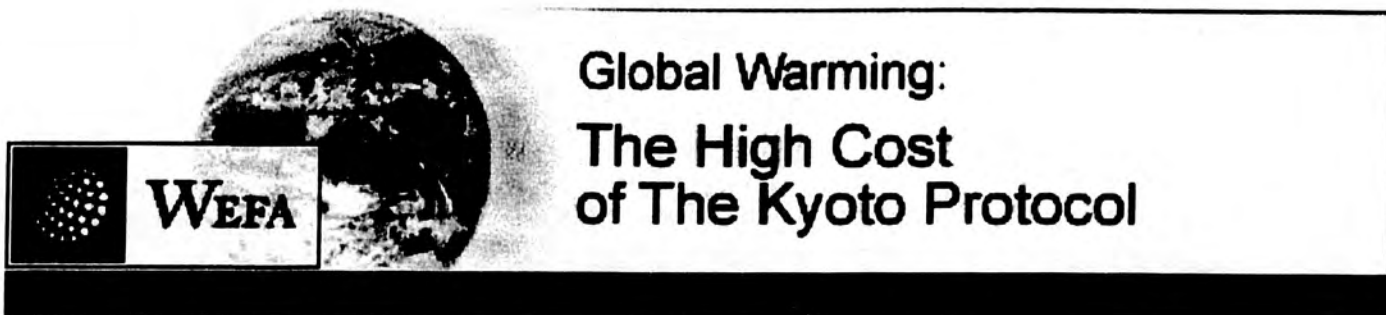
WEFA's study confirms the Charles River analysis and is consistent with what others have reported. The U.S. Energy Information Administration says business and industry will have to pay 35 percent more for electricity. Yale University's Dr. William Nordhaus, who was chairman of the President's Council of Economic Advisers in the Carter Administration,

says the price of gasoline would go up by 50 percent.

[For the Executive Summary of the WEFA analysis, click here.](#)

[To read press reports on the WEFA study, click here.](#)

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Updated: Thursday, November 26 1998 08:13:18



**Global Warming:
The High Cost
of The Kyoto Protocol**

Executive Study

Executive Summary

Unemployment Rate in 2010:

State	Base	Kyoto
Alaska	7.20	8.51
Alabama	3.63	6.33
Arkansas	4.72	6.13
Arizona	3.03	5.73
California	6.10	7.73
Colorado	3.75	5.32
Connecticut	5.48	6.97
Delaware	4.71	5.64
Florida	4.97	6.56
Georgia	3.92	5.48
Hawaii	6.55	8.15
Iowa	5.07	6.29
Idaho	3.92	5.28
Illinois	3.38	6.06
Indiana	3.65	6.15
Kansas	4.21	5.39
Kentucky	4.60	7.10
Louisiana	6.35	8.85
Massachusetts	4.32	5.50
Maryland	4.71	5.92
Maine	5.31	6.37
Michigan	3.80	5.54
Minnesota	3.45	4.93
Missouri	4.04	5.55
Mississippi	5.86	7.94
Montana	6.04	9.94
North Carolina	3.95	6.14
North Dakota	2.78	3.66
Nebraska	3.09	4.82
New Hampshire	4.39	6.12
New Jersey	5.15	7.84
New Mexico	7.26	8.68
Nevada	4.64	6.48
New York	6.24	7.76
Ohio	3.92	5.74
Oklahoma	3.83	5.41
Oregon	5.47	6.63
Pennsylvania	4.65	6.37
Rhode Island	4.57	5.27
South Carolina	5.48	6.99
South Dakota	3.23	4.81
Tennessee	5.41	6.61
Texas	5.21	6.32
Utah	3.09	3.89
Virginia	4.23	5.06
Vermont	4.12	4.79
Washington	5.35	6.76
Wisconsin	2.59	4.71
West Virginia	4.87	7.09
Wyoming	5.45	8.29
U.S.	5.43	6.95

In Washington, DC and throughout the nation, elected officials and key leaders are debating whether the Kyoto Protocol, an international treaty negotiated by the Clinton Administration that would legally bind developed countries to reduce their greenhouse gas emissions, should be signed and ultimately ratified by the US Senate. By the terms of the Protocol, the US would have to reduce its emissions 7% below 1990 levels by late next decade. And, unless developing countries agree to binding emissions targets, a competitive imbalance would be created between industrial and developing nations.

Meeting the goal of the Kyoto Protocol would be a daunting task. In 1997, carbon emissions from the energy sector, the majority of greenhouse gas emissions, exceed the goal established at Kyoto by 16%. By late next decade, WEFA projects that carbon emissions would exceed the goal by at least 37%. Due to population increases, on a per capita basis, the required reduction would exceed 50%.

WEFA has analyzed the economic consequences to the U.S. of achieving the Kyoto target through domestic actions. These consequences would be severe, a result that others analyzing even less onerous targets also have reported. These include the U.S. Department of Energy, leading academic institutions, and other independent consulting firms. Meeting the Kyoto target would:

- Nearly double energy and electricity prices, and raise gasoline prices an additional 65 cents per gallon.
- Cost 2.4 million US jobs and reduce US total output \$300 billion (1992\$) annually, 3.2% below baseline GDP projections, an amount greater than the total expenditure on primary and secondary education.
- Harm U.S. competitiveness, as developing countries will not need to raise energy prices (or product prices) to meet mandatory greenhouse gas targets.
- Reduce the average annual household income nearly \$2700, at a time when the cost of all goods, particularly food and basic necessities, would rise sharply.
- State tax revenues would be reduced by \$93.1 billion due to job and output losses attributable to lost US competitiveness in the global market and higher energy costs.

The sharp rise in energy prices would reduce economic growth opportunities. Compounding this effect is the loss of competitiveness the industrialized countries would suffer, as developing countries would not raise energy prices to meet greenhouse gas reduction targets. Although developing countries argue that full responsibility for mitigating the risk of global warming rests with industrialized countries, developing countries exempted themselves from emission limits because they recognize the role energy plays in their economic development.

The Administration has argued that new technology can drastically reduce the costs of implementing the Kyoto Protocol, and that international permit trading, sinks and other market-based mechanisms mentioned in the Protocol also will lower costs. WEFA has carefully assessed the ability of technology to reduce costs over the time period in question. Without very powerful price incentives, such rapid technology improvement is

extremely unlikely. Hence, technology implementation does not invalidate the estimates determined through this analysis. As for permit-trading and other international market mechanisms, the Kyoto Protocol leaves all such instruments undefined, to be worked out in the future among the parties. Further, according to the Protocol, they are to be supplemental to indigenous efforts, not primary mechanisms to reach country targets. And finally, there is great hostility on the part of many countries to their use. For these reasons, WEFA does not ascribe significant savings to them.

The high cost estimates reported would only be justified if catastrophic climate change were imminent.

As global warming may be gradual and largely due to natural causes, measures that more closely link economic cost to the still-potential threat of very long-term global warming may be more appropriate.

The high cost estimates reported would only be justified if catastrophic climate change were imminent. As global warming may be gradual and largely due to natural causes, measures that more closely link economic cost to the still-potential threat of very long-term global warming may be more appropriate. Such measures include encouraging voluntary actions, supporting academic research and educational programs on climate, and investing in the development and deployment new energy technologies.

Key results of this study of meeting the Kyoto target through intra-country tradable permits are:

Energy prices would double

The estimated costs of achieving the Kyoto target are high at both the national and state level because, without carbon limits, the economy, population and energy use are expected to grow steadily. Reducing energy use to 1990 levels within 10 years or more requires sending very powerful price signals through the economy. WEFA's analysis has determined that a \$265 per metric ton of carbon (1992\$) would be required. When added to energy prices, consumers would see an increase of 65 cents per gallon of gasoline and nearly a doubling of natural gas and electricity prices for businesses.

Energy Price Impact of Limiting Carbon Emissions to 93% of 1990 Levels by 2008-2012 (Percent Difference from Baseline)

	2010	2015	2020
Carbon Permit Fee (\$96/metric ton)	\$265	\$310	\$360
Consumer Impacts			
Home Heating Oil	73.2	83.7	95.4
Natural Gas	65.7	78.3	94.3
Electricity	55.7	65.7	72.9
Motor Gasoline	47.5	53.6	60.2
Difference, Cents Per Gallon (96\$)	59.1	68.1	78.2
Business Impacts			
Commercial Establishments			
Distillate Fuel Oil	98.3	112.0	127.3
Natural Gas	76.3	89.9	107.5
Electricity	60.2	71.3	79.4
Industrial Facilities			
Residual Fuel Oil	184.5	210.9	240.1
Natural Gas	118.6	135.5	156.4
Electricity	87.7	98.3	105.1
Trucking and Rail			
Diesel	56.2	64.4	73.6
Difference, Cents Per Gallon (96\$)	68.3	78.8	90.7

Consumers would see price increases in excess of 55% for electricity and 70% for home heating oil by 2010.

Commercial establishments, including hospitals and schools, as well as industrial facilities, would see electricity price increases of 60% by 2010.

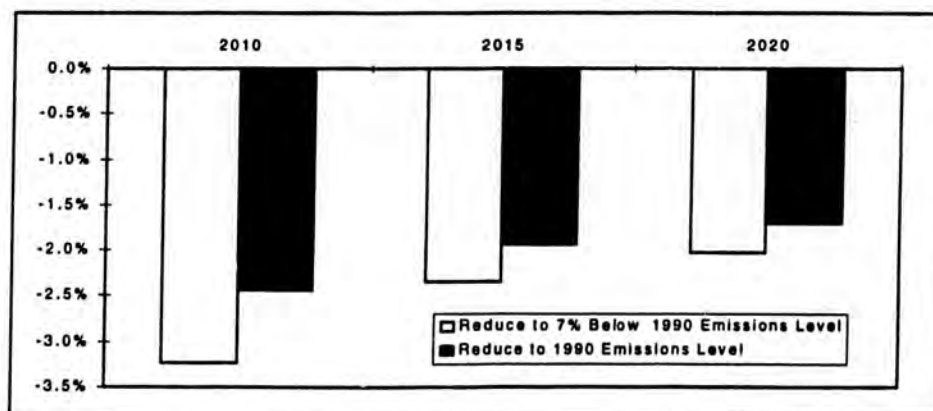
Truckers and railroads would see their fuel costs rise by nearly 70 cents per gallon by 2010.

The results paint a picture of a less prosperous 21st century America.

Economic consequences would be severe: The U.S. would lose \$300 billion in real GDP

These powerful price signals result in premature retirement of capital stock, less capital for business investments, and less disposable household income as prices climb for electricity, gasoline, heating oil and air conditioning. As a result, the growth in GDP would be substantially slower, there would be a sharp rise in unemployment, salaries and wages would be lower, and prices for basic necessities such as food, medical care and housing would be significantly higher.

Percent Difference from Baseline GDP



Some workers would lose their jobs through a weaker economic environment.

All workers would face a slowing in their real wage growth as more workers compete for fewer jobs.

Job losses would exceed 2.4 million; wages would be lower

Implementing the Kyoto Protocol would have a devastating impact on workers. Some workers lose their jobs through a weaker economic environment while other workers lose relatively high paying manufacturing jobs and find only lower wage service jobs. All workers face a slowing in their real wage growth as more workers compete for fewer jobs. Hence, though the government compensates workers — through a refund of the fees collected to consume carbon-based energy resources — for their increased energy expenditures, total real disposable income falls due to reduced employment.

Families would suffer as the loss in aggregate income per household exceeds \$2700

On a per household basis, the cost of signing the Kyoto Protocol results in an average real GDP loss in 2010 of \$2,728 per household.

Real GDP Loss per Household

2010	\$2,728
2015	\$2,083
2020	\$1,876

Low and moderate income families would be hardest hit.

Low and moderate income families would be squeezed: higher costs, lower wages, fewer jobs.

Commodities such as food, medical care, and housing would be nearly 10% more expensive by 2020.

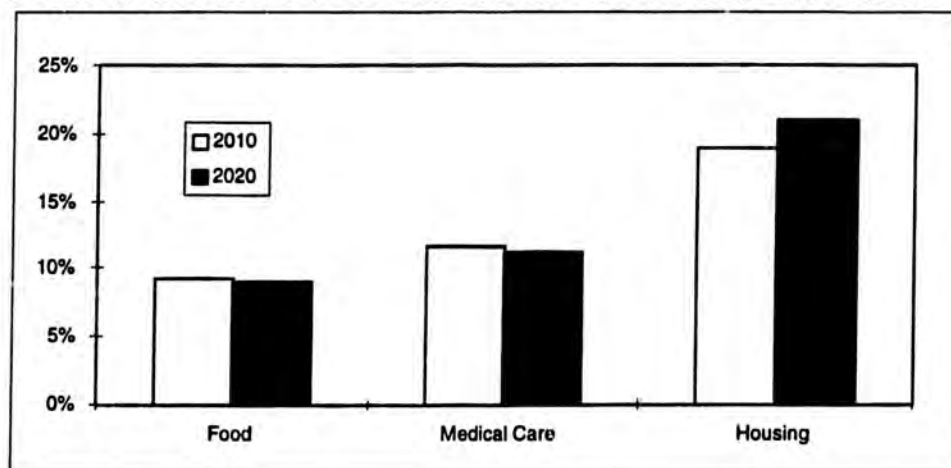
Low and moderate income families would be hurt

Low and moderate income families would be the ultimate losers under a carbon limits regime. Energy use is pervasive: all commercial activities require the use of energy, and energy is a necessity for households. Low and moderate income families spend a significant share of their income on basic necessities including energy. Raising energy prices would present an enormous hardship to these families. In combination with a weaker economy where workers are competing for less-well-paying jobs, families are projected to see a large rise in costs and a reduction in income.

The cost of all necessities would rise substantially

Throughout the forecast period, food, medical care, and housing continue to become more expensive under the carbon stabilization case. By 2020, food is nearly 9% more expensive, medical care is roughly 11% higher, and housing is nearly 21% higher than the base case.

**Inflation in the Prices of Food, Medical Care, and Housing:
Percent Difference 7% Carbon Limitation Case and Base Case**



The most severely impacted industries would be energy producing industries, industries that produce energy-intensive products, and industries that depend on export sales or face strong import competition.

As the imposition of carbon limits is not borne equally by all countries, U.S. exports would be relatively more expensive on world markets.

Every state would suffer output and job losses

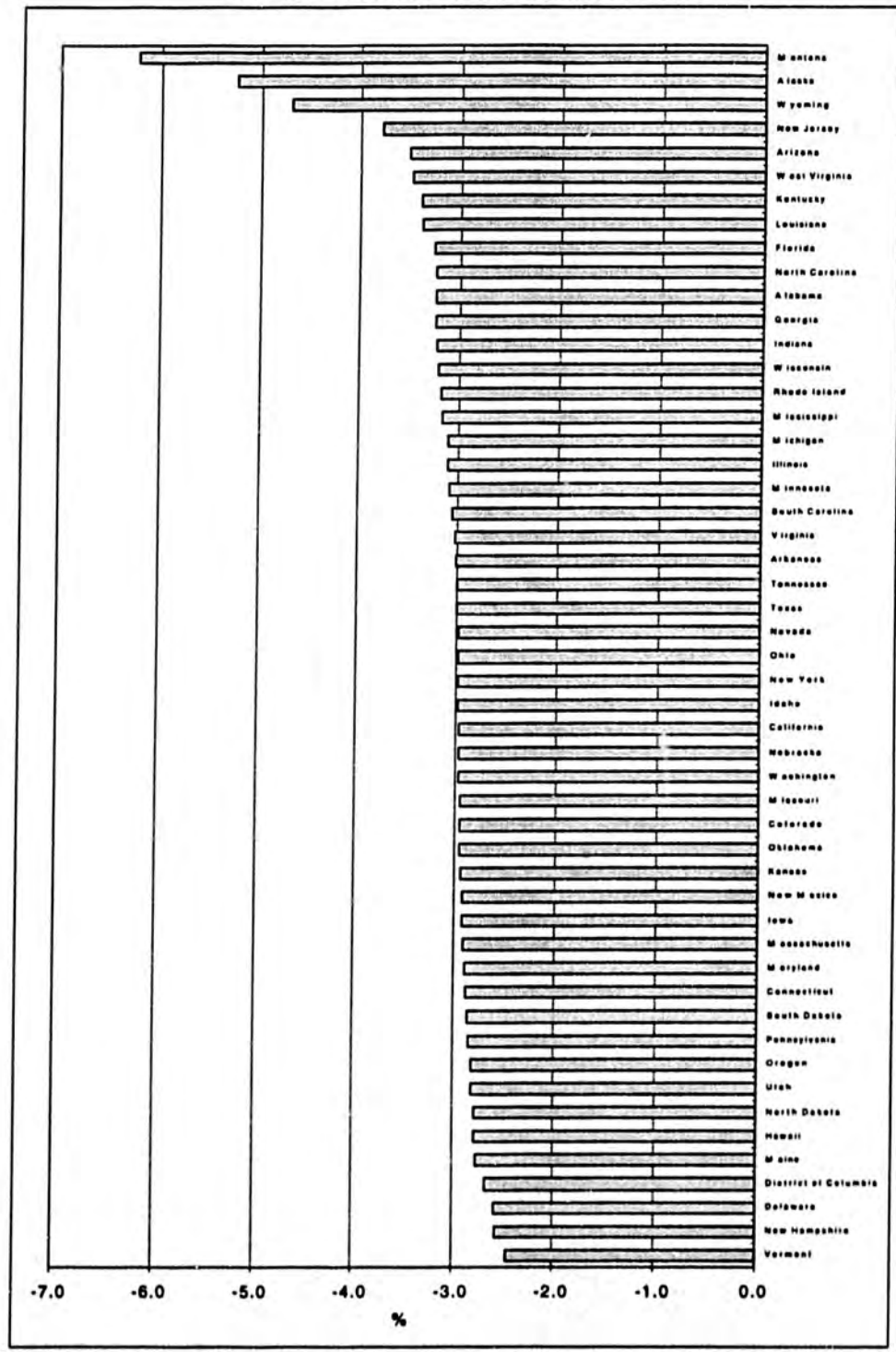
The most severely affected industries would be energy producing industries, industries that produce energy-intensive products, and industries that depend on export sales or face strong import competition. Because the imposition of the carbon target and permit system is not borne equally by all countries (the developed economies of the OECD face comparable energy price increases, but the developing countries do not) U.S. exports are relatively more expensive on the world market. As a consequence, real exports are lowered dramatically, while imports are increased substantially, affecting:

- the chemicals and paper industries, which are both energy-intensive and already subject to stiff price competition from new producers in developing countries,
- the textile and apparel industries, which have difficulty competing on price due to higher U.S. labor rates, and

- the computer and electronic products industries, particularly from imports. (It is worth noting that the trade deficit in this area would escalate dramatically under the carbon emission limitation case.)

As a result, all states would suffer output and job losses that would persist as long as developing nations exempt themselves from the similar constraints on carbon emissions.

**Real Gross State Product:
Percent Difference from Baseline in 2010**



Proponents of ratifying the Kyoto Protocol offer a rejoinder to WEFA's analysis: 1) technology can greatly reduce the cost to the US economy; and 2) several conceptual mechanisms in the Protocol – such as sinks and international emission trading – can reduce the economic impact on the US. In response:

The Kyoto Protocol's Call for Early Action Reduces the Role Technology Could Play in Mitigating the Risk of Global Warming

Implementing the Protocol would require significant reductions in energy use.

Any carbon permit fee must be high in order to provide the economic incentive for dramatic improvements over a base case, which already includes many technology advances and lower carbon emission estimates.

Historically, the only period that experienced a rate of energy improvement similar to the one needed to meet the Kyoto target was the late 1970s and early 1980s.

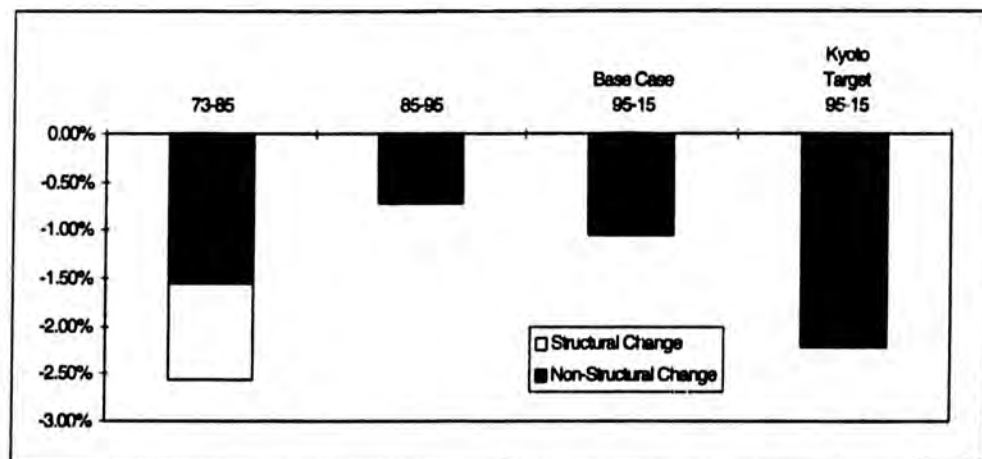
Nearly half of that improvement is attributable to structural changes in the economy (the loss of energy intensive well-paying manufacturing jobs to overseas competitors.)

The Administration has argued that the economic cost estimates from WEFA, the Energy Information Administration, and other independent firms and academics are overstated. Relying on its own technology assessments, the Administration concludes that substantial technological progress is available with little or no price incentives.

WEFA, through its on-going assessments of energy technology and analysis of the aggregate performance of the economy in improving energy use, comes to a different conclusion. Substantial improvements in energy-efficiency, particularly in newly restructured electric power markets, are included in WEFA's baseline. Further efficiency gains would be increasingly expensive. The extraordinary efficiency gains required for achieving the Kyoto target would only occur in response to extraordinary price incentives.

The carbon fee has to bring about a large reduction in the demand for energy services, major improvements in energy efficiency, as well as improve the opportunity for substitution of low carbon and non-carbon emitting fuels. The required change in energy efficiency to meet the goal is unprecedented. As shown in the chart, energy use per dollar of real GDP would need to improve at a rate in excess of 2.0% per year. Historically, the only period that experienced a similar rate of energy improvement was the late 1970s and early 1980s -- and nearly half of that improvement is attributable to structural changes in the economy (the loss of energy intensive well-paying manufacturing jobs overseas.) Without price incentives, the goal would not be reached.

**Compound Annual Growth Rates in the Energy to GDP Ratio
(Quadrillion BTU/Billion 1992\$)**



Measures not included in WEFA's analysis are international emission trading, sinks, the inclusion of an additional three gases, and mechanisms for promoting technology transfer.

WEFA believes that a better climate strategy would be to match policy actions to an evolving understanding of climate science.

The developing economies of the world will not meaningfully participate in a greenhouse gas emission reduction or limitation program until technological alternatives exist that provide an equal or better opportunity for economic growth than is offered by fossil fuels.

The principal contributors to GHG emission growth are the emerging economies.

Reducing carbon emissions from participating industrialized countries by 5% would not substantially impact global emissions.

Trading, Sinks And Other Mechanisms

While the Kyoto Protocol includes provisions that have been touted by its proponents as a means for alleviating the cost of complying with the Protocol's goals, these measures have not been tested and have been heavily discounted in WEFA's analysis. These provisions are currently only conceptual or have very uncertain implications for meeting the target. Measures not included in WEFA's analysis are international emission trading, sinks, the inclusion of an additional three gases, and mechanisms for promoting technology transfer (Joint Implementation and the Clean Development Fund).

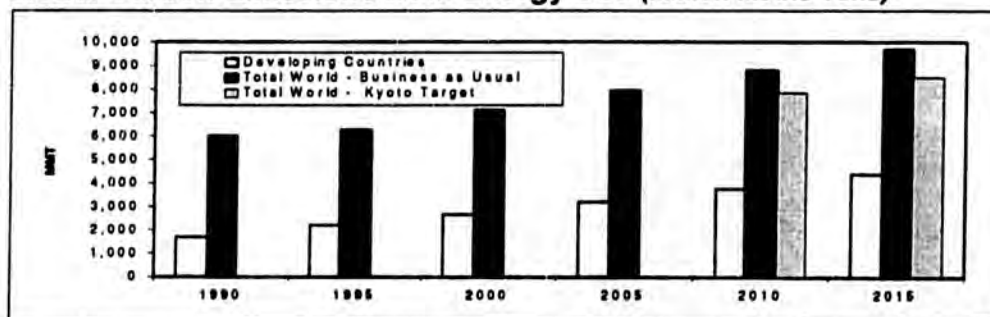
However, these "market based" mechanisms are undefined in the Protocol and hence have to be negotiated by a large number of UN nations, many of whom have expressed open hostility toward such ideas. Further, the Protocol itself indicates these may only be supplemental to a country's internal programs. And finally, most are limited in scope--emissions trading, for example, won't involve the developing nations--have no history in international relations, will be costly and difficult to administer, and may conflict with existing GATT or other agreements. For these reasons, it is premature at best to assume costs can be significantly reduced by these measures.

The Kyoto Protocol Is Not the Only Option

As the present study and the work of others make clear, the Kyoto Protocol forces policymakers to decide whether they are willing to risk the economic well being of their nation. From both economic and risk-assessment viewpoints, WEFA believes that there is a better climate strategy; namely to match policy actions to an evolving understanding of climate science; to increase investments in technology (should it prove necessary to substantially reduce fossil fuel use); and to gradually retire existing capital stock.

Further support for investing in a technologically based solution is evident from the chart below. It is the developing countries that are the principal contributors to annual global emission increases. Driven by their expanding economies and their rising populations, the less developed economies of the world will emit more emissions than the industrialized economies by 2015. The reduction in carbon emissions that would result from the developed economies fully meeting their targets under the Kyoto Protocol would not significantly affect the annual global emissions. The developing economies of the world will not meaningfully participate in a greenhouse gas emission reduction or limitation program until there are technological alternatives that provide equal or better opportunities for economic growth than is offered by fossil fuels today.

Global Carbon Emissions from Energy Use (Million Metric Tons)



Source: Energy Information Administration, *International Energy Outlook 1997*



Climate Change Economic Analysis In the News

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The Kyoto Protocol will carry what *The Oil Daily* on June 10, 1998, described as "a painfully high price tag for U.S. citizens." The economic forecasting firm WEFA, Inc. on June 9 said a new analysis of the Protocol, the United Nations document addressing the issue of global warming signed in December 1997 in Kyoto, Japan, would impose new costs of \$2,700 a year on a typical family of four while causing the loss of 2.4 million jobs and \$300 billion in annual economic output, *The Oil Daily* reported, noting that WEFA's study differs from what the Clinton Administration's Council of Economic Advisers has predicted. "The primary difference is that the White House assumes unrestricted global trading of emissions permits – something bluntly and repeatedly rejected by developing nations and strongly opposed by European governments."

Among other reports in the press:

The Denver Post – "Study says greenhouse-gas pact will be costly"

The United States would lose 2.4 millions jobs and \$300 billion in gross domestic product if it reduces if greenhouse gases as a proposed international pace calls for, a new study says, the *Denver Post* reported in its June 9 edition. It went on to say that the study sees state tax revenues dropping by \$93.1 billion and energy prices soaring if the U.S. lowers its greenhouse gas emissions – which are blamed for global warming – to 93 percent of 1990 levels by the year 2008.

The Detroit News – "Job losses tied to warming treaty"

The global warming treaty pushed by the Clinton Administration would spike Michigan's unemployment rate a steep 1.5 percentage points and push gasoline prices up nearly 65 cents a gallon, according an updated economic study released by the highly regarded economic forecasting firm, WEFA Inc. The *Detroit News* reported June 10 that WEFA economists said Michigan stands to lose 96,500 jobs, almost half of them in manufacturing. The loss of employment would lead to a 5.5 percent unemployment rate -- compared with the 3.9 percent rate from March – and a \$3-4 billion decline in tax revenues from the state.

Houston Chronicle – "Global warming pact would hit economy"

Harris County would lose 45,000 jobs by 2010 if the United States were to sign on to the global warming treaty agreed to last year in Kyoto, Japan, according to an analysis by WEFA, Inc., the *Houston Chronicle* reported in its June 10 edition. For Texas, the Kyoto agreement would mean the loss of 124,600 jobs, including 60,400 manufacturing jobs. Nationwide, WEFA calculates the typical American family of four would spend \$2,700 a year in higher costs for fuel, food and manufactured products, including 65 cents a gallon more at the gasoline pump.

Financial Times – "Greenhouse gas treaty to impose 'heavy costs'"

Reporting the WEFA study, the *Financial Times* in its June 10 issue said that the study's conclusions contrast strongly with an analysis published earlier this year by the White House. That analysis argued that the costs of implementing the Kyoto agreement would be largely offset by benefits to consumers stemming from the planned deregulation of the electricity industry. It put the impact at between \$70 and \$110 per household. The

Financial Times went on to say that Mary Novak, senior vice-president at WEFA and author of the study said premature retirement of capital stock and lower disposable incomes would result in real GDP loss of \$2,728 per household by 2010.

Omaha World-Herald – "Warming treaty faulted in new study"

Iowa would lose 21,600 jobs and the average Iowa family would pay an additional \$772 in energy costs by 2010, according to the WEFA analysis, the *Omaha World-Herald* said June 10. The Herald quoted Nebraska Senator Chuck Hagel saying that "Nobody wants to leave children a dirty environment, but the Kyoto Protocol is absolutely the wrong way to go." Hagel added: "This treaty is all pain and no gain."

Arizona Daily Star – "Warming pact called big economic threat"

"Something from Japan is coming to stomp on the Arizona economy, and it's not Godzilla," the *Arizona Daily Star* wrote June 10. It said the WEFA study showed the loss of 102,300 Arizona jobs by 2010 because of higher energy costs and reduced economic activity. Phoenix, one of 20 cities selected for analysis, would suffer 68,000 job losses by 2010, and the cost of implementation to an Arizona family of four would be \$1,572. Arizona's manufacturing sector would be harmed by more than the U.S. average, with the loss of 12,500 jobs forecast.

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Congressional Viewpoints

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U.S. Senate Speaks Out on Climate Negotiations

In late June 1997, President Clinton met in Denver with the leaders of the G-7 countries and Russian president Boris Yeltsin to discuss, among other things, progress in negotiations on an international climate agreement. Just before the meeting, members of the United States Senate, under the leadership of Senators Robert Byrd (D-W. Va.) and Chuck Hagel (R-Neb.), co-sponsored a Resolution expressing their concerns and reservations about United States policies in negotiations on changes to the Framework Convention on Climate Change. The senate approved the resolution 95-0 on July 25, 1997.

Among the key points made by the senators: **"the exemption for Developing Country Parties is inconsistent with the need for global action on climate change and is environmentally flawed."**

They also said: **"the proposals under negotiation, because of the disparity of treatment between Annex I Parties and Developing Countries and the level of required emission reductions, could result in serious harm to the United States economy, including significant job loss, trade disadvantages, increased energy and consumer costs, or any combination thereof."**

The text of the resolution follows.

Senate Resolution 98

- Expressing the sense of the Senate regarding the conditions for the United States becoming a signatory to any international agreement on greenhouse gas emissions under the United Nations Framework Convention on Climate Change.

Whereas the United Nations Framework Convention on Climate Change (in this resolution referred to as "Convention"), adopted in May 1992, entered into force in 1994 and is not yet fully implemented;

Whereas the Convention, intended to address climate change on a global basis, identifies the former Soviet Union and the Countries of Eastern Europe and the Organization for Economic Co-operation and Development (OECD), including the United States, as "Annex I Parties," and the remaining 139 countries, including China, Mexico, India, Brazil, and South Korea as "Developing Country Parties";

Whereas the "Berlin Mandate" calls for the adoption, as soon as December 1997, in Kyoto, Japan, of a protocol or another legal instrument that strengthens commitments to limit greenhouse gas emissions by Annex I Parties for the post-2000 period and established a negotiation process called the "Ad Hoc Group on the Berlin Mandate";

Whereas the "Berlin Mandate" specifically exempts all Developing Country Parties from any new commitments in such negotiation process for the post-2000 period;

Whereas although the Convention, approved by the United States Senate, called on all signatory parties to adopt policies and programs aimed at limiting their greenhouse gas (GHG) emissions, in July 1996 the Undersecretary of State for Global Affairs called for the first time for "legally binding" emissions limitation targets and time-tables for Annex I Parties, a position reiterated by the Secretary of State in testimony before the Committee on Foreign Relations of the Senate on January 3, 1997;

Whereas greenhouse gas emissions of Developing Country Parties are rapidly increasing and are expected to surpass emissions of the United States and other OECD countries as early as 2015;

Whereas the Department of State has declared that it is critical for parties to the Convention to include Developing Country Parties in the next steps for global action and, therefore, has proposed that consideration of additional steps to include limitations on Developing Country Parties' greenhouse gas emissions would not begin until after a protocol or other legal instrument is adopted in Kyoto, Japan in December 1997;

Whereas the exemption for Developing Country Parties is inconsistent with the need for global action on climate change and is environmentally flawed; and

Whereas the Senate strongly believes that the proposals under negotiation, because of the disparity of treatment between Annex I Parties and Developing Countries and the level of required emission reductions, could result in serious harm to the United States economy, including significant job loss, trade disadvantages, increased energy and consumer costs, or any combination thereof. Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the United States should not be a signatory to any protocol to, or other agreement regarding, the United Nations Framework Convention on Climate Change in 1992, at negotiations in Kyoto in December 1997, of thereafter, which would—

(A) mandate new commitments to limit or reduce greenhouse gas emissions for the Annex I Parties, unless the protocol or other agreement also mandates new specific scheduled commitments to limit or reduce greenhouse gas emissions for Developing Country Parties within the same compliance period, or

(B) would result in serious harm to the economy of the United States: and

(2) any such protocol or other agreement which would require the advice and consent of the Senate to ratification should be accompanied by a detailed explanation of any legislation or regulatory actions that may be required to implement the protocol or other agreement and should also be accompanied by an analysis of the detailed financial costs and other impacts on the economy of the United States which would be incurred by the implementation of the protocol or other agreement.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to the President.

Rep. John Dingell Speaks Out

John Dingell, Democrat of Michigan, is widely viewed as one of the most influential members of the House of Representatives. For many years he was chairman of the powerful Energy and Commerce Committee, on which he is now the ranking minority member. On June 10, Congressman Dingell spoke to the National Energy Resources Organization in Washington. The following is excerpted from his remarks.

**Rep. Dingell on
6/10/97:**

"If the administration continues on its current course, it will face a very hard road indeed in trying to live up to the obligations it apparently is planning to take on in Kyoto next December."

Let me now turn to climate change. You know that I have been skeptical of the administration's policy since the United States committed to the "Berlin Mandate" back in 1995. As you know, that agreement bound the *developed* countries to new obligations to reduce greenhouse gas emissions -- and explicitly barred negotiators from requiring any new commitments of the *developing* nations. Subsequent negotiating sessions have demonstrated how unwise this process agreement was, as the developing world repeatedly reminds our negotiators that we traded off any right to demand more from them. Standing back from these procedural concerns, I have four major criticisms of the administration's policy on climate change:

First, it has overreached on science. It is one thing to conclude, as the United Nations' scientific body did in 1995, that there is a link between human activity and climate change. It is quite another to leapfrog over the many uncertainties in the IPCC (Intergovernmental Panel on Climate Change) report and set specific emissions targets and timetables.

Second, the administration has not done its homework. Last fall, an administration witness told the Energy and Power Subcommittee that the long-promised "Analysis and Assessment" of the economic impact of future agreements would be finished by January of this year. We now are told that it may be done by late July -- a mere six months before the conference of the parties meets to discuss treaty amendments in Kyoto.

Third, against this backdrop of inadequate knowledge and preparation, official U. S. policy has shifted from supporting voluntary action to requiring mandatory action. In January, the United States proposed an international cap and trade system for greenhouse gas emissions, in spite of the fact that it does not yet know with any certainty the full extent of the problem, how to address it, or what the consequences will be for the U. S. economy.

Let me end my remarks on climate change by pointing out that any amendment to the treaty would come before the Congress in two forms: First, for Senate ratification and second, for approval of implementing legislation. If the administration continues on its current course, it will face a very hard road indeed in trying to live up to the obligations it apparently is planning to take on in Kyoto next December.

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Questions or comments?

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Bill 2 of 3

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Expressing the sense of the Senate regarding the conditions for the United States becoming a signatory to any international agreement on greenhouse gas emissions under the United Nations... (Passed by the Senate)

SRES 98 ATS

105th CONGRESS

1st Session

S. RES. 98

[Report No. 105-54]

Expressing the sense of the Senate regarding the conditions for the United States becoming a signatory to any international agreement on greenhouse gas emissions under the United Nations Framework Convention on Climate Change.

IN THE SENATE OF THE UNITED STATES**July 25, 1997**

Mr. BYRD (for himself, Mr. HAGEL, Mr. HOLLINGS, Mr. CRAIG, Mr. INOUE, Mr. WARNER, Mr. FORD, Mr. THOMAS, Mr. DORGAN, Mr. HELMS, Mr. LEVIN, Mr. ROBERTS, Mr. ABRAHAM, Mr. MCCONNELL, Mr. ASHCROFT, Mr. BROWNBACK, Mr. KEMPTHORNE, Mr. THURMOND, Mr. BURNS, Mr. CONRAD, Mr. GLENN, Mr. ENZI, Mr. INHOFE, Mr. BOND, Mr. COVERDELL, Mr. DEWINE, Mrs. HUTCHISON, Mr. GORTON, Mr. HATCH, Mr. BREAU, Mr. CLELAND, Mr. DURBIN, Mr. HUTCHINSON, Mr. JOHNSON, Ms. LANDRIEU, Ms. MIKULSKI, Mr. NICKLES, Mr. SANTORUM, Mr. SHELBY, Mr. SMITH of Oregon, Mr. BENNETT, Mr. FAIRCLOTH, Mr. FRIST, Mr. GRASSLEY, Mr. ALLARD, Mr. MURKOWSKI, Mr. AKAKA, Mr. COATS, Mr. COCHRAN, Mr. DOMENICI, Mr. GRAMM, Mr. GRAMS, Mr. LOTT, Ms. MOSELEY-BRAUN, Mr. ROBB, Mr. ROCKEFELLER, Mr. SESSIONS, Mr. SMITH of New Hampshire, Mr. SPECTER, Mr. STEVENS, Mr. LUGAR, Mr. REID, Mr. BRYAN, Mr. THOMPSON, and Mr. CAMPBELL) submitted the following resolution; which was referred to the Committee on Foreign Relations

July 21, 1997

Reported by Mr. HELMS, without amendment

July 25, 1997

Considered and agreed to

RESOLUTION

Expressing the sense of the Senate regarding the conditions for the United States becoming a signatory to any international agreement on greenhouse gas emissions under the United Nations Framework Convention on Climate Change.

Whereas the United Nations Framework Convention on Climate Change (in this resolution referred to as the 'Convention'), adopted in May 1992, entered into force in 1994 and is not yet fully implemented;

Whereas the Convention, intended to address climate change on a global basis, identifies the former Soviet Union and the countries of Eastern Europe and the Organization For Economic Co-operation and Development (OECD), including the United States, as 'Annex I Parties', and the remaining 129 countries, including China, Mexico, India, Brazil, and South Korea, as 'Developing Country Parties';

Whereas in April 1995, the Convention's 'Conference of the Parties' adopted the so-called 'Berlin Mandate';

Whereas the 'Berlin Mandate' calls for the adoption, as soon as December 1997, in Kyoto, Japan, of a protocol or another legal instrument that strengthens commitments to limit greenhouse gas emissions by Annex I Parties for the post-2000 period and establishes a negotiation process called the 'Ad Hoc Group on the Berlin Mandate';

Whereas the 'Berlin Mandate' specifically exempts all Developing Country Parties from any new commitments in such negotiation process for the post-2000 period;

Whereas although the Convention, approved by the United States Senate, called on all signatory parties to adopt policies and programs aimed at limiting their greenhouse gas (GHG) emissions, in July 1996 the Undersecretary of State for Global Affairs called for the first time for 'legally binding' emission limitation targets and timetables for Annex I Parties, a position reiterated by the Secretary of State in testimony before the Committee on Foreign Relations of the Senate on January 8, 1997;

Whereas greenhouse gas emissions of Developing Country Parties are rapidly increasing and are expected to surpass emissions of the United States and other OECD countries as early as 2015;

Whereas the Department of State has declared that it is critical for the Parties to the Convention to include Developing Country Parties in the next steps for global action and, therefore, has proposed that consideration of additional steps to include limitations on Developing Country Parties' greenhouse gas emissions would not begin until after a protocol or other legal instrument is adopted in Kyoto, Japan in December 1997;

Whereas the exemption for Developing Country Parties is inconsistent with the need for global action on

climate change and is environmentally flawed;

Whereas the Senate strongly believes that the proposals under negotiation, because of the disparity of treatment between Annex I Parties and Developing Countries and the level of required emission reductions, could result in serious harm to the United States economy, including significant job loss, trade disadvantages, increased energy and consumer costs, or any combination thereof; and

Whereas it is desirable that a bipartisan group of Senators be appointed by the Majority and Minority Leaders of the Senate for the purpose of monitoring the status of negotiations on Global Climate Change and reporting periodically to the Senate on those negotiations: Now, therefore, be it

Resolved, That it is the sense of the Senate that--

(1) the United States should not be a signatory to any protocol to, or other agreement regarding, the United Nations Framework Convention on Climate Change of 1992, at negotiations in Kyoto in December 1997, or thereafter, which would--

(A) mandate new commitments to limit or reduce greenhouse gas emissions for the Annex I Parties, unless the protocol or other agreement also mandates new specific scheduled commitments to limit or reduce greenhouse gas emissions for Developing Country Parties within the same compliance period, or

(B) would result in serious harm to the economy of the United States; and

(2) any such protocol or other agreement which would require the advice and consent of the Senate to ratification should be accompanied by a detailed explanation of any legislation or regulatory actions that may be required to implement the protocol or other agreement and should also be accompanied by an analysis of the detailed financial costs and other impacts on the economy of the United States which would be incurred by the implementation of the protocol or other agreement.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to the President.

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