

105TH CONGRESS
1ST SESSION

S. RES. 109

Condemning the Government of Canada for its failure to accept responsibility for the illegal blockade of a United States vessel in Canada, and calling on the President to take appropriate action.

IN THE SENATE OF THE UNITED STATES

JULY 23, 1997

Mr. MURKOWSKI (for himself, Mr. STEVENS, Mr. GORTON, and Mr. HELMS)
submitted the following resolution; which was considered and agreed to

RESOLUTION

Condemning the Government of Canada for its failure to accept responsibility for the illegal blockade of a United States vessel in Canada, and calling on the President to take appropriate action.

Whereas, Canadian fishing vessels blockaded the M/V MALASPINA, a U.S. passenger vessel operated by the Alaska Marine Highway System, preventing that vessel from exercising its right to innocent passage from 8:00 a.m. on Saturday, July 19, 1997 until 9:00 p.m. Monday, July 21, 1997;

Whereas the Alaska Marine Highway System is part of the United States National Highway System and blocking this critical link between Alaska and the contiguous

States is similar in impact to a blockade of a major North American highway or air-travel route;

Whereas the M/V MALASPINA was carrying over 300 passengers, mail sent through the U.S. Postal Service, quantities of fresh perishable foodstuff bound for communities without any other road connections to the contiguous States, and the official traveling exhibit of the Vietnam War Memorial;

Whereas international law, as reflected in Article 17 of the United Nations Convention on the Law of the Sea, guarantees the right of innocent passage through the territorial sea of Canada of the ships of all States;

Whereas the Government of Canada failed to enforce an injunction issued by a Canadian court requiring the M/V MALASPINA to be allowed to continue its passage, and the M/V MALASPINA departed only after the blockaders agreed to let it depart;

Whereas, during the past three years U.S. vessels have periodically been harassed or treated in ways inconsistent with international law by citizens of Canada and by the Government of Canada in an inappropriate response to concerns in Canada about the harvest of Pacific salmon in waters under the sole jurisdiction of the United States;

Whereas Canada has failed to match the good faith efforts of the United States in attempting to resolve differences under the Pacific Salmon Treaty, in particular, by rejecting continued attempts to reach agreement and withdrawing from negotiations when an agreement seemed imminent just before the Canadian national election of June, 1997;

Whereas neither the Government of Canada nor its citizens have been deterred from additional actions against vessels of the United States by the diplomatic responses of the United States to past incidents such as the imposition of an illegal transit fee on American fishing vessels in June, 1994: Now, therefore, be it

1 *Resolved by the Senate*, That it is the sense of the
2 Senate that—

3 (1) The failure of the Government of Canada to
4 protect U.S. citizens exercising their right of inno-
5 cent passage through the territorial sea of Canada
6 from illegal actions and harassment should be con-
7 demned;

8 (2) The President of the United States should
9 immediately take steps to protect the interests of the
10 United States and should not tolerate threats to
11 those interests from the action or inaction of a for-
12 eign government or its citizens;

13 (3) The President should provide assistance, in-
14 cluding financial assistance, to States and citizens of
15 the United States seeking damages in Canada that
16 have resulted from illegal or harassing actions by the
17 Government of Canada or its citizens; and

18 (4) The President should use all necessary and
19 appropriate means to compel the Government of
20 Canada to prevent any further illegal or harassing

1 actions against the United States, its citizens or
2 their interests, which may include—

3 (A) using U.S. assets and personnel to
4 protect U.S. citizens exercising their right of in-
5 nocent passage through the territorial sea of
6 Canada from illegal actions or harassment until
7 such time as the President determines that the
8 Government of Canada has adopted a long-term
9 policy that ensures such protection;

10 (B) prohibiting the import of selected Ca-
11 nadian products until such time as the Presi-
12 dent determines that Canada has adopted a
13 long-term policy that protects U.S. citizens ex-
14 ercising their right of innocent passage through
15 the territorial sea of Canada from illegal actions
16 or harassment;

17 (C) directing that no Canadian vessel may
18 anchor or otherwise take shelter in U.S. waters
19 off Alaska or other States without formal clear-
20 ance from U.S. Customs, except in emergency
21 situations;

22 (D) directing that no fish or shellfish
23 taken in sport fisheries in the Province of Brit-
24 ish Columbia may enter the United States; and

1 (E) enforcing U.S. law with respect to all
2 vessels in waters of the Dixon Entrance claimed
3 by the United States, including the area in
4 which jurisdiction is disputed.

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