

103^D CONGRESS
2^D SESSION

S. RES. 226

Expressing the sense of the Senate relating to negotiations under the Pacific Salmon Treaty.

IN THE SENATE OF THE UNITED STATES

JUNE 15 (legislative day, JUNE 7), 1994

Mr. GORTON (for himself, Mr. STEVENS, Mr. MURKOWSKI, Mr. PACKWOOD, and Mr. HATFIELD) submitted the following resolution; which was referred to the Committee on Commerce, Science, and Transportation

RESOLUTION

Expressing the sense of the Senate relating to negotiations under the Pacific Salmon Treaty.

Whereas customary international law and the United Nations Convention on the Law of the Sea guarantee the right of passage, including innocent passage, of vessels through waters commonly referred to as the “Inside Passage” of the Pacific coast of Canada;

Whereas Canada is a signatory to the United Nations Convention on the Law of the Sea;

Whereas Canada has recently announced that it will require commercial fishing vessels of the United States to pay 1,500 Canadian dollars to obtain a “license which authorizes transit” through certain waters of the “Inside Passage” off the Pacific coast of Canada;

Whereas such action by Canada may endanger the lives of Americans who would—if unable to pay the fee—have to take their small boats into the open ocean to pass between United States destinations;

Whereas Canada has attempted to justify this action as necessary to encourage the United States to accept changes sought by Canada to the Pacific Salmon Treaty;

Whereas Canada has announced that this transit license is the first of a series of actions designed to be “to Canada’s advantage and the United States’ disadvantage”;

Whereas the Canadian transit license has no conceivable relationship to fishery management under the Pacific Salmon Treaty;

Whereas the United States will not be forced to negotiate by illegal acts;

Whereas this action is a clear violation of international law, including the United Nations Convention on the Law of the Sea, and in particular article 26 of that Convention, which specifically prohibits such fees; and

Whereas there is precedent in United States law for reimbursing American vessels forced to pay such fees when the United States determines that the fees are illegal: Now, therefore, be it

1 *Resolved*, That—

2 (1) the United States should reimburse the
3 owner of any United States fishing vessel forced to
4 pay such transit license fee in accordance with sec-
5 tion 3 of the Fishermen’s Protective Act (22 U.S.C.
6 1973), and should seek reimbursement for any such

1 payments from Canada under section 5 of that Act
2 (22 U.S.C. 1975);

3 (2) to the extent section 3 of the Fishermen's
4 Protective Act does not allow reimbursement for ves-
5 sels which have not been "seized," Congress should
6 amend the Act to authorize such reimbursement for
7 all vessel owners who pay the transit license fee;

8 (3) the United States should prohibit the use of
9 United States waters off Alaska, including waters in
10 and near the Dixon entrance, for purposes of an-
11 chorage without proper customs clearance by com-
12 mercial fishing vessels of Canada;

13 (4) the President should direct the Coast Guard
14 to take all steps necessary in accordance with the
15 recognized principles of international law to provide
16 for the safety of United States citizens exercising
17 their right of passage in Canadian waters;

18 (5) the President should review all agreements
19 between the United States and Canada to identify
20 other actions that may be taken to convince Canada
21 that continuation of the transit license policy would
22 be against Canada's long term interests, and should
23 immediately implement any such actions which the
24 President deems appropriate until Canada rescinds
25 the policy;

1 (6) the President should immediately convey to
2 Canada in the strongest terms that the United
3 States will not now, nor at any time in the future,
4 tolerate any action by Canada which would impede
5 or otherwise restrict the right of passage of United
6 States vessels in violation of customary international
7 law; and

8 (7) the United States should redouble its efforts
9 to seek expeditious agreement with Canada on ap-
10 propriate fishery conservation and management
11 measures that can be implemented through the Pa-
12 cific Salmon Treaty to address issues of mutual con-
13 cern.

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