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HOUSE JOINT RESOLUTION NO. 220

House Amendments in [] — January 25, 1999

Memorializing the United States Senate to refuse to ratify any United Nations Biodiversity Treaty.

Patrons—Katzen, Callahan, Dudley, Guest, Howell, Landes, Marshall, Tata and Weatherholtz; Senator: Miller, K.G.

Referred to Committee on Rules

WHEREAS, the United Nations has promoted a Biosphere Program throughout the world, a program that threatens to place millions of acres of land under the control of the United Nations via agreements and/or executive orders; and

WHEREAS, the United Nations Cultural, Educational, and Scientific Organization (UNESCO) has created a worldwide system of 328 Biosphere Reserves in 82 nations, including 47 within the sovereign borders of the United States and one within the Commonwealth; and

WHEREAS, neither the legislature of Virginia nor the Congress of the United States has considered, debated, or approved such designations; and

WHEREAS, such designations require strict land use management procedures, which are set forth in the 1994 Strategic Plan for the United States Man and the Biosphere Program, published by the U.S. State Department, and further described in the Global Biodiversity Assessment, published by the United Nations Environment Program expressly for the Conferences of the Parties to the Convention on Biological Diversity; and

WHEREAS, Biosphere Reserves are, by definition, designed to continually expand each of the three zones: core protected zone, buffer zone, and zone of cooperation; and

WHEREAS, Biosphere Reserves are expected to be the nucleus of the system of protected areas required by Article 8 of the Convention on Biological Diversity, as expressed in the minutes of the first meeting of the Conference of the Parties; and

WHEREAS, no landowner within reach or potential reach of the Biosphere Reserves has input or recourse to the land use management policies of UNESCO or the Conference of the Parties to the Convention on Biological Diversity; and

WHEREAS, no body of elected officials, whether state, local, or federal, has input, recourse, or veto power over such land use management policies that may be prescribed by either UNESCO or the Conference of the Parties to the Convention on Biological Diversity; and

WHEREAS, even though the Convention on Biodiversity has not been ratified by the United States Senate, the very presence of United Nations Biosphere Reserves on American soil demonstrates compliance with an international treaty that has not been ratified; and

WHEREAS, the use of land in biosphere areas for ordinary commercial or agricultural purposes may be severely restricted or eliminated; and

WHEREAS, none of the current areas included within the Biosphere Program in Virginia have been included at the request of or with the consent of the General Assembly; and

WHEREAS, the General Assembly does not believe that a request from the National Park Service or a tourist and convention service should be adequate to subject land in Virginia to the control of the United Nations or any other foreign parties; and

WHEREAS, the areas encompassed by these reserves include not only public, but also private lands; and

WHEREAS, the placing of environmental or other restrictions upon the use of private lands has been held by a number of recent United States Supreme Court decisions to constitute a taking of the land for public purposes; and

WHEREAS, the proposed Biodiversity Treaty, if ratified by the United States, would ultimately lead to the reality that Virginians could not use their private and public lands in the manner to which they have become accustomed; and

WHEREAS, there are no proposals to purchase the private lands by either the United States or the United Nations; and

WHEREAS, the restrictions contemplated, together with the outside control of the land encompassed by a Biosphere Reserve, constitutes an unlawful taking of that land in violation of Article I, Section 8, Clause 17; Article IV, Section 3, Clause 2; Article IV, Section 4; and the Fifth Amendment to the Constitution of the United States; and

WHEREAS, the virtual ceding of these lands to the United Nations leaves the residents who own the land, local governments, and the Commonwealth without any legitimate form of redress of grievances or

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60 input into any decision-making process related to the Biosphere Reserve; and

61 WHEREAS, the people of Virginia are sovereign and magistrates are therefore subject to them; and

62 WHEREAS, the General Assembly of Virginia does not wish to have portions of Virginia's land area
63 controlled by foreign minions over which it has no control and who are not subject to its laws; now,
64 therefore, be it

65 RESOLVED by the House of Delegates, the Senate concurring, That [the General Assembly hereby
66 express its unalterable opposition to the inclusion of any of Virginia's land within the purview of the
67 Biodiversity Treaty or any biodiversity program without the express consent of the General Assembly, as
68 provided in the Constitutions of the United States and the Commonwealth of Virginia; and, be it

69 RESOLVED FURTHER, That the General Assembly hereby urge the United States Senate to refuse
70 to ratify any treaty that includes any land of the Commonwealth of Virginia in any United Nations
71 biodiversity program; and, be it the United States Senate be urged to refuse to ratify any United Nations
72 Biodiversity Treaty; and, be it

73 RESOLVED FURTHER, That the General Assembly express its unalterable opposition to the
74 inclusion of any of Virginia's land within the purview of the Biodiversity Treaty or any biodiversity
75 program without the express consent of the General Assembly, as provided in the Constitutions of the
76 Commonwealth of Virginia and of the United States; and, be it]

77 RESOLVED FINALLY, That the Clerk of the House of Delegates transmit copies of this resolution
78 to the President of the United States, the President of the United States Senate, and the members of the
79 Congressional Delegation of Virginia so that they may be [aware of the position of the General
80 Assembly of Virginia apprised of the sense of the General Assembly of Virginia in this matter] .