

By Senator Clary

7-1047-99

See HB

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

Senate Memorial

A memorial to the Congress of the United States opposing the Biosphere Reserves designation of the Man and the Biosphere Program and urging that the proposed Biodiversity Treaty not be ratified by the United States.

WHEREAS, the United Nations has promoted a Biosphere Program throughout the world, and

WHEREAS, the Biosphere Program threatens to place millions of acres of land under the control of the United Nations via agreements 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, and

WHEREAS, 47 United Nations-designated Biosphere Reserves and 20 United Nations World Heritage sites are within the sovereign borders of the United States, and 2 United Nations-designated Biosphere Reserves are within the State of Florida, and

WHEREAS, neither the Legislature of the State of Florida nor the Congress of the United States has considered, debated, or approved such designations, and

WHEREAS, such designations require strict land use management procedures as set forth in the 1994 Strategic Plan for the United States Man and the Biosphere Program, as published by the United States Department of State, 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

1 WHEREAS, Biosphere Reserves are, by definition,
2 designated to continually expand each of the three zones: the
3 core protected zone, the buffer zone, and the zone of
4 cooperation, and

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

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

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

19 WHEREAS, even though the Convention on Biological
20 Diversity has not been ratified by the United States Senate,
21 the very presence of United Nations Biosphere Reserves on
22 American soil demonstrates compliance with an international
23 treaty that has not been ratified, and

24 WHEREAS, the use of land in the Biosphere Reserves for
25 ordinary commercial or agriculture purposes may be severely
26 restricted or eliminated, and

27 WHEREAS, the Everglades area and the Central Gulf Coast
28 Plains area of Florida have already been designated as
29 Biosphere Reserves, and

30 WHEREAS, none of the current areas included within the
31 Biosphere Program in Florida have been included at the request

1 of or with the consent of the Legislature of the State of
2 Florida, and

3 WHEREAS, the Florida Legislature does not believe that
4 a request from the National Park Service or a tourist and
5 convention service should be adequate to subject land in
6 Florida to the control of the United Nations or any other
7 foreign party, and

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

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

14 WHEREAS, the proposed Biodiversity Treaty, if ratified
15 by the United States, would ultimately lead to the reality
16 that Floridians could not use their private and public lands
17 in the manner to which they have been accustomed, and

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

20 WHEREAS, the restrictions contemplated together with
21 the outside control of the land encompassed by a Biosphere
22 Reserve or World Heritage site constitutes an unlawful taking
23 of that land in violation of the Constitution of the United
24 States, to wit:

25 Article I, Section 8, Clause 17, before any
26 state lands can be purchased, the consent of
27 the state legislature and not the state
28 executive branch, must be obtained.

29 Article IV, Section 3, Clause 2, "(N)othing in
30 this Constitution shall be so construed as to
31

1 Prejudice any Claims of the United States, or
2 of any particular State."
3 Article IV, Section 4, "The United States shall
4 guarantee to every State in this Union a
5 Republican Form of Government...."
6 Amendment V of the Constitution of the United
7 States, "...nor (shall any person) be deprived
8 of life, liberty, or property, without due
9 process of law; nor shall private property be
10 taken for public use, without just
11 compensation," and
12 WHEREAS, the virtual ceding of these lands to the
13 United Nations leaves the residents who own the land, local
14 governments, and the State of Florida without any legitimate
15 forum for redress of grievances or for input into any
16 decision-making process relating to a Biosphere Reserve or
17 World Heritage site, and
18 WHEREAS, under Article VI of the Constitution of the
19 United States, this treaty would be given equal footing with
20 the Constitution of the United States, thus effectively
21 precluding any legal means of redress, and
22 WHEREAS, the Legislature of the State of Florida does
23 not wish to have portions of the state's land area controlled
24 by foreign minions over which it has no control and which are
25 not subject to its laws, NOW, THEREFORE,
26
27 Be It Resolved by the Legislature of the State of Florida:
28
29 That the Legislature of the State of Florida is
30 unalterably opposed to the inclusion of any land within the
31 borders of the State of Florida within the purview of the

1 Biodiversity Treaty or any biodiversity or world heritage
2 program without the express consent of the Legislature of the
3 State of Florida, as provided by the Constitution of the
4 United States and the Constitution of the State of Florida.

5 BE IT FURTHER RESOLVED that the Florida Legislature
6 urges the members of the Congress of the United States, and
7 especially the Florida delegation to the Congress of the
8 United States, to oppose ratification of this treaty and the
9 inclusion of any land within the State of Florida in any
10 biosphere or world heritage program of the United Nations,
11 unless approved by both Houses of the Florida Legislature.

12 BE IT FURTHER RESOLVED that copies of this memorial be
13 dispatched to the President of the United States, to the
14 President of the United States Senate, to the Speaker of the
15 United States House of Representatives, to each member of the
16 Florida delegation to the United States Congress, and to the
17 United States Representative to the United Nations.

18
19
20
21
22
23
24
25
26
27
28
29
30
31