

By Representative Posey

## 1 House Memorial

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

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

10 WHEREAS, the Biosphere Program threatens to place  
11 millions of acres of land under the control of the United  
12 Nations via agreements or executive orders, and

13 WHEREAS, the United Nations Cultural, Educational, and  
14 Scientific Organization (UNESCO) has created a worldwide  
15 system of 328 Biosphere Reserves in 82 nations, and

16 WHEREAS, 47 United Nations-designated Biosphere  
17 Reserves and 20 United Nations World Heritage sites are within  
18 the sovereign borders of the United States, and two United  
19 Nations-designated Biosphere Reserves and one World Heritage  
20 site are within the State of Florida, and

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

24 WHEREAS, such designations require strict land use  
25 management procedures as set forth in the 1994 Strategic Plan  
26 for the United States Man and the Biosphere Program, as  
27 published by the United States Department of State, and  
28 further described in the Global Biodiversity Assessment,  
29 published by the United Nations Environment Program, expressly  
30 for the Conferences of the Parties to the Convention on  
31 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  
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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:  
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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.

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