

Indigenous Peoples and Nations Coalition

C/O Cea-Cisa rue des Savoises 15 1202 Genève, Switzerland

December 16, 2007

Distinguished Members of the Committee on the Elimination of Racial Discrimination:

The Indigenous Peoples and Nations Coalition (IPNC), as recommended by Members of the Human Rights Committee and other UN Experts, is sending this official note as a petition to the Committee on the Elimination of Racial Discrimination (CERD) pursuant to Article 15 of the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) regarding the situation of Alaska. The United States of America denied that Tsarist Russia acquired Alaska and declared that the Alaska Tribes were independent from Russia in diplomatic communications prior to the 1867 Treaty of Cession. Alaska was subsequently listed under Article 73(e) of the Charter of the United Nations under United Nations General Assembly resolution 66 (I) on 14 December 1946. On the eve of the adoption of the Declaration on the Granting of Independence to Colonial Countries and Peoples, contained in General Assembly resolution 1514 (XV) of 14 December 1960, the United Nations removed Alaska from the List of Article 73(e) of the Charter of the United Nations by adopting General Assembly resolution 1469 on the 12 December 1959.

The United States of America submitted several reports that misled the General Assembly on the historical facts and status of the Alaska Native Nations, which is documented in a Shadow Report submitted to 86th session of the Human Rights Committee regarding Article I of the International Covenant on Civil and Political Rights. In 1975 the United States Supreme Court endorsed historical facts that support our claims by declaring in the case *United States v. State of Alaska* (422 U.S. 184) that the 1867 Treaty of Cession was merely a quitclaim transfer. The Human Rights Committee called upon the United States of America to reconcile the 1955 United States Supreme Court case *Tee-Hit-Ton v United States of America* (348 U.S. 272) and to address the permanent trusteeship of Alaska.

On several occasions the United Nations has informed States administering Non-Self-Governing Territories that they cannot remove Territories from the List of Article 73(e). Whereas, in other instances the factors and principles violated were but a few, in the case fo Alaska there are multiple flagrant violations of the UN Charter and international law. The administering Powers were thus called upon to re-enlist the Territories and fulfill their international obligations.

The IPNC is requesting that the CERD take action on the matter as we are asserting that there is irreparable harm associated with the gross violations of the right to self-determination of the Indigenous Peoples of Alaska. The violations are clearly documented in the Shadow Report submitted to the Human Rights Committee as part

of the implementation review of the International Covenant on Civil and Political Rights. The IPNC is including the Shadow Report submitted to the ICCPR in 2006 as it already documents the violations of the right to self-determination as well as other factors and principles that fully apply to Article 15 of the ICERD.

Thus, the IPNC is petitioning that the CERD examine the situations and send a communication to request that the Decolonization Committee review the factors and principles at the time of the removal of Alaska from the List of Non-Self-Governing Territories. As supported by another author cited in the Shadow Report, there has never been an adequate examination to determine whether or not the proper agents and authorities of the peoples concerned exercised their fully informed consent in expressing their right to self-determination. The full dissemination of all information must also take into consideration all the historical, political, economic as well as other relevant factors and principles in the exercise of self-government.

To assist in this process the IPNC is further asking that the CERD, through its procedures, requests an Advisory Opinion from the International Court of Justice to determine what legal criteria actually constitutes a legitimate action to determine whether or not the Peoples of the Non-Self-Governing Territory have freely expressed the right to self-determination in the full exercise of self-government. This Advisory Opinion would determine also whether or not the action taken by the administering Power in the Non-Self-Governing Territory satisfies the requirements and the needs of the peoples in the Territory. There are several factors and principles and other international instruments that have been developed and adopted by the General Assembly of the United Nations. These are based upon, inter alia, Articles 1, 2, 55, 56, and 73 of the Charter of the United Nations and other procedures within the UN system in consideration of other obligations under international law.

The IPNC will also send shortly a communication elucidating the irreparable harm this has caused and is causing to the Indigenous Peoples of Alaska, thus substantiating the urgency of the issue associated with the gross violations of the right to self-determination.

If you have any questions please feel free to contact me at the email or phone number below.

Thank you,

Ambassador Ronald Barnes

Ambassador Ronald Barnes, Tradition Chair
Indigenous Peoples and Nations Coalition
E-mail angull2002@yahoo.com Phone 41 79 541 9430
