

This submission of the first question is from the Indigenous Peoples and Nations Coalition (IPNC), non-ECOSOC, founded by Elders from Tununak and Ambassador Ronald F. Barnes. It is associate with the International Human Rights Association of American Minorities (IHRAAM), an ECOSOC NGO from North America.

1. Please indicate which mechanisms have been established in the concerned country to hold accountable persons accused of committing or bearing responsibility for gross violations of human rights and serious violations of international humanitarian law in colonial contexts. If such mechanisms were not adopted, please explain why. Please indicate the challenges and opportunities encountered in investigating, prosecuting and sanctioning such crimes. **(This answer is 750 words)**

The United States of America (USA) placed Alaska and Hawaii under General Assembly resolution 66 (I) in 1946 accepting the obligations of the Declaration of Non-Self-Governing Territories under Articles 1, 2, 55, 56, 73 and 74 and all other Articles pursuant to the Charter of the United Nations and international law.

The 2006 Human Rights Committee Shadow Report submitted by the Indigenous Peoples and Nations Coalition (IPNC) explains the legal and political case of Alaska **(attached)**.

By admitting to and accepting the legal and political status of Alaska and Hawaii, the USA accepts Alaska and its Indigenous Peoples as foreign and outside its domestic jurisdiction as subjects of international law. States reminded the USA at the 4<sup>th</sup> Committee it cannot claim or invoke Article 2 (7), the non-interference principle or the territorial integrity of Alaska. However, the USA denied that the sacred trust obligation was a sacred trust obligation under Article 73, further denying it is bound by the obligations in General Assembly resolutions defining the process and procedures to determine whether or not they fulfilled the obligations in the cessation of transmission.

Ernest Gruening served as the Director of Territories from 1934 to 1939, became the territorial governor of Alaska and was one of the first Senators after the USA military and American citizens voted in the 1958 referendum to make Alaska the 49<sup>th</sup> state.

The USA did not disseminate information concerning the international status of Alaska or of its obligations under General Assembly resolutions, which were never implemented. The many obligations are listed in The Expert Paper entitled *Indigenous Peoples and the United Nations Charter: Decolonization*<sup>1</sup> written by Ambassador

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<sup>1</sup> HR/GENEVA/TSIP/SEM/2003/BP.21, EXPERT SEMINAR ON TREATIES, AGREEMENTS AND OTHER CONSTRUCTIVE ARRANGEMENTS BETWEEN STATES AND INDIGENOUS PEOPLES, convened from 15-17 December 2003 at the Palais des Nations in Geneva, Switzerland.

Ronald F. Barnes and submitted to the Seminar (**attached**). The paper gave examples of United Nations resolutions the USA refused to implement, many calling for the direct participation of Indigenous Peoples in the exercise of the right of self-determination. The Elders of Tununak submitted an Act of State under the Act of State doctrine to assert our rights and status under international law.

During the creation and adoption of the resolution by the 4<sup>th</sup> Committee (See Fourth Committee Reports 980 to 989 in 1959). Some African States accused the European States of employing “democratic despotism” and declared that the United Nations will not violate the rights of the many obligations to territories of Africa being violated by European States that had yet to decolonize, including many needed to analyzed in accordance with GA 742 (VIII), yet turning a blind eye to the obligations for Alaska and Hawaii. Although some States congratulated the USA, they still raised the question of resolutions not implemented, including GA resolution 742 (VIII), declaring that

During the 982<sup>nd</sup> meeting Miss Brooks (Liberia) stated that her delegations’ amendment had to be included since, “there remained many other peoples, especially in Africa, whose rights had to be zealously protected”.

During the 983<sup>rd</sup> meeting of the Fourth Committee, paragraph 24, Mr. Abikusno (Indonesia) asserted that based on GA resolution 222 (III), 742 (VIII), 850 (IX) and 1051 (XI) the basic rules were binding and on the Fourth Committee and that self-government must be achieved in absolute equality.

This did not occur since the “white race” were expressly granted the land in Alaska and the United States military voted, and were paid 5 dollars to vote if they added the “I vote” sticker granted to them when they voted. Thus in operative paragraph 2 of GA resolution 1469<sup>2</sup>, “the people of Alaska and Hawaii” were the American “whites” and the military of the USA. GA resolution 742 expressly requests information on the military presence in the Non-Self-Governing Territories,

The United States of America instituted doctrines of superiority and created an apartheid regime by allowing American and European citizens to create the constitution of the state of Alaska (see **attachment** of the Memo of Alfred de Zayas). The laws grant special privilege to American citizens and the USA military to vote in the referendum. by adding restrictions to the Indigenous who the right to vote based on language barriers (see GA resolutions 338 and 339 in the **attached** Expert Paper by Ambassador Ronald F. Barnes).

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<sup>2</sup> 2. *Expresses the opinion*, based on its examination of the documentation and the explanations provided, that the people of Alaska and Hawaii have effectively exercise their right to self-determination and have freely chosen their present status;