

Indigenous Peoples and Nations Coalition (IPNC)

Friday 18 March 2022

Greetings Your Excellencies,

The Indigenous Peoples and Nations Coalition¹ (IPNC) of Alaska is designated as the ‘free political institution’ under Article 73 b of the United Nations Charter² to pursue re-enlisting Alaska as a Non-Self-Governing Territory, upon recognizing that Alaska was listed during the first session of the General Assembly in resolution 66 (I) on 14 December 1946 as a Non-Self-Governing Territory. The IPNC is accredited to the 2001 World Conference Against Racism. IPNC networks and works with ECOSOC Non-Governmental Organizations on human rights issues, mainly in Geneva, to address the Alaska’s international legal and political status. The Indigenous Peoples of Alaska are subject to apartheid³. Alaska constituents continue to support raising awareness to address the unresolved international status of Alaska.

The four Special Procedures of the former Commission on Human Rights, the Permanent Forum on Indigenous Issues and of the Human Rights Council give clear examples of the root of apartheid in law and policy against the Indigenous Peoples of North America and the Western Hemisphere, including Alaska and other Indigenous with international treaties. Special Rapporteur Mrs. Erica-Irene A. Daes on *“Indigenous Peoples and the relationship to land”*⁴; reports on the racially discriminating character of the United States Supreme Court Tee-Hit-Ton v. United States of America⁵ and the Johnson v. McIntosh⁶ cases that deny the extinguish and deny the recognition by the United States of America, already designated as foreign nations, of the absolute allodial title rights to the Indigenous Peoples and Nations by doctrines of superiority under the Doctrine of Discovery and Papal Bulls of 1493. The Supreme Court of Canada applies the precedence of the Johnson v. McIntosh case in the St. Catherine applying the apartheid to the Indigenous Peoples of Canada⁷. Special Rapporteur Miguel Alfonso Martínez on *Treaties, agreements and other constructive arrangements between States and indigenous populations*⁸; reports that Indigenous never gave their right to absolute title or to diminish their dominion over their territory. Special Rapporteur Tonya Gonnella Frichner on the *Impact on Indigenous Peoples of the International Legal construct known as the Doctrine of Discovery*, reveals the roots of the discrimination by the Vatican and the Europeans who claim to have the right to extinguish our rights by discrimination based on doctrines of superiority,

¹ IPNC is founded by Elders from Alaska and their appointed representative Ambassador Ronald F. Barnes, Chair of IPNC.

² Alaska Inter-Tribal Resolution 2005-10

³ The **crime of apartheid** is defined by the 2002 [Rome Statute of the International Criminal Court](#) as inhumane acts of a character similar to other [crimes against humanity](#) "committed in the context of an institutionalized regime of systematic [oppression](#) and [domination](#) by one [racial group](#) over any other racial group or groups and committed with the intention of maintaining that regime". Wikipedia 22 March 2022 [https://en.wikipedia.org/wiki/Apartheid_\(crime\)](https://en.wikipedia.org/wiki/Apartheid_(crime))

⁴ E/CN.4/Sub.2/2001/21 of 11 June 2001

⁵ 348 U.S. 272, 1955

⁶ 21 U.S. (8 Wheat.) 543, 1823

⁷ St. Cathartines Milling and Lumber Co. v. R, (1887) 13 S.C.R. 577

⁸ E/CN.4/Sub.2/1999/20 of 22 June 1999

Indigenous Peoples and Nations Coalition (IPNC)

doctrines of discovery and other discriminating doctrines⁹, Ninth Session of the Permanent Forum, and by Independent Expert on International Order Alfred de Zayas *on the issue of self-determination*¹⁰, and the Independent Experts call to seize the General Assembly on the matter, particularly in his 2013 report on 7 August 2013, in particular paragraph 69 (m and n).

The following paragraph from the Memorandum presented by Alfred de Zaya depicts clearly why Alaska is an apartheid racist regime under international law.:

The United States Supreme Court instituted doctrines of superiority and racial discrimination in law and policy by the *Tee-Hit-Ton v United States of America* (348 U.S. 272, 1955) making it clear in footnote 18 that "This purpose in acquisition and its effect on land held by the natives [of the Philippines] was distinguished from the settlement of the white race in the United States where the dominant purpose of the whites in America was to occupy the land." Further, the *Tee-Hit-Ton* judgment relies on the precedent of the *Johnson v McIntosh*, (21 U.S. (8 Wheat.) 543, 1823) case which held that the character and religion of the native inhabitants of America justified "considering them as a people over whom the superior genius of Europe might claim an ascendancy." The denial of the right of self-determination on grounds of racial discrimination and the application of doctrines of superiority constitutes a crime against humanity tantamount to a form of Apartheid.

The Indigenous Peoples and Nations Coalition (IPNC) is presenting this draft resolution to promote the rights of Indigenous Peoples in the Western Hemisphere with the aim of obtaining support so we can open the door through the Committee on the Elimination of Racial Discrimination (CERD), the treaty body for the implementation of the of the International Convention on the Elimination of Racial Discrimination (ICERD) to allow it to be the gateway for other peoples vested with the right of self-determination.

We call for support of this resolution, well-supported from North America, if adopted by the Human Rights Council or by the General Assembly, will provide a vehicle to address apartheid in many cases in the world today. It will open the door to address other cases and situations of 'peoples' that would like to exercise their international right of self-determination.

The resolution calls for States to demonstrate its political will to address a scourge of racism that is recognized as a crime against humanity.

IPNC and Ambassador Ronald F. Barnes therefore calls for your support to address this racist scourge on mankind. This will benefit all of us.

I thank you kindly,

Ambassador Ronald F. Barnes

⁹ E/C.19/2012/13, of 3 February 2010

¹⁰ A/69/272 of 7 August 2014