

Indigenous Peoples and Nations Coalition (IPNC)
Indigenous North America and other supports' Draft Resolution

Guided by the purposes and principles of the Charter of the United Nations and international law,

Reaffirming the Universal Declaration of Human Rights and the principles of the equal rights and self-determination of peoples enshrined in the UN Charter,

Reaffirming the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Elimination of all Forms of Racial Discrimination, and all relevant human rights instruments,

Recalling the principles enunciated in article 2¹ and article 17² UDHR that everyone is entitled to all the rights and freedoms without any limitation or distinction of any kind including on the basis of political, jurisdictional or international status or any country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty, and in that regard emphasizing that everyone has the right to own property alone as well as in association with others and no one shall be arbitrarily deprived of his or her property,

Bearing in mind the World Conference Against Racism and its Outcome Document, the Durban Declaration and Program of Action (DDPA) and its Outcome Document and the recommendations of its Intergovernmental Working Groups, and the commitment to give full effect and implementation of the International Convention on the Elimination of all Forms of Racial Discrimination and to demonstrate the political will to address the scourge of racism, racial discrimination, xenophobia and related intolerance, while acknowledging that no derogation from the prohibition of racial discrimination, genocide, the crime of apartheid and slavery is permitted, as defined in the obligations under the relevant human rights instruments,

Recalling General Assembly resolution 1514, the Declaration on the Granting of Independence to Colonial Countries and Peoples³ and, in this regard, resolution 2625 (XXV) of 24 October 1970 entitled "Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations",

¹ Article 2 UDHR Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.

² Article 17 UDHR 1. Everyone has the right to own property alone as well as in association with others. 2. No one shall be arbitrarily deprived of his property.

³ <https://www.ohchr.org/en/instruments-mechanisms/instruments/declaration-granting-independence-colonial-countries-and-peoples>

Taking into account Human Rights Council resolution 48/7 *Negative impact of colonialism on the enjoyment of human rights*, adopted on 8 October 2021,

Bearing in mind the grassroots concerns of the historical impunity granted to the State and Churches in regard to the institutionalized State assimilation laws and policies in connection with the denial of the social, political, economic, cultural and language rights of Indigenous Peoples, in connection with the right of self-determination

Condemns the classification, concealment or destruction of reports and evidence, of the aggression to the victims and families of Indigenous Peoples, thereby obstructing the legal, criminal and financial accountability, and by the refusal of the State to accept local and international law standards and mechanisms of law for all human rights and fundamental freedoms, further denying access to justice, accompanied by closed door settlements with puppet governments, institutions, individuals, agencies or assigns,

Bearing in mind the grassroots and free political institution concerns of the historical impunity granted to the State and Churches in regard to the institutionalized State assimilation laws and policies in connection their social, political, economic, cultural rights and, in particular protection of their language, in connection with the right of self-determination

Condemns the classification, concealment or destruction of reports and evidence and the resulting diminishing effects of legal, criminal, financial of accountability and remedy due to the victims of the aggression of the residential schools and by the refusal by of the State to accept local and international law standards and mechanisms of law for all human rights and fundamental freedoms, denying the access to justice and remedy, accompanied by closed door settlements with puppet governments, institutions, individuals, agencies or assigns,

Deploring that the perpetrators of crimes against humanity and the genocide of the Indigenous Peoples of North America deny just remedy and restitution with the consent of Indigenous Peoples and the continuing violation of their right to property and are refusing to respect their right of self-determination on grounds of racism, racial discrimination, and by acts of aggression and surrogate military aggression, that is met with deliberate indifference by the same States that refuse to promote and protect the rights of Indigenous Peoples and other unrecognized nations and peoples,

Noting the historical root of the discrimination and apartheid, crimes against humanity and genocide of Indigenous Peoples is the 1493 Papal Bull, the *Inter Caetera*⁴, that authorizes the potentates of Europe and its settlers to the Western Hemisphere to colonize, enslave and to dispossess the dignity and inherent rights of the Indigenous Peoples, and to exercise dominion and governance over their land, territory and resources,

⁴ Pope Alexander VI. "*Inter caetera* by Pope Alexander VI (May 4, 1493)" *Encyclopedia Virginia*. Virginia Humanities, (04 Oct. 2021). Web. 11 Mar. 2022

Reaffirming the findings in the reports by Special Rapporteur Mrs. Erica-Irene A. Daes on “*Indigenous Peoples and the relationship to land*”⁵; the Study by Special Rapporteur Miguel Alfonso Martínez on *Treaties, agreements and other constructive arrangements between States and indigenous populations*⁶; the Study by Special Rapporteur Tonya Gonnella Frichner on the *Impact on Indigenous Peoples of the International Legal construct known as the Doctrine of Discovery, which has served as the Foundation of the Violation of their Human Rights*⁷, Ninth Session of the Permanent Forum, and by Independent Expert on International Order Alfred de Zayas on the issue of self-determination⁸, 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),

Taking Note that Alfred Maurice de Zayas issued a Memorandum at the end of his mandate stating that: 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 Independent Expert concluded that the denial of the right of self-determination on grounds of racial discrimination, the application of doctrines of superiority, and the deprivation of the Indigenous Peoples of their natural resources and means of subsistence constitutes a form of Apartheid and should be condemned by the international community as a crime against humanity.

Emphasizing the maxim of international law that: A state cannot plead provisions of its own law or deficiencies in that law in answer to a claim against it for an alleged breach of its obligations under international law,

Deploing the installation by colonizing and occupying powers and settler societies of puppet governments, institutions, individuals and assigns in order to deny to the vast majority of Indigenous Peoples the free de jure exercise of the inherent exercise of the right of self-determination and to violate the social, political, economic and cultural rights of Indigenous Peoples and of the unrecognized nations and peoples over their territories and resources,

1. Calls upon the UN Bodies, the OHCHR, the Treaty Bodies and the Special Procedures of the Human Rights Council to work with the “free political institution” and to take into

⁵ E/CN.4/Sub.2/2001/21 of 11 June 2001

⁶ E/CN.4/Sub.2/1999/20 of 22 June 1999

⁷ E/C.19/2012/13, of 3 February 2010

⁸ A/69/272 of 7 August 2014

consideration the existence of illegitimate treaties, agreements and other arrangements concocted by State sponsored colonial and occupying Powers with puppet institutions under the guise of as “national law” and to recognize the denial of human rights and fundamental freedoms by such agreements as the government making agreements with itself⁹.

2. Calls on the Special Rapporteur on Racism, the Independent Expert on the promotion of a democratic and equitable international order, the Special Rapporteur on the right to development, the Special Rapporteur on truth, justice and reparation, the Special Rapporteur on the rights to freedom of peaceful assembly and association, the Special Rapporteur on freedom of opinion and expression, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, the Special Rapporteur on human rights defenders, the Special Rapporteur on the independence of lawyers and judges and the Special Advisor on the Prevention of Genocide to address in the scope of their mandates the scourges of colonialism, foreign occupation and other serious crimes in connection with the enjoyment of human rights,
3. Calls for the Special Procedures and Mechanisms to address the issue of puppet governments, institutions, individuals or assigns, that collaborate in situations of colonialism and foreign occupation, in the context of the right to development and to report on and to address the rights of Indigenous Peoples and all unrecognized peoples, who pursue absolute allodial title and suzerainty over its territory and resources and face direct, indirect or surrogate acts of aggression.
4. To review the reports of the classification, concealment, or destruction of evidence and to abolish the closed-door agreements with the puppet governments, institutions, individuals, agencies or assigns that effectively deny justiciable legal, criminal, financial or political remedies, resulting in a cover-up or a complete denial of justice to the victims of the violation of human rights and other violations of law,
5. Demands that the institutionalized State assimilation laws and policies be abolished and that the pertinent law and legislation is adopted to address the crimes against the families and the Indigenous children of the residential schools and the various forms of moral coercion be immediately abrogated, and attempts to deny appropriate remedy and justice,
6. Further demands that the countries concerned adopt enabling legislation to provide remedies and rehabilitation to the victims and their families, and to ensure that the perpetrators are held accountable for the allegations of criminal liability, crimes against humanity, torcher and genocide by the religious, political and enforcement authorities of the Church and State,
7. Demands reparations for the sequels of sterilization of Indigenous women,

⁹ See Section C on *Use of Puppet Governments and Manufactured Consent* in the Indigenous Peoples and Nations Coalition (IPNC) 2006 Shadow Report to the Human Rights Committee

8. Calls upon States and the international community to recognize the systemic discrimination in law and in practice to address its generational impact on Indigenous Peoples, their families, men and boys, women and girls by instituting direct action by adopting and implementing policies and programmes that take into consideration of the social ills resulting from the defacto forms of aggression on its society and peoples,
9. Calls upon the States and Church authorities and the international community to acknowledge and to accept their responsibility for violations of legal, political, economic, social, cultural inherent and financial rights of Indigenous Peoples human rights and fundamental freedoms, to its inherent right and to implement policies and actions for the free representatives of the free political institution:
 - (a) To support the proper administration of justice by recognizing and restoring the free political institutions of Indigenous Peoples and Nations, collecting and producing well publicized evidence of the alleged breaches of peace, acts of direct militia and surrogate aggression whether in secret or in the open against unarmed and unprotected victims, and to address the institutional discrimination in law and policy,
 - (b) To ensure the right to development of the free political institutions based on its traditional methods and forms of government structures that enables its own process of decision-making and the ability to preserve, protect its language, social and cultural heritage in a free environment on its territory,
 - (c) To ensure access to justice by addressing the deficiencies and gaps in law and policy and by recognizing the apartheid law and policy at the local and international levels and in the United Nations system and to take the responsibility to install and to implement international accountability mechanisms with enforcement laws and procedures that provide effective remedies in addressing the violation of the rights of peoples,
10. Urges States to address the allegations of sterilization of women and to respect, protect and fulfil the right to reproductive health, free from discrimination, coercion and violence, and by addressing social and other determinants of health,
11. Calls for the review of the denial of property rights of Indigenous Peoples and other unrecognized peoples and nations vested with absolute allodial title rights, denied their right to property in association of the denial of the right to self-determination and right to permanent sovereignty over territory and natural resources by race, language and religion under historical judicial precedents that apply the doctrine of discovery and doctrines of superiority by use of the 1493 Papal Bulls inter caetera that result in apartheid law and policy,
12. Calls upon the General Assembly, States, inter-governmental organizations, national human rights institution, non-governmental organizations to recognize the rights of peoples, including the right to pursue absolute allodial title rights under the Geneva Conventions.
13. *Calls upon* appropriate Special Procedures, Mechanisms and Experts to address the concept of taxation without representation and consent of the governed since the acquisition or annexation of foreign property in violation of Constitution of the United States of America and

international law obligations imposes foreign Powers taxing authority on foreign property by aggression based on the precedence that grants authority to the “white race” in Supreme Court or other High Court decisions,

14. Calls for the Committee on the Elimination of Racial Discrimination (CERD) to accept petitions pursuant to Article 15 of ICERD based on the Special Procedure recommendations in paragraph 69 (n) of A/68/284, the report of the Independent Expert on the promotion of a democratic and equitable order and to transmit the petitions in accordance with its own rules and procedures to the United Nations Decolonization Committee, taking into account Human Rights Council resolution 48/7 Negative impact of colonialism on the enjoyment of human rights adopted on 8 October 2021.

15. Calls on the Office of the High Commissioner of Human Rights to assist in receiving the petitions and to update in the annual report the activity to promote the enjoyment of human rights petitioners.

16. Decides to remain seized on the matter.