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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by International Human Rights Association of American Minorities (IHRAAM), a non-governmental organization on the roster

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[31 May 2021]

* Issued as received, in the language(s) of submission only.

Free Expression and Racism and Self-determination Alaska and Hawaii

Alaska and Hawaii were placed on the list of Non-Self-Governing Territories (NSGTs) under Article 73 e of the United Nations Charter under General Assembly resolution 66 (I) of 14 December 1946. Without following the guidelines enshrined under the United Nations Charter and the decolonization resolutions, Alaska and Hawaii were removed through General Assembly resolution 1469 of 12 December 1959 through: a) irregular voting procedures and b) with no United Nations monitoring by an official mission from the United Nations Committee on Information to observe and c) without implementation of the United Nations guidelines and procedures under General Assembly resolutions and d) the constitution of Alaska was created by the colonial population from around the United States of America and Europe, many of whom died and were buried outside of Alaska and e) the population voting in 1958 were United States citizens, including the United States of America military and their dependents, thus operative paragraph 2 of 1469 recognizes the military and white American citizens as the de jure "peoples"; for Hawaii the same standard was applied the overall process and vote and f) under the scourge of racial discrimination Alaska and Hawaii were denied the right of self-determination through blatantly stated doctrines of superiority allowing for American citizens and military of "white race" to vote, based on United States Supreme Court decisions, and g) the international status of Alaska and Hawaii were not addressed and the Indigenous Peoples were denied equality in the process.

Alaska asserts its political will to exercise its international legal and political status as expressed by the majority of Tribal Governments in Alaska Inter-Tribal Council resolution 2005-10 and well supported by the National Congress of American Indians Resolution #TUL-13-058, both are attachments of the 2020 Shadow Report for the Universal Periodic Review of the United States of America.

The political will to exercise the international legal and political status of the Hawaiian Islands is expressed by a dramatic growth in the movement to reinstate the Hawaiian Kingdom to the peaceful, sovereign, independent, neutral state that it was prior to the United States‘ unprovoked invasion in 1893, contrived "annexation" in 1898 and subsequent actions to extinguish the sovereignty of the nation-state, including the manufactured consent to statehood by the United States of America. Since the initial illegal act of the United States‘ landing of armed forces in Honolulu 1893, the Hawaiian Kingdom has maintained a diplomatic protest to the United States‘ claim and continued presence in the Hawaiian Islands.

Non-Self-Governing Territories fall outside of Article 2 (7) of the United Nations Charter, meaning that Alaska and Hawaii are not within the domestic jurisdiction of the United States of America. Article 1.2 on the "equal right and self-determination of peoples" confirms this. Thus, any State delegation can raise question pursuant to Article 10 of the Charter giving the General Assembly the right to discuss all aspects GA resolution 1469 within the scope of the Charter; the statute of limitations does not apply to any NSGTs despite the USA claims of territorial integrity to Alaska and Hawaii.

Some African States accused European States of denial of process and procedure and of granting Alaska and Hawaii as a gift to the United States of America for its support in defeating the Axis Powers during World War II. They stated emphatically that this will not happen to African States since there are African States to defend its interests.

The Indigenous Peoples and Nations Coalition (IPNC) from Alaska is designated as the ‘free political institution" in Alaska Inter-Tribal Council resolution 2005-10. Many of the institutions in Alaska have been reduced to puppet governments. The free political institutions have not agreed to any reduction of our right to self-determination or ownership to Alaska.

The United States of America placed Alaska under Federal Indian Law, the law of apartheid, in the same manner in which Indigenous South Africans were placed under the Union of South Africa, or Southwest Africa (Namibia) or the former Rhodesia (Zimbabwe).

As the General Assembly is recognizing instituted apartheid in these regions, parallel legislation and institutional apartheid was taking place in Alaska by acts of omission, with attempts to place Kanaka Maoli Hawaiians under the racially discriminating federal Indian law.

Alfred Maurice de Zayas signed a MEMO at the end of his mandate as the Independent Expert on the promotion of a democratic and equitable international order that states the following: 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 ascendency." 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.

In a Memorandum pertaining to Hawaii, Dr. Alfred de Zayas wrote: "... I have come to understand that the lawful political status of the Hawaiian Islands is that of a sovereign nation-state in continuity; but a nation-state that is under a strange form of occupation by the United States resulting from an illegal military occupation and a fraudulent annexation. As such, international laws (the Hague and Geneva Conventions) require that governance and legal matters within the occupied territory of the Hawaiian Islands must be administered by the application of the laws of the occupied state (in this case, the Hawaiian Kingdom), not the domestic laws of the occupier (the United States).

General Assembly resolutions 644 and 1328 call for the Administering States to abolish racial discriminating in law and policy. The denial of the right of self-determination on grounds of racial discrimination is a crime against humanity and apartheid.

In 1934 Indian Reorganization Act[1] (IRA) was created by the United States Congress and administered by the Bureau of Indian Affairs (BIA, formerly called the Department of War). The United States Congress began legalizing legislative and institutional apartheid in the continental United States for the Indigenous Tribal Governments. Parallel the 1953 Bantu Education Act[2] created in South Africa and placed under the Minister of Native Affairs to implement apartheid segregation laws. Law and policy that parallels USA law is implemented in Southwest Africa (Namibia) and in Rhodesia (Zimbabwe). The juxtaposition of the same framework of law and policy makes an even match from Southern Africa to North America. The United Nations and the United States of America must address the use of puppet governments.

On Alaska and Hawaii, S. Hasan Ahmad, M.A., Ph.D. 1974 in The United Nations and the Colonies Professor S. Hasan Ahmad points out that 1) the situation in the territories was not examined in sufficient detail 2) the people of the territory were not granted the right to petition to the United Nations 3) the agencies responsible for examination did not study the change in the political condition and the status in the territories.

What do we want?

The Human Rights Council to call upon the Committee on the Elimination of Racial Discrimination (CERD) to receive and examine Petitions from Alaska and Hawaii in light of Article 15 of ICERD and its special procedures and then transmit its conclusions and recommendations to the General Assembly and to the Decolonization Committee with a view for annulling General Assembly resolution 1469. This includes a resolution on the "Admissibility of Petitions" to examine our cases in accordance with the international legal and political status as 'states of peoples" and subjects of international law. The apartheid

[1] 25 U.S.C. ch. 14, subch. V § 461 et seq, 73rd United States Congress).

[2] Act No. 47 of 1953, later renamed the Black Education Act, 1953.

instituted by the United Nations, especially the European States that were accused of democratic despotism, must cease and desist from exploitation of Alaska and Hawaii territory and resources.

Alaska and Hawaii request the annulation of General Assembly resolution 1469 of 12 December 1959 for its false and misleading characterization that the “the people of Alaska and Hawaii have effectively exercised their right to self-determination and have freely chosen their present status” in operative paragraph 2 since the USA military and “whites” determined the status. The United Nations must review the apartheid imposed in Alaska and Hawaii; both must be reviewed and re-enlisted applying United Nations Decolonization process and the Geneva Conventions for full restoration of our international status and protected against abuses.