

Indigenous Peoples and Nations Coalition and Koani Foundation

Shadow Report for the Universal Periodic Review of the United States of America

7 April 2025

The Indigenous Peoples and Nations Coalition¹ (IPNC) and the Koani Foundation² (Koani) submit this 4th cycle Universal Periodic Review Shadow Report on the cases of Alaska and the Hawaiian Islands (Hawaii) to the Office of the High Commissioner for Human Rights for the Compilation and the Summary for the UPR examination of the human rights record of the United States of America. Alaska and Hawaii are each a state of peoples recognized under the law of nations and international law as independent nations³. The original independent status and rights of self-determination and self-governance for Alaska and Hawaii under international humanitarian law⁴ to peacefully oppose foreign occupation, the destruction of our cultural heritage and the looting of our territory and natural resources was denied IPNC and Koani calls for the review of General Assembly resolution 1469 of 12 December 1959 that falsely claims that the peoples of Alaska and Hawaii exercised their right of self-determination. The USA refuses UN administration procedures, instead administering the “white race” and the USA military in both cases.

This Shadow Report will show that American citizens and the United States military annexed Alaska in the guise of “peoples concerned” under discriminating law and policy committing crimes against humanity in violation of the Charter of the United Nations, *inter alia*, under Articles 1, 2, 55, 56, 73 and 74 and the decolonization factors and principles. The proper agents and authorities or “free political institutions” are the Indigenous Elder Authorities in Alaska and the Constitutional Monarchy of the Hawaiian Kingdom Government in Hawaii. Both Alaska and Hawaii have instituted puppet governments that do not function as legitimate representatives, curtailing its international obligations⁵. The absolute public and private title rights of Alaska and Hawaii and the right to their territory, resources and territorial integrity must be preserved. Like the recent International Court of Justice Chagos case, Alaska and Hawaii calls for an ICJ Opinion that recognizes the denial of due process in the decolonization process that has resulted in wrongful acts committed against our peoples. The Fourth Committee in 1959 simply reviewed the reports without a proper review or monitoring of each specific case.

United States Senator Henry Cabot Lodge refused to ratify the 1919 Treaty of Versailles since the League of Nations mandate would lawfully obligate the United States to

¹ Indigenous Peoples and Nations Coalition (IPNC) is a grassroots Indigenous Organization from Alaska with Partners from North and South America, the Pacific and Australia. It is supported in Alaska via AITC resolution 2005-10 to promote the human rights and international legal and political status of Alaska.

² The Koani Foundation is an organization dedicated to the Kanaka Hawai'i Maoli (native Hawaiians) with multi-ethnic supporters originally enlisted by founder John Butch Kekahu, III to promote unity through education and capacity building. The Mission is to achieve a Free Hawai'i through education and unification of our people.

³ Both Alaska and Hawaii are placed in United Nations General Assembly Resolution 66 (I), on December 14, 1946. Alaska is originally asserted as independent under Emeritus Vattel in his Treatise Law of Nations. The Hawaiian Kingdom is an independent State unlawfully overthrown by the USA in 1893. The international juridical community declares them to be under foreign occupation.

⁴ The USA signed and ratified the 1899 and the 1907 Hague Conventions and 1949 Geneva Conventions on the customs of war. It refuses to accept its obligations, in particular for private property rights despite peacetime obligations for Alaska and Hawaii. It claims to falsely lawfully incorporate or annex both.

⁵ See the 2006 Indigenous Peoples and Nations Coalition (IPNC) Shadow Report to the Human Rights Committee, Section I, c – pages 5 to 10.

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address the international status of Alaska and Hawaii. Like Southwest Africa (now Namibia) Alaska and Hawaii would be under Chapters XII and XIII (international trusteeship) of the United Nations Charter. In today's world, President Donald J. Trump admits that Indigenous Peoples are originally outside the Constitutional of the USA.

The Human Rights Committee called on the United States of America in 2006 to address the permanent trusteeship of Alaska⁶. In the same conclusions and observations, Human Rights Committee called for more information concerning Public Law 103-150, the 'Apology Bill' of the United States Congress directly admits that GA resolution 1469 of 12 December 1959 is not a valid referendum relinquishing the Hawaiian Kingdom claims since it specifically states that, **"[T]he indigenous Hawaiian people never directly relinquished their claims to their inherent sovereignty as a people or over their national lands to the United States, either through their monarchy or through a plebiscite or referendum"**. Although this is specifically about Hawaii, this could null and void GA resolution 1469 completely since a referendum of American citizens and the United States military participated in both referendums leading to the removal of Alaska and Hawaii vis-a-vis GA resolution 1469! In 2015 at the Human Rights Council's debate on the USA report under the Universal Periodic Review, the Islamic State of Pakistan recommended the implementation of paragraph 69 (n) of report A/68/284, to essentially re-enlist Alaska, Hawaii and put the Dakotas on the List of Non-Self-Governing Territories⁷. The United States equivocated on its promise not to equivocate by the Head of the United States Delegation and refused Pakistan's recommendation⁸.

The Hawaiian Kingdom is a fully recognized sovereign independent State with several international treaties of trade, commerce and friendship with many States of the world, including the United States of America⁹. The Kingdom was illegally invaded by the United States of America in 1893, without a declaration of war or any sign of hostilities, in clear violation of the Constitution of the United States of America¹⁰. United States President Grover Cleveland declared in his 1893 address to Congress that the U.S. had acted unlawfully; after negotiations with Queen Liliuokalani, the United States agreed to assist in restoring of the lawful Hawaiian Kingdom Government¹¹. Instead, the U.S. acted to subsume the Hawaiian Kingdom by unilaterally and unlawfully making Hawaii into a "U.S. territory", unlawfully annexing with false information as a federal state.

The United States of America (USA) did not apply the international rule of law for incorporating or annexing the foreign territories of Alaska and Hawaii. International humanitarian law was not applied to private property for peoples under foreign occupation. For example, in the Routh Bolomet wrongful foreclosure case; the line of credit was paid in full 2 ½ years prior to the filing of wrongful foreclosure complaint against the Bolomet's; the Honorable Judge Jeannette H. Castagnetti ruled in favor of Bolomet stating the Foreclosing Bank failed to prove standing. A loan and forgery

⁷ CCPR/C/USA/CO/3/Rev.1, 18 December 2006

⁸ Working Group of Universal Periodic Review, 11 May 2015, placed in HRC Report (A/HRC/30/12) See webcast of Pakistan intervention: <http://webtv.un.org/search/usa-review-22nd-session-of-universal-periodic-review/4229106421001/?term=&lan=english&cat=UPR%2022nd&sort=date&page=2#>

¹⁰ Ibid., USA Review, 22nd Session of Universal Periodic Review, 11 May 2015, headed by H.E. Keith Harper, Permanent Representative of the USA for Human Rights and Ms. Mary McLeod, Acting Legal Adviser of the Office of the Legal Adviser of the U.S. Department of State, see webcast: <http://webtv.un.org/search/usa-review-22nd-session-of-universal-periodic-review/4229106421001/?term=&lan=english&cat=UPR%2022nd&sort=date&page=2>

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expert confirms the Line of Credit was Paid OFF in Full and the alleged contracts were altered, forged, counterfeit securities. A new Judge, Hon. Dean E. Ochiai, was assigned, despite his conflict of interest.¹⁴ The Royal Patent Title lands in question were made inalienable in 1865, preventing any further sales, lawfully owned by descendants of Kamehameha III Heirs. Despite these facts, Bolomet's private land was confiscated without due process of international law, taking both real personal and private property; as of 4 April 2018, A motion is made trying to prevent Bolomet's right to appeal the case and due process with Judge Ochiai being judge and jury in the matter. This is a prime example of Plundering and abuse of power going on in the Hawaiian Islands.

Alaska's vast territory is declared by the United States of America and backed by Great Britain as "independent tribes inhabiting an independent territory" and thus has absolute title and jurisdiction under the sovereignty of the Indigenous Peoples of greater Alaska. The vast territorial expanse of Alaska is occupied and owned by the Alaska Native Nations, or the Indigenous Peoples of Alaska having had first contact, trade and discourse with the subjects of Tsarist Russia and after that with citizens of the United States of America and of many European Nations in the 19th century. In the famous Ukase of 1821, Alexander I of Russia under pressure from the Russian Merchants, attempted to claim Alaska declaring that the foreign United States merchants and all others can no longer trade directly with the Alaska Native Nations, only through the Russian forts and settlements. United States Secretary of State John Quincy Adams, on behalf of United States President James Monroe, denied to the Monarchy of Russia in diplomatic communications that it had acquired the Territory stating that it belonged to the 'independent tribes inhabiting an independent territory'¹² using Vattel and his treatise Law of Nations. This denial set the stage for recognition of the sovereign independent status that resulted in Alaska being listed under General Assembly resolution 66 (I) in 1946 as a Non-Self-Governing Territory. Hawaii was also listed as a Non-Self-Governing Territory. Hawaii and Alaska therefore have the right to invoke Article I of the Charter of the United Nations due to their status and in the light of numerous other violations of the Charter by the United States. International law applies, in particular the law of occupation of foreign territories and peoples.

Violations of the Constitution of the United States of America and the UN Charter

The United States of America (USA) denied to Alaska and Hawaii the basic tenets in the Declaration of Independence. IPNC and Koani assert that these principles are not applied to Alaska and Hawaii, as holders of original sovereign title and are not deemed "created equal in American jurisprudence or in the application of law to foreign nations.

President Thomas Jefferson stated after the Louisiana Purchase in 1803 that it was necessary to approve a new Article of the Constitution of the United States of America, since the Constitution has made no provision for incorporating foreign nations into the Union or for it holding foreign territory¹³. Article IV, Section 3, clause 2 of the Constitution did not provide for enlargement, as Congress only had the power to dispose of and make all needful rules and regulations respecting the territory and other property belonging to the United States¹⁴. The question arises as to whether or not the uniformity principle under Article I, Section 8, clause 1 of the Constitution applies to

¹³ Treaty of Friendship signed at Washington December 20, 1849 and after ratification by both legislatures and States, it entered into force on August 24, 1850.

¹⁴ Article 1, Section 8, Clause 11 To declare War, grant Letters of Marque and Reprisal, and make Rules concerning Captures on Land and Water.

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territories that are not "States" of the United States, or whether the foreign peoples of the territory are properly annexed or incorporated with the consent of the original peoples. International law clearly does not allow for the colonizing citizens and Government the United States of America to annex territory on behalf of its citizens and military foreign to Alaska country under colonial occupation. *Loughborough v. Blake* (5 Wheat. 317 U.S., 1820) held that a territory ceded or acquired and not yet incorporated into the United States does not fall within the uniformity principle. The incorporation principle itself was born out of *dicta* or editorial opinions by Justices of the Supreme Court who noticed a gap in the Constitution and inserted the opinion without any constitutional basis¹⁵. Thus, in the *Downes v. Bidwell* 182 U.S. 244 (1901) regarding a case on Puerto Rico, the Justices slipped into the case the 1867 Treaty of Cession of Alaska from Russia to United States of America and unilaterally determined that Alaska was incorporated into United States of America. This insertion was essentially unconstitutional, since amendments of the Constitution cannot be made from the bench of the Supreme Court but requires Congressional and State approval. After asserting and recognizing that the Alaska Tribal Governments are "independent tribes inhabiting an independent territory" and that the Russian Monarchy could not assert a form of possession or title to compel American merchants to trade directly only and with Russian trading forts, the proper authorities of the United States Government failed to achieve consent for its unilateral annexation of Alaska¹⁶. The admission by a sitting President that the United States of America cannot annex foreign territory without an amendment to its Constitution makes it clear that Alaska and Hawaii are not legally part of the USA. Moreover, the USA violates its own Constitution and traditions when it imposes taxation without representation and consent of the governed in Alaska and Hawaii, again by its own admission, does not *belong* to the United States of America¹⁷. A UN report on treaties states that the 1867 Treaty of Cession from Russia granted neither title or jurisdiction to the United States of America¹⁸.

When the United States of America placed Alaska and Hawaii on the list of Non-Self-Governing Territories in 1946 under General Assembly resolution 66 (I), legally both cases exist in the realm of the law of nations and also by placing us squarely in the plane of the Charter of the United Nations and international law, this erases any lapse of time for relinquishing the international status. As we already were recognized outside the Constitution and domestic law, the newly adopted rules of international law for the United Nations decolonization process now applies. When interpreting international obligations, Ian Brownlie explains 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." Thus the United States of America cannot rely on

¹⁵ Submission of Koani Foundation and IPNC to the 75th session of CERD, August 14, 2009.

¹⁶ Senate Document Number 384 of the 18th Congress, 2d Session, 1824 from the diplomatic communication entitled Confidential Memorial; The following are excerpts from the diplomatic communications from United States Secretary of State Johan Quincy Adams: From these facts, incontestably proved by historical documents, an irresistible conclusion follows, which agrees with the declaration of Russia, in 1790; and it ought to appear definitive that she had no right to claim, either under the title of discovery or of possession, on the continent east or south of Behring's Strait, about the 60th degree north latitude. . *** The conclusion which must necessarily result from these facts does not appear to establish that the territory in question has been legitimately incorporated within the Russian empire. *** That on the supposition that the natives of the country should be found under the jurisdiction of Russia, the United States would have only to abandon their merchants to the penalties incurred by those who carry on a contraband trade in a foreign jurisdiction; that if, on the contrary, the natives ought to be regarded as independent tribes, Russia could not prohibit foreigners from trading with them unless in contraband of war and in time of war; in which case she can herself put in execution the prohibition on the open sea.

¹⁸ 14 George Washington Law Review page 354-355, 1945-46

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the obsolete *dicta* of its courts, when it was bad law and wrong from the outset.

Violations of the Charter of the United Nations

In document E/2008/43 and E/C.19/2008/13, the Economic and Social Council report of the United Nations Permanent Forum on Indigenous Issues in paragraph 54 stated that, "The Permanent Forum expresses its concern for the human rights of indigenous peoples in Non-Self-Governing Territories in the Pacific region and calls on the United Nations Human Rights Council to designate a Special Rapporteur on the situation of indigenous peoples of those territories." Paragraph 55 further stated that, "The Permanent Forum invites the Special Rapporteur on the human rights and fundamental freedoms of indigenous peoples to examine and report on the situation of the human rights of indigenous peoples in Non-Self-Governing Territories of the Pacific region, and urges relevant States to cooperate with the Special Rapporteur for that purpose."

In document E/CN.4/Sub.2/1998/16 on the Sixteenth session of the Working Group on Indigenous Populations, Ms. Erica-Irene Daes reported in paragraph 57 that, "Indigenous representatives from Hawaii said that their people had the worst educational results in the United States of America. Despite the successful Hawaiian Language Immersion Education programme, curriculum development and adequate instructional facilities were still needed as was State support. In addition, representatives of the indigenous peoples of Alaska reported that United Nations resolutions on non-self-governing territories aiming at the educational advancement and the promotion and protection of the rights of indigenous peoples, participation and development had not yet been fully implemented. Other indigenous representatives from the same area denounced the collusion between the Government and Christian missions that had had adverse effects on indigenous communities in terms of loss of identity which, in turn, had engendered alcoholism, an increase in the suicide rate and other serious social problems. It was recommended that action be taken to avoid the disappearance of indigenous cultures around the world." Again, the representative of the United States of America attempted to report on the unilaterally domesticated procedure that violated the Constitution of the United States of America and its international treaty obligations than to administer the international legal and political status of Alaska and Hawaii.

According to the seventeenth session of the Working Group on Indigenous Populations in document E/CN.4/Sub.2/1999/19 the Chairperson-Rapporteur Ms. Erica-Irene A. Daes reported in paragraph 45 that, "Indigenous representatives from Alaska informed the Working Group about the attempts of the native people of Alaska to preserve their subsistence lifestyle. The special right of natives to continue to hunt and fish was one of the most controversial issues in Alaska today. In this respect, reference was also made to the need for sustainable fishing practices in the Bering Sea."

According to the seventeenth session of the Working Group on Indigenous Populations in document E/CN.4/Sub.2/1999/19 the Chairperson-Rapporteur Ms. Erica-Irene A. Daes reported in paragraph 51 that, "Indigenous representatives from Hawaii said that the Government had denied the right of native Hawaiians to self-determination. Ceded land should be returned to native Hawaiians to ensure follow-up to the 1993 "Apology Bill", in which the Government admitted complicity in the illegal overthrow of the Kingdom of Hawaii. Kanaka Maoli Hawaiians have never been allowed to claim title or rights as peoples during this illegal occupation in recognition of their original rights and status. Paragraph 110 of the same report stated that, "The indigenous representative of

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Ka Lahui Hawai'i stated that the health statistics of native Hawaiians were the worst in the United States, especially heart disease, cancer and diabetes. He noted, for example, that 66 per cent of all diabetes cases in Hawaii affected native Hawaiians although they make up only 20 per cent of the total population. He stated that these facts had not been considered in the Native Hawaiian Health Care Improvement Act, which had not brought about any significant improvement in health statistics." Further, paragraph 139 reported that, "Representatives from Hawaii expressed their gratitude and made specific reference to the "Apology Bill" adopted by the Congress of the United States in 1993, and to the conclusion of the report stating that the case of Hawaii could be re-entered on the list of Non-Self-Governing Territories of the United Nations.

In paragraph 39 the same report, the United States of America attempted to explain the "unique legal relationship" by attempting to unilaterally domesticate the violations of the international legal and political status of the Kingdom of Hawaii based on the illegal overthrow of the Hawaiian Kingdom and its unilateral annexation in 1959 that did not apply the United Nations procedure for annexing foreign territory and furthermore violated the Constitution of the United States of America.

The final working paper entitled "Indigenous Peoples and their relationship to land" in UN document E/CN.4/Sub.2/2001/21 of 11 June 2001, the Special Rapporteur Mrs. Erica-Irene A. Daes reported that the United States of America coined "aboriginal title" invoked the doctrine of "discovery" on the premise that Indigenous Peoples had to give up their territory and sovereignty for the Christian religion since the colonizers' were saving our souls and that the savages had to adhere to the superior genius of the European civilization. In paragraph 31 of Ms. Daes' report she states that "a discovering State of lands previously unknown to it, an inchoate title that could be perfected through effective occupation within a reasonable time. The doctrine, as it has come to be applied by States with little or no support in international law, gives to the 'discovering' colonial power free title to indigenous lands subject only to indigenous use and occupancy, sometimes referred to as aboriginal title. The United States of America applied extinguishment policies by importing the 1823 *Johnson v. McIntosh* case (8 Wheat. 543) via the 1955 *Tee-Hit-Ton v. United States* (348 U.S. 272).

In 1952 the United Nations General Assembly adopted resolution 644 (VII) on 10 December 1952 and GA resolution 1328 of 12 December 1958 (ANNEX I) that calls for all administering Members to examine all discriminatory law and policy and to abolish it in the administration of Non-Self-Governing Territories. Paragraph 44 of the Land Rights Report stated that: "In this case the Supreme Court decided that the United States may (with limited exceptions) take or confiscate the land or property of an Indian tribe without due process of law and without paying just compensation, this despite the fact that the United States Constitution explicitly provides that the Government may not take property without due process of law and just compensation. The Supreme Court found that property held by aboriginal title, as most Indian land is, is not entitled to the constitutional protection that is accorded all other property. The racially discriminatory nature of the *Tee-Hit-Ton* decision can be seen in the opinion, an extract of which follows:

"No case in this court has ever held that taking of Indian title or use by Congress required compensation. The American people have compassion for the descendants of those Indians who were deprived of their homes and hunting grounds by the drive of civilization. They seek to have the Indians share the benefits of our society as citizens of this Nation. Generous provision has been

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willingly made to allow tribes to recover for wrongs, as a matter of grace, not because of legal liability.

Secretary of Interior Donald Hodel upheld and reinforces this claim as a Cabinet level official of United States President Ronald Reagan. He stated in a Letter dated January 6, 1988 to the Director of the Office of Management and Budget James C. Miller, III that H.R. 278 concerning amendments to the “Alaska Native Claims Settlement Act Amendments of 1987” violated the “Just Compensation” clause of the Fifth Amendment of the Constitution of the United States of America.

The legal doctrine created by this case continues to be the governing law on this matter in the United States today. The racially discriminatory character of the decision has not prevented this doctrine from being freely used by the courts and by the United States Congress in legislation, even in recent years. Indeed the Congress relied on this doctrine in 1971 when it extinguished all the land rights and claims of practically every one of the 226 indigenous nations and tribes in Alaska by adopting the Alaska Native Claims Settlement Act. The Act provided for transferring the land to profit-making corporations that were required to be created by the indigenous peoples and for paying a sum of money to each native corporation - a sum far less than the value of the land. The Alaska native tribes themselves were paid nothing. The remaining lands of the territory that belonged to the tribes, or that had been claimed by them, were turned over to the State of Alaska and the United States. The Alaska native tribes did not consent to this.

Alfred Maurice de Zayas signed a MEMO (ANNEX II) 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 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.

This makes the state of Alaska the 49th white racist regime where the United States of America administers military colonial occupation; the “whites” from Europe and around the United States created the Constitution and died and were buried outside of Alaska.

GA resolution 1469 (XIV) of 12 December 1959, the Resolution of the General Assembly removing Alaska and Hawaii from the list of non-self-governing territories subject to United Nations supervision, was obtained through fraud. It should be remembered that resolutions adopted by the General Assembly are not infallible; General Assembly resolution 3379 (XXX), adopted in 1975, was rescinded by GA Resolution 46/86 in 1991¹⁹.

¹⁹ Ibid. Page 354

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Thus, according to the *Study on treaties, agreements and other constructive arrangements between States and indigenous populations* in E/CN.4/Sub.2/1999/20 of 22 June 1999, the Special Rapporteur Miguel Alfonso Martínez stated in paragraph 163 that, " By virtue of the so-called Apology Bill enacted by the Congress of the United States (P.L. 103-150, of 1993), among other reasons, the situation of the indigenous Hawaiians takes on a special complexion now. The Apology Bill recognizes that the overthrow of the Hawaiian monarchy in 1898 was unlawful. By the same token, the 1897 treaty of annexation between the United States and Hawaii appears as an unequal treaty that could be declared invalid on those grounds, according to the international law of the time." The Special Rapporteur concludes in paragraph 164 that, " It follows that the case of Hawaii could be re-entered on the list of non-self-governing territories of the United Nations and resubmitted to the bodies of the Organization competent in the field of decolonization."

To reinforce the arguments presented in this Shadow Report, Special Rapporteur Miguel Alfonso Martinez cited principles, observations and recommendations to support the claims of Alaska and Hawaii: Indigenous Peoples are considered as nations and peoples, especially that are Charter based international States of Peoples (IBID. paragraph 257) and are recognized subjects of international law in accordance with Article 27 of the Vienna Convention on the Law of Treaties since it was a rule of international law prior to the acceptance of the Convention, therefore State parties cannot invoke provisions of its internal law to unilaterally annul and dispossess the title and dominion in connection with their international legal and political status. (IBID., paragraph 269). Therefore, the treaties or other international legal instruments between European Settlers and their successors with indigenous nations are instruments with international status in international law (IBID., paragraph 270) and must be implemented in good faith (IBID., paragraph 271). In order to null and void them all parties must agree to terminate them, unless otherwise agreed upon in the text itself or unless they are declared null and void (IBID., paragraph 272). The treaty relationships are valid and acceptable for the survival and protection of Indigenous Peoples (IBID., paragraph 273) and the unilateral termination of those treaties is unacceptable behaviour in accordance with the law of nations and international law. Finally, in paragraph 279, Professor Martinez stated that, "[T]he unilateral termination of a treaty or of any other internationally legally binding instrument, or the non-fulfilment of the obligations contained in its provisions, has been and continues to be unacceptable behaviour according to both the Law of Nations and more modern international law".

It is also observed by the United Nations system that, " It should be noted, however, that so long as a territory is not actually independent, the General Assembly considers that it has the right to reopen the question of the territory's status at any time. Thus, although France ceased transmitting information on New Caledonia in 1947, the General Assembly decided on 2 December 1986 that New Caledonia was a non-self-governing territory within the meaning of Chapter XI of the charter and it was again included in the list of such territories²⁰."

The Indigenous Peoples and Nations Coalition and the Koani Foundation refutes the claim by the United States of America in Document CCPR/CUSA/3 of the 28 November 2005 and in similar preparations such as to the 87th Meeting of the Human Rights Committee that Alaska and Hawaii are not foreign insular cases through their omission. The United States of America continues to equivocate regarding insular territories and so-called possessions in its implementation reports and to other reports

²⁰ 26 The Georgetown Law Journal 1938 *Tax Uniformity and Incorporated Territories* at page 345

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on its international human rights obligations to the Human Rights Committee pursuant to Article 40 and all relevant Articles of the International Covenant on Civil and Political Rights and to other international reporting procedures.

It is this manner of fraudulent reporting; the United States of America is violating the principle that a state cannot plead provisions of its own domestic law or its deficiencies in violation of its international law obligations when it applied domestic law and its deficiencies for the situations of Alaska and Hawaii. The United States of America persistently and habitually submits false and misleading reports and information to cloak the violations of the Charter of the United Nations and international law, including the international human rights law they have agreed to uphold and to address. The IPNC and the Koani Foundation call upon the United States of America to address our cases in good faith utilizing the three tenets.

Special Rapporteur James Anaya stated in his report (A/HRC/21/47/Add. 1) that: the economic and cultural transformations accelerated by ANCSA [Alaska Native Claims Settlement Act] have bred or exacerbated social ills among indigenous communities, manifesting themselves, for example, in high rates of suicide, alcoholism, and violence (paragraph 62). And that: the problem runs deeper than ANCSA, to the incorporation of Alaska into the United States as a federal state through procedures that allegedly were not in compliance with the right of the indigenous people of Alaska to self-determination (paragraph 63). The United States of America denied without justification one of its recommendations to address the right to self-determination in association with the economic, social and cultural rights of peoples in its first cycle report of the Universal Periodic Review.

In A/68/284 of the General Assembly report of the Independent Expert on the promotion of a democratic and equitable international order, paragraph 69 (n), it was recommended that the United Nations Decolonization Committee of 24 receive communications from, among other, Alaska, Hawaii and the Lakota Great Sioux Nations to address the colonialism in those situations.

Recommends that the Human Rights Council calls upon Committee on the Elimination of Racial Discrimination (CERD) to receive and to address Petitions from Hawaii and Alaska and to allow for a complete review pursuant to Article 15 of the International Covenant on the Elimination of Racial Discrimination (ICERD) with a view to allow for admissibility of the Indigenous Peoples and Nations Coalition (IPNC) and the Hawaiian Kingdom representatives to address the cases to allow for annulment of GA resolution 1469 of 12 December 1959 and to re-enlist Alaska and Hawaii under Article 73 e of the United Nations Charter.

The Report is revised and updated by Ambassador Ronald Barnes of the Indigenous Peoples and Nations Coalition (IPNC) with original contributions of Kaiopua Fyfe, Leon Siu and Routh Bolomet. Many thanks are given to other supporters²¹.

Indigenous Peoples and Nations Coalition (IPNC)
C/O Alain Schaeffer
39 rue du Prieuré, 1202 Genève

²¹ See section II of the Shadow Report of the Indigenous Peoples and Nations Coalition to the 86th and 87th session of the Human Rights Committee in 2006