

Monday, August 14, 2023
Human Rights Committee 139th Session
Re: Review of the Periodic Report of the United States
Shadow Report - Chief Gary Harrison

The facts are not disputed in the case of the non-decolonization of Alaska as explained in the 2013 ICCPR filing. The Taking of Alaska under Article 1 of the ICCPR by the United States government qualifies as a “genocidal act” under Article II of the *Convention on the Prevention and Punishment of the Crime of Genocide* (adopted by Resolution 260 [III] A of the United Nations General Assembly on 9 December, 1948) and the United States *Genocide Convention Implementation Act*.¹

I am writing on behalf of the Peoples of the Chickaloon Native Village of the Dene’ Athabascan Nation as their Traditional Chief. My role as an Indigenous Leader is to ensure the full and complete enjoyment of human rights for everyone in our community.

The Taking of Alaska & Article 1 of the ICCPR

Questions for the United States from the Committee:

1. *Where did the United States get the Title to Alaska?*
2. *When are they going to reinstate Alaska to the decolonization list?*

This report is submitted pursuant to Article 1 of the *International Covenant on Civil and Political Rights (ICCPR)*, further to the upcoming review of the United States by the Human Rights Committee and the *Fourth Periodic Report* of the United States under the ICCPR. This report explains why the United States did not purchase Alaska nor have the right to use plenary power to carry out assumed (www.dictionary.com - adjective: adopted in order to deceive; fictitious; pretended; feigned) and continued domination of Alaska.

I am also writing this report to request that the ICCPR Committee recommend that Alaska be re-instated on the decolonization list so as to facilitate commencement of the de-colonization process in Alaska as originally intended under Article 73 of the Charter of the United Nations. In 1787, the United States Constitution was ratified, and Article VI (2) states as follows:

This Constitution, and the Laws of the United States which shall be made in Pursuance thereof, and **all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land**; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding (emphasis added)²

¹ The Proxmire Act is contained in Chapter 50A of the US Law Code Title 18 (Crimes and Criminal Procedure), Part I (Crimes). Section 1091 deals specifically with genocide. The law implements the *United Nations Convention on the Prevention and Punishment of the Crime of Genocide* in the United States.

² U.S. Const. art. 6, §2

In September of 1821, the Russian government established special maritime rules limited navigation in the ocean around the Aleutian Islands and the Alaskan mainland coastal waters. These rules implied a claim of sovereignty over Alaska by the Russian government.²

The governments of the United States and Great Britain immediately protested these rules.³ The Russian government deliberately refrained from making any claim based on the Doctrine of Discovery. Russia had not discovered, nor had they conquered Alaska- in fact, the Russian forts were burned on mainland Alaska, including those in Nulato, Kustatan and Kenai.⁴ An important historical document from this time, the Kostlitzov Memorandum, stated; "the need for the protection of the Inhabitants of Alaska because spoliators would take their possessions and depredatory working out of the riches as well on the surface and as in the womb of the earth. To civilize the savages offer them material comforts, luxury and religion."⁵

Article VI of the 1867 Treaty of Cession stated that Russia was only selling what interest it had in Alaska. All they had was a monopoly for trade with the other countries - the Indigenous Peoples did not sign a treaty or make any similar agreement related to land.⁶

At some point, the US inquired of the Russian Government as to just what the US had purchased from them in the Treaty of Cession. The Russian response was that the Kostlitzov Memorandum was descriptive of what had been purchased and sold under the Treaty of Cession. It said that Russia did not own Alaska but that they owned a fort on Kodiak and a fort at Sitka, with a few redoubts and various temporary trading posts on the mainland.

The US became the "spoliators!"

The Treaty of Cession was NOT made with the Indigenous Peoples of this land!

The Matanuska-Susitna Valley in Alaska is part of the original homeland of the Ahtna Athabascan Dene' (peoples). It was first explored by Russians in 1818. In 1935 as a part of the "New Deal., (a series of US domestic social and economic programs), 200 families from the US mid-west travelled to Alaska, comprising the first colonists of the Matanuska Valley. The City of Palmer, Alaska was established on the homeland of Athabascan Dene' (peoples). In 1880, a trading station was built and the area was subsequently exploited by gold miners in 1913.⁷

Alaska is, and historically has been, a source of immense wealth for the United States.

³ Id., page 8 para.1

⁴ Id., page 8 para.3

⁵ Appendix 3 of Senate Document No. 152, Translation of Russian Memorandum marked A.A. by B.N. Buynitsky, second to last para.

⁶ Treaty of Cession, 1867 (15 Stat.539) Article VI

⁷ Basic historical facts, which may be found in numerous historical and academic texts, and is also available on Wikipedia, accessed online (09-8-13 at <http://www.en.wikipedia.org/wiki/Alaska>)

Resources such as fur, gold, silver, and other extractives have been the main revenue generators over the decades.

During World War I, coal was extracted to fuel the Pacific Fleet and the US Navy came to Chickaloon, Alaska. Their arrival brought violence and abuses, crime, alcohol, disease, devastating environmental damage and destruction (including the decimation of salmon, caribou and sheep); all human rights violations. These atrocities impacted my Peoples in Chickaloon, and forever changed our ways of life.

At the end of World War II in 1945, the United Nations was established with the United States being amongst the first to ratify the UN Charter. In fact, the United States took a leading role in the creation, structure, and development of the United Nations. The Charter of the United Nations established in Chapter XI (Articles 73 and 74) the principles that continue to guide United Nations decolonization efforts, including respect for self-determination of ALL peoples.

The United Nations Charter also established the International Trusteeship System in Chapter XII (articles 75-85) and the Trusteeship Council in Chapter XIII (articles 86-91) to monitor certain Territories, known as "Trust" Territories.⁸ As a chartered member and signatory, the United States agreed to decolonize their claimed territories. Alaska and Hawaii were both on the list of the "Trust" Territories, and neither were annexed legally in accordance with the UN Charter, now internationally established law.

In this submission, I will speak to Alaska exclusively. The UN Charter under Chapter XI (article 73) lays out the sacred trust and the obligation to promote to the utmost: the well-being of inhabitants; culture; and to the peoples concerned, their political, economic, social, and educational advancement; just treatment; and protection against abuses. To date, none of this has been accomplished.

In 1959, there was an unethical and illegal vote taken for Alaska statehood. The Indigenous Peoples were prohibited from voting by law even though, the original people were the only legal voters to determine the status of statehood. The vote could have resulted in a denial of statehood. The unethical and illegal law imposed required that in order to vote, Alaska Native peoples had to prove they could speak and write in the English language. There was an additional (reprehensible) requirement that five (5) white people, verified through documentation, that the individual was "competent" to vote.⁹ Statehood was the only

⁸ See the following link to the list of Trust Territories, which include Alaska:

<http://www.un.org/en/decolonization/nonselgov.shtml>

⁹ "In the early years of the twentieth century, the burgeoning Alaska Territory passed laws limiting the ability of Alaska Natives to be citizens, to participate in the political process, and to enter certain public establishments. In 1924, when the U.S. Congress conferred citizenship on "all non-citizen Indians born within the territorial limits of the United States," the Territorial Legislature responded by enacting a literacy law the next year requiring that "voters in territorial elections be able to read and write the English language." Alaska's Constitution, which became operative with the formal Declaration of Statehood on January 3, 1959, also included an English literacy requirement as a

thing that *was* on the ballot. There was no option to vote for free association, independence, or commonwealth - these options should have been available on the ballot. The military was at this time, and unfortunately continues to be, allowed to vote in local elections in Alaska even though they are mostly residents from other claimed states or countries.¹⁰ Throughout this period, the US did not provide any reporting on decolonization processes - they simply sent communication declaring that the conversion of Alaska to "statehood" under the United States was a fulfillment of the requirements set out in the UN Charter under Chapter XI (article 73). These requirements were never fulfilled nor documented.

A decade later, the *Alaska Native Claims Settlement Act* (ANCSA) of 1971 was passed. The language used in the text of this legislation had the intent of destroying the true legal and political identities of the Indigenous Peoples of Alaska. Two examples of the tools to accomplish this was the "corporatization" of Indigenous communities and lands, and the forcible taking or transfer of Indigenous children away from such communities. Both of these actions taken by the US Government qualify as "genocidal acts" under Article II of the *Convention on the Prevention and Punishment of the Crime of Genocide* (adopted by Resolution 260 [III] A of the UN General Assembly on 9 December 1948) and the United States *Genocide Convention Implementation Act*.¹¹

Now I am witness to corporations attempting to assert, exercise and have recognized the same rights as Indigenous Peoples, except without all the responsibilities that accompany those rights. The corporations are now being taken over by non-indigenous peoples and Alaska Native "afterborns" are not included in the corporations. There is a blatant disregard of the sacred trust that the US agreed to abide by under the United Nations Charter, Chapter XI, Article 73 - in so doing, they are disregarding the rights of indigenous Peoples under the ICCPR.

US and Alaska laws deprive Indigenous Peoples of their subsistence rights under the United Nations *Covenant on Civil and Political Rights*. For instance: on fishing, the subsistence rights come after the commercial and sports fishing. Subsistence rights should be FIRST. Mining, oil & gas exploration and extraction are the first priority above subsistence hunting, fishing and gathering. This should be the other way around and should ensure the long-term sustainability of the subsistence rights.

Meanwhile, the non-renewable resources continue to be plundered, to the detriment of the environment, traditional food and waters. Foreign, which prefer to be referred to as

qualification for voting which was not repealed until 1970." SEE: Natalie Landreth and Moira Smith, "Alaska Voting Rights" (March 2006) accessed online at www.protectcivilrights.org.

¹⁰ R.W. Wade - Personal oral account of non-native uncle and Ernest Gruening, "The Gruening of Alaska", 1974.

¹¹ The Proxmire Act is contained in Chapter 50A of the US Law Code Title 18 (Crimes and Criminal Procedure), Part I (Crimes). Section 1091 deals specifically with genocide. The law implements the United Nations Convention on the Prevention and Punishment of the Crime of Genocide in the United States.

domestic corporations, are extracting these resources from the surface waters like streams, groundwater in aquifers, and from our lands, hills, mountains and valleys - defiling waters as they go and endangering the communities' source(s) of drinking water. "Spoliators" are digging into the womb of Mother Earth.

I look forward to Alaska being re-instated on the decolonization list so the United States can uphold its true sacred trust as originally intended under Chapter 11 Article 73 of the Charter of the United Nations and with this action it can fulfill Article 1 of the ICCPR. The United States can then stop the use of Plenary power doctrine to deprive the Indigenous peoples of their Human Rights, responsibilities and resources, be they social, cultural or physical (i.e., land, water, air, fish and other animals, etc.).

Resolution A/HRC/RES/48/7 adopted 8 October 2021

1. Stresses the utmost importance of eradicating colonialism and address the negative impact the legacies of colonialism have on the enjoyment of human rights.
2. Calls for member states, relevant UN bodies, agencies, and other relevant stakeholders to take concrete steps to address the negative impact the legacies colonialism has on the enjoyment of human rights.

Therefore, the United States needs to start the education and decolonization process according to Chapter 11 Article 73 of the UN charter.