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**Indian Council of South America (CISA); Nord Sud XXI; International Organization of Indigenous Resource Development (IOIRD); International Education Development (IED); Worldwide Organization for Women (WOW); Women's International League for Peace and Freedom (WILPF); International Human Rights Association for American Minorities (IHRAAM); Interfaith International; International Forum on Indonesian Development (INFID); Actional Internationale pour la Paix et le Développement dans la Région des Grands Lacs (AIPD); Union of Arab Jurists; Non-ECOSOC Organizations: Indigenous Peoples and Nations Coalition; Koani Foundation**

March 25, 2008 Human Rights Council 7<sup>th</sup> Session  
Item 9 – General Debate on Racial Discrimination Ambassador Ronald Barnes

Camai distinguished Chair Doru Costea, Council Members and all participants. This intervention serves as a diplomatic protest to the subjugation, domination and occupation of the situations of Alaska and Hawaii and for the violation of the international Treaty obligations to Indigenous Peoples.

At the 72<sup>nd</sup> session of the CERD Committee in February to March of 2008, a Member of the CERD Committee stated that Alaska and Hawaii were placed on the List of Non-Self-Governing Territories in under General Assembly resolution 66 (I) in 1946. The Member asked the United States of America about the removal of Alaska and Hawaii and in doing this, what it did to involve the Indigenous Peoples in this process. It was noted that the United States denied to Russia that it had governing authority over Alaska and that the United States Congress apologized in Public Law 103-150 for the illegal overthrow of the Hawaiian Kingdom. The Shadow Reports presented by the Alaska and Hawaii Organizations made it clear that the international legal and political status of Alaska and Hawaii were based upon binding international treaty obligations. In such cases you cannot use domestic law or its deficiencies to settle international treaty obligations. In documented reports, the United States of America asserted to Russia that Alaska was independent citing the Treatise *Law of Nations* by Emmerich Vattel, and that the United States had several international Treaties with the Kingdom of Hawaii. The violations of these cases could therefore only be settled as purely international law obligations and that the United States could not use domestic law or policy to settle these international law obligations. The CERD Committee Member also stated that the Treaties with the Indian Nations were international in scope and character since the United States Congress had to sign and ratify those Treaties as any other international treaty. The United States claims that it has settled the irregular removal of Alaska and Hawaii from the List of Non-Self-Governing Territories and violation of the Treaties with Indian Nations without any justification. The CERD Committee was remiss in not addressing these questions posed by the Expert Member in its Concluding Observations and Recommendations on the merit of their claims as presented by the Organizations from Alaska and Hawaii and others in their CERD Committee Shadow Reports.

The mandate of the Special Rapporteur on Racial Discrimination must place increased attention to the right to self-determination to support the Right of Peoples and Article 15 of ICERD. In light of this, the Special Rapporteur on Racism must address the Special Situations of Alaska and Hawaii taking into account the existing international treaty obligations under the Charter of the United Nations and international law.

Our constituencies object to the decision by the United States of America and Canada to withdraw from the 2009 Durban Review Conference. Both Canada and the United States of America claim to address racism and other forms of discrimination as a matter of constitutional law, yet they continue to subject Indigenous Peoples to organized and institutional racism. These States refuse to address the violations of the fundamental principles of self-determination using racist doctrines and principles of superiority. This has resulted in the theft of lands, territories and resources leaving many of the Indigenous Nations impoverished without any base for development. The United States and Canada continue to dishonor their international Treaty obligations and commitments by refusing to implement their international Treaty Agreements with Indigenous Nations under the Charter and international law, including the international human rights treaties.

We call upon the Human Rights Council to address these "Special Status" cases and situations on the agenda item "Right of Peoples" we so can raise the unsettled violations of the commitments and obligations by the Administering States as well as other occupying Powers. I thank you Mr. Chair.