DOCUMENT: ARCTIC.TXT

S C I E N C E A N D T H E I N D I G E N O U S A R C T I C

from

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June 15, 1993

I wish to thank the Polar Research Board and Dr. Loren Setlow for the privilege of sharing our views regarding our homeland and the impact of quantitative science.

We, the Inuit, cannot really know what a contemporary experiment means unless we understand what materials and what instruments and what sciences are involved in its design. This is why the growing edge of science is so inaccessible to our common experience in Alaska and our Circumpolar Inuit homeland.

The Inuit, of the Circumpolar Region, qualify as a nation state under international law. Therefore the Inuit of Canada, Denmark, United States, and Russia have met the criteria of Article I of the Montevideo Convention on the Rights and Duties of States. Our inherent rights to sovereignty as defined by longest peaceful existence have never been extinguished by the claims of discovery by the Spanish, Russians, British, Portuguese, Danes, Americans, nor Canadians.

Unlike the origins of the United States, France, and Russia, the Inuit call to freedom maintains our tradition of the longest peaceful occupation, co-existence, territorial integrity and sovereignty of the Arctic since time immemorial. Based upon our self-determination and supported by International Law, we make this Declaration of Sovereignty which signifies Inuit Independence from all Anglo-european original or derivative states, and from any infringement of Inuit Sovereignty. And, therein lies the healing truth for the Inuit and for our homelands which have been threatened by quantitative science and selective enforcement of laws outside of the scope of the Constitutions of the United States, Canada, and Russia.

Sovereign immunity for unrecognized regimes has been practiced by the United States Supreme Court and began with _The Schooner Exchange vs. M'Faddon_. In an opinion by Justice Marshall, the Supreme Court affirmed the dismissal of the libel because a warship "in the service of a foreign sovereign, with whom the government of the United States is at peace" should be exempt from U.S. jurisdiction. Marshall's analysis began with the premise that no sovereign would voluntarily subject itself to the jurisdiction of another. Marshall states that "all sovereigns have consented to a relaxation . . . of that absolute and complete jurisdiction within their respective territories which sovereignty confers."

The act of state doctrine was adopted by the Supreme Court as a principal of judicial restraint to avoid the unseemliness and potential problems that might arise if the courts of one nation sat in judgment over a foreign sovereign. In the words of the Restatement (Third) of Foreign Relations Law of the U.S., "[i]n the absence of a treaty or other unambiguous agreement regarding controlling legal principles, courts in the United States will generally refrain from . . . sitting in judgment on . . . acts of a governmental character done by a foreign state within its own territory and applicable there." Restatement (Third) of the Foreign Relations Law of the U.S. Section 443 comment a (1987).

Most certainly the Treaty of Cession of 1867 and the Maritime Boundary Treaty of 1990 are flagrant examples of unconsented taking of indigenous lands in the Inuit Homeland. The United States government has been the sole benefactor of the largest illegal expropriation of Inuit Homelands.

This empirical coordination of economic interests undermined the Constitution of the United States of America. However, the United States has elected to become civilized as a signatore to the Convention of Genocide forty-years later than other countries. The Genocide Convention was submitted to the Senate by President Truman in June, 1949. On February 19, 1986, the Senate consented to ratification with the reservation that legislation be passed that conforms U.S. law to the precise terms of the Treaty. This enabling legislation was approved by Congress in October 1988, and signed by President Reagan on November 4, 1988. This legislation amends the U.S. Criminal Code to make genocide a federal offense. It also sets a maximum penalty of life imprisonment when death results from a criminal act defined by the law.

The Genocide Convention proscribes conduct that is juristically distinct from other forms of prohibited wartime killing (i.e., killing involving acts constituting crimes of war and crimes against humanity). Although crimes against humanity are linked to wartime actions, the crime of genocide can be committed in peacetime or during a war. According to article I of the Genocide Convention: "The contracting parties confirm that genocide, whether committed in time of peace or in time of war, is a crime under international law which they undertake to prevent and to punish." For the first time in history, the Inuit of the Circumpolar Region no longer fear the threats of standing armies of the allied occupation of the northern world.

The higher-law obligations found in the American political tradition compel the United States to take the lead in the prosecution of the Iraqi war criminals. The principle of a higher law is one of the enduring and canonic principles in the history of the United States. Codified in both the Declaration of Independence and in the Constitution, it rests upon the acceptance of certain notions of right and justice that obtain because of their own obvious merit.

"Indian" law is race law and the history of indigenous peoples in international law is one of genocide and forced assimilations, motivated by racial prejudice such as the "forced incorporation" of

the indigenous peoples of Alaska into the Alaska Native Claims Settlement Act. The Arctic Slope Native Association voted "No" to ANCSA. They seem to have been the only representatives within the Alaska Federation of Natives with the ability to see into the future and to recognize a land robbery in the guise of a poor third world contract. A Universal Declaration of the Rights of Indigenous Peoples may help us to gain a more honest perspective on the claims settlement.

When was the last time that any of you met a man or woman from elsewhere who understood the bowhead or the walrus better than Inupiat hunters and their families? Dr. Michael Tillman was a speaker at the recent Inuit Circumpolar Conference for Commerce. At an evening social event Dr. Tillman, Director of Protected Species, National Marine Fisheries, and his colleagues informally admitted that to this day the federal scientists have operated without the knowledge of the recruitment rate of the bowhead specie. Under the auspices of Dr. Tillman, science had been used to belittle the entire Inupiat whaling culture to achieve nationalistic goals of the Reagan/Bush administration for a quick fix for the oil industry. As a consequence, Dr. Tillman created a false polarization, in the name of science, to politically suppress the vital way of life of the Inupiat culture and turned the issue into a national display of force.

The State of Alaska does not exist in a vacuum of itself. The State of Alaska is subject to a compact, within the Statehood Act, between the United States and the indigenous Tribes of Alaska. The State of Alaska is not a sovereign of itself and, therefore, cannot be a signatore to any treaty by itself. This basic principle of federal law has been with us all this time. It is just that it is in the best interests of the State of Alaska to maintain this fraud. Read what the Bureau of Indian Affairs and the U.S. Fish and Wildlife Service published in 1976:

> "Furthermore, the Indian treaties were not a grant of rights to the Indians, but rather a grant of rights from them to the non-Indians, with the Indians reserving to themselves those rights not granted. The treaties specifically protect those reserved rights. These basic principles of Federal law, which undergird the decisions in Indian treaty rights cases, have been the subject of much misunderstanding and some non-Indians have found them difficult to accept."

Someone may say that the Alaska Native Claims Settlement Act precludes treaty rights. This statement is based upon another fraudulent assumption as it is important to realize that a treaty is not an act of Congress. The Alaska Native Claims Settlement Act as an act of congress was a forced incorporation of indigenous peoples and can now be reexamined within the context of the United States Genocide Treaty Convention.

The legal basis of the United States within the territory of Alaska is not derived from within the United States Constitution First, there was never a treaty nor consensual relationship between Czarist Russia and the indigenous tribes of Alaska. Secondly, the Treaty of Cessions of 1867 between Russia and the United States is not a transfer of

sovereignty nor a secession of lands from the indigenous population. Therefore, the United States government is an occupational force within Alaska.

This occupation can now be challenged under international law, particularly in that the United States and Russia cannot manufacture, between themselves, sovereignty which they have not acquired nor can ever acquire either on March 30, 1867 nor through the ratification of the Maritime Boundary Treaty of September 16, 1991. For the last 250 years in Alaska, Russia and the United States, have been outside of civilized international law and outside of their own constitutions. The United States and Russia have been the benefactors of this unconstitutional occupation and have enjoyed one trillion dollars of ill-gotten gains. And, what of the indigenous peoples of Hawaii?

Just as the State of Israel did not exist at the time of the commission of the crimes in question, the Inuit have adopted the Inuit Code of Offenses Against the Peace and Security of Mankind.

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