

Elders Council of Tununak Decree
Act of State

Exhibit
RB II.1

Elders Council of Tununak
In care of P.O. Box 97
Tununak, Alaska [99681]
Tel: (907) 652-6312 • Fax: (907) 652-6912

Act of State

Elders Council do hereby Decree

- I. Under international law, we assert the right of our Indigenous Nations to exercise our own law as sovereigns for our protection
- II. International recognition of the Traditional Indigenous Governments of Alaska
- III. Foreign Relations
- IV. United States and the United Nations violated our right of self-determination
- V. Incompetence of and denial of justice by the United States of America – no constitutional authority – no authority to incorporate or annex
- VI. Diplomatic Relations and Notice
- VII. Reservations

Notice is hereby given to the United States of America, the Russian Federation, to the Member States of the United Nations and to the Governments of the world, to parties involved whether they are agent or principle, to all media and to all humankind:

I.

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This Decree by the Elders Council of Tununak is an Act of State under our Sovereign Authority as a proper agent and authority as a recognized international legal personality in the region of Alaska. We hereby assert our Sovereign Authority to preserve the claims of All Alaska's Indigenous Peoples, the Authority of our Nations and international Statehood, in preservation of our rights prior to the arrival of Tsarist Russia or any other Foreign Peoples to any part of Alaska. As the proper party, agent and authority we deny to the United States of America' title, dominion and jurisdiction. We assert the suzerain trust doctrine in order to protect the international legal and political status of the Independent Tribes, their Traditional Indigenous Governing Authority and the Indigenous Peoples in the regions of Alaska. This "suzerainty" holds until the said Authority in the greater region of Alaska is fully informed of our international legal and political status without any diminution of absolute title. And as such, all information must be fully

* The use of the terms *United States of America* or *the United States* referred to in this document does not limit the various jurisdictions or the foundations of authority based upon their Constitution, common law, equity, corporate or any other source of constructed authority in all their constructive forms.

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understood and it is essential that we are provided the technical tools and resource to implemented a real exercise of our right to self-determination against the colonizing force of the United States of America. As Elders, we assert the proper foundation of Authority granted to us by our creator and preserved by our ancestors in the promotion of our existence and survival as Peoples, Nations and States for generations to come. We refute any form of exploitation of "Elders" that are not informed of our status. This Decree is a denial of possession and of any title claimed by the United States of America and its Peoples or by any claim of Tsarist Russia or its successor Governments.

The Elders Council of Tununak asserts that the Indigenous Peoples of Alaska are a separate Peoples and distinctive entity not of the United States of America. The United States of America has not celebrated any valid Treaty or Agreement with the proper agent and authority accepted under the fully informed consent doctrine with the Independent Tribes and Indigenous Peoples of Alaska or their Traditional Indigenous Governing Authorities. As such we continue to engage in several attempts to seek remedy of the situation between the Indigenous Peoples of Alaska, the United States of America and the Member States of the United Nations and other Governments of the world. We firmly assert that the international sovereign title, dominion and jurisdiction as held by the Independent Tribes, their Traditional Indigenous Governments and the Indigenous Peoples of Alaska; we deny any title or dominion to Tsarist Russia, or to any of the successor Governments of the Russian Peoples or to the United States of America or to any other Government. Said Notice draws an obligation of all parties to bring an end to an illegal situation.

The territory of Alaska shall rightfully be the possession of the Independent Tribes, their Traditional Indigenous Governing Authority as held by the Indigenous Peoples since it has proper recognition as proscribed in parts II, IV and V of this document, but not limited to; and by Traditional Indigenous Law, the Law of Nations and international law the said parties are foreign to the United States of America and to other Governments of the world. Therefore, the United States of America and its unlawful political sub-division - the state of Alaska, cannot impose and enforce governing authority in contravention to the original Authorities of the greater region of Alaska, by the Constitution of the United States of America, the United Nations Charter, and international law, in particular its principles and norms of jus cogens and international criminal law.

The United States of America does not have the authority to tax or command dominion since it is beyond the scope of the Traditional Indigenous Law, the Constitution of the United States of America and international law to govern foreign peoples in foreign territory. Any waiver of sovereign immunity by any coercive measure will not accede any right to the illicit state of Alaska or to its parent political entity, the United States of America. There can not be implicit acceptance of the right by the United States of America to govern in our territory without due process by Traditional Indigenous Law, the Law of Nations and international law without the fully informed consent of the Indigenous Peoples of Alaska.

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This is a reclamation and succession of our international status as recognized by President James Monroe in 1822 and by succeeding Executive Administrations of the United States of America as "independent tribes inhabiting an independent territory" on soil foreign to the United States of America. Tsarist Russian merchants were ordered to get permission to build factories and forts in Alaska and further ordered not to create the thought or suspicion as if to attempt to deprive us of our independence. Therefore, this Declaration denies that title, dominion and jurisdiction ever existed in the Emperor or Government of Tsarist Russia or any successor Government of Russia, from which the United States of America pretends to have acquired valid title, dominion and jurisdiction over the territory of Alaska, the recognized Independent Tribes, their traditional Authorities and its outer limits.

II.

Recognition

The Indigenous Peoples of Alaska were recognized as "independent tribes inhabiting an independent territory" by United States President James Monroe in 1822 in response to the famous 1821 Ukase of Alexander I. United States denied Tsarist Russia title and dominion so that the United States merchants could continue the lucrative fur trade with the Sovereign Traditional Indigenous Governments of Alaska. Forty-three years before the 1867 Treaty of Cession between Tsarist Russia and the United States of America, President James Monroe communicated diplomatic memoranda to the Senate of the United States Congress. (See Senate Document Number 384 of the 18th Congress, 2d Session, 1824). Congress then went into executive session on 15 December 1824 to discuss these diplomatic communications in regard to the 1824 Treaty between United States and Tsarist Russia. The diplomatic communications gave, *inter alia*, the historical and legal reasons why Russia had not acquired absolute title and dominion to Alaska: 1) Russia had no right of discovery - Spain was there first, 2) Russia did not have first occupation - again Spain had settlements in what is known today as Prince William Sound and 3) Russia did not have uninterrupted possession, well accepted requirements for acquisition of territory at that time since the Indigenous Peoples interrupted possession. Further, in these memoranda, on behalf of United States President James Monroe, Secretary of State John Quincy Adams cites Vattel and his treatise Law of Nations to justify why the direct trade with the "independent tribes inhabiting an independent territory" went on without the regulation or interdiction of Tsarist Russia or any other European Power. The result of this recognition allowed the Foreign Governments to trade directly with the Indigenous Peoples without intercession throughout the greater region of Alaska that remained under the Traditional Authority of the independent Traditional Indigenous Governments of Alaska. Therefore, a historical intercourse of trade and commerce was established between the independent Indigenous Peoples of Alaska and Foreign Governments without any regulation or interdiction of Tsarist Russia, the United States or any foreign Government. Such recognition continues to have full effect as of today.

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The Indigenous Peoples of Alaska are not party to the 1867 Treaty of Cession and as such we deny any transfer or possession of territory to the United States by Tsarist Russia or from the United States to any other entity as a result of the 1867 Treaty. Therefore the 1867 Treaty of Cession cannot apply to the Traditional Indigenous Governments nor impair its international sovereign title and dominion to Alaska. The principle of the law of treaties expressing that treaties cannot establish obligations for non-consenting third parties was already a fully accepted tenet of customary international law much before the mid 1860's. In fact as late as 1975, a decision relating to our situation in Alaska was reflected in the United States Supreme Court, United States v the State of Alaska (422 U.S. 184), the 1975 United States Supreme Court found that "The cession of all the territory and domain possessed by Russia on the continent of America and in the adjacent islands, under an 1867 treaty between Russia and the United States (15 Stat 539), was effectively a *quitclaim*, and the United States thereby acquired whatever dominion Russia had possessed immediately prior to cession." A quitclaim transfer under international and United States law does not transfer title, especially since territorial title has not been acquired by Tsarist Russia. Tsarist Russia has no title and dominion to transfer.

Since the Traditional Indigenous Governments of Alaska are in a defined territory with a permanent population and have the Traditional Governing Authority to engage in international foreign relations, the Independent Traditional Indigenous Governments have the right to act in our capacity as independent States under international law. Furthermore, the Traditional Indigenous Governments have the right to protest the pretended and therefore illegal incorporation and annexation of Alaska, as we are recognized independent Peoples under international law.

The United Nations, Member States and other States, Governments and Peoples of the world are called upon to acknowledge the historically internationally recognized Traditional Governments and Indigenous Peoples of Alaska.

III.

Foreign Relations

As the appointed Ambassador and Director of Foreign Relations of the Indigenous Peoples and Nations Coalition, "Angulluaq", Ambassador Ronald F. Barnes, as a Foreign Representative to the United States of America shall call attention to and assert that the Traditional Indigenous Governments and the Indigenous Peoples of Alaska are the holders of our legitimate sovereign title, dominion and jurisdiction over all lands in what is now referred to as Alaska. The United States of America and the United Nations have failed to respect and honor the international recognition of the Traditional Indigenous Governments and our status as subjects of international law and custom.

Further, "Angulluaq", Ambassador Ronald F. Barnes, the Director of Foreign Relations of the Elders Council of Tununak, the Traditional Chairman and Ambassador of the Indigenous Peoples and Nations Coalition shall not acquiesce to the United States of America nor to any of its political subdivisions, agencies or assigns or to any entity that

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assumes title, dominion or jurisdiction over the Traditional Indigenous Governments of Alaska and their Peoples. Nor shall "Angulluaq" - Ambassador Ronald F. Barnes pay any admittance, tariff, tax or any other fine or charge assessed and levied against him by the United States, whether in any capacity prior to today, or as a purported "citizens" of the United States or Ambassador of the Indigenous Peoples and Nations Coalition.

Ambassador Barnes is ordered to continue to open diplomatic relations on behalf of the Traditional Elders of Alaska and open friendly discussions and explanations to call attention to our continuing colonization by the United States of America. Ambassador Barnes must seek resources to facilitate the recognition, protection, development and advancement of our Traditional Indigenous Governments and their designated representatives. Any designated domestic allocation of authority by the United States of America that limits our direct international status or attempts to impair our authority is not acceptable and must be denied. A signature of Ambassador Ronald F. Barnes - Angulluaq, shall authenticate this document.

IV.

Violation of Self-Determination

The historical recognition as sovereign independent Peoples as stated in part II of this document and the historical relations that were created with other Governments, obligates the United States of America and the Governments of the world to implement proper protocols with the Traditional Indigenous Governments of Alaska in the exercise of their right of self-determination under the full respect for Traditional Indigenous law, the law of nations and international law. The United States of America has gone beyond the boundary of the limits of the Constitution of the United States, the United Nations Charter and international law to incorporate and annex Alaska and its outer limits.

The United Nations listed, among others, Alaska, Hawaii and Puerto Rico in General Assembly Resolution 66 (I) of 14 December 1946 in accordance of Article 73, Non-Self-Governing Territories of the United Nations Charter. The vote to remove Alaska, Hawaii and Puerto Rico from the list failed to follow the United Nations' own procedures for removal. The United Nations did not consider the recognition of the Independent Indigenous Peoples of Alaska nor was the criteria from removal based on United Nations resolutions and on the full and informed consent doctrine with full and equal participation of the Indigenous Peoples of Alaska. Other examples of false removal from the list of Non-Self-Governing Territories allowed for reinstatement to the list under Article 73 that lead to protection and/or acting role as independent State status in some cases. The independent status of the Indigenous Peoples of Alaska and Hawaii continues to call out for redress. United Nations General Assembly Resolution 1469 adopted on the 12 December 1959 allowed the United States to remove Alaska and Hawaii without disseminating the information pertaining to their right of nationhood under the United Nations Charter and international law. In addition the United States and the United Nations failed to provide for the full exercise of our already recognized independence of

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particularly the Indigenous Peoples and our Sovereign States for Alaska and Hawaii. Without limitation to the application of any and all laws and principles, we give for example and assert among many principles of de-colonization, principle five of United Nations General Assembly Resolution 1541 (XV) of 12 December 1960 which holds that colonialism perpetuates when: *Once it has been established that such a prima facie case of geographical and ethnical or cultural distinctness of a territory exists, other elements may then be brought into consideration. These additional elements may be, inter alia, of an administrative, political, juridical, economic or historical nature. If they affect the relationship between the metropolitan State and the territory concerned in a manner which arbitrarily places the latter in a position or status of subordination, they support the presumption that there is an obligation to transmit information under Article 73 e of the Charter.* In the case of the greater region of Alaska, the United States of America is obligated to treat us as an independently recognized State of Peoples, a status by the United States own admission and therefore recognition.

By General Assembly resolution 2105 (XX) of 20 December 1965, the United Nations recognized "the legitimacy of the struggle by the peoples under colonial rule to exercise their right to self-determination and independence".

General Assembly resolution 2621 (XXV) of 12 October 1970 declared "the further continuation of colonialism in all its forms and manifestations is a crime which constitutes a violation of the Charter of the United Nations, the Declaration on the Granting of Independence to Colonial Countries and Peoples, and the principles of international law" and affirmed "the inherent right of colonial peoples to struggle by all necessary means at their disposal against colonial Powers which suppress their aspiration for freedom and independence".

According to United Nations General Assembly Resolution 1803(XVII) of 14 of December 1962, paragraph 7 and 8 sets forth the following principles:

- (7) Violations of the rights of peoples and nations to sovereignty over their natural wealth and resources is contrary to the spirit and principles of the Charter of the United Nations and hinders the development of international cooperation and the maintenance of peace.
- (8) Foreign investment agreements freely entered into by or between sovereign States shall be observed in good faith; States and international organizations shall strictly and conscientiously respect the sovereignty of peoples and nations over their natural wealth and resources in accordance with the Charter and principles set forth in the present resolution.

Resolution 2625 (XXV) of 24 October 1970, the General Assembly adopted and proclaimed the Declaration of Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations and declared that the principles of the Charter embodied in the Declaration constituted basic principles of international law.

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Further though not limited to, the Elders Council of Tununak and Director of Foreign Relations highlight the following:

Paragraph (b): To bring a speedy end to colonialism, having due regard to the freely expressed will of the peoples concerned.

And bearing in mind that subjection of peoples to alien subjugation, domination and exploitation constitutes a violation of the principle, as well as a denial of fundamental human rights, and is contrary to the Charter.

Every State has the duty to promote through joint and separate action universal respect for and observance of human rights and fundamental freedoms in accordance with the Charter.

Every State has the duty to refrain from any forcible action, which deprives peoples referred to above in the elaboration of the present principle of their right to self-determination and freedom and independence. In their actions against, and resistance to, such forcible action in pursuit of the exercise of their right to self-determination, such peoples are entitled to seek and to receive support in accordance with the purposes and principles of the Charter.

The territory of a colony or other Non-Self-Governing Territory has, under the Charter, a status separate and distinct from the territory of the State administering it; and such separate and distinct status under the Charter, shall exist until the people of the colony or Non-Self-Governing Territory have exercised their right of self-determination in accordance with the Charter, and particularly its purposes and principles.

On the 16th day of June 2000 Resolution 00-02, a Decree of the Elders Council of Tununak was adopted and submitted to the 52nd Sub-Commission on Human Rights as attachment #6 under Item 12 on Thursday 17 August 2000 as a formal Elders Council of Tununak Decree. This document was created to give "Judicial, Legal, Historical and Political Notice of the Assertion of Absolute title to all Territory as recognized by the Law of Nations and by modern International law, including all submerged Territory as held by the Indigenous Peoples in the region now known as Alaska", that further gives the historical recognition of the Indigenous Peoples of Alaska. And that, as attachment #5 on the same date at the 52nd Sub-Commission on Human Right a Notice of Defective Title, *inter alia*, dated 5/30/2000 was submitted as an attachment also with the intervention.

V.

Denial of Justice

The United States of America has constructed a legal framework of colonial laws that bar the Indigenous Peoples of Alaska from obtaining justice in violation of the Constitution of

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the United States, the United Nations Charter and international law. The above mentioned United Nations General Assembly Resolution 1469 was adopted on 12 December 1959 in contravention of international law, in particular the principles enshrined in the Charter of the United Nations. Notice is hereby dispatched to the Russian Federation as the successor Government of the Russian Peoples of Tsarist Russia, to the United States of America and to the Member States of the United Nations: that under principles of the Law of Responsibility and under the rubric 'obligation to put an end to an illegal situation' there is a grave breach of international law against a sovereign, independent State.

There continues to be a denial of justice; although the United States has no constitutional authority to administer justice or exact governmental authority, they have imposed their laws of equity that has resulted in many instances of grave economic injustice in violation of our right to self-determination. The legal opinions of a *Foreign Court*, such as those of the United States of America, as well as the laws enacted by the Congress of that country, continue to deny our right to exist. We deny to the United States of America and its illicit political sub-division, the state of Alaskas' claims and its assertions of jurisdiction to govern from their respective legislative, executive and judicial branches of government. In any case, our level of recognition is political and does not belong in any court of the United States of America. We restate our sovereignty by this Declaration. The Independent Tribes, our Traditional Indigenous Authority and the Indigenous Peoples of Alaska have the right to deny to the United States of America original jurisdiction due to their grave denial of our right to self-determination. This denial to cooperate within your foreign court is an Act of State on our part.

The colonial situation in Alaska demands direct international attention. There is legal coercion via selective justice from the Executive, Legislative and Judicial Branches of the United States of America. Furthermore, the legally constructive fraud is based on the erroneous manipulation of historical and legal facts. The social, political and economic restrictions are repressive measures that subjugate, dominate and exploit the Indigenous Peoples of Alaska. Our capacity to govern is in a state of paralysis reduced to social, political and economic servitude by alien peoples, their domination and subjugation, that continue to deny us our existence as Peoples; thus, there is no respect, sensitivity or compassion for our life as Peoples.

Article 2(7) of the United Nations Charter regarding domestic jurisdiction cannot be invoked or asserted by the United States since the United States recognized us as foreign to the United States of America for reasons prescribed in parts II and IV and V of this document. Our situation can only be resolved after careful examination of the facts and resolution as a State of Peoples and an independent State.

VI.

Diplomatic Relations and Notice

Prior notices have been dispatched to the United States of America and to various branches of the United States Government and to the United Nations. Notice to agent is

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notice to principle and notice to principle is notice to agent; you cannot deny that you do not know. In our capacity as Traditional Indigenous Government and by our inherent sovereign authority, we call upon the United States of America, the Russian Federation and the Governments of the world to open diplomatic relations with our Government through the Indigenous Peoples and Nations Coalition so we can put an end to this illegal situation in Alaska.

Notice is given that the rules of customary international law and/or *jus cogens* pertaining to use of force, the law of genocide, the principle of racial non-discrimination, crimes against humanity, including the principle of the right of self-determination and permanent sovereignty over natural resources cannot be set aside. The jurisdiction of this Court declares that any attempt to confiscate property of any kind belonging to any real human being or peoples of the Indigenous lineage of the original Traditional Indigenous Governments of the Indigenous Peoples of Alaska without the proper consent of the Independent Tribes, their Traditional Indigenous Authority and the Indigenous Peoples will constitute any of the said crimes under international law and/or the law of *jus cogens* and/or Traditional Indigenous Law. Under the laws of responsibility, ultra vires acts of organs and officials of the United States of America, the United States Government and any other official party can be held accountable if they do not hold restraint from their ultra vires actions.

To give validity to the accepted principles we give notice of, *inter alia*: 1) the United Nations General Assembly Resolution 3314 (XXIX), adopted on 14 December 1974 concerning the Definition of Aggression and the principles therein fully apply in our case and 2) General Assembly Resolution 96 (I) of 11 December 1946 and 3) the International Convention on the Suppression and Punishment of the Crime of *Apartheid*, adopted by The United Nations General Assembly as Resolution 3068/XXVIII on November 30, 1973 and 4) the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes Against Humanity, adopted by the United Nations General Assembly as Resolution 2319 (XXIII) on 26 November 1968.

VII.

Reservations

Nothing contained in this document shall limit or reduce the Indigenous Peoples' Inherent right of self-determination in the greater Alaska region. We hold that first and foremost, the natural laws governing our existence are granted to us by our creator and are embodied in our Traditional Elders system of Government. Secondly, our recognition in the realm of the Law of Nations and under modern international law can only enhance, but not limit or impair our Indigenous right to self-determination. Any and all talks cannot legally reduce our standing as an international Nation with the full right of self-determination without the fully informed consent of all our Indigenous Peoples, and without the full disclosure of the historical, legal and political facts relating to the matter. Any and all talks cannot legally reduce our standing as an independent sovereign Nations or States, a subject of international law, with the full right of self-determination. Any and

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all questions of interpretation in this document are reserved to our respective Traditional Indigenous Authorities, the Elders Council of Tununak and the Director of Foreign Relations.

The Elders Council of Tununak hereby certifies this Declaration on this 10 day of April 2002.

<u>Mathias James</u>	<u>Gulu Walter m.</u>
<u>Chief Mathias James</u>	<u>Helen Walter</u>
<u>Jack Aronson</u>	<u>Amy Karilak</u>
<u>Dick Grimble Sr.</u>	<u>Theresa m. Karilak</u>
<u>Fred James</u>	
<u>Harry Chiquial</u>	
<u>Catherine Angulak</u>	
<u>Alphonse Meneash</u>	
<u>Sam I. Ebb</u>	
<u>Pauline Pitka</u>	
<u>Alfred H. H. H.</u>	
Attest <u>Harry J. H.</u>	
Witness <u>Peter Pitka</u>	

For Authentication Ambassador Ronald F. Barnes - Angulluaq
Ambassador Ronald F. Barnes - Angulluaq