

Original Nation Approaches to International Law (ONAIL)

People's Academy of International Law
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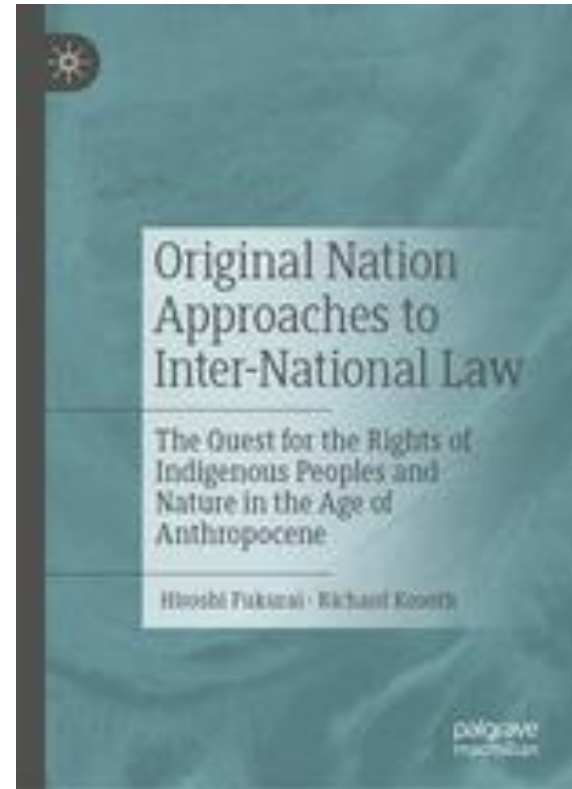


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The Need for Original Nation Paradigm

- **Limits of Conventional International Law**
 - Rooted in the recognition of *states* sanctioned by Western powers
 - UN system (193 member states) **excludes** *Original Nations* and stateless peoples
 - Prioritizes *state sovereignty over nation people's sovereignty* and self-determination
- **Western-Dominated Global Order**
 - **Statist taxonomy** divides the world into “First,” “Second,” and “Third” Worlds
 - Built upon colonial conquest, **slavery**, and **genocide**
 - Continues to reproduce a *core–periphery hierarchy* in global governance and lawmaking
- **The Westphalian Legacy**
 - Originating from the *Treaty of Westphalia* (1648), enshrining the principle of “non-interference”
 - Established a **Euro-American–centric model** of sovereignty and legitimacy
 - **Marginalized non-European** legal systems, cosmologies, and governance **traditions**
- **The ONAIL Perspective: Centering Original Nations**
 - Recognizes **indigenous, original peoples** as *sovereign nations*
 - Demands **accountability** for *ecocide, culturicide, and femicide* within international frameworks
 - Reimagines *international law* as *inter-national law* — a law **between nations and peoples**, not merely among states



The Myth of the Modern State: Legal Fiction

- **An Artificial Construct**
 - A *state* is an **imagined entity** — a legal creation, not a natural one
 - **Short-lived** examples: Texas, USSR, Czechoslovakia, Yugoslavia, Sudan..
 - States rise and fall — but ***nations* and *peoples* endure**
- **Inventing Statehood**
 - Built on ***manufactured histories***, songs, flags, and symbols
 - Legitimacy established by ***erasing pre-existing nations***
 - Indigenous nations labeled as “***nonexistent***” or “***precluded***”
- **Global State Management**
 - UN’s 193 members form a ***club of states***, not of nations
 - ***No place*** for **stateless** or **original nations** in global governance
 - Preserves a ***Westphalian hierarchy*** of recognition and power
- **The Prison House of Nations**
 - Indigenous peoples **confined** within *imposed borders*
 - “**Development**” justifies ongoing ***ecocide, ethnocide, culturicide***
 - True **sovereignty for original nations** remains ***criminalized***



Republic of Texas (1836-1845)

The Nation and Peoples: Living Sovereignties

- **Organic, Original Communities**
 - Rooted in **history, memory, culture, and territory**
 - Not artificial constructs — but *living continuities*
 - Serve as the “**host world**” in which the state exists
 - **Sovereignty flows *from the land and people***, not from the state
- **UN Estimate (2011)**
 - ~**370 million Indigenous peoples**
 - Representing over **5,000 original nations**
- **World Bank Estimate (2020)**
 - ~**476 million Indigenous peoples**
 - Still about **5,000+ original nations**
 - **6% of the global population**
- **Center for World Indigenous Studies (CWIS, 2021)**
 - ~**1.9 billion people**, over **24% of humanity**
 - Representing **5,000+ nations**
 - “*self-defined, land-connected, and culturally continuous people*” as a nation
 - Recognizes **original sovereignty and world-making** as ongoing global processes



110 Nations of Europe (Griggs, 1995)

Ryukyu Independence and Self-Determination

- **Historical Foundations**

- 1879: Annexation by Japan (end of the Ryukyu Kingdom)
- 1945: Battle of Okinawa – catastrophic civilian loss
- 1981: *Constitution of the Ryukyu Republic* affirms independence and the right to self-determination

- **U.S. Military Occupation (1945–1972 to Present)**

- Okinawa transformed into a **U.S. military colony**
- Strategic **outpost of U.S. hegemony** in the Asia-Pacific
- Rise of the **military–sexual complex** and civilian displacement

- **Continuing Colonial Conditions**

- **Extraterritorial impunity** for U.S. personnel, contractors, and dependents
- **Henoko base construction** and land appropriation despite local opposition
- Persistent denial of **Ryukyuan sovereignty and demilitarization demands**



[Henoko Marine Airfield Construction](#)

Constitution of the Republic of Ryukyus (1981)

- **Preamble (Excerpt):**

- “We, having suffered centuries of exploitation and oppression under the feudalistic and imperialistic rule of China, Japan, and the United States, have finally achieved our long-held goals of freedom and independence through a process of democratic revolution.”

- **Aims and Principles:**

- Prevent the *tragedy of war*
- Ensure *peace across our land*
- Promote *harmony with other democratic nations*

- **Transitional Clause:**

- “This Constitution shall become null and void the day prior to the Republic of Ryukyus’ full incorporation into the global league of governments, should such a body be successfully established.”

- **Context:**

- Articulates **postcolonial sovereignty** and **global solidarity**
- Reflects **ONAIL principles**: recognition of *original nations* and their right to self-determination

Limits of International Law in the Ryukyu: Okinawa Context

- **Local Efforts**

- Okinawans have filed **domestic lawsuits and administrative complaints**
- **U.S.–Japan Status of Forces Agreement (SOFA)** grants broad **immunity** to U.S. forces
- **Article 4 & 7**: limit Japan’s jurisdiction over U.S. military activities and environmental harm

- **Grievances submitted to UN human rights bodies on:**

- Environmental contamination of land and water
- Sexual assaults and violence by U.S. military personnel
- Loss of autonomy and cultural self-determination

- **Why International Courts (ICC, ICJ) Offer No Remedy**

- **State-Centric Framework**: Only recognized states have standing before the ICJ
- **Sovereignty Gap**: Okinawans **lack** international **legal personality** as an “original nation”
- **Structural Immunity**: SOFA shields U.S. forces from domestic and international accountability
- **No effective legal avenue** for Okinawa to pursue justice or environmental restoration

ICC / ICJ Structural Limits: Institutional & Juridical Boundaries

- **State-Centered Justice**

- Focus on *individual* guilt, not state or corporate responsibility
- No mechanism for systemic or institutional accountability
- Enforcement often *selective* and *politicized*

- **Blind Spots in International Law**

- **Ecocide** → *Not yet a recognized international crime*; peacetime environmental destruction ignored
- **Ethnocide / Culturicide** → Genocide law omits cultural, linguistic, identity erasure
- **Femicide / Gendercide** → Only partially covered (rape, sexual slavery); structural gender violence unpunished

- **Core Problem**

- International law targets *extreme acts*, not *structural harms*, leaving environmental devastation, cultural annihilation, gendered oppression **beyond the reach of justice**.

Nations International Criminal Tribunal (NICT)

- NICT: Recognizes Indigenous nations as legal entities with standing to bring cases
 - Culturicide, land dispossession, historical injustices.
 - Adjudicate crimes committed against original nations.
 - Emphasizes restorative and community-based justice over punitive measures.
 - Incorporates Indigenous customary laws, values, and local principles.

Nations International Criminal Tribunal Charter

Fourth World Journal Special Issue: Nations International Criminal Tribunal (NICT): 25(1), Summer 2025

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Two Palestinian men ride through the rubble of Gaza, one smiling—an everyday moment of resilience. Photo by gloucester2gaza, via Wikimedia Commons (CC BY-SA 2.0)

Global Significance of NICT (Art. 1 to Art. 111)

- **Inclusive Justice**

- Indigenous judges, elders, and knowledge keepers participate in decision-making
- Multilingual and intercultural proceedings that respect traditional protocols

- **Holistic Remedies**

- Emphasizes healing, restitution, and reconciliation
- Moves beyond punitive frameworks to address community and cultural restoration

- **Decolonized Paradigm**

- Expands the understanding of sovereignty and accountability
- Addresses moral and historical gaps left by colonial frameworks
- Encourages cooperation among Indigenous nations worldwide

- **Complementary Role**

- Works alongside ICC and ICJ
- Offers justice where conventional international law is limited

Indigenous Participation in NICT

- ***Jurado Indígena (Indigenous Juries): Argentina***
 - Diverse membership representing local communities
 - Incorporates Indigenous perspectives in verdicts
- **Prosecution Review Commission (PRC): Japan**
 - Reviews decisions of non-indictment
 - Ensures accountability and community oversight
- **Restorative Justice**
 - Focus on reparation and compensation
 - Emphasizes healing and reconciliation for affected communities
 - Indigenous participation integrates traditional knowledge and values into formal justice processes, creating a **more inclusive and culturally sensitive legal framework**.



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AN INTRODUCTION TO THE
NATIONS INTERNATIONAL
CRIMINAL TRIBUNAL:
THE CASE OF THE YEZIDI PEOPLE
BY SAMUEL STOKER, M.A.

In this article, Stoker outlines the structure of the Nations International Criminal Tribunal (NICT) and the foundational case brought by the Yezidi nation, from which the Tribunal emerged as a legal framework. He highlights the necessity of the NICT as a global mechanism for advancing Indigenous rights and achieving justice. Drawing on legal evidence and personal correspondence with Dr. Rudolph C. Rysler, Stoker presents the Tribunal as a compelling model for promoting Indigenous rights both locally and globally.



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