



AFRICAN-CARIBBEAN REPARATIONS AND RESETTLEMENT ALLIANCE

Associate Member of the CARICOM Reparations Commission

SUBMISSION TO THE PERMANENT COURT OF ARBITRATION REGARDING THE 1916 TREATY OF THE DANISH WEST INDIES

SUBMISSION

TO: **MR. MARCIN CZEPELAK**
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FORMER MINISTER OF STATE FOR EXTERNAL AFFAIRS,
UNITED STATES VIRGIN ISLANDS
FORMER SECRETARY-GENERAL, INTER-VIRGIN ISLANDS
COUNCIL
FORMER CHAIRMAN, INTER-VIRGIN ISLANDS COUNCIL
STANDING COMMITTEE

ON BEHALF OF: **THE PEOPLE OF THE UNITED STATES VIRGIN ISLANDS**

DATE: **28 MARCH 2025**

SUBJECT: **REQUEST FOR PROCEDURAL REVIEW AND
RECOGNITION OF THIRD-PARTY STANDING UNDER THE
1916 TREATY OF THE DANISH WEST INDIES**

I. INTRODUCTION AND STATEMENT OF INTEREST

This Submission is respectfully presented to the Permanent Court of Arbitration (PCA)¹ at The Hague to request a formal review of procedural rules that continue to exclude the People

¹ To the best of the author's knowledge, this submission represents the first formal communication to the Permanent Court of Arbitration (PCA) challenging the structural exclusion of a non-sovereign people—specifically, the *Inhabitants* of the United States Virgin Islands—from participation in treaty-based





of the United States Virgin Islands (USVI) from participating in or petitioning for Arbitration under the 1916 Treaty of the Danish West Indies. This request is submitted in the interest of Historical Justice, adherence to evolving International Legal Norms, and protection of the right to Self-Determination.

I, Shelley Moorhead, submit this petition in my capacity as President of the African-Caribbean Reparations and Resettlement Alliance (ACRRA) and as a representative voice for the politically disenfranchised descendants of those impacted by the 1916 Treaty. I respectfully submit that the PCA's exclusive recognition of Denmark and the United States as "*High Contracting Parties*" under Article XII of the Treaty constitutes a Structural Barrier that violates both the letter and spirit of International Law in its modern application.

II. BACKGROUND: THE 1916 TREATY AND STRUCTURAL EXCLUSION

The 1916 Treaty of the Danish West Indies, executed between Denmark and the United States, transferred Sovereignty of the Danish West Indies to the United States in exchange for \$25 Million in Gold. Article XII of the Treaty provides:

"Any differences which may arise between the High Contracting Parties with regard to the interpretation or the execution of the present convention shall be settled by Arbitration at The Hague."

Article VI of the same Treaty referred to the residents of the transferred Territory as "*Inhabitants*," denying them voice, agency, or legal personhood in the transaction. This designation reflected Colonial-Era Norms rooted in the now discredited *Doctrine of Discovery*, which denied non-European Peoples Sovereign status or Legal Standing.

arbitration under a colonial-era agreement. No prior submission has sought redress before the PCA on the grounds that the legal architecture of the Court fails to accommodate the standing of territories acquired through imperial transfer without the consent or representation of the governed.





To this day, the PCA interprets its jurisdiction and procedures under this Treaty as permitting only Denmark and the United States to engage in Arbitration. This practice excludes the Virgin Islands population—who remain materially and politically affected by the Treaty’s execution and consequences.

It bears emphasis that Denmark remains the only European Colonial Slave Power to have sold one of its former Colonies—and its People—in the Twentieth Century. The 1917 sale of the Danish West Indies, conducted without the consent of its *Inhabitants* and in exchange for \$25 Million in Gold, represents an extraordinary and singular act in Modern Legal History. This transaction bypassed every principle that would later come to define International Law, Decolonization, and Human Rights. No Reparations were paid, no Development guarantees were offered, and no mechanism for Self-Determination was afforded. That Denmark was permitted to exit its Colonial Obligations in this manner—without subsequent review or accountability—renders the exclusion of the United States Virgin Islands from Treaty Arbitration today especially egregious and urgently in need of rectification.

III. LEGAL BASIS FOR PROCEDURAL REVIEW

A. Violation of the Right to Self-Determination

Under binding International Law, including the Charter of the United Nations (Articles 1 and 55) and the International Covenant on Civil and Political Rights (Article 1), all Peoples have the right to Self-Determination. This right includes the ability to determine their Political Status and pursue Legal Remedy for historic and ongoing violations of that right.

B. The Doctrine of Discovery and Structural Discrimination

The PCA’s reliance on “*High Contracting Parties*” as the exclusive actors entitled to Arbitration under Colonial-Era Treaties is a legacy of the *Doctrine of Discovery*. Continuing





to enforce these designations today constitutes Procedural Discrimination, denying access to International Justice based on inherited Colonial Status.

C. Advisory Precedents from the International Court of Justice

In Western Sahara (1975), the ICJ rejected *claims of Terra Nullius* and affirmed that Peoples under Colonial Rule retain the right to freely determine their Political Future. In Chagos Archipelago (2019), the ICJ emphasized that Decolonization is not complete without the express and informed consent of the affected People.

IV. REQUEST FOR RECOGNITION AND PROCEDURAL REFORM

1. Recognition of Standing

The PCA is respectfully requested to:

- Recognize that the People of the U.S. Virgin Islands, though not parties to the 1916 Treaty, are its direct and continuing subjects;
- Acknowledge that Virgin Islanders have a Right to Be Heard in any dispute, interpretation, or Arbitration involving the 1916 Treaty or its consequences;
- Confirm that individuals or legal entities acting on behalf of such populations may file Third-Party Submissions or Interventions.

2. Procedural Reform

The PCA is asked to review and consider amending its rules or internal protocols to:

- Permit Amicus Curiae Submissions by disenfranchised or non-sovereign populations in Historical Treaty Cases;
- Enable formal requests for Consultative Hearings or Declarations regarding the continuing effects of Colonial-Era Treaties;





- Establish a pathway for Non-State Actors to petition for inclusion in Arbitration where their rights, land, or Sovereignty were historically transferred without Consent.

V. STRUCTURAL EXCLUSION AND THE TERM OF ART “HIGH CONTRACTING PARTIES”

The term *High Contracting Parties*, while a standard phrase in treaty law, is a *term of art* with origins in a colonial legal framework shaped by the *Doctrine of Discovery*. It institutionalized the notion that only colonizing powers held legal agency in treaty-making, while colonized peoples were denied subjecthood, consent, and standing. Its continued use in international law reflects and reproduces a framework of sovereignty that remains structurally exclusionary. Reconsidering this language—and the legal assumptions it carries—is essential to achieving a more equitable and decolonized international legal system.

VI. CONCLUSION

The exclusion of the People of the U.S. Virgin Islands from Arbitration under the 1916 Treaty of the Danish West Indies is no longer legally or morally defensible. The PCA, by continuing to recognize only Denmark and the United States as relevant parties under the Treaty, effectively perpetuates the racial and Colonial Injustices of the early Twentieth Century.

As the International Community increasingly confronts the legacies of Slavery, Colonialism, and Legal Disenfranchisement, it is time for the PCA to join that effort. The recognition of Virgin Islanders’ Right to participate in Treaty Review and Arbitration is an essential step toward Justice, Legitimacy, and Reform.





This Submission is made in good faith, with deep respect for the Rule of Law, and in the belief that Justice Delayed should no longer be Justice Denied.

RESPECTFULLY SUBMITTED, IN SERVICE OF MY PEOPLE,

SHELLEY MOORHEAD

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