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Blog

## NLG launches new Hawaiian Kingdom Subcommittee

 POSTED ON APRIL 29, 2019

 CATEGORIES: HAWAIIAN KINGDOM SUBCOMMITTEE ([HTTPS://NLGINTERNATIONAL.ORG/CATEGORY/HAWAIIAN-KINGDOM-SUBCOMMITTEE/](https://nlginternational.org/category/hawaiian-kingdom-subcommittee/)), NEWS ([HTTPS://NLGINTERNATIONAL.ORG/CATEGORY/NEWS/](https://nlginternational.org/category/news/))

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At the International Committee weekend retreat in the Bay Area in March 2019, the IC launched a new subcommittee, the Hawaiian Kingdom Subcommittee. Read on to learn more about the subcommittee's work. To reach out or join the subcommittee, contact co-chairs Martha Schmidt, Keanu Sai and Steve Laudig (<mailto:hawaiiankingdom@nlginternational.org>).

RECEIVED AT PSLV MEETING ON 5/15/19  
*Committee Chair*

There is a common misconception that the Hawaiian Islands comprise United States territory as its political subdivision, the State of Hawai‘i. The Hawaiian Islands is the territory of the Hawaiian Kingdom. In *Larsen v. Hawaiian Kingdom* (<https://pca-cpa.org/en/cases/35/>), the Permanent Court of Arbitration recognized “that in the nineteenth century the Hawaiian Kingdom existed as an independent State recognized as such by the United States of America, the United Kingdom and various other States (Award, para. 7.4).” By 1893, the Hawaiian Kingdom maintained over 90 embassies and consulates throughout the world and entered into treaty relations (<https://hawaiiankingdom.org/treaties.shtml>) with other countries to include the United States.

The lack of any US congressional constitutional authority to annex a foreign country without a treaty was noted in a 1988 memorandum ([https://hawaiiankingdom.org/pdf/1988\\_Opinion\\_OLC.pdf](https://hawaiiankingdom.org/pdf/1988_Opinion_OLC.pdf)) by the Office of Legal Counsel, U.S. Department of Justice, which questioned whether Congress was empowered to enact a domestic law annexing the Hawaiian State in 1898. Its author, Douglas Kmiec, cited constitutional scholar Westel Willoughby who had written: “The constitutionality of the annexation of Hawaii, by a simple legislative act, was strenuously contested at the time both in Congress and by the press. The right to annex by treaty was not denied, but it was denied that this might be done by a simple legislative act. ... Only by means of treaties, it was asserted, can the relations between States be governed, for a legislative act is necessarily without extraterritorial force—confined in its operation to the territory of the State by whose legislature it is enacted.” Since 1898, the United States have been imposing American municipal laws over the territory of the Hawaiian Kingdom in violation of international humanitarian law.

On February 25, 2018, Dr. Alfred M. deZayas, a United Nations Independent Expert, sent a communication ([https://jenruggles.com/wp-content/uploads/Dr\\_deZayas\\_Memo\\_2\\_25\\_2018.pdf](https://jenruggles.com/wp-content/uploads/Dr_deZayas_Memo_2_25_2018.pdf)) to State of Hawai‘i judges stating: “I have come to understand that the lawful political status of the Hawaiian Islands is that of a sovereign nation-state in continuity; but a nation-state that is under a strange form of occupation by the United States resulting from an illegal military occupation and a fraudulent annexation. As such, international laws (the Hague and Geneva Conventions) require that governance and legal matters within the occupied territory of the Hawaiian Islands must be administered by the application of the laws of the occupied state (in this case, the Hawaiian Kingdom), not the domestic laws of the occupier (the United States).”

The Hawaiian Kingdom Subcommittee provides legal support to the movement demanding that the U.S., as the occupier, comply with international humanitarian and human rights law within Hawaiian Kingdom territory, the occupied. This support includes organizing delegations and working with the United Nations, the International Committee of the Red Cross, and NGOs addressing U.S. violations of international law and the rights of Hawaiian nationals and other Protected Persons.

For a historical and legal overview of the Hawaiian Kingdom situation see: Dr. Keanu Sai’s three articles (<http://neatoday.org/authors/keanu-sai-ph-d/>) on the Hawaiian Kingdom published by the National Education Association; and, Professor Matthew Craven’s legal brief ([https://hawaiiankingdom.org/pdf/Continuity\\_Hawn\\_Kingdom.pdf](https://hawaiiankingdom.org/pdf/Continuity_Hawn_Kingdom.pdf)) on Hawaiian Kingdom’s continuity as a State under international law cited by Judge James Crawford in his *The Creation of States in International Law* (2d ed.).

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