

Legal Status of the Hawaiian Kingdom under International Law

Dr. Keanu Sai

Received at PSLU meeting on 5/15/19



Academic Qualifications

- High School Diploma—Kamehameha Schools (1982)
- A.A. degree (Pre-Business)—New Mexico Military Institute (1984)
- B.A. degree—(Sociology) University of Hawai‘i (1987)
- M.A. degree (Political Science)—University of Hawai‘i (2004)
- Ph.D. degree (Political Science)—University of Hawai‘i (2008)

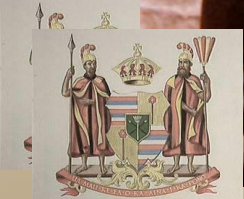


Admitted as Expert Witness in 7 Civil and Criminal Cases

- Admitted as an expert witness on the subject of the continued existence of the Hawaiian Kingdom, State sovereignty and international law
 - *Fukumitsu v. Fukumitsu*, case no. 08-1-0843 RAT
 - *Onewest Bank v. Tamanaha*, case no. 3RC10-1-1306
 - *State of Hawai‘i v. English*, case no. CR 14-1-0819(3)
 - *State of Hawai‘i v. Kinimaka*, case no. 5DCW-16-0000233
 - *State of Hawai‘i v. Larsen*, case no. 3DTC08-023156
 - *State of Hawai‘i v. Larsen*, case no. 3DTC08-023156
 - *State of Hawai‘i v. Maluhia-Fuller*, case no. 1 DTC-15-028868



Military Service—Field Artillery Officer



Military Professionalism

- *Honesty and integrity* because lies erode credibility and undermine confidence
- *Straightforwardness* adds frankness to *honesty and integrity*
- *Candor* is the forthright offering of unrequested information when something is known to be wrong
- *Confidence* because no task is daunting
- *Respect* for the rule of law



Legal Status of the Hawaiian Kingdom

- The Permanent Court of Arbitration acknowledged:
 - “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”
- In 1893, there were 44 independent States in what was called the *Family of Nations*
- In 1945, there were 47 independent States
- Today there are 197 independent States with 193 being members of the United Nations



regularity of its relations



the title of Protectorate, or

Kuwaiti State & Government

State Sovereignty
Kuwait (1961)

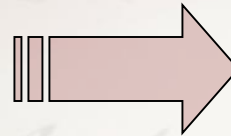


Illegally
Overthrown
Government
1990



Hawaiian State & Government

State Sovereignty
Hawai'i (1843)



Illegally
Overthrown
Hawaiian
Kingdom
1893
Government



Planning and Sustainable Land Use Committee

- The (9) duties of the Committee is based on *jurisdiction*
- *Jurisdiction* is “the official power to make legal decision and judgments”
 - Jurisdiction under international law are through treaties
 - Jurisdiction under municipal law are through a country’s legislation



Planning and Sustainable Land Use Committee

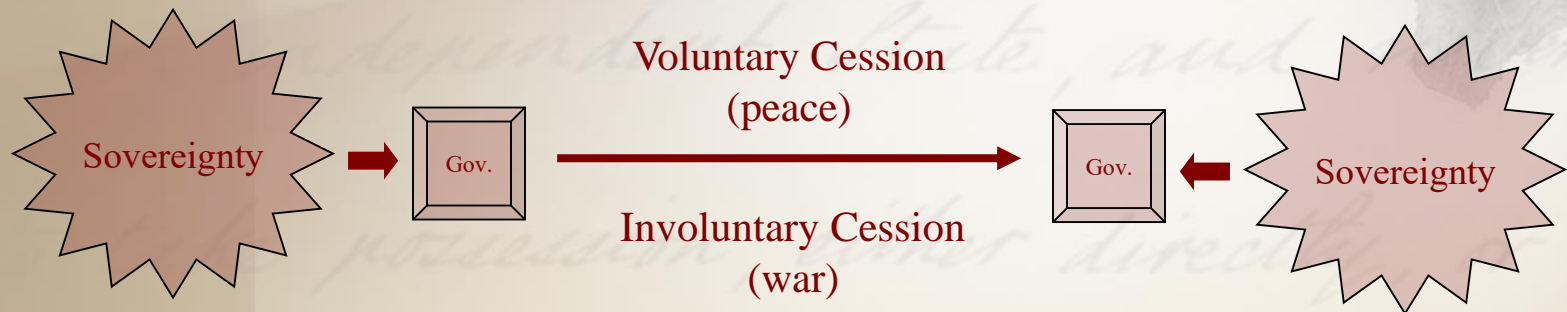
- Before the Committee can claim jurisdiction under United States municipal law, the islands of Maui, Molokai, Lanaʻi and Kahoʻolawe need to be within the territory of the United States
- How did the Hawaiian Islands become a part of the United States?



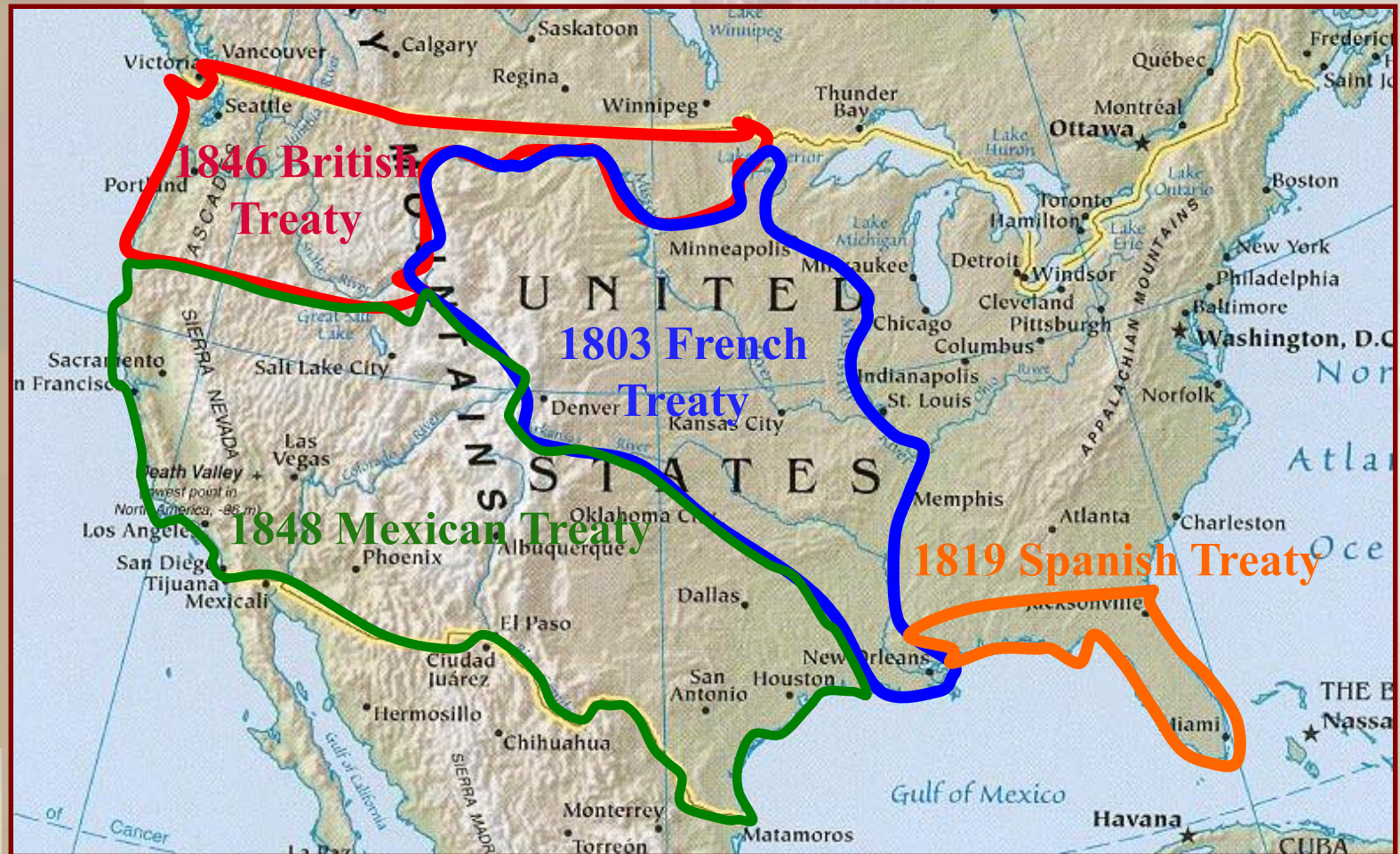
Annexation under International Law

According to Professor Oppenheim, a leading expert in international law:

“Cession of State territory is the transfer of sovereignty over State territory by the owner-State to another State” and the “only form in which a cession can be effected is an agreement embodied in a treaty between the ceding and the acquiring State”



Territory Annexed by the United States



Authority of Hawai‘i’s Annexation?

July 7, 1898.

[No. 55.] Joint Resolution To provide for annexing the Hawaiian Islands to the United States.

Annexation of the
Hawaiian Islands.
Preamble.

Whereas the Government of the Republic of Hawaii having, in due form, signified its consent, in the manner provided by its constitution, to cede absolutely and without reserve to the United States of America all rights of sovereignty of whatsoever kind in and over the Hawaiian Islands and their dependencies, and also to cede and transfer to the United States the absolute fee and ownership of all public, Government, or Crown lands, public buildings or edifices, ports, harbors, military equipment, and all other public property of every kind and description belonging to the Government of the Hawaiian Islands, together with every right and appurtenance thereunto appertaining: Therefore,

- The 1898 *Joint Resolution of Annexation* is a municipal law of the United States enacted by the Congress
- A joint resolution is not a treaty



Congressional Records

Public Law 86-3

United States, to overthrow the indigenous and lawful Govern-
ment of Hawaii;

Whereas, in pursuance of the conspiracy to overthrow the Govern-
ment of Hawaii, the United States Minister and the naval rep-
resentatives of the United States caused armed naval forces of
the United States to invade the sovereign Hawaiian nation on
January 16, 1893, and to position themselves near the Hawaiian
Government buildings and the Iolani Palace to intimidate Queen
Liliuokalani and her Government;

Whereas, on the afternoon of January 17, 1893, a Committee of
Safety that represented the American and European sugar plant-
ers, descendents of missionaries, and financiers deposed the
Hawaiian monarchy and proclaimed the establishment of a Provi-
sional Government;

Whereas the United States Minister thereupon extended diplomatic
recognition to the Provisional Government that was formed by
people of Hawaii in the election held on November 7, 1950, is hereby
found to be republican in form and in conformity with the Constitu-
tion of the United States and the principles of the Declaration of
Independence, and is hereby accepted, ratified, and confirmed.

Sec. 2. The State of Hawaii shall consist of all the islands together

Territory.



void.”

Limitation of U.S. Municipal Laws

- United States Supreme Court:
 - “Neither the Constitution nor the laws passed in pursuance of it have any force in foreign territory...
 - and operations of the nation in such territory must be governed by treaties, international understandings and compacts, and the principles of international law” *U.S. v. Curtiss-Wright Export*, 299 U.S. 304, 318 (1936)



State of War

- President Cleveland's Message to Congress on December 18, 1893:
 - “By an *act of war* the Government of a friendly and confiding people has been overthrown”
- Overthrowing the government does not equate to an overthrow of the Hawaiian Kingdom as an independent State
- January 17, 1893 marks the beginning of the American occupation



The Law of Occupation

- The laws of occupation in 1893 obligated the United States, as the Occupying State, to administer the laws of the Hawaiian Kingdom and not the laws of the United States
- This obligation is now codified under:
 - Article 43 of the 1907 Hague Regulations and
 - Article 64 of the 1949 Fourth Geneva Convention



Conveyances under Hawaiian Law

§1262. All deeds, leases for a term of more than one year, or other conveyances of real estate within this Kingdom, shall be recorded in the office of the Registrar of Conveyances, and every such conveyance not so recorded shall be void as against any subsequent purchaser, in good faith and for a valuable consideration, not having actual notice of such conveyance, of the same real estate, or any portion thereof, whose conveyance shall be first duly recorded.

Aimes v. Makulu, 2 H.R. 160.

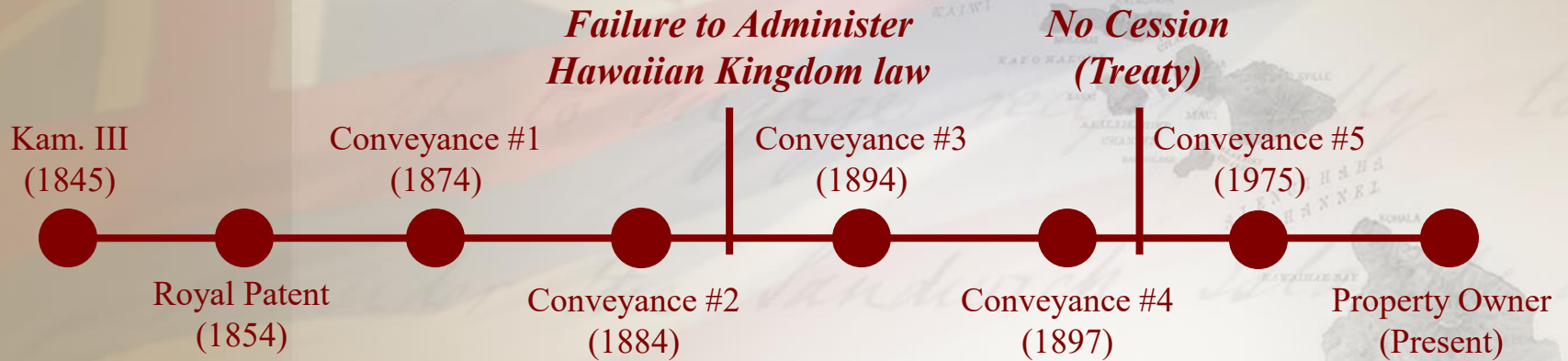
Ellis v. White, 3 H.R. 205.

§1267. No person who is not a subject of this Kingdom shall be eligible to the office of notary public; and every person appointed to that office shall, before entering thereon, take and subscribe an oath for the faithful discharge of his duties, which oath shall be filed in the Department of the Interior.

Conveyances Prevented since 1893

- Royal Patents could not be granted by the provisional government because President Cleveland concluded:
 - “the provisional government owes its existence to an armed invasion by the United States”
- Deeds of conveyance of real property and mortgages after January 17, 1893 could not be considered lawfully executed because:
 - the Registrar of Conveyances and notaries public were insurgents and members of the so-called provisional government and its successor the Republic of Hawai‘i

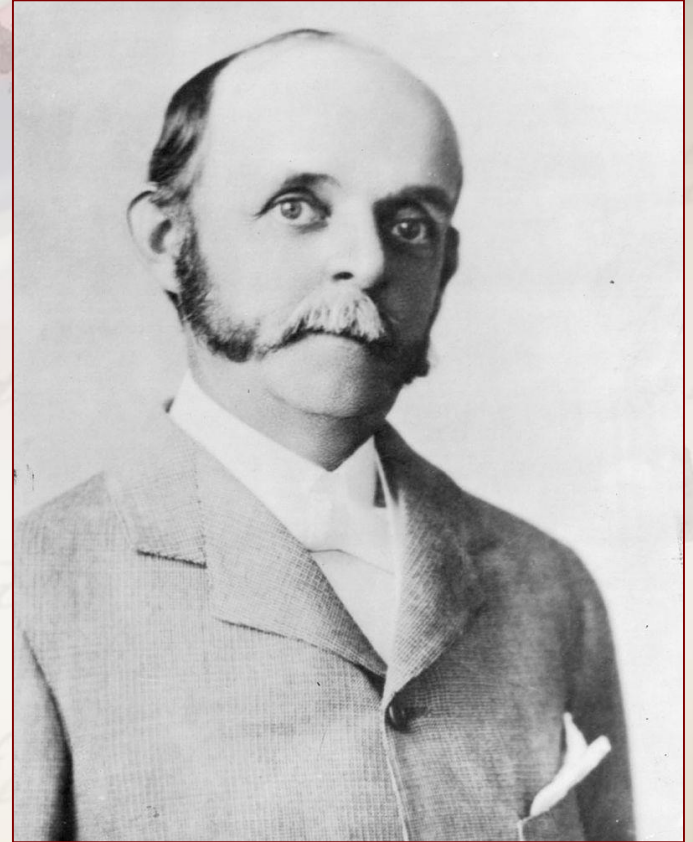
Chain of Title to Real Estate



Break in the Chain of Title:
Chain of Title
Incompetent Notary

Denationalization

- “If we are ever to have peace and annexation the first thing to do is to obliterate the past”—Samuel Damon, insurgent (1895)
 - Trustee of the Kamehameha Schools (1884-1909)
- *Denationalization* is to obliterate the national consciousness of the occupied State



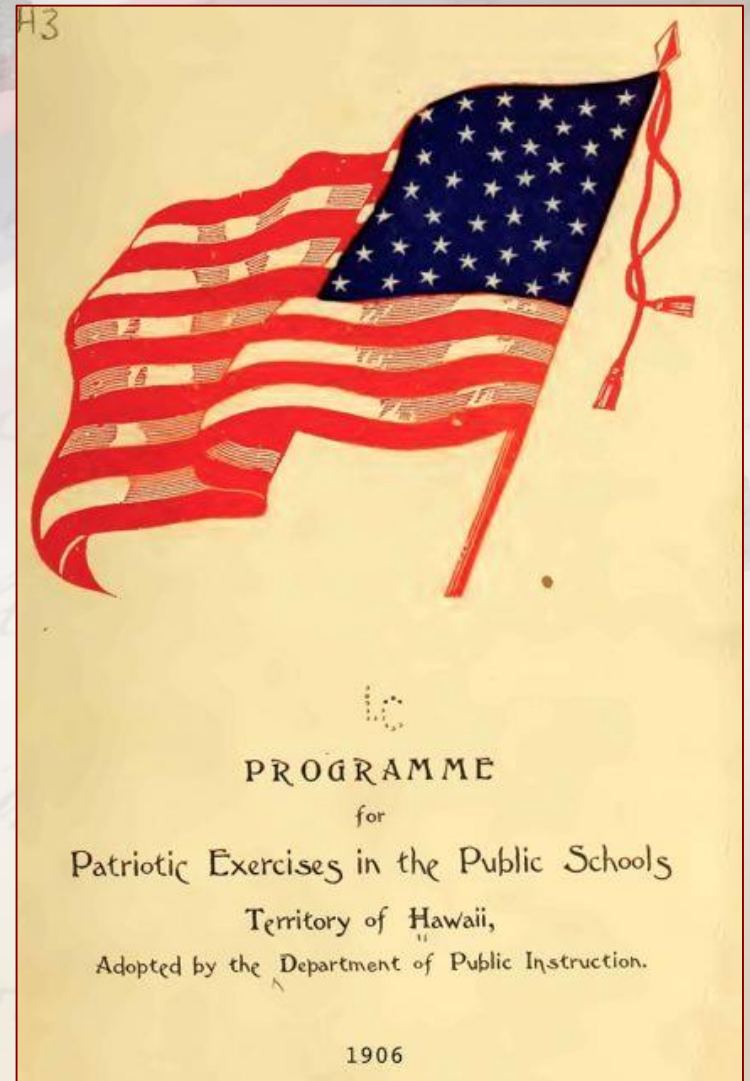
Denationalization—War Crime

- In 1919, denationalization was listed as a war crime
 - “Attempts to Denationalize the Inhabitants of Occupied territory”
- Stemming from Italy’s occupation in the Second World War, Yugoslav charge no. 1434 stated:
 - “Apart from killing, deporting and interning innocent persons, the Italians started a policy, on a vast scale, of denationalization”
 - “As part of such policy, they started a system of ‘re-education’ of Yugoslav children”
 - “This re-education consisted of forbidding children to use the Serbo-Croat language, to sing Yugoslav songs and forcing them to salute in a fascist way”



Denationalization through Americanization

- In 1906, a pamphlet titled “Programme for Patriotic Exercises in the Public Schools” was published by the government of the Territory of Hawai‘i
- The theme of the program was to indoctrinate the children of the Hawaiian Islands to be “American” and to speak “English”



Denationalization through Americanization



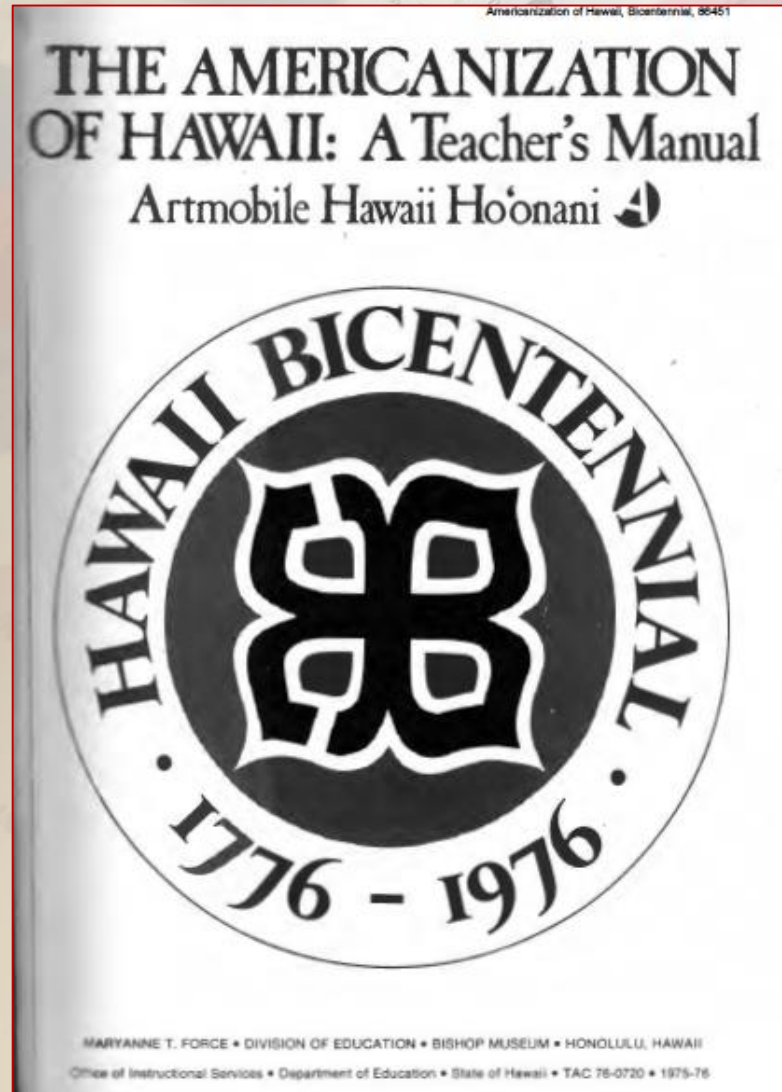
"We give our heads and our hearts to God and our country! One country, one language, one flag!"

THIS SCENE SHOWS THE SALUTE TO THE AMERICAN FLAG WHICH FLIES IN THE GROUNDS OF THE KAIUALANI PUBLIC SCHOOL WHICH HAS MANY JAPANESE PUPILS. THE DRILL IS CONSTANTLY HELD AS A MEANS OF INCULCATING PATRIOTISM IN THE HEARTS OF THE CHILDREN

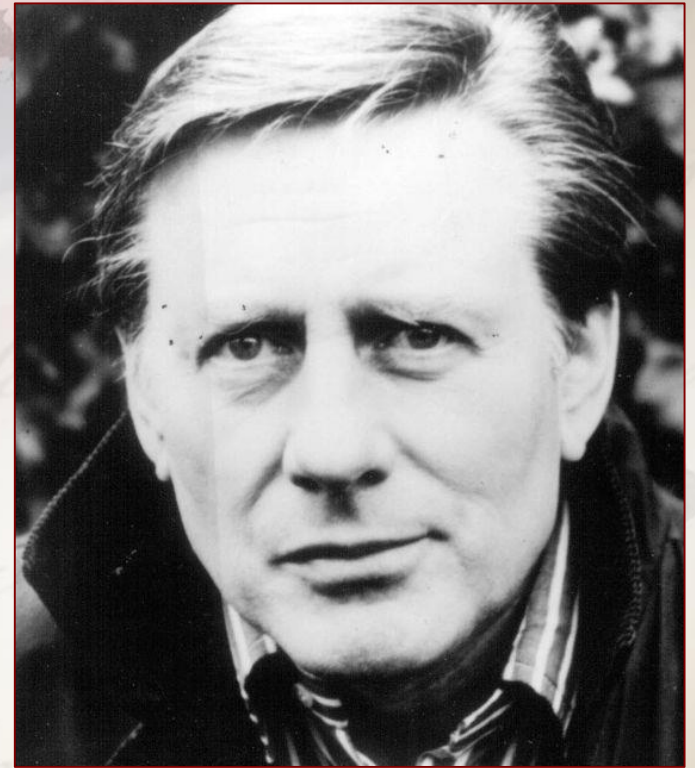


Article in Harper's Weekly Magazine, Hawaii's Lesson to Headstrong California, February 16, 1907

Denationalization through Americanization

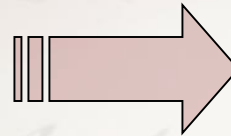


- “When a well packaged web of lies has been sold gradually to the masses over generations, the truth will seem utterly preposterous, and its speaker, a raving lunatic”—*Donald James Wheal aka Dresden James*



Restoring the Hawaiian Government

State Sovereignty
Hawai'i (1843)



Illegally
Overthrown
Hawaiian
Government
1893



Council of Regency

- Addressing over a century of occupation, the Council of Regency was formed similar to the formation of governments in exile during the Second World War
- In particular, the Council was established in similar fashion to the Belgian Council of Regency after King Leopold was captured by the Nazis
- As the Belgian Council was established under Article 82 of the Belgian Constitution of 1821, the Hawaiian Council of Regency was established under Article 33 of the Hawaiian Constitution of 1864



Council of Regency

- Cabinet Council:
 - *Chairman and Minister of the Interior*—Dr. Keanu Sai
 - *Minister of Foreign Affairs*—Mr. Umialiloa Sai, deceased
 - *Minister of Finance*—Mrs. Kau‘i Sai-Dudoit
 - *Attorney General*—Mr. Dexter Ka‘iama, Esquire



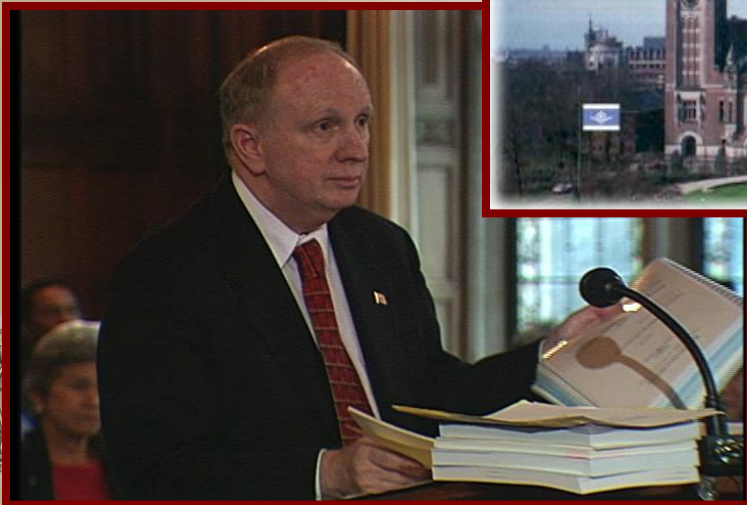
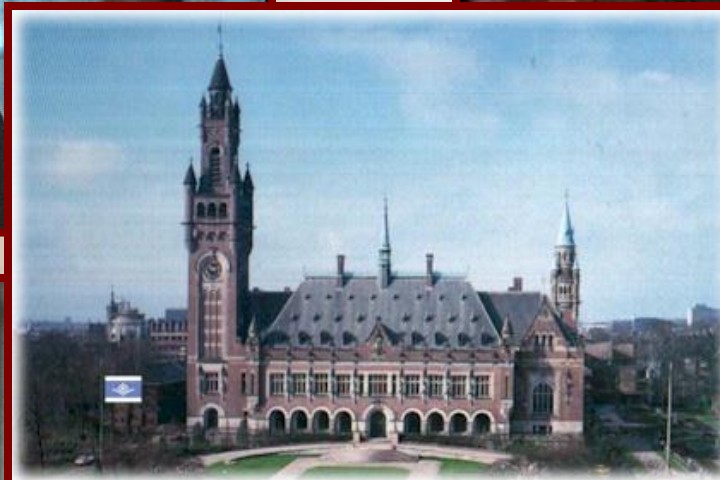
Council of Regency

- The Strategic Plan of the Council entails three Phases:
 - *Phase I*: Verification of the Hawaiian Kingdom as an Independent State and subject of international law
 - *Phase II*: Exposure of Hawaiian Statehood within the framework of international law and the laws of occupation as it affects the realm of politics and economics at both the international and domestic levels
 - *Phase III*: Restoration of the Hawaiian Kingdom as an independent State and a subject of international law



Lance Larsen v. Hawaiian Kingdom

Permanent Court of Arbitration (1999-2001)



Larsen v. Hawaiian Kingdom



Permanent Court of Arbitration
PCA Case Repository

is

Treaty or contract under which
proceedings were commenced

Other
The 1849 Treaty of Friendship, Commerce and Navigation with the United States of
America

Language of proceeding English

Seat of arbitration (by country) Netherlands

Arbitrator(s) Dr. Gavan Griffith QC
Professor Christopher J. Greenwood QC
Professor James Crawford SC (President of the Tribunal)

Representatives of the claimant(s) Ms. Ninia Parks, Counsel and Agent

Representatives of the respondent(s) Mr. David Keanu Sai, Agent
Mr. Peter Umialiloa Sai, First deputy agent
Mr. Gary Victor Dubin, Second deputy agent and counsel

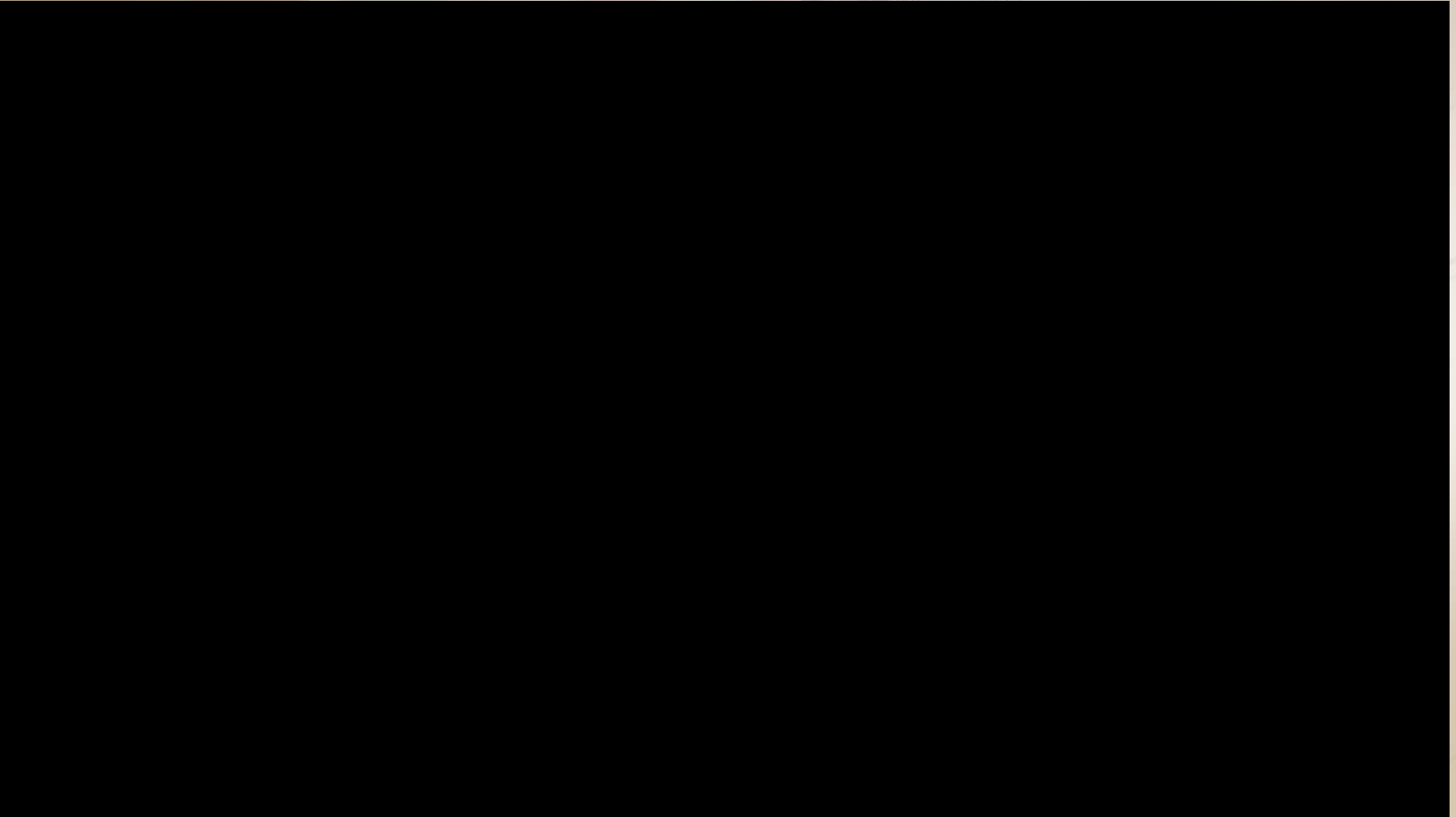
from doing as the United States was not party to the case.

Name(s) of claimant(s) Lance Paul Larsen (Private entity)

Name(s) of respondent(s) The Hawaiian Kingdom (State)

Larsen v. Hawaiian Kingdom

Permanent Court of Arbitration, The Hague (1999-2001)



American Journal of International Law

- “At the center of the PCA proceedings was that the Hawaiian Kingdom continues to exist and that the Hawaiian Council of Regency (representing the Hawaiian Kingdom) is legally responsible under international law for the protection of Hawaiian subjects, including the claimant”
- “In other words, the Hawaiian Kingdom was legally obligated to protect Larsen from the United States’ unlawful imposition over him of its municipal laws through its political subdivision, the State of Hawaii”
- “As a result of this responsibility, Larsen submitted, the Hawaiian Council of Regency should be liable for any international law violations that the United States had committed against him”



Phase I Completed

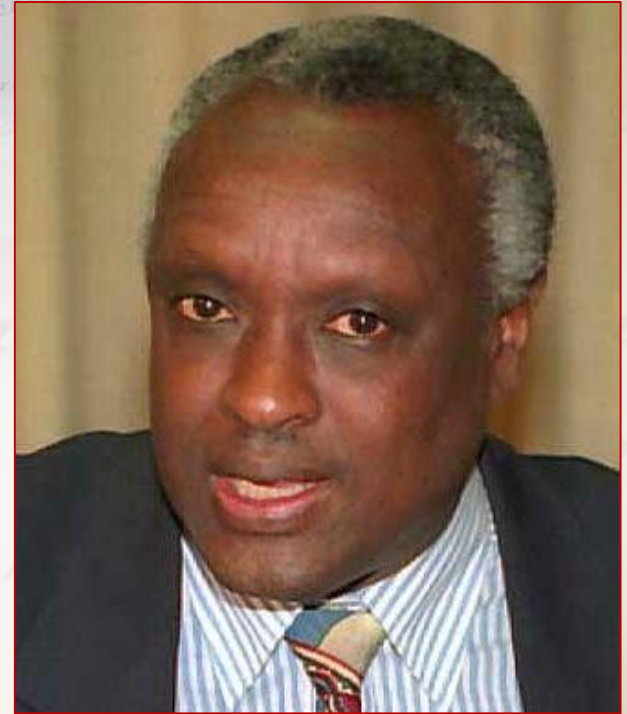
- In *Larsen v. Hawaiian Kingdom*, Permanent Court of Arbitration Verified the Hawaiian Kingdom to be an Independent State and subject of international law
- Permanent Court of Arbitration also Verified that the Council of Regency is the Government of the Hawaiian Kingdom



Larsen v. Hawaiian Kingdom

Meeting with Rwandan Ambassador in Brussels, Belgium

- On December 12, 2000, a meeting was called by the Rwandan Ambassador Bihozagara in the city of Brussels, Belgium
- Rwanda offered to the Council of Regency to report to the United Nations General Assembly the prolonged occupation of Hawai‘i
- Council could not accept the offer because it needed to address denationalization first



FM 27-10

DEPARTMENT OF THE ARMY FIELD MANUAL

REMEDIES FOR VIOLATION OF INTERNATIONAL LAW; WAR CRIMES

Section I. REMEDIES AND REPRISALS

495. Remedies of Injured Belligerent

In the event of violation of the law of war, the injured party may legally resort to remedial action of the following types:

- a.* Publication of the facts, with a view to influencing public opinion against the offending belligerent.



Phase II Initiated—Exposure

- In line with its Strategic Plan, the Council agreed that I, as Chairman and Minister of the Interior, would enter the University of Hawai‘i at Manoa Political Science Department in order to directly engage American denationalization
- Received my M.A. degree specializing in international relations in 2004
- Received my Ph.D. degree in 2008 with direct focus on the continuity of the Hawaiian Kingdom and providing a solution to the illegal occupation
- First order of business was education in order to counter over a century of *Americanization*



第 4 章

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Sovereignty Endures:

An Overview of the Political and Legal History
of the Hawaiian Islands

David Keanu Sai, Ph.D.

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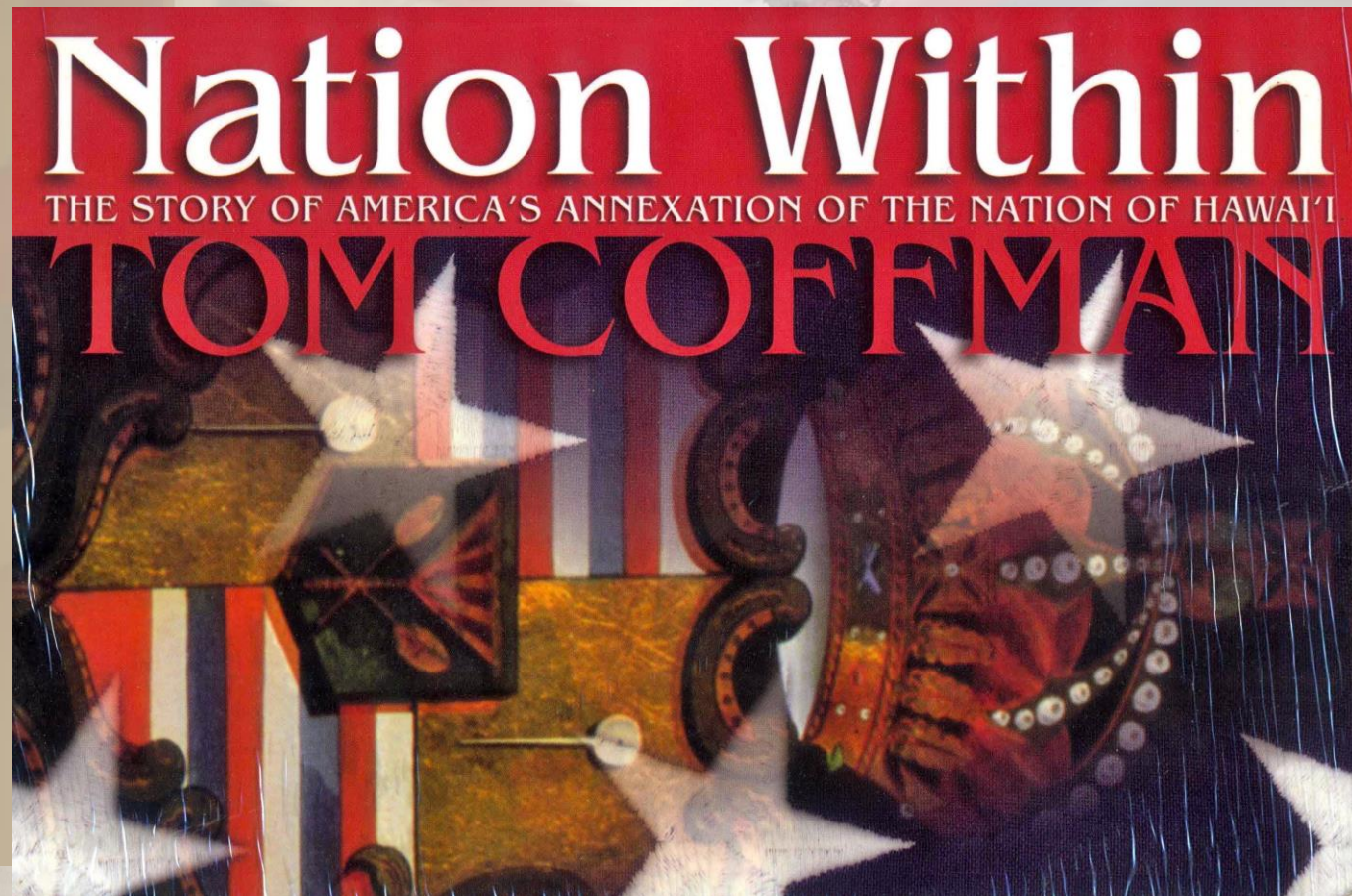


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Correcting Revisionist History



Correcting Revisionist History

A NOTE ON THE SECOND EDITION

I am as pleased as any writer with a second edition and grateful to my new publisher, Arnold Kotler, for his commitment and interest.

I am compelled to add that the continued relevance of this book reflects a far-reaching political, moral and intellectual failure of the United States to recognize and deal with its takeover of Hawai'i. In the book's subtitle, the word *Annexation* has been replaced by the word *Occupation*, referring to America's occupation of Hawai'i. Where annexation connotes legality by mutual agreement, the act was not mutual and therefore not legal. Since by definition of international law there was no annexation, we are left then with the word *occupation*.

In making this change, I have embraced the logical conclusion of my research into the events of 1893 to 1898 in Honolulu and Washington, D.C. I am prompted to take this step by a growing body of historical work by a new generation of Native Hawaiian scholars. Dr. Keanu Sai writes, "The challenge for ... the fields of political science, history, and law is to distinguish between the rule of law and the politics of power." In the history of Hawai'i, the might of the United States does not make it right.



EDUCATORS IN ACTION

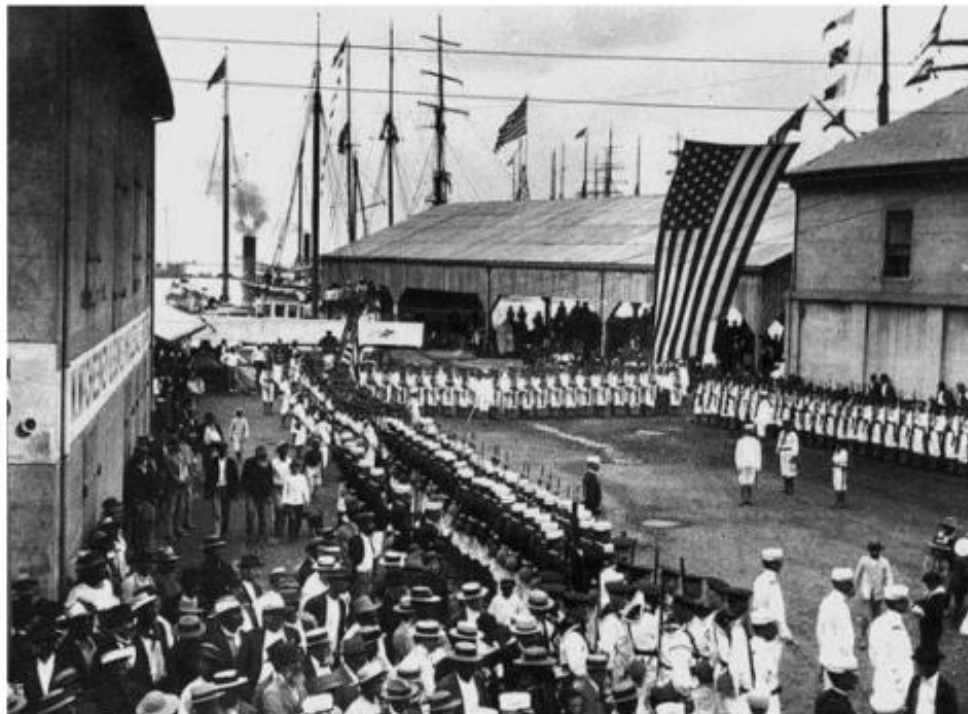
MINORITY COMMUNITY OUTREACH

OCTOBER 13, 2018 • 2:36PM



The Impact of the U.S. Occupation on the Hawaiian People

BY KEANU SAI PH.D.



State of Hawai‘i v. Lorenzo (1994)

- In *State of Hawai‘i v. Lorenzo*, the Intermediate Court of Appeals addressed the trial court’s lack of jurisdiction due to the illegal overthrow of the Hawaiian government
- It stated that the “illegal overthrow leaves open the question whether the present governance system should be recognized”
- Nevertheless, the ICA stated it was required that Defendants must “present evidence that the Kingdom exists as a State in accordance with recognized attributes of a State’s sovereign nature”



- This opened the door to present the evidence that the Hawaiian Kingdom continues to exist as a State

Reaction by State of Hawai‘i Courts

- When attorney Dexter Ka‘iama provided irrefutable evidence according to the ICA’s instructions, Judge Hara stated in 2012:
 - No, Mr. Kaiama, I think you failed—in my mind, what you’re asking the court to do is to commit suicide, because once I adopt your argument, I have no jurisdiction over anything. Not only these kinds of cases where you may claim either being a citizen of the kingdom, but jurisdiction of the courts evaporate. All of the courts across the state, from the supreme court down, and we have no judiciary”
- In 2013, the Supreme Court, in *State of Hawai‘i v. Kaulia* proclaimed without any supporting evidence:
 - “Whatever may be said regarding the lawfulness of its origins, the State of Hawai‘i is now a lawful government”



Perfect Title Creates Firestorm 1996-98

A-24 □ Friday, December 19, 1997 •

Honolulu Star-Bulletin

Published by Liberty Newspapers Limited Partnership

▲▲▲

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Courts should probe land title scam

FAILING to persuade judges in civil court to accept a proposition that current land titles in Hawaii are tainted by the alleged illegality of the U.S. annexation of the islands, co-founders of a title-searching company face criminal charges. Perfect Title Co. principals Donald A. Lewis and Michael Rowland were indicted by a state grand jury last year after they began luring homeowners down a fool's gold.

As the Star-Bulletin's Rob Perez reported in April, Lewis, charging \$1,500 for a title search, would convince homeowners that their titles were invalid, and that courts established after the overthrow of the 1893 lacked authority to probate wills and approve property.

Perfect Title's challenge of the state's ownership of a federal detention center was viewed five months ago by Judge David Ezra as "utterly and completely wrong." Ezra added: "I don't like to see the people of Hawaii and that's what's happening here."

Michael and Carol Simafranca also face attempted burglary charges. The Simafrancas lost possession of their home through foreclosure, then attempted to regain it based on a title search by Perfect Title. They hired Perfect Title to gain entry to the house, moved back in and charged the family that had bought the foreclosure. The new owners eventually obtained a restraining order against the couple.

Undeterred by defeats in civil court, Perfect Title has continued to cause havoc in the state's real estate industry for families that have seen their home investments evaporate. The company has gone so far as to file a lawsuit with the U.S. Supreme Court that is as half-baked as the company's premise. Criminal prosecution appears to be the only way to bring an end to this incredible scheme and prevent people from creating more victims.

JULY 17, 1997

Perfect Title

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state Attorney
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Even though the industry dismisses Perfect Title's work as worthless, the company's reports are filed at the state Bureau of Conveyances, casting clouds on ownership of hundreds of parcels throughout the

"Perfect Title has created chaos in Hawai'i's real estate industry with its claims that current land titles are no good. The company reaches those conclusions using 19th century Hawaiian Kingdom law, which it says is still in effect, and by searching property records dating to the 1840s."

PLEASE SEE PROBE, A-6

B2

EDITORIALS

Sunday, July 20, 1997

Perfect Title must do more to stabilize titles

Members of a company called Perfect Title say they are acting legally under the laws of the Hawaiian Kingdom, but that's a non

actors, Keanu Sai and Donald Lewis, want to return to the 19th century, when Hawaiian law was in force, and Perfect Title's business — as long as it doesn't harm

ately, the harm is serious and it's a mystery to the state has let it go

Lewis have angered sellers of real estate by using today's land

transactions aren't valid because they ignore the laws of the monarchy. Critics say they are filing bogus liens on properties at the state Bureau of Conveyances and some clients have cited the firm's

research in refusing to make mortgage payments.

Of course, mortgage lenders are operating under today's laws, so failure to make mortgage payments on one's home ultimately results in loss of the home.

Perfect Title's business consists of charging a property owner around \$1,500 to research a title's bona fides under monarchy law, making various claims and filings that might make perfect sense under monarchy law, calling hundreds of titles into question and creating general havoc.

Of course, it's the state's responsibility to ensure the stability and validity of the transfer of real estate. Until the unlikely day that a judge or some other authority validates Perfect Title's theories, the state is deficient in failing to protect consumers from its activities.

Impact on Mortgages

Title insurance pays off the balance of the unsecured promissory note when mortgage is void

Title Insurance Company

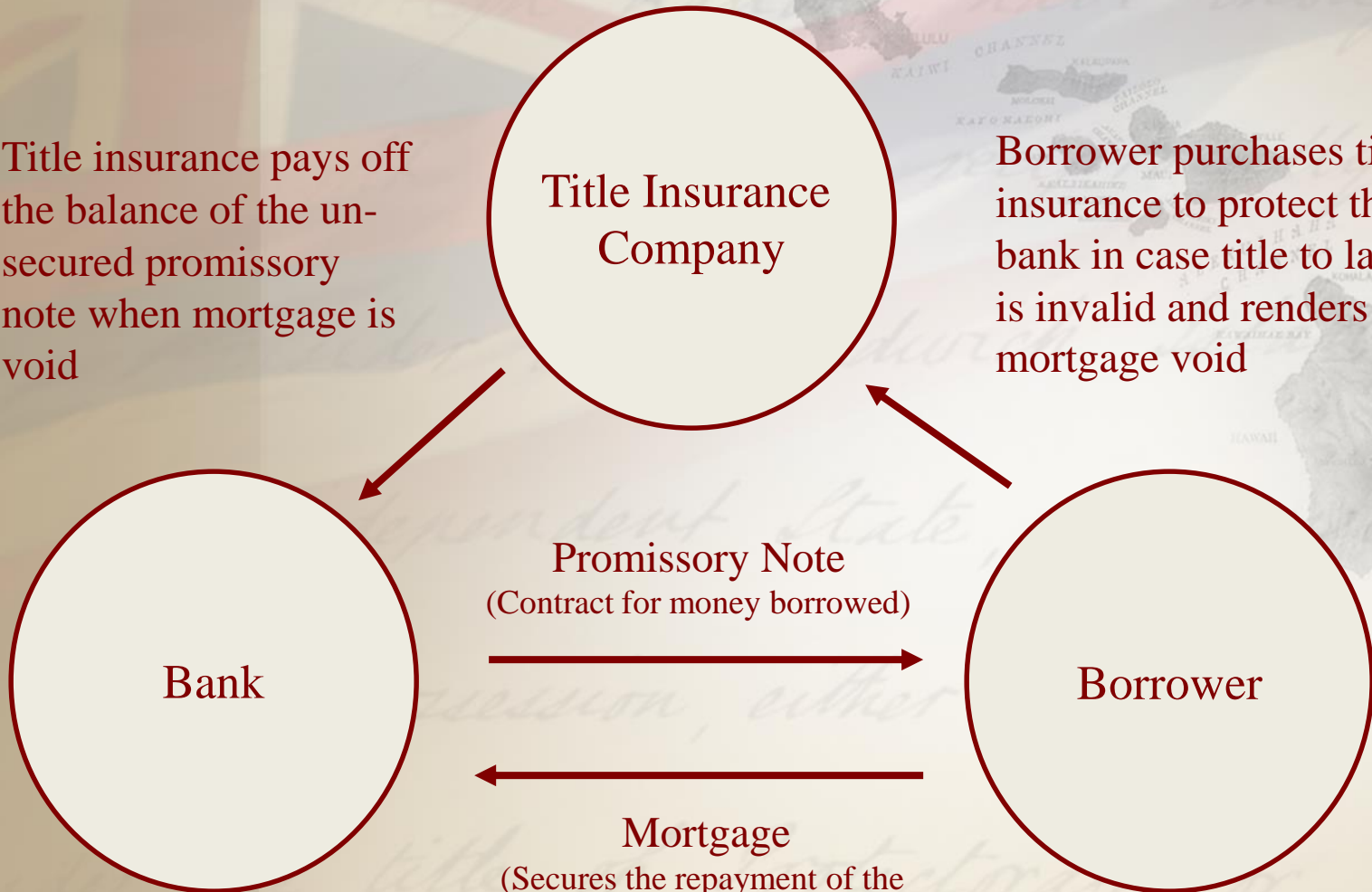
Borrower purchases title insurance to protect the bank in case title to land is invalid and renders mortgage void

Bank

Promissory Note
(Contract for money borrowed)

Borrower

Mortgage
(Secures the repayment of the loan with title to land as collateral)



Perfect Title Company Raided

A-6 □ Saturday, September 6, 1997 ●

Star-Bulletin

FROM PAGE ONE . . .

TITLE: Judge bars firm's filing of title searches

FROM PAGE A-1

The title searches, based on 19th-century Hawaiian kingdom law, basically conclude that waii's existing land titles are good — a claim that has caused havoc in the real estate industry.

Some Perfect Title clients are on the verge of losing their homes because they have used the company's reports — which cost \$1,000 each — as justification to stop paying mortgages.

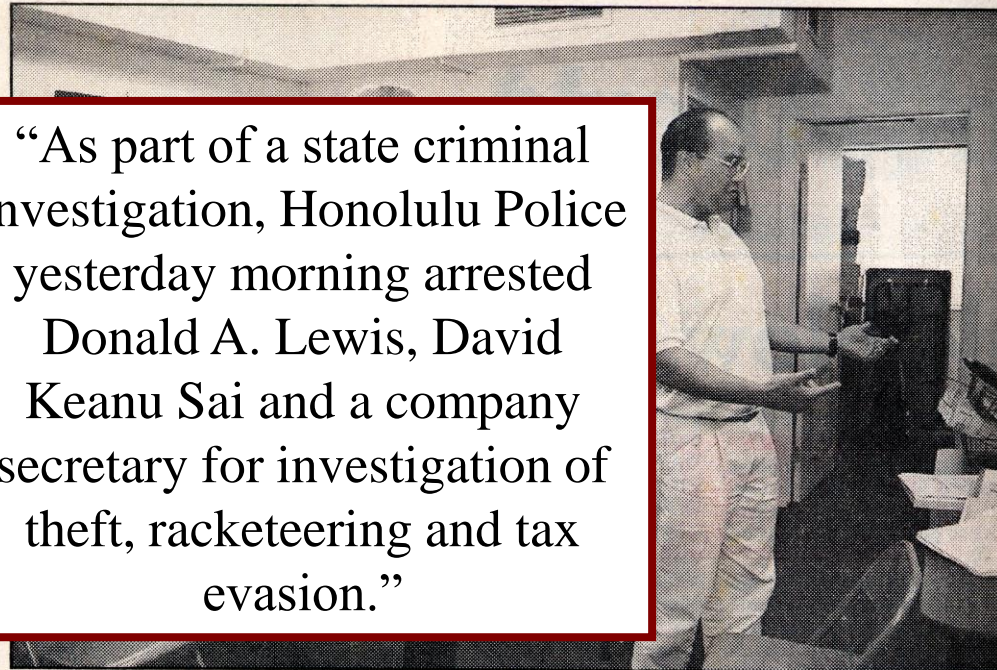
As part of a state criminal investigation, Honolulu police yesterday morning arrested Donald Lewis, David Keanu Sai and a company secretary for investigation of theft, racketeering and tax evasion.

Lewis and Sai said they would figure a way to complete title searches they were hired to do.

They were taken from Perfect Title's downtown office in handcuffs and were questioned and jailed for several hours before being released. No charges were filed.

Lewis and Sai, who as Hawaiian kingdom subjects claim not to rec-

“As part of a state criminal investigation, Honolulu Police yesterday morning arrested Donald A. Lewis, David Keanu Sai and a company secretary for investigation of theft, racketeering and tax evasion.”



BY KEN SAKAMOTO, Star-Bulletin
Don Lewis and David Keanu Sai, co-founders of Perfect Title, show their downtown office. The men were arrested and their records and equipment confiscated yesterday as part of a state investigation.

says all government entities since the 1893 overthrow of the monarchy have been illegal and therefore cannot convey property.

Bronster said the company's liens create problems when affected properties are put up for sale.

would prevent future filings and her office would seek court approval to expunge past filings affecting state land.

She said the petition seeking the expungement can be filed by anyone whose property has been af-

fects searches they were hired to do. The company has more than 100 clients.

Bronster, however, said it would be improper for the company to continue operating and telling people it can file reports.

United Nations Human Rights Expert



As a professor of international law, the former Secretary of the UN Human Rights Committee, co-author of book, *The United Nations Human Rights Committee Case Law 1977-2008*, and currently serving as the UN Independent Expert on the promotion of a democratic and equitable international order, 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).

To: Honorable Gary W. B. Chang, and
Honorable Jeannette H. Castagnetti, and
Members of the Judiciary for the State of Hawaii

Re: The case of Mme Routh Bolomet



Amnesty International

**AMNESTY
INTERNATIONAL**



War crimes - crimes that violate the laws or customs of war defined by the Geneva and Hague Conventions. Including targeting civilians, murder, torture or other ill-treatment of civilians or prisoners of war.



ARMED CONFLICT

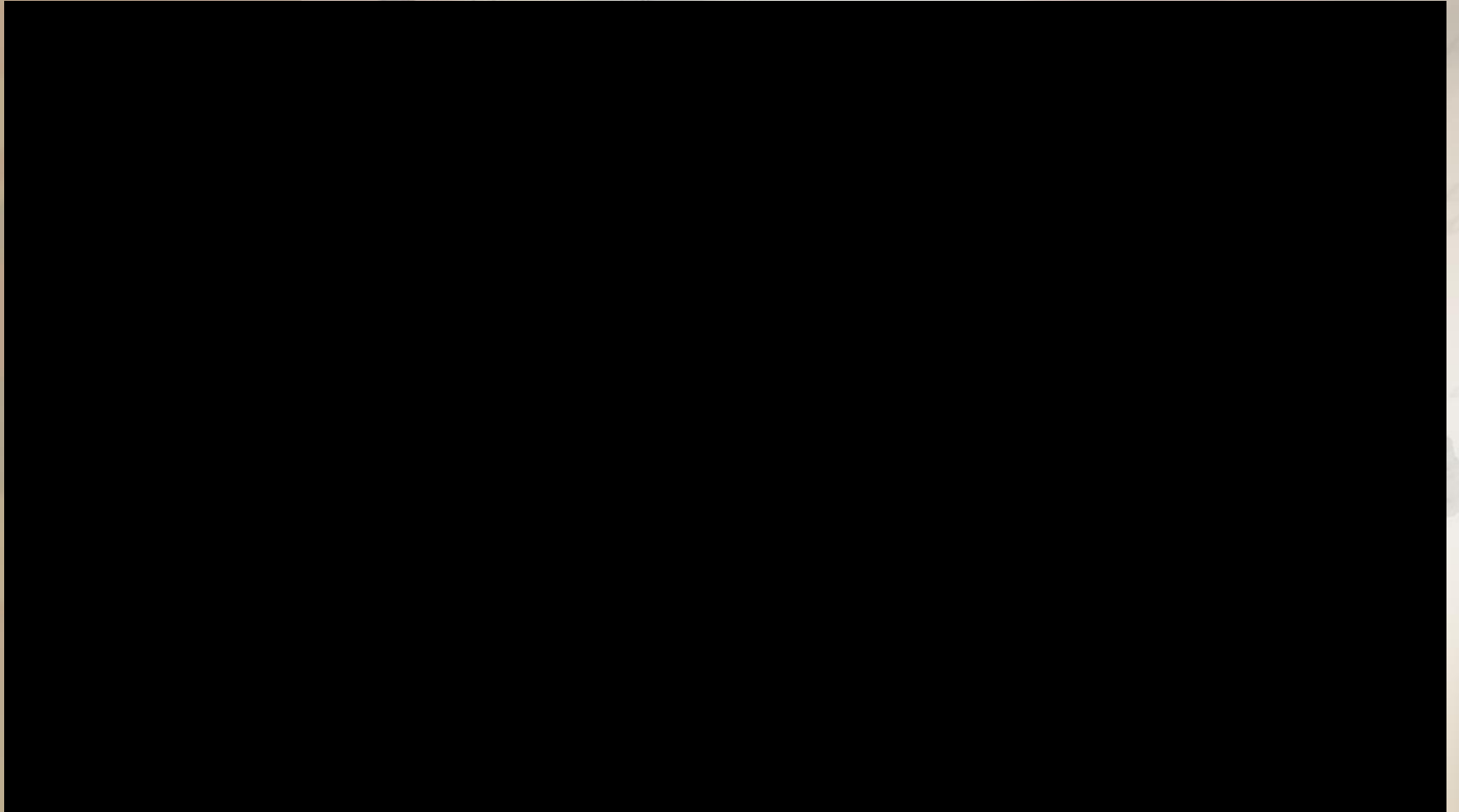


International Committee of the Red Cross

- The International Committee of the Red Cross (ICRC) is an independent neutral organization ensuring humanitarian protection and assistance for victims of armed conflict
- It takes action in response to emergencies and at the same time promotes respect for international humanitarian law and its implementation in national law
- The 1949 Geneva Convention, IV, confers on the ICRC a specific mandate to act in the event of international armed conflict



KGMB News “War Crimes and Occupation”



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LEGAL, MORAL, AND GEOPOLITICAL ISSUES

International

Hawaiian Kingdom Subcommittee

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*, 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** with other countries to include the United States.

Proclamation of Provisional Laws

- On October 10, 2014, the Council of Regency, by proclamation, announced:
 - All laws that have emanated from an unlawful legislature since the insurrection began on July 6, 1887 to the present, to include United States legislation, shall be the provisional laws of the Realm subject to ratification by the Legislative Assembly of the Hawaiian Kingdom once assembled, with the express proviso that these provisional laws do not run contrary to the express, reason and spirit of the laws of the Hawaiian Kingdom prior to July 6, 1887, the international laws of occupation and international humanitarian law, and if it be the case they shall be regarded as invalid and void



CHAPTER 8

REMEDIES FOR VIOLATION

At the request of a Party to the conflict, an enquiry shall be instituted, in a manner to be decided between the interested Parties, concerning any alleged violation of the

At the request of a Party to the conflict, an enquiry shall be instituted, in a manner to be decided between the interested Parties, concerning any alleged violation of the Convention.

If agreement has not been reached concerning the procedure for the enquiry, the Parties should agree on the choice of an umpire who will decide upon the procedure to be followed.

Once the violation has been established, the Parties to the conflict shall put an end to it and shall repress it with the least possible delay. (*GWS*, art. 52; *GWS Sea*, art. 53; *GPW*, art. 132; *GC*, art. 149.)

GWS, *GWS Sea*, *GPW*, and *GC* contain a common provision that—

GC, art. 53). Collective penalties and punishment of prisoners of war and protected civilians are likewise prohibited (*GPW*, art. 87;



duly constituted on April 15, 2019, I will act correctly, truly and faithfully, and without favor to or prejudice against anyone.”

Royal

2019

Article 2
Financing

1. All costs incurred by the Royal Commission shall be borne by the Hawaiian Government, by its Council of Regency, and that the latter has granted on this day \$15,000.00 (USD) for initial expenditures of the Royal Commission.
2. The management of the expenditures of the Royal Commission shall be subject to contracts between the head of the Royal Commission and the *Acting* Minister of Finance.
3. The head of the Royal Commission shall be accountable to the *Acting* Minister of Finance for all expenditures.

Article 3
Composition of the Royal Commission of Inquiry

The composition of the Royal Commission shall be decided by the head and shall be comprised of recognized experts in various fields.

Article 4
Entry into effect and expiration

This decision shall take effect on the day of its adoption and shall expire on the day that the head is satisfied that the mandate of the Royal Commission has been completed.

In Witness Whereof, We have hereunto set our hand, and caused the Great Seal of the Kingdom to be affixed this 17th day of April A.D. 2019.

[seal]



International Criminal Law

- Mental Elements of War Crimes:
 - There is no requirement for a legal evaluation by the perpetrator as to the existence of an occupation
 - There is no requirement for a perpetrator to be aware of the facts establishing the existence of an occupation
 - There is only the requirement of the awareness of the factual circumstances that established the existence of the occupation
 - Under this requirement, the perpetrator only needs to know the connection between his/her acts and the existence of occupation



War Crimes Committed in Hawai'i

- Denationalization
- Pillaging
- Unlawful appropriation of property
- Depriving a protect person of a fair and regular trial
- Destruction of property
- Unlawful confinement of a protected person
- Removing protected persons from the country



- Involuntary conscription into the U.S armed forces

For More Information:

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