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Excellency:

In accordance with Article 35(2) of the United Nations Charter, I have the honor on behalf of the *acting* government, to bring to the attention of the United Nations General Assembly, by its President, a Protest and Demand of the prolonged occupation of the Hawaiian Kingdom, being a non-Member State of the United Nations, attached herein together with a CD of PDF files of Annexes to the Protest and Demand and other pertinent documents. The Hawaiian Kingdom achieved the recognition of its independence as a sovereign State on November 28, 1843 by joint proclamation from Great Britain and France and by 1893, the Hawaiian Kingdom maintained over ninety legations and consulates throughout the world and has been a Member State of the Universal Postal Union since January 1, 1882.

Unable to procure a treaty of cession from the Hawaiian Kingdom acquiring the Hawaiian Islands as required by international law, the United States Congress enacted a *Joint Resolution To provide for annexing the Hawaiian Islands to the United States*, which was signed into law by President McKinley on July 7, 1898 during the Spanish-American War as a war measure. The Hawaiian Kingdom came under military occupation on August 12, 1898 at the height of the Spanish-American War, and the occupation was justified by the United States as a military necessity in order to reinforce and supply the troops that have been occupying the Spanish colonies of Guam and the Philippines since May 1, 1898. Following the close of the Spanish-American War by the 1898 Treaty of Paris, U.S. troops remained in the Hawaiian Islands and continued its illegal occupation to date in violation of the 1893 *Lili'uokalani assignment and Agreement restoration*, being international compacts established through *exchange of notes*, the 1907 Hague Convention, IV, and the 1949 Geneva Convention, IV.

Furthering the illegal occupation, United States President McKinley signed into United States law *An Act To provide a government for the Territory of Hawai'i* on April 30, 1900; and on March 18, 1959, United States President Eisenhower signed into United States law *An Act To provide for the admission of the State of Hawai'i into the Union*. These laws, which include the 1898 joint resolution of annexation, have no extraterritorial effect and stand in direct violation of international law and the 1893 *Lili'uokalani assignment and Agreement restoration*. Actions taken against the Hawaiian

Kingdom by the United States constitutes serious international wrongful acts pursuant to the *Responsibility of States for International Wrongful Acts* (2001).

I had the honor of serving as Agent for the *acting* Government of the Hawaiian Kingdom in arbitral proceedings before the Permanent Court of Arbitration, *Larsen v. Hawaiian Kingdom*, 119 *International Law Reports* 566 (2001).<sup>1</sup> The Arbitral Tribunal in the *Larsen* arbitration comprised of Professor James Crawford, SC, Presiding Arbitrator, who at the same time was a member of the United Nations International Law Commission and *Special Rapporteur* on State Responsibility (1997-2001); Professor Christopher Greenwood, QC, Associate Arbitrator, who now serves as a Judge on the International Court of Justice since February 6, 2009; and Gavan Griffith, QC, Associate Arbitrator, who served as former Solicitor General for Australia. The jurisdictional basis of the Permanent Court of Arbitration in *Larsen v. Hawaiian Kingdom* was a dispute between a State and a private person. I also served as Agent for the *acting* Government when I filed a Complaint against the United States of America with the United Nations Security Council on July 5, 2001, under the Presidency of China.<sup>2</sup>

The Hawaiian Kingdom will withdraw States from this Protest and Demand, with the exception of the United States of America, when said States shall declare, whether individually or collectively, that they will not recognize as lawful the United States of America's presence and authority within the territory, territorial seas, exclusive economic zone and airspace of the Hawaiian Kingdom according to Article 41(2), *Responsibility of States for International Wrongful Acts* (2001), excepting the United States' temporary and limited authority vested by virtue of the 1893 *Lili'uokalani assignment*, Article 43 of the 1907 Hague Convention, IV, and international law.

The Hawaiian Kingdom will be providing individual packets for the Permanent Representatives of the named States that contain a cover letter with accompanying CD of PDF files of the Protest and Demand and Annexes.

Please accept, Excellency, the assurances of my highest consideration,



David Keanu Sai

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<sup>1</sup> Bederman & Hilbert, "Arbitration—UNCITRAL Rules—justiciability and indispensable third parties—legal status of Hawai'i," 95 *American Journal of International Law* 927-933 (2001).

<sup>2</sup> Patrick Dumberry, "The Hawaiian Kingdom Arbitration Case and the Unsettled Question of the Hawaiian Kingdom's Claim to Continue as an Independent State under International Law," 2(1) *Chinese Journal of International Law* 655-684 (2002); and David Keanu Sai, "A Slippery Path towards Hawaiian Indigeneity: An Analysis and Comparison between Hawaiian State Sovereignty and Hawaiian Indigeneity and its Use and Practice in Hawai'i today," 10 *Journal of Law and Social Challenges* 68-133 (Fall 2008).