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17 February 2026  
6 March 2026 (amended)

MEMORANDUM ON THE UNITED STATES EXPLICIT RECOGNITION OF THE  
HAWAIIAN KINGDOM AND THE COUNCIL OF REGENCY AS ITS GOVERNMENT BY  
THE 2020 SAI-CLINTON AGREEMENT AND BY *OPINIO JURIS* AT THE PERMANENT  
COURT OF ARBITRATION

This memorandum addresses the United States of America’s explicit recognition of the continuity of the Hawaiian Kingdom since the nineteenth century and the Council of Regency as its interim government by executive agreement, through an exchange of notes, called the 2000 Sai-Clinton agreement, and by *opinio juris*, during proceedings at the Permanent Court of Arbitration, in *Larsen v. Hawaiian Kingdom*. The dispute between Larsen and the Hawaiian Kingdom did not originate at the Permanent Court, but rather at the United States District Court for the District of Hawai‘i. In 1999, the dispute was removed, by agreement of Larsen and the Hawaiian Kingdom, from the District Court to the Permanent Court.

*United States Recognition of the Hawaiian Kingdom and the Council of Regency  
as its Government by Executive Agreement—2000 Sai-Clinton Agreement*

On August 4, 1999, Ninia Parks, attorney for Lance Larsen, filed a Complaint for Injunctive Relief against the United States of America and the Hawaiian Kingdom, under civil no. 99-00546 SPK-BMK, in the United States District Court for the District of Hawai‘i.<sup>1</sup> After dismissing the United States from the lawsuit, Larsen’s counsel and the Hawaiian Kingdom entered into a “Stipulated Settlement Agreement Dismissing Entire Case Without Prejudice as to All Parties and All Issues

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<sup>1</sup> Complaint for Injunctive Relief, *Lance Paul Larsen v. United States of America and the Hawaiian Kingdom*, civil no. 99-00546 (August 4, 1999) (online at [https://www.alohaquest.com/arbitration/pdf/Federal\\_Complaint\\_990804.pdf](https://www.alohaquest.com/arbitration/pdf/Federal_Complaint_990804.pdf)).

and Submitting All Issues to Binding Arbitration on October 29, 1999.”<sup>2</sup> The Settlement Agreement was approved, and so ordered by Samuel P. King, United States District Judge.

On October 30, 1999, Larsen and the Hawaiian Kingdom entered into an “Agreement between Plaintiff Lance Paul Larsen and Defendant Hawaiian Kingdom to Submit the Dispute to Final and Binding Arbitration at the Permanent Court of Arbitration at The Hague, the Netherlands.”<sup>3</sup> By entering into this binding arbitration agreement, the Hawaiian Kingdom waived its sovereign immunity in this lawsuit.

On November 8, 1999, Larsen’s counsel filed a “Notice of Arbitration” with the Permanent Court that initiated arbitral proceedings.<sup>4</sup> By February of 2000, after confirming that the Hawaiian Kingdom is a non-Contracting State pursuant to Article 47 of the 1907 Hague Convention for the Pacific Settlement of International Disputes, the Permanent Court determined that it did have jurisdiction over the dispute. Article 47 provides, “The jurisdiction of the Permanent Court may, within the conditions laid down in the regulations, be extended to disputes [with] non-Contracting Powers.” Under international law, “Powers” and “States” are used interchangeably.

Beginning in April of 2000, an exchange of diplomatic notes between the Hawaiian Kingdom and the United States Embassy, and between the Hawaiian Kingdom and the Permanent Court, took place. Before the arbitral tribunal was formed by the Permanent Court on June 9, 2000, Tjaco T. van den Hout, Secretary General of the Permanent Court, spoke with undersigned by telephone, and after telling me that the Permanent Court recognized the Hawaiian Kingdom’s continued existence since the nineteenth century and the Council of Regency as its interim government, he then recommended that the Hawaiian Government provide a formal invitation to the United States to join in the arbitration. In these proceedings, I was the lead Agent for the Hawaiian Kingdom and the Chairman of the Council of Regency.

On April 3, 2000, the undersigned delivered the first diplomatic note to John R. Crook, Assistant Legal Adviser, United States Department of State.<sup>5</sup> This note documented a conference call meeting in Washington, D.C., between myself, Crook, and Parks, legal counsel for Larsen. This note evidenced that the Government of the Hawaiian Kingdom provided a formal invitation for the United States to join in international arbitration proceedings already taking place at the

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<sup>2</sup> Stipulated Settlement Agreement Dismissing Entire Case Without Prejudice as to All Parties and All Issues and Submitting All Issues to Binding Arbitration between Larsen and the Hawaiian Kingdom (October 29, 1999) (online at [https://www.alohaquest.com/arbitration/pdf/Stipulated\\_Settlement.pdf](https://www.alohaquest.com/arbitration/pdf/Stipulated_Settlement.pdf)).

<sup>3</sup> Agreement between Plaintiff Lance Paul Larsen and Defendant Hawaiian Kingdom to Submit the Dispute to Final and Binding Arbitration at the Permanent Court of Arbitration at The Hague, the Netherlands (October 30, 1999) (online at [https://www.alohaquest.com/arbitration/pdf/Arbitration\\_Agreement.pdf](https://www.alohaquest.com/arbitration/pdf/Arbitration_Agreement.pdf)).

<sup>4</sup> Notice of Arbitration (November 8, 1999) (online at [https://www.alohaquest.com/arbitration/pdf/Notice\\_of\\_Arbitration.pdf](https://www.alohaquest.com/arbitration/pdf/Notice_of_Arbitration.pdf)).

<sup>5</sup> Note of David Keanu Sai to John R. Crook (March 3, 2000) (online at [https://hawaiiankingdom.org/pdf/Ltr\\_to\\_State\\_Dept\\_3\\_3\\_2000.pdf](https://hawaiiankingdom.org/pdf/Ltr_to_State_Dept_3_3_2000.pdf)).

Permanent Court. A copy of the note was sent to the Permanent Court's Registry as a record that the United States was invited to join in the arbitral proceedings. Under international law, this note served as an offering instrument and contained the following language:

[T]he reason for our visit was the offer by the...Hawaiian Kingdom, by consent of the Claimant [Larsen], by his attorney, Ms. Ninia Parks, for the United States Government to join in the arbitral proceedings presently instituted under the auspices of the Permanent Court of Arbitration at The Hague, Netherlands. ... [T]he State Department should review the package in detail and can get back to the Acting Council of Regency by phone for continued dialogue. I gave you our office's phone number..., of which you acknowledged. I assured you that we did not need an immediate answer, but out of international courtesy the offer is still open, notwithstanding arbitral proceedings already in motion. I also advised you that Secretary-General van den Hout of the Permanent Court of Arbitration was aware of our travel to Washington, D.C. and the offer to join in the arbitration. As I stated in our conversation he requested that the dialogue be reduced to writing and filed with the International Bureau of the Permanent Court of Arbitration for the record, and you acknowledged.

Thereafter, the Permanent Court's Deputy Secretary General, Phyllis Hamilton, informed the undersigned, by telephone, that Cynthia Perrin Schneider, Ambassador of the United States to the Kingdom of the Netherlands, notified the Hawaiian Kingdom, through the Permanent Court, that the United States declined the invitation to join the arbitral proceedings. Ambassador Schneider was representing President Bill Clinton at the time. Instead of participation, the United States requested permission from the Hawaiian Government to have access to the pleadings and records of the *Larsen* case from the Registry of the Permanent Court. I consented to this request. The Permanent Court, represented by the Deputy Secretary General, served as an intermediary to secure an agreement, by exchange of notes, between the Hawaiian Kingdom and the United States.

According to Wilmanns, "Legally there is no difference between a formal note, a note verbale and a memorandum. They are all communications which become legally operative upon the arrival at the addressee. The legal effects depend on the substance of the note, which may relate to any field of international relations."<sup>6</sup> And "the exchange of two notes [...] constituting an agreement satisfies the definition of the term 'treaty' as provided by Article 2(1)(a) of the Vienna Convention."<sup>7</sup> Article 2(1)(a) provides, a "'treaty' means an international agreement concluded between States in written form and governed by international law, whether embodied in a single instrument or in two or more related instruments and whatever its particular designation."

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<sup>6</sup> Johst Wilmanns, "Note Verbale," 9 *Encyclopedia of Public International Law* 287 (1986).

<sup>7</sup> Cendric van Assche, "1969 Vienna Convention," *The Vienna Conventions on the Law of Treaties, A Commentary*, Vol. I, Corten & Klein, eds., vol. 1 261 (2011).

This treaty providing permission for the United States to access all records and pleadings of the *Larsen* case at the Registry of the Permanent Court is called the 2000 Sai-Clinton agreement. Coincident with this treaty is the recognition of the continued existence of the Hawaiian Kingdom since the nineteenth century and the Council of Regency as its interim government. The 2000 Sai-Clinton agreement has similar parallels to the 1933 Roosevelt-Litvinov agreement where the United States recognized the Soviet Government.

This coincident of recognition stemming from an executive agreement was at the center of *United States v. Belmont*, where the Supreme Court stated, “We take judicial notice of the fact that, coincident with the assignment set forth in the complaint, the President recognized the Soviet Government.”<sup>8</sup> The Supreme Court explained, “The assignment was effected by an exchange of diplomatic correspondence between the Soviet Government and the United States. The purpose was to bring about a final settlement of the claims and counterclaims between the Soviet Government and the United States, and it was agreed that the Soviet Government would take no steps to enforce claims against American nationals, but all such claims were released and assigned to the United States, with the understanding that the Soviet Government was to be duly notified of all amounts realized by the United States from such release and assignment.”<sup>9</sup> This executive agreement came to be known as the 1933 Roosevelt-Litvinov agreement. Like the assignment being effected by the executive agreement with the Soviet Government, the permission for the United States to access all records and pleadings in the *Larsen* case was effected by the executive agreement with the Hawaiian Kingdom Government.

Altogether, the exchange of notes on this subject matter, between the Hawaiian Kingdom and the United States of America, constitutes a bilateral agreement of the recognition of the restored Hawaiian government as officers *de facto*. In *American Insurance Association v. Garamendi*, the United States Supreme Court stated, “our cases have recognized that the President has authority to make ‘executive agreements’ with other countries, requiring no ratification by the Senate [...] this power having been exercised since the early years of the Republic.”<sup>10</sup> And in *Belmont*, the Supreme Court stated, “an international compact [...] is not always a treaty which requires the participation of the Senate.”<sup>11</sup> Executive agreements do not require the ratification of the Senate to have the force and effect of a treaty.

Furthermore, the offer by the Permanent Court’s Secretary General to have the Hawaiian Government provide the United States an invitation to join in the arbitral proceedings, and the Hawaiian Government’s acceptance of this offer, also constituted an international agreement between the Permanent Court and the Hawaiian Kingdom. According to J.L. Weinstein, “the growth of international organizations and the recognition of their legal personality has resulted in

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<sup>8</sup> *United States v. Belmont*, 301 U.S. 324, 330 (1937).

<sup>9</sup> *Id.*, 326.

<sup>10</sup> *American Ins. Ass’n v. Garamendi*, 539 U.S. 396, 415 (2003).

<sup>11</sup> *United States v. Belmont*, 301 U.S. 324, 330 (1937).

agreements being concluded by an exchange of notes between such organizations and states.”<sup>12</sup> This treaty is called the 2000 Sai-van den Hout agreement.

*United States Recognition of the Hawaiian Kingdom and the  
Council of Regency as its Government by Opinio Juris*

The *juridical fact* of the Hawaiian State produced a legal effect for the International Bureau of the Permanent Court to do the *juridical act* of accepting the dispute under the auspices of the Permanent Court by virtue of Article 47 of the 1907 Hague Convention for the Pacific Settlement of International Disputes (hereinafter “PCA Convention”), a legal rule. The international dispute between Larsen and the Hawaiian Kingdom was not created by the *juridical fact*, but rather the *juridical fact* determined the legal conditions for the Permanent Court’s acceptance of the dispute. This is the *juridical act* by which the dispute is established to gain access to the jurisdiction of the Permanent Court.

The significance of the *juridical act* is that the United States, as a member of the Permanent Court’s Administrative Council, was fully aware of the *Larsen* case and did not object to it. Crucially, practice by the United States, should it object to an action taken by a State or an intergovernmental organization, *e.g.* the Permanent Court, was undisputedly evident when Palestine acceded to the PCA Convention on October 30, 2015, to become a Contracting State to the treaty that established the Permanent Court. The United States objected by filing a declaration with the Dutch Foreign Ministry on December 28, 2015. In its declaration, which the Dutch Foreign Ministry translated into French, the United States explicitly stated, *inter alia*, “the government of the United States considers that ‘the State of Palestine’ does not answer to the definition of a sovereign State and does not recognize it as such (translation).”<sup>13</sup>

The practice and course of conduct of the United States, in objecting to Palestine’s accession to the PCA Convention, is the generally accepted and obligatory international customary practice of all countries. As such, the United States’ failure to file an objection to the Permanent Court’s institutional jurisdiction in determining that the Hawaiian Kingdom is a non-Contracting State to the PCA Convention pursuant to Article 47 of the PCA Convention, and the United States’ further act to seek permission of the Hawaiian government to have access to the pleadings and records of the case conclusively binds the United States’ recognition of the Hawaiian Kingdom and the Council of Regency as its interim government under customary international law.

It is important to note that the State of Palestine is a new State, whereas the Hawaiian Kingdom is a State in continuity since the nineteenth century. In *Larsen v. Hawaiian Kingdom*, the arbitral

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<sup>12</sup> J.L. Weinstein, “Exchange of Notes,” 20 *Brit. Y.B. Int’l L.* 205, 207 (1952).

<sup>13</sup> Declaration of Niklaus Schweizer, Ph.D., Exhibit 1, at 2 (online at [https://hawaiiankingdom.org/pdf/Declaration\\_of\\_N\\_Schweizer.pdf](https://hawaiiankingdom.org/pdf/Declaration_of_N_Schweizer.pdf)).

tribunal noted 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, including by exchanges of diplomatic or consular representatives and the conclusion of treaties.”<sup>14</sup> Accordingly, since the United States explicitly recognized the validity of the Hawaiian Kingdom as an independent State in the nineteenth century it is precluded from “contesting its validity at any future time.”<sup>15</sup>

There was no legal requirement for the Council of Regency, as the successor in office to Queen Lili‘uokalani under Hawaiian constitutional law, to obtain recognition from the United States as the government of the Hawaiian Kingdom. The United States’ recognition of the Hawaiian Kingdom, as an independent State, on July 6, 1844,<sup>16</sup> was also the recognition of the Hawaiian Kingdom government—a Constitutional Monarchy. Successors in office to King Kamehameha III, who at the time of international recognition was King of the Hawaiian Kingdom, did not require diplomatic recognition. These successors included King Kamehameha IV in 1854, King Kamehameha V in 1863, King Lunalilo in 1873, King Kalākaua in 1874, Queen Lili‘uokalani in 1891, and the Council of Regency in 1997.

The legal doctrines of recognition of new governments only arise “with extra-legal changes in government” of an existing State.<sup>17</sup> Successors to King Kamehameha III were not established through “extra-legal changes,” but rather through the constitution and laws of the Hawaiian Kingdom. According to United States foreign relations law, “[w]here a new administration succeeds to power in accordance with a state’s constitutional processes, no issue of recognition or acceptance arises; continued recognition is assumed.”<sup>18</sup>

As a new administration, the Council of Regency was established in a similar fashion to the Belgian Council of Regency, which was formed after King Leopold was captured by the Germans, during the Second World War. Just as the Belgian Council of Regency was established, under Article 82 of its 1831 Constitution, as amended, *in exile*, so to was the Hawaiian Council of Regency formed under Article 33 of its 1864 Constitution, as amended, not *in exile* but *in situ*. According to Oppenheimer:

As far as Belgium is concerned, the capture of the king did not create any serious constitutional problems. According to Article 82 of the Constitution of February 7, 18[31], as amended, the cabinet of ministers have to assume supreme executive power if the King is unable to govern. True, the ministers are bound to convene the House of Representatives and the Senate and to leave it to their decision of the united legislative chambers to provide

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<sup>14</sup> *Larsen v. Hawaiian Kingdom*, 119 Int’l L. Reports 566, 581 (2001).

<sup>15</sup> Georg Schwarzenberger, “Title to Territory: Response to a Challenge,” 51(2) *Am. J. Int’l L.* 308, 316 (1957).

<sup>16</sup> U.S. Secretary of State Calhoun to Hawaiian Commissioners (6 July 1844) (online at: [https://hawaiiankingdom.org/pdf/US\\_Recognition.pdf](https://hawaiiankingdom.org/pdf/US_Recognition.pdf)).

<sup>17</sup> M.J. Peterson, *Recognition of Governments: Legal Doctrines and State Practice, 1815-1995* 26 (1997).

<sup>18</sup> *Restatement (Third) of Foreign Relations Law of the United States* (1987), §203, comment c.

for a regency; but in view of the belligerent occupation it is impossible for the two houses to function. While this emergency obtains, the powers of the King are vested in the Belgian Prime Minister and the other members of the cabinet.<sup>19</sup>

State continuity of the Hawaiian Kingdom is determined by the rules of customary international law. While State members of the Administrative Council furnishes all Contracting States “with an annual Report,” in accordance with Article 49 of the PCA Convention, this does represent “State practice [that] covers an act or statement by...State[s] from which views can be inferred about international law,” and it “can also include omissions and silence on the part of States.”<sup>20</sup> Since the United States, to include all Contracting States of the PCA Convention, did not object to the International Bureau’s juridical act of acknowledging the Hawaiian Kingdom’s existence as a non-Contracting State, it reflects the practice of States—*opinio juris*. Furthermore, the Administrative Council is a treaty-based component of an intergovernmental organization comprised of representatives of States, and “their practice is best regarded as the practice of States.”<sup>21</sup> According to Professor Lenzerini:

“[I]t may be convincingly held that the PCA contracting parties actually agreed with the recognition of the juridical fact of the Hawaiian Kingdom as a State carried out by the International Bureau. In fact, in international law, acquiescence “concerns a consent tacitly conveyed by a State, unilaterally, through silence or inaction, in circumstances such that a response expressing disagreement or objection in relation to the conduct of another State [or an international institution] would be called for”. The case in discussion is evidently a situation in the context of which, in the event that any of the PCA contracting parties would have disagreed with the recognition of the continued existence of the Hawaiian Kingdom as a State by the International Bureau through its juridical act, an explicit reaction would have been necessary. Since they “did not do so [...] thereby must be held to have acquiesced. Qui tacet consentire videtur si loqui debuisset ac potuisset.”<sup>22</sup>

As a matter of *opinio juris*, all Contracting States to the Permanent Court, that includes the United States, recognizes the continuity of the Hawaiian Kingdom since the nineteenth century and the Council of Regency as its interim government under customary international law. These Contracting States are:

Albania, Argentina, Armenia, Australia, Austria, The Bahamas, Bahrain, Bangladesh, Belarus, Belgium, Belize, Benin, Brazil, Bulgaria, Burkina Faso, Cambodia, Cameroon, Canada, Chile, Colombia, the Democratic Republic of the Congo, Costa Rica, Croatia, Cuba, Cyprus, Czechia, the Democratic Republic of São Tomé and Príncipe, Denmark,

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<sup>19</sup> F.E. Oppenheimer, “Governments and Authorities in Exile,” 36 *Am. J. Int’l L.* 568, 569 (1942).

<sup>20</sup> Michael Akehurst, “Custom as a Source of International Law,” 47(1) *Brit. Y. B. Int’l L.* 1-53, 10 (1975).

<sup>21</sup> *Id.*, 11.

<sup>22</sup> Declaration of Professor Federico Lenzerini, Exhibit #1, at 4 (online at [https://hawaiiankingdom.org/pdf/Declaration\\_of\\_F\\_Lenzerini.pdf](https://hawaiiankingdom.org/pdf/Declaration_of_F_Lenzerini.pdf)).

Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Eswatini, Ethiopia, Fiji, Finland, France, Georgia, Germany, Greece, Guatemala, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran, Iraq, Ireland, Israel, Italy, Japan, Jordan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Libya, Lithuania, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malaysia, Malta, Mauritius, Mexico, Mongolia, Montenegro, Morocco, Netherlands, New Zealand, Nicaragua, Nigeria, North Macedonia, Norway, Pakistan, Palestine, Panama, Paraguay, the People's Republic of China, Peru, Philippines, the Plurinational State of Bolivia, Poland, Portugal, Qatar, Romania, Republic of Korea, Russian Federation, Rwanda, Saudi Arabia, Senegal, Serbia, Singapore, Slovak Republic, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Sweden, Switzerland, Thailand, Timor-Leste, Togo, Türkiye, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Vanuatu, Venezuela, Viet Nam, Zambia, and Zimbabwe.

Furthermore, the Permanent Court provided the following case description of the *Larsen* case on its website.

Lance Paul Larsen, a resident of Hawaii, brought a claim against the Hawaiian Kingdom by its Council of Regency (“Hawaiian Kingdom”) on the grounds that the Government of the Hawaiian Kingdom is in continual violation of: (a) its 1849 Treaty of Friendship, Commerce and Navigation with the United States of America, as well as the principles of international law laid down in the Vienna Convention on the Law of Treaties, 1969 and (b) the principles of international comity, for allowing the unlawful imposition of American municipal laws over the claimant’s person within the territorial jurisdiction of the Hawaiian Kingdom.<sup>23</sup>

The case description is a *juridical act* by the Permanent Court performing its function. Therefore, since the United States did not object to this *juridical act* it accepts the case description to be accurate. As a matter of *opinio juris*, all Contracting States to the Permanent Court, that includes the United States, failing to object to the *juridical act* of the Permanent Court’s description of the *Larsen* case, recognizes the Hawaiian Kingdom, a non-Contracting Power, is represented by the Council of Regency as its government. The 1849 Treaty of Friendship, Commerce and Navigation between the Hawaiian Kingdom and the United States continues to exist. And that the imposition of American municipal laws within the territorial jurisdiction of the Hawaiian Kingdom is unlawful.

All Hawaiian Kingdom treaty partners, to include the United States, are also Contracting States to the PCA Convention, and these treaties have not been terminated. These treaties are also binding on the successor States of the Hawaiian Kingdom treaty partners.

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<sup>23</sup> Permanent Court of Arbitration, *Larsen v. Hawaiian Kingdom*, Case Repository, PCA Case no. 1999-01, online at <https://pca-cpa.org/en/cases/35/>.

At the time of their independence, these successor States were not aware that the Hawaiian Kingdom continued to exist as a State since the nineteenth century. Therefore, neither the newly independent States nor the Hawaiian Kingdom could declare “within a reasonable time after the attaining of independence, that the treaty is regarded as no longer in force between them.”<sup>24</sup> Until there is clarification of the successor States’ intentions, as to a common understanding with the Hawaiian Kingdom regarding the continuance in force of the Hawaiian treaty with their predecessor State, the Hawaiian Kingdom will presume the continuance in force of its treaties with the successor States under customary international law. The Hawaiian Kingdom’s position is consistent with the 1978 Vienna Convention on Succession of States in respect of Treaties. Article 24 states:

1. A bilateral treaty which at the date of the succession of States was in force in respect of the territory to which the succession of States relates is considered as being in force between a newly independent State and the other State party when:
  - a. they expressly so agree; or
  - b. by reason of their conduct they are to be considered as having agreed.
2. A treaty considered as being in force under paragraph 1 applies in the relations between the newly independent State and the other State party from the date of the succession of States, unless a different intention appears from their agreement or is otherwise established.

Since successor States, at the time of their independence, were unaware of the existence of the Hawaiian Kingdom, Article 24(1)(a) and (b) could not arise. Therefore, in the absence of an express agreement or an agreement by conduct, under customary international law, it will be presumed that the treaties continue in force for two years with the successor States of the Hawaiian Kingdom treaty partners when they have been made aware of the Hawaiian Kingdom’s existence. Here follows the list of successor States to Hawaiian Kingdom treaties:

- *1875 Treaty of Friendship, Commerce and Navigation between the Hawaiian Kingdom and the Austro-Hungarian Empire*<sup>25</sup>—Austria, Czech Republic, Hungary, Poland and Slovakia;

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<sup>24</sup> *Second report on succession in respect of treaties*, by Sir Humphrey Waldock, Special Rapporteur, Document A/CN.4/214 and ADD.1\* AND 2, p. 48 (1969).

<sup>25</sup> “1875 Treaty of Friendship, Commerce and Navigation between the Hawaiian Kingdom and the Austro-Hungarian Empire,” in David Keanu Sai (ed.) *The Royal Commission of Inquiry: Investigating War Crimes and Human Rights Violations Committed in the Hawaiian Kingdom* 237-240 (2020) (online at [https://hawaiiankingdom.org/pdf/Hawaiian\\_Royal\\_Commission\\_of\\_Inquiry\\_\(2020\).pdf](https://hawaiiankingdom.org/pdf/Hawaiian_Royal_Commission_of_Inquiry_(2020).pdf)).

- *1862 Treaty of Amity, Commerce and Navigation between the Hawaiian Kingdom and Belgium*<sup>26</sup>—Burundi, Democratic Republic of the Congo, and Rwanda;
- *1857 Treaty of Friendship, Commerce and Navigation between the Hawaiian Kingdom and France*<sup>27</sup>—Algeria, Benin, Burkina Faso, Cambodia, Cameroon, Central African Republic, Chad, Comoros, Congo, Côte d'Ivoire, Djibouti, Gabon, Guinea, Lao People's Democratic Republic, Lebanon, Madagascar, Mali, Mauritania, Morocco, Niger, Senegal, Syrian Arab Republic, Togo, Tunisia, Vanuatu, and Viet Nam;
- *1851 Treaty of Friendship, Commerce and Navigation between the Hawaiian Kingdom and Great Britain*<sup>28</sup>—Afghanistan, Antigua and Barbuda, Australia, The Bahamas, Bahrain, Bangladesh, Barbados, Belize, Bhutan, Botswana, Brunei Darussalam, Cameroon, Canada, Cyprus, Egypt, Eswatini, Fiji, Gambia, Ghana, Grenada, Guyana, India, Iraq, Ireland, Israel, Jamaica, Jordan, Kenya, Kiribati, Kuwait, Lesotho, Malawi, Malaysia, Maldives, Malta, Mauritius, Myanmar, Namibia, Nauru, Nepal, New Zealand, Nigeria, Pakistan, Papua New Guinea, Qatar, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Seychelles, Sierra Leone, Singapore, Solomon Islands, Somalia, South Africa, South Sudan, Sri Lanka, Sudan, Tonga, Trinidad and Tobago, Tuvalu, Uganda, United Arab Emirates, United Republic of Tanzania, Vanuatu, Yemen, Zambia, and Zimbabwe;
- *1863 Treaty of Amity, Commerce and Navigation between the Hawaiian Kingdom and Italy*<sup>29</sup>—Libya and Somalia;
- *1879 Treaty of Peace and Friendship between the Hawaiian Kingdom and Germany*<sup>30</sup>—Poland;
- *1871 Treaty of Amity and Commerce between the Hawaiian Kingdom and Japan*<sup>31</sup>—Democratic People's Republic of Korea and the Republic of Korea;
- *1862 Treaty of Friendship, Commerce and Navigation between the Hawaiian Kingdom and the Netherlands*<sup>32</sup>—Indonesia, Luxemburg, and Suriname;
- *1882 Treaty between the Hawaiian Kingdom and Portugal*<sup>33</sup>—Angola, Cabo Verde, Guinea-Bissau, Mozambique, Sao Tome and Principe, and Timor-Leste;

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<sup>26</sup> “1862 Treaty of Amity, Commerce and Navigation between the Hawaiian Kingdom and Belgium,” *id.*, 241-246.

<sup>27</sup> “1857 Treaty of Friendship, Commerce and Navigation between the Hawaiian Kingdom and France,” *id.*, 257-264.

<sup>28</sup> “1851 Treaty of Friendship, Commerce and Navigation between the Hawaiian Kingdom and Great Britain,” *id.*, 249-254.

<sup>29</sup> “1863 Treaty of Amity, Commerce and Navigation between the Hawaiian Kingdom and Italy,” *id.*, 275-280.

<sup>30</sup> “1879 Treaty of Peace and Friendship between the Hawaiian Kingdom and Germany,” *id.*, 265-272.

<sup>31</sup> “1871 Treaty of Amity and Commerce between the Hawaiian Kingdom and Japan,” *id.*, 281-282.

<sup>32</sup> “1862 Treaty of Friendship, Commerce and Navigation between the Hawaiian Kingdom and the Netherlands,” *id.*, 283-284.

<sup>33</sup> “1882 Treaty between the Hawaiian Kingdom and Portugal,” *id.*, 285-286.

- *1869 Treaty of Commerce and Navigation between the Hawaiian Kingdom and Russia*<sup>34</sup>—Armenia, Azerbaijan, Belarus, Estonia, Finland, Georgia, Kazakhstan, Kyrgyzstan, Latvia, Lithuania, Mongolia, Poland, Republic of Moldova, Tajikistan, Turkmenistan, Ukraine, and Uzbekistan;
- *1863 Treaty of Peace and Friendship between the Hawaiian Kingdom and Spain*<sup>35</sup>—Cuba and Equatorial Guinea;
- *1852 Treaty of Friendship, Commerce and Navigation between the Hawaiian Kingdom and the Kingdoms of Sweden and Norway*<sup>36</sup>—Norway and Sweden;
- *1849 Treaty of Friendship, Commerce and Navigation between the Hawaiian Kingdom and the United States*<sup>37</sup>—Marshall Islands, Micronesia, Palau, Philippines.

The Hawaiian Kingdom has treaties with 153 Member States of the United Nations, of which 14 treaties are with original States and 139 treaties are with Successor States.



David Keanu Sai, Ph.D.

Minister of Foreign Affairs *ad interim*

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<sup>34</sup> “1869 Treaty of Commerce and Navigation between the Hawaiian Kingdom and Russia,” *id.*, 287.

<sup>35</sup> “1863 Treaty of Peace and Friendship between the Hawaiian Kingdom and Spain,” *id.*, 290-295.

<sup>36</sup> “1852 Treaty of Friendship, Commerce and Navigation between the Hawaiian Kingdom and the Kingdoms of Sweden and Norway,” *id.*, 296-300.

<sup>37</sup> “1849 Treaty of Friendship, Commerce and Navigation between the Hawaiian Kingdom and the United States,” *id.*, 305-310.