

CALLING UPON THE UNITED STATES OF AMERICA TO BEGIN TO COMPLY IMMEDIATELY WITH INTERNATIONAL HUMANITARIAN LAW IN ITS LONG AND ILLEGAL OCCUPATION OF THE HAWAIIAN ISLANDS

WHEREAS, on November 28, 1843, both Great Britain and France jointly recognized the Hawaiian Kingdom as an independent and sovereign State and its admission into the family of nations; and

WHEREAS, the Hawaiian Kingdom maintained over 90 embassies and consulates throughout the world; and

WHEREAS, November 28th is the Hawaiian national holiday of independence, La Ku'oko'a; and

WHEREAS, on the fiftieth anniversary of independence, with great celebrations being planned, the government of the Hawaiian Kingdom was illegally overthrown on January 17, 1893 by United States forces; and

WHEREAS, President Grover Cleveland, after investigating the overthrow of the Hawaiian Kingdom government, stated on December 18, 1893 that *a detachment of marines from the United States steamer Boston, with two pieces of artillery, landed at Honolulu...supplied with double cartridge belts filled with ammunition and with haversacks and canteens and were accompanied by a hospital corps with stretchers and medical supplies...was of itself an act of war; and*

WHEREAS, President Cleveland concluded *an act of war, committed with the participation of a diplomatic representative of the United States and without the authority of Congress, the Government of a feeble but friendly and confiding people has been overthrown; and*

WHEREAS, 19th century customary international law required the United States, as the occupying State, to administer the laws of the Hawaiian Kingdom, the occupied State, duties later codified under Article 43 of the 1907 Hague Regulations and Article 64 of the 1949 Fourth Geneva Convention; and

WHEREAS, the United States has not carried out its obligations under international humanitarian law; and

WHEREAS, the United States Congress purportedly annexed the Hawaiian Islands by a joint resolution of Congress on July 7, 1898; and

WHEREAS, neither a joint resolution nor a statute enacted by the Congress can have any legal effect beyond the borders of the United States and affect the sovereignty of a foreign State; and

WHEREAS, the 1898 joint resolution of annexation is not a treaty whereby the Hawaiian Kingdom ceded its sovereignty to the United States of America; and

WHEREAS, the United States Congress has enacted municipal laws and unlawfully imposed these laws within the territory of the Hawaiian Kingdom in violation of international law; and

WHEREAS, in 2001, the Permanent Court of Arbitration, in *Larsen v. Hawaiian Kingdom*, referred to “the unlawful imposition of American municipal laws...within the territorial jurisdiction of the Hawaiian Kingdom”; and

WHEREAS, under international law all States have sovereign equality, and have equal rights and duties as co-equal members of the international community regardless of their economic, social and political differences; and

WHEREAS, in March 2019, after education and discussion at its retreat, the International Committee created a new subcommittee, the Hawaiian Kingdom Subcommittee; and

WHEREAS, the Hawaiian Kingdom Subcommittee provides legal support to the movement demanding that the U.S., as the occupying State, comply with international humanitarian and human rights law within Hawaiian Kingdom territory, the occupied State;

NOW, THEREFORE, BE IT RESOLVED that the National Lawyers Guild calls upon the United States of America immediately to begin to comply with international humanitarian law in its prolonged and illegal occupation of the Hawaiian Islands.

Implementation: The Hawaiian Kingdom Subcommittee will take the lead in implementing this resolution. The National Office will support the implementation by: sharing resources on this topic created by NLG with members and the public, link the resolution to the NLG website, email the resolution to members, circulate the resolution on social media, send the resolution to relevant press, promote and highlight the Subcommittee's work on this issue, provide logistical support for a webinar on this topic, and highlight work around the United States' immediate compliance with international humanitarian law and human rights law in its long and illegal occupation of the Hawaiian Islands in Guild Notes and NLG Review.

Consultation: The Hawaiian Kingdom Subcommittee chairs were consulted & consent to taking the lead in implementing. The National Office was consulted and consents.