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Revisiting the Fake Revolution of January 17, 1893

by David Keanu Sai

Revolution by definition is an internal State phenomenon. It is a legal act under international law that does not affect the continuity of the State, but only when the insurgents have met the objective test of *de facto* will the continuity of the State cease to be protected. As the continuity of an independent State remains protected under international law during a revolution, the revolution's legality must be denied if it is a product of outside forces.

Professor Krystyna Marek, author of *Identity and Continuity of States*, explains,

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law that third States are under a clear duty of non-intervention and non-interference in civil strife within a State. Any such interference is an unlawful act, even if, far from taking the form of military assistance to one of the parties, it is merely confined to premature recognition of the rebel government."

It has been concluded by the 1893 U.S. Presidential investigation of the so-

called revolution that the United States Minister, John Stevens, had conspired with a minority of insurgents between January 14th and 16th, 1893. The report also concluded that the U.S. Minister had encouraged the insurgents with his intent of landing American troops and providing *de facto* recognition of the Provisional Government once the Government building was in their control. Another important element to seizing the Government building, was that the seizure would occur on a weekend when there were no Hawaiian government officials stationed in the area to oppose them. Clearly, these actions could not be considered to be protected under international law as a revolution, but rather evolved due to the unlawful acts of another independent State's intervention.

Professor Lauterpracht, author of *Oppenheim's International Law*, 7th ed. (1948), comments on the illegality of intervention by another independent

State by stating,

"...while subversive activities against foreign States on the part of private persons do not in principle engage the international responsibility of a State, such activities when emanating directly from the Government itself or indirectly from organizations receiving from it financial or other assistance or closely associated with it by virtue of the constitution of the State concerned, amount to a breach of International Law."

Professor Marek concludes,

"Thus, there is intervention, and not revolution, if the revolutionary movement in one State is instigated and supported by a foreign State; if the alleged revolution is conducted by citizens, or, a fortiori, by organs of that foreign State; if it takes place under foreign pressure, as for example military occupation."

On January 16, 1893, American troops made an unwarranted invasion of Hawaiian territory and only made their intentions known on the following day when the self-proclaimed Committee of Safety declared the formation of a Provisional Government. The invasion of Hawaiian soil was a hostile act by a third State over the sovereign right of the Hawaiian Kingdom. In a letter of correspondence to the U.S. Secretary of State, Special Investigator James Blount commented on the illegality of the landing of American troops, by stating that,

"...the fact that the landing of the troops under existing circumstances could, according to all law and precedent, be done only on the request of the existing Government, having failed in utilizing the Queen's cabinet, resorted to the new device of a committee of safety, made of Germans, British, Americans, and natives of foreign origin, led and directed by two native subjects of the Hawaiian Islands. With these leaders, subjects of the Hawaiian Islands, the American minister consulted freely as to the revolutionary movement and gave them assurance of protection from danger at the hands of the

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royal Government and forces."

Regarding the occupation of the Hawaiian Kingdom, U.S. President Cleveland had concluded from the 1893 investigation that,

"...Hawaii was taken possession of by the United States forces without the consent or wish of the government of the islands, or of anybody else so far as shown, except the United States Minister. Therefore the military occupation of Honolulu by the United States on the day mentioned was wholly without justification, either of an occupation by consent or as an occupation necessitated by dangers threatening American life and property."

The American military occupation was to support the future establishment of a provisional government that would seek annexation to the United States. Therefore it must be construed that the U.S. Minister, in an attempt to avoid international responsibility for an American invasion of Hawaiian soil, affords *de facto* recognition to a government it had previously helped to create. Thus you have an attempt to assimilate the differing characteristics of a *de facto* government, which arises out of a lawful revolution within an independent State, and a *fake revolution*, by intervention of a third State, and the subsequent creation of a puppet government. A puppet government is the organ of the occupant and any agreement or agreements made between them is really an agreement made by the occupant with themselves, as the puppet government can possess no standing under international law as a contracting party.

David Keanu Sai is presently serving as acting Minister of the Interior and Chairman of the Council of Regency. He served as lead Agent for the acting government of the Hawaiian Kingdom in arbitration proceedings before the Permanent Court of Arbitration at The Hague, Netherlands, from November 1999-February 2001. He is also serving as Agent in a Complaint against the United States of America concerning the prolonged occupation of the Hawaiian Kingdom, which was filed with the United Nations Security Council on July 5, 2001. For more information and updates visit our website at:

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