

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAI‘I**

STUDENTS FOR FAIR ADMISSIONS;  
I.P., by and through her next friend and  
mother, B.P.; and B.P.,  
*Plaintiffs,*

Case No. 1:25-cv-450-MWJS-RT

v.

TRUSTEES OF THE ESTATE OF  
BERNICE PAUAHI BISHOP d/b/a  
KAMEHAMEHA SCHOOLS,  
*Defendant.*

**DECLARATION OF DAVID KEANU SAI, PH.D.,  
IN SUPPORT OF MOTION FOR RECONSIDERATION**

1. My name is David Keanu Sai. I have an M.A. and a Ph.D. degree in political science from the University of Hawai‘i at Mānoa specializing in international relations and law. I am faculty at the University of Hawai‘i Windward Community College Department of Hawaiian Studies and Department of Political Science, and affiliate faculty at the University of Hawai‘i at Mānoa College of Education graduate division.
2. I also have been serving in the Hawaiian Kingdom government since 1997. I am currently Chairman of the Hawaiian Kingdom Council of Regency, *acting* Minister of the Interior, and *acting* Minister of Foreign Affairs *ad interim*. I

also served as Lead Agent for the Council of Regency, in *Larsen v. Hawaiian Kingdom*, PCA Case no. 1999-01, at the Permanent Court of Arbitration at The Hague, Netherlands, from 1999-2001.

3. My research and publications focus on Hawaiian constitutional law and administrative law, and the continuity of the Hawaiian Kingdom, as a State under international law, despite the prolonged American occupation since January 17, 1893. I served as an expert witness on the continued existence of the Hawaiian Kingdom as a State under international law in two criminal cases and eight civil cases in the courts of the State of Hawai‘i. I am the author of two books, five chapters, and numerous articles. My *curriculum vitae* is attached hereto as Exhibit 1.
4. As Lead Agent in the *Larsen* case, I was in communication with the Permanent Court’s Principal Legal Counsel, Ms. Bette Shifman, who had to determine whether the Hawaiian Kingdom exists as a State in continuity since the nineteenth century. This determination was for the purposes of the Permanent Court’s institutional jurisdiction in accordance with Article 47 of the 1907 Hague Convention for the Pacific Settlement of International Disputes. Article 47 provides, “The jurisdiction of the Permanent Court may, within the conditions laid down in the regulations, be extended to disputes between non-Contracting Powers or between Contracting Powers and non-

Contracting Powers, if the parties are agreed on recourse to this Tribunal.”

Ms. Shifman, as the Permanent Court’s legal counsel, had to determine whether the Hawaiian Kingdom continues to exist as a State since the nineteenth century according to the rules of customary international law. She concluded that the Hawaiian Kingdom continues to exist as a State and the Council of Regency is its interim government.

5. Prior to the Permanent Court’s formation of the arbitral tribunal on June 9, 2000, the Secretariat determined that the Hawaiian Kingdom met the standing of a State and was recognized as a non-Contracting Power. This fact is noted in Annex 2—*Cases Conducted under the Auspices of the PCA or with the Cooperation of the International Bureau* in the Permanent Court’s Annual Reports from 2000 to 2011. The Permanent Court also recognized the Council of Regency as the Hawaiian Kingdom’s government. I am enclosing, as Exhibit 2, a true and correct copy of Annex 2 from the 2011 Annual Report that identifies *Larsen v. Hawaiian Kingdom* as the thirty-third case that came under the auspices of the Permanent Court. On page 51, note 2, it states the Permanent Court’s jurisdiction of the *Larsen v. Hawaiian Kingdom* was done “[p]ursuant to article 47 of the 1907 Convention (article 26 of the 1899 Convention).” I am also enclosing, as Exhibit 3, a true and correct copy from the Permanent Court’s Case Repository for *Larsen v. Hawaiian Kingdom* on

its website. Since 2012, the Annual Reports no longer included Annex 2 because the Permanent Court's website provided the list of cases, which includes *Larsen v. Hawaiian Kingdom*, Case no. 1999-01.

6. In February of 2020, prior to the formation of the *Larsen* tribunal on June 9, 2000, I spoke over the phone with Mr. Tjaco T. van den Hout, Secretary General of the Permanent Court, who recommended that the Hawaiian government provide an invitation to the United States to join in the arbitration. The Hawaiian government agreed with the recommendation, which resulted in a conference call meeting on March 3, 2000, in Washington, D.C., between me, Larsen's counsel, Ms. Ninia Parks, and John Crook from the State Department. The meeting was reduced to a formal note, and I sent it to Mr. Crook in his capacity as legal adviser to the State Department, and I sent a copy of the note to the Permanent Court's Registry for record that the United States was invited to join in the arbitral proceedings, which I am enclosing, as Exhibit 4, a true and correct copy of my letter to Mr. Crook, dated March 3, 2000.
7. Thereafter, the Permanent Court's Deputy Secretary General, Phyllis Hamilton, informed me that the United States, through its embassy in The Hague, notified the Permanent Court that the United States declined the invitation to join the arbitral proceedings. Instead, the United States requested

permission from the Hawaiian government to have access to the pleadings and records of the case. The Hawaiian government 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.

8. Before Plaintiff Student for Fair Admissions filed their complaint against the Defendant Kamehameha Schools, I was invited to a Teams meeting online with Chief Executive Officer of the Kamehameha Schools, Jack Wong, Vice-President of Uluhiwa Strategy and Experience, Dr. Kehau Abad, Ph.D., with a few of her staff, and Nalani Kaina, Head of the Legal Department, with a few of her staff attorneys. The Team's meeting took place on October 16, 2025, at 4:15pm.
9. In that meeting, I did a powerpoint presentation on the precedence set by the Intermediate Court of Appeals in State of *Hawai'i v. Lorenzo*, 77 Haw. 219, 883 P.2d 641 (App. 1994) ("Lorenzo appeals, arguing that the lower court erred in denying his pretrial motion (Motion) to dismiss the indictment. The essence of the Motion is that the [Hawaiian Kingdom] (Kingdom) was recognized as an independent sovereign nation by the United States in numerous bilateral treaties; the Kingdom was illegally overthrown in 1893 with the assistance of the United States; the Kingdom still exists as a sovereign

nation; he is a citizen of the Kingdom; therefore, the courts of the State of Hawai‘i have no jurisdiction over him. Lorenzo makes the same argument on appeal. For the reasons set forth below, we conclude that the lower court correctly denied the Motion. *Id.*, 220; 642. [...] Consequently, it was incumbent on Defendant to present evidence supporting his claim. *United States v. Lorenzo*. Lorenzo has presented no factual (or legal) basis for concluding that the Kingdom exists as a state in accordance with recognized attributes of a state’s sovereign nature. (citation omitted) Consequently, his argument that he is subject solely to the Kingdom’s jurisdiction is without merit, and the lower court correctly exercised jurisdiction over him.” *Id.*, 221; 643-644.).

10. In my presentation I stated in 1993, the Ninth Circuit Court of Appeals was the first court to address defendants-appellants’ claim that United States courts do not have jurisdiction over them because of the illegal overthrow of the government of the Hawaiian Kingdom on January 17, 1893. *United States v. Lorenzo*, 995 F.2d 1448, \*1455; 1993 U.S. App. LEXIS 10548, 19-20 (“Appellants Brown and Lorenzo contend that they are Hawaiian nationals and therefore the federal district court had no jurisdiction to hear this case. [However], [t]he appellants have presented no evidence that the Sovereign Kingdom of Hawaii is currently recognized by the federal government or that

they have received any immunity arising from the existence of the Kingdom.”).

11. I then explained, the following year in 1994, the Intermediate Court of Appeals, in *State of Hawai‘i v. Lorenzo*, while citing *United States v. Lorenzo*, created an evidentiary standard for defendants to meet who argue the State of Hawai‘i courts lack jurisdiction because of the overthrow of the government of the Hawaiian Kingdom in 1893. The Appellate Court also did not foreclose this evidentiary burden, in *State of Hawai‘i v. Lee*, 90 Haw. 130, 142; 976 P.2d 444, 456 (App. 1999), when referencing *Lorenzo*, stated, “it is an open legal question whether the ‘Kingdom of Hawai‘i’ still exists.” In 2014, the Supreme Court, in *State of Hawai‘i v. Armitage*, 132 Haw. 36 (2014), clarified the evidentiary burden that *Lorenzo* placed upon defendants (“Lorenzo held that, for jurisdictional purposes, should a defendant demonstrate a factual or legal basis that the Kingdom of Hawai‘i “exists as a state in accordance with recognized attributes of a state’s sovereign nature[,]” and that he or she is a citizen of that sovereign state, a defendant may be able to argue that the courts of the State of Hawai‘i lack jurisdiction over him or her.” *Id.*, 60).
12. I also stated that since 1994, *State of Hawai‘i v. Lorenzo* became a precedent case at the trial court level for denying defendants’ motions to dismiss because they provided no evidence of “a factual or legal basis that the Kingdom of

Hawai‘i ‘exists as a state in accordance with recognized attributes of a state’s sovereign nature.’” If these decisions went to appeal, the Intermediate Court of Appeals have always affirmed the trial court’s decision pursuant to *Lorenzo*. See *Burgo v. State of Hawai‘i*, 2012 Haw. App. LEXIS 462, 2; *Bank of America, N.A. v. Santos*, 2015 Haw. App. LEXIS 250, 2; *State of Hawai‘i v. Rodenhurst*, 2010 Haw. App. LEXIS 588, (Haw. Ct. App. Oct. 29, 2010); *State of Hawai‘i v. Makekau*, 2009 Haw. App. LEXIS 633 (Haw. Ct. App. Sept. 29, 2009); *State v. Among*, 2009 Haw. App. LEXIS 72 (Haw. Ct. App. Feb. 27, 2009); *State of Hawai‘i v. Ball*, 2007 Haw. App. LEXIS 267 (Haw. Ct. App. Apr. 19, 2007); *State of Hawai‘i v. Spinney*, 2005 Haw. App. LEXIS 43 (Haw. Ct. App. Feb. 4, 2005); *State of Hawai‘i v. Fergerstrom*, 106 Haw. 43, 101 P.3d 652, 2004 Haw. App. LEXIS 349 (Haw. Ct. App. 2004); *State of Hawai‘i v. Keliikoa*, 2004 Haw. App. LEXIS 227 (Haw. Ct. App. July 21, 2004); *Betsill Bros. Constr., Inc. v. Akahi*, 2004 Haw. App. LEXIS 205 (Haw. Ct. App. June 28, 2004); *State of Hawai‘i v. Araujo*, 2004 Haw. App. LEXIS 3 (Haw. Ct. App. Jan. 14, 2004); *Makapono Partners, LLC v. Simeona*, 2003 Haw. App. LEXIS 108, p. 17 (Haw. Ct. App. Apr. 14, 2003); *State of Hawai‘i v. Lindsey*, 2002 Haw. App. LEXIS 32, p. 8 (Haw. Ct. App. Mar. 8, 2002); *State of Hawai‘i v. Sherman*, 2000 Haw. App. LEXIS 218, p. 4 (Haw. Ct. App. Dec. 11, 2000); *Chalon Int’l of Haw., Inc. v. Makuaole*, 2000 Haw. App.



LEXIS 192, p. 7 (Haw. Ct. App. Oct. 24, 2000); and *Nishitani v. Baker*, 82 Haw. 281, 289 (1996).

13. I also stated that in 2002, Chief United States District Judge David Ezra, in his January 24, 2002, Order affirming Magistrate Judge Kobayashi's Order, *United States v. Goo*, 2002 U.S. Dist. LEXIS 2919, acknowledged the *State of Hawai'i v. Lorenzo* precedent as the *Lorenzo* principle ("The court finds that Defendant has failed to provide any viable legal or factual support for his claim that as a citizen of the Kingdom he is not subject to the jurisdiction of the courts. Since the Intermediate Court of Appeals for the State of Hawaii's decision in *Hawaii v. Lorenzo*, the courts in Hawaii have consistently adhered to the *Lorenzo* court's statements that the Kingdom of Hawaii is not recognized as a sovereign state by either the United States or the State of Hawaii. See *Lorenzo* [internal citation omitted]; see also *State of Hawaii v. French* [internal citation omitted] (stating that "presently there is no factual (or legal) basis for concluding that the [Hawaiian] Kingdom exists as a state in accordance with recognizing attributes of a state's sovereign nature") (quoting *Lorenzo* [internal citation omitted]). This court sees no reason why it should not adhere to the *Lorenzo* principle. *Id.* 3-4."). A principle is a "settled rule of action, procedure, or legal determination." *Black's Law* 1193 (1990).

14. I explained that, pursuant to the *Lorenzo* principle, Kamehameha Schools should file a motion to dismiss under Rule 12(b)(1) of the Federal Rules of Civil procedure because it can provide a “factual (or legal) basis for concluding that the [Hawaiian] Kingdom exists as a state in accordance with recognizing attributes of a state’s sovereign nature.” The evidence of a factual basis would be the Permanent Court of Arbitration’s Case Repository and its Annual Reports of 2000-2011 that identifies the Hawaiian Kingdom as a State. The evidence of a legal basis would be the legal opinion by Professor Matthew Craven, “Continuity of the Hawaiian Kingdom,” 1 *Haw. J. L. & Pol* 508 (2004), and the legal opinion by Professor Federico Lenzerini, “Legal Opinion on the Authority of the Council of Regency of the Hawaiian Kingdom,” 3 *Haw. J. L. & Pol* 317 (2021). After questions and answers, the Teams meeting ended.
15. On November 12, 2025, I received a text from Dr. Abad that Kamehameha Schools will not be making this argument. This decision is an admission that Kamehameha Schools will not represent the interest of the Hawaiian Kingdom as a State under international law, which prompted the Hawaiian Kingdom to prepare to file a motion to intervene. The motion to intervene was filed January 21, 2026.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed on January 26, 2026, at Hilo, Hawaiian Kingdom.

A handwritten signature in cursive script, reading "David Keanu Sai", written in black ink.

David Keanu Sai

**Exhibit “1”**

## Curriculum Vitae

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**DAVID KEANU SAI**



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**EXPERTISE:**

International relations, state sovereignty, international laws of occupation, United States constitutional law, Hawaiian constitutional law, and Hawaiian land titles.

**ACADEMIC QUALIFICATIONS:**

- Dec. 2008: Ph.D. in Political Science specializing in international law, state sovereignty, international laws of occupation, United States constitutional law, and Hawaiian constitutional law, University of Hawai‘i, Manoa, H.I.
- Doctoral dissertation titled, “American Occupation of the Hawaiian Kingdom: Beginning the Transition from Occupied to Restored State.”
- May 2004: M.A. in Political Science specializing in International Relations, University of Hawai‘i, Manoa, H.I.
- May 1987: B.A. in Sociology, University of Hawai‘i, Manoa, H.I.
- May 1984: A.A. in Pre-Business, New Mexico Military Institute, Roswell, N.M., U.S.
- May 1982: Diploma, Kamehameha Schools, Honolulu, H.I.

P.O. Box 4146  
Hilo, HI 96720  
Cell: (808) 383-6100  
Email: [anu@hawaii.edu](mailto:anu@hawaii.edu)

## GOVERNMENT POSITIONS:

- March 1, 1996: Appointed Regent *pro tempore* by the Hawaiian Kingdom Trust Company that served in place of the absentee government—the Hawaiian Kingdom government.
- Sep. 26, 1999: Resumed the office of *acting* Minister of the Interior, and Chairman of the Council of Regency, after the vacancies for the office of the Minister of Foreign Affairs and Minister of Finance were filled on September 7, 1999, and the office of the Attorney General was filled on September 9, 1999.
- 1999-2001: Served as lead Agent for the Hawaiian Kingdom in *Larsen v. Hawaiian Kingdom*, Permanent Court of Arbitration, PCA Case no. 1999-01.
- April 17, 2019: Appointed Head of the Royal Commission of Inquiry by the Council of Regency
- Nov. 11, 2019: Appointed *acting* Minister of Foreign Relations *ad interim* after the death of H.E. Peter Umialiloa Sai on October 17, 2018.

## ACADEMIC POSITIONS:

- Aug. 2017 – present: Affiliate Faculty, University of Hawai‘i College of Education, graduate program
- Aug. 2010 – present: Senior Lecturer, Hawaiian Studies and Political Science, University of Hawai‘i Windward Community College
- Aug. 2009 – 2010: Lecturer, Political Science, University of Hawai‘i Kapi‘olani Community College

### Doctoral Committee Membership:

- Willy Daniel Kauai, Ph.D., political science, University of Hawai‘i at Manoa (2011-2014)
- Brandi Jean Nalani Balutski, Ph.D. student, education, University of Hawai‘i at Manoa (2019-2024)

Referee, *Law and History Review*, Cambridge University Press

Referee, *Hawaiian Journal of Law and Politics*, University of Hawai‘i

## PANELS AND PRESENTATIONS:

- *Diplomatic Relations of the Hawaiian Kingdom* on a panel “Treaty Making in Oceania in the Nineteenth Century,” The Problem of Eurocentrism in Global Diplomatic History, Stockholm University, Sweden, January 23-24, 2025.
- *Myth Busting—Hawai‘i is not the 50th State, but rather an Occupied State*, NCORE—National Conference on Race & Ethnicity in Higher Education, Hawai‘i Convention Center, Honolulu, May 29, 2024.
- *Bringing Compliance with International Law: The American Occupation of the Hawaiian Kingdom*, 2023 Class of the National Defense University, East-West Center, University of Hawai‘i at Mānoa, May 2, 2023.
- *The Royal Commission of Inquiry—Investigating War Crimes and Human Rights Violations Committed in the Hawaiian Kingdom* with Dr. David Keanu Sai, Professor William Schabas, and Professor Federico Lenzerini, the Hawaiian Society of Law and Politics Symposium at the University of Hawai‘i at Mānoa, February 11, 2023.
- *Bringing Compliance with International Law: The American Occupation of the Hawaiian Kingdom*, Central Connecticut State University, April 25, 2023.
- *Bringing Compliance with International Law: The American Occupation of the Hawaiian Kingdom*, St. University of Saint Joseph, Connecticut, April 25, 2023.
- *Paradise Lost: A Conversation about Hawai‘i and the United States* with Dr. Keanu Sai and Professor Williamson Chang, webinar, American Constitution Society, Stetson University’s College of Law, March 2, 2022.
- *Hawaiian Kingdom, United States and International Law*, webinar, Centre for International Legal Studies, Jindal Global Law School, and Addis Ababa University IHL Clinic, April 8, 2021 (online at <https://hawaiiankingdom.org/blog/dr-keanu-sai-to-present-on-the-hawaiian-kingdom-united-states-and-international-law-on-april-8/>).
- *War Crimes and the U.S. Occupation of Hawai‘i* with Dr. Keanu Sai and Professor Federico Lenzerini, webinar, International Association of Democratic Lawyers and the National Lawyers Guild, on January 9, 2021 (online at <https://iadllaw.org/2021/01/video-webinar-on-war-crimes-and-the-u-s-occupation-of-hawaii-with-dr-keanu-sai-and-professor-federico-lenzerini/>).
- *The Law of Occupation—Hawai‘i, Iraq, Afghanistan and Palestine*, National Lawyers Guild International Committee online Continuing Law Education. Webinar panelists along with Professor Federico Lezerini, University of Siena, Italy, Professor Marjorie Cohn, Thomas Jefferson Law School, and Dr. Valentina Azarova, Global Legal Action Network, September 21, 2020.

- *The United States Prolonged Occupation of Hawai‘i: War Crimes and Human Rights Violations*, presentation at Middlesex University School of Law, London, U.K., October 15, 2019.
- *Status of the Hawaiian Kingdom under International Law*, (3) workshops for the Maui County Council’s Planning and Sustainable Land Use Committee, May 15, 2019, June 5, 2019, and August 21, 2019.
- *Permanent Court of Arbitration: International Commission of Inquiry—Larsen v. Hawaiian Kingdom*, presentation with Professor Federico Lenzerini, Kamehameha Schools at Kapalama, Honolulu, January 30, 2017.
- *Hawai‘i Reloaded, The Matrix Alive*, Smithsonian Asian Pacific American Center—A Culture Lab on Imagined Futures, New York City, November 12-13, 2016.
- *The American Occupation of the Hawaiian Kingdom: Genocide Through Denationalization*, presentation at University of Torino, Department of Anthropology, Italy, October 21, 2016.
- *The American Occupation of the Hawaiian Kingdom: Genocide Through Denationalization*, presentation at University of Siena Law School, Italy, October 18, 2016.
- *The American Occupation of the Hawaiian Kingdom: Genocide Through Denationalization*, presenter at a conference, “eVenti Nativi 2016,” Ravenna, Italy, October 14, 2016.
- *Hawai‘i—Let the Truth be Told: Genocide Through Denationalization*, presentation at New York University, New York City, June 11, 2016.
- *Hawai‘i—Let the Truth be Told: Genocide Through Denationalization*, presentations at Smithsonian National Museum of the American Indian, Washington, D.C., June 6, 2016.
- *Sovereignty and Imperialism: Non-European Powers in the Age of Empire*, invited presenter at an academic conference, University of Cambridge, UK, September 10-12, 2015.
- *The Aftermath of the U.S. Department of Interior Proposals Regarding Federal Recognition: Clarification*, American Constitution Society’s William S. Richardson School of Law Student Chapter and ‘Ahahui o Hawai‘i, University of Hawai‘i at Manoa, Presenter-Panelist with Professor Williamson Chang and Dr. Willy Kauai, September 2, 2014.
- *Alternative Visions of Sovereignty*, American Constitution Society’s William S. Richardson School of Law Student Chapter, University of Hawai‘i at Manoa, Presenter-Panelist with Professor Williamson Chang and former Governor John Waihe‘e, III, April 17, 2014.



- *The Hawai‘i-Connecticut Missionary Connection: Rumors and Realities*, Hartford Seminary, Panellist-Discussant with Aolani Kailihou, Dr. Stephen Blackburn, and Dr. Clifford Putney, April 10, 2014.
- *Hawai‘i: An American State or a State under American Occupation*, Central Connecticut State University, April 10, 2014.
- *Hawai‘i: An American State or a State under American Occupation*, University of Massachusetts Boston, April 8, 2014.
- *Hawai‘i: An American State or a State under American Occupation*, Harvard University, April 8, 2014.
- *Hawai‘i: An American State or a State under American Occupation*, New York University, April 7, 2014.
- *Hawai‘i: An American State or a State under American Occupation*, Swiss Diplomats—Zurich Network and Foraus, University of Zurich, Switzerland, November 11, 2013.
- *Puana Ka ‘Ike Lecture Series (Imparting Knowledge)*, Kamehameha Investment Corporation, Keahou Hotel, Kona, Hawai‘i. A presentation entitled “1893 Executive Agreements and their Impact Today,” March 15, 2013.
- *Why the Birthers Are Right For All The Wrong Reasons*, Harvard University, Massachusetts, October 12, 2012.
- *Why the Birthers Are Right For All The Wrong Reasons*, University of Massachusetts, Boston, October 12, 2012.
- *Puana Ka ‘Ike Lecture Series (Imparting Knowledge)*, Kamehameha Investment Corporation, Keahou Hotel, Kona, Hawai‘i. A presentation entitled “1893 Executive Agreements and their Impact Today,” March 16, 2012.
- “The American Occupation of the Hawaiian Kingdom: Beginning the Transition from Occupied to Restored State.” *Sustainability for Biological Engineers Lecture Series*, University of Hawai‘i at Manoa, Agricultural Science Bldg. 219, December 7, 2010.
- “1893 Cleveland-Lilu‘uokalani Executive Agreements and their Impact Today.” Presentation at the *Annual Convention of Hawaiian Civic Clubs*, Sheraton Keauhou Bay Resort & Spa, Island of Hawai‘i, November 9, 2010.
- “The History of the Hawaiian Kingdom.” Presentation at the annual convention of the *Victorian Society of Scholars*, Kana‘ina Bldg., Honolulu, October 28, 2010.

- “Pu`a Foundation: E pu pa`akai kakou.” Joint presentation with Pu`a Foundation of an educational package and curriculum I authored for teaching Hawaiian history, *Healing Our Spirit World, The Sixth Gathering*, Hawai‘i Convention Center, September 7, 2010.
- “Evolution of Hawaiian land Titles and the Impact of the 1893 Executive Agreements.” Sponsored by the County of Maui, Real Property Tax Division, HGEA Bldg, Kahului, June 28, 2010.
- “Evolution of Hawaiian land Titles and the Impact of the 1893 Executive Agreements.” Sponsored by the City & County of Honolulu, Real Property Assessment Division, Mission Memorial Auditorium, June 9, 2010.
- “Hawai‘i’s Legal and Political History.” Sponsored by *Kokua A Puni Hawaiian Student Services*, UH Manoa, Center for Hawaiian Studies, UHM, May 26, 2010.
- “Ua Mau Ke Ea: Sovereignty Endured.” Joint presentation with Pu`a Foundation of an educational package and curriculum I authored for teaching Hawaiian history, *Native Hawaiian Education Association Conference*, Windward Community College, March 19, 2010.
- *Puana Ka `Ike Lecture Series (Imparting Knowledge)*, Kamehameha Investment Corporation, Keahou Hotel, Kona, Hawai‘i. A presentation entitled “Evolution of Hawaiian Land Titles and its Impact Today,” March 12, 2010.
- “1893 Cleveland-Lili`uokalani Agreement of Restoration (Executive Agreement).” Sponsored by the Haloa Research Center, Baldwin High School Auditorium, February 20, 2010.
- “1893 Cleveland-Lili`uokalani Agreement of Restoration (Executive Agreement).” Sponsored by Kamehameha Schools’ Kula Hawai‘i Teachers Professional Development, Kapalama Campus, Konia, January 4, 2010.
- “The Legal and Political History of Hawai‘i.” Sponsored by House Representative Karen Awana, National Conference of Native American State Legislators, State of Hawai‘i Capital Bldg, November 16, 2009.
- “The Myth of Ceded Lands: A Legal Analysis.” Sponsored by Hawaiian Studies, Ho‘a and Ho‘okahua (STEM), Maui Community College, Noi‘i 12-A, November 2, 2009.
- “The Legal and Political History of Hawai‘i.” Presentation to the *Hui Aloha `Aina Tuahine*, Center for Hawaiian Studies, University of Hawai‘i at Manoa, October 30, 2009.

- “The Legal and Political History of Hawai‘i.” Presentation to *Kahuewai Ola*, Queen Lili‘uokalani Center for Student Services, University of Hawai‘i at Manoa, October 23, 2009.
- “The Myth of Ceded Lands: A Legal Analysis.” Sponsored by Kamehameha Schools Ka‘iwakiloumoku Hawaiian Cultural Events Series, Ke‘eliokalani Performing Arts Center, Kamehameha Schools Kapalama campus, October 21, 2009.
- “The Myth of Ceded Lands: A Legal Analysis.” Sponsored by ASUH and Hawaiian Studies, Paliku Theatre, Windward Community College, September 10, 2009.
- *Puana Ka ‘Ike Lecture Series (Imparting Knowledge)*, Kohana Center/Kamehameha Investment Corporation, Keauhou II Convention Center, Kona, Hawai‘i. A presentation entitled “The Myth of Ceded Lands: A Legal Analysis,” March 13, 2009.
- “American Occupation of the Hawaiian Kingdom: Beginning the Transition from Occupied to Restored State.” Briefing for Colonel James Herring, Army Staff Judge Advocate, 8th Theater Sustainment Command, and his staff officers, Wheeler AAF Courthouse, U.S. Army Pacific, Wahiawa, Hawai‘i, February 25, 2009.
- *Ka Nalu: Towards a Hawaiian National Consciousness*, Symposium of the Hawaiian Society of Law and Politics, University of Hawai‘i at Manoa, Imin Conference Bldg (East West Center). Presented a portion of my doctoral dissertation entitled “The Myth of Ceded Lands: A Legal Analysis,” February 28, 2009.
- *Manifold Destiny: Disparate and Converging Forms of Political Analysis on Hawai‘i Past and Present*, International Studies Association Annual Conference, San Francisco, California, March 26, 2008. Presented a paper entitled “A Slippery Path Towards Hawaiian Indigeneity: An Analysis and Comparison between Hawaiian Nationality and Hawaiian Indigeneity and its Use and Practice in Hawai‘i today,” March 26, 2008.
- *Mana Kupuna Lecture Series*, University of Waikato, New Zealand. A presentation entitled “Legal and Political History of the Hawaiian Kingdom,” March 5, 2008.
- *Indigenous Politics Colloquium* speaker series, Department of Political Science, University of Hawai‘i at Manoa. Presented an analysis and comparison between Hawaiian State sovereignty and Hawaiian indigeneity and its use and practice in Hawai‘i today,” January 30, 2007.
- Conference at Northeastern Illinois University entitled *Dialogue Under Occupation: The Discourse of Enactment, Transaction, Reaction and Resolution*. Presented a paper on a panel entitled “Prolonged Occupation of the Hawaiian Kingdom,” Chicago, Illinois, November 10, 2006.
- The 14<sup>th</sup> Biennial Asian/Pacific American Midwest Student Conference, “Refocusing Our Lens: Confronting Contemporary Issues of Globalization and Transnationalism.”

Presented article “American Occupation of the Hawaiian State: A Century Unchecked” on Militarization Panel, Oberlin College, Ohio, February 18, 2006.

- 2005 American Studies Association Annual Conference. Panelist on a roundtable discussion entitled, “The Case for Hawai‘i’s Independence from the United States - A Scholarly and Activist Roundtable Discussion,” with Keala Kelly and Professor Kehaulani Kauanui. Renaissance Hotel, Washington, D.C., November 4, 2005.
- Kamehameha Schools 2005 Research Conference on Hawaiian Well-being, sponsored by the Kamehameha Schools *Policy Analysis & Systems Evaluation* (PACE). Presented article “Employing Appropriate Theory when Researching Hawaiian Kingdom Governance” with two other presenters, Malcolm Naea Chun and Dr. Noelani Goodyear-Kaopua. Radisson Prince Kuhio Hotel, Waikiki, October 22, 2005.
- 1<sup>st</sup> Annual Symposium of the *Hawaiian Society of Law & Politics* showcasing the first edition of the *Hawaiian Journal of Law & Politics* (summer 2004). Presented article “American Occupation of the Hawaiian State: A Century Gone Unchecked,” with response panellists Professor John Wilson, Political Science, and Kanale Sadowski, 3<sup>rd</sup> year law student, Richardson School of Law. Imin International Conference Center, University of Hawai‘i at Manoa, April 16, 2005.
- “A Symposium on Practical Pluralism.” Sponsored by the *Office of the Dean*, William S. Richardson School of Law. Panelist with Professor Williamson Chang and Dr. Kekuni Blaisdell, University of Hawai‘i at Manoa, Honolulu, April 16-17, 2004.
- “Mohala A‘e: Blooming Forth,” *Native Hawaiian Education Association’s 5<sup>th</sup> Annual Conference*. Presented a workshop entitled “Hawaiian Epistemology.” Windward Community College, Kane‘ohe, March 23, 2004.
- “First Annual ‘Ahahui o Hawai‘i Kukakuka: Perspectives on Federal Recognition.” Guest Speaker at a symposium concerning the Akaka Bill. Sponsored by the ‘*Ahahui o Hawai‘i* (organization of native Hawaiian law students), University of Hawai‘i at Manoa Richardson School of Law, Honolulu, March 12, 2004.
- “The Status of the Kingdom of Hawai‘i.” A debate with Professor Didrick Castberg, University of Hawai‘i at Hilo (Political Science), and moderator Professor Todd Belt University of Hawai‘i at Hilo (Political Science). Sponsored by the *Political Science Club*, University of Hawai‘i at Hilo, Campus Center, March 11, 2004.
- “The Political History of the Hawaiian Kingdom: Past and Present.” A presentation to the *Hawai‘i Island Association of Hawaiian Organizations*, Queen Lili‘uokalani Children’s Center, Hilo, February 13, 2004.
- “Globalization and the Asia-Pacific Region.” Panel with Dr. Noenoe Silva (Political Science). *East-West Center Spring 2004 Core Course*, Honolulu, February 4, 2004.

- Televised symposium entitled, “Ceded Lands.” Other panelists included Professor Jon Van Dyke (Richardson School of Law) and Professor Lilikala Kame‘eleihiwa (Center for Hawaiian Studies). Sponsored by the *Office of Hawaiian Affairs*, Wai‘anae, August 2003.
- “Hawai‘i’s Road to International Recovery, II.” Sponsored by *Kipuka*, University of Hawai‘i at Hilo, September 25, 2003.
- “An Analysis of Tenancy, Title, and Landholding in Old Hawai‘i.” Sponsored by *Kipuka*, University of Hawai‘i at Hilo, September 26, 2002.
- “The Hawaiian Kingdom in Arbitration Proceedings at the Permanent Court of Arbitration, The Hague, Netherlands.” A presentation at the 6th World Indigenous Peoples Conference on Education, Stoney Park, Morley, Alberta, Canada, August 6, 2002.
- “The Hawaiian Kingdom and the United States of America: A State to State Relationship.” *Reclaiming the Legacy*, U.S. National Archives and Records Administration, University of San Francisco, May 4, 2002
- “Hawai‘i’s Road to International Recovery.” Sponsored by *Kipuka*, University of Hawai‘i at Hilo, April 11, 2002.
- “Hawai‘i’s Road to International Recovery,” a presentation to the Officers Corps of the 25<sup>th</sup> Infantry Division, U.S. Army, Officer’s Club, Schofield Barracks, Wahiawa, February 2001.
- “Lance Larsen vs. the Hawaiian Kingdom,” presentation to the *Native Hawaiian Bar Association*, quarterly meeting, Kana‘ina Building, Honolulu, 2001.
- “Hawaiian Political History,” *Hawai‘i Community College*, Hilo, March 5, 2001.
- “The History of the Hawaiian Kingdom,” A guest speaker at the *Aloha March* rally in Washington, D.C., August 12, 1998.
- Symposium entitled, “Human Rights and the Hawaiian Kingdom on the occasion of the 50th anniversary of the Universal Declaration of Human Rights.” Other panelist included Francis Boyle (Professor of International Law, University of Illinois), Mililani Trask (Trustee, Office of Hawaiian Affairs), Richard Grass (Lakota Sioux Nation), and Ron Barnes (Tununak Traditional Elders Council, Alaska). University of Hawai‘i at Hilo, April 16, 1998.
- Symposium entitled, “Perfect Title Company: Scam or Restoration.” Sponsored by the *Hawai‘i Developers Council*, Hawai‘i Prince Hotel, Honolulu, August 1997.

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- “The Relationship between the Hawaiian Kingdom and the United States”
- “Revisiting the Fake Revolution of January 17, 1893”
- “What does TWA Flight 800 and the Hawaiian Kingdom have in Common”
- “American Migration to the Hawaiian Kingdom and the Push for State into the American Union”
- “Hawaiian Nationality: Who Comprises the Hawaiian Citizenry?”
- “The Vision of the *acting* Council of Regency”

## VIDEO/RADIO:

Video Interview: Dr. Keanu Sai discusses recent publication by Oxford University Press on the American occupation of the Hawaiian Kingdom, *KITV Island Life*, KITV television, January 17, 2025, online at <https://www.youtube.com/watch?v=PCwE0cG-jeE>.

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Video Interview: Dr. Keanu Sai discusses Senator Cross Makani Crabbe’s request of the Attorney General for a legal opinion that explains the legality of the State of Hawai‘i, *KITV Island Life*, KITV television, September 24, 2024, online at [https://www.kitv.com/island-life/island-life-live/a-conversation-with-dr-keanu-sai/video\\_adf6b0df-ba46-527a-8ebf-601eb9d34645.html](https://www.kitv.com/island-life/island-life-live/a-conversation-with-dr-keanu-sai/video_adf6b0df-ba46-527a-8ebf-601eb9d34645.html).

Video Interview: Dr. Keanu Sai discusses the termination of the 1884 Pearl Harbor Convention and the impact it has on the U.S. military’s presence,” *KITV Island Life*, KITV television, September 24, 2024, online at [https://www.kitv.com/island-life/island-life-live/what-s-da-scoops-with-dr-keanu-sai/video\\_430619cb-f86f-588c-903e-08bdc4a1f691.html](https://www.kitv.com/island-life/island-life-live/what-s-da-scoops-with-dr-keanu-sai/video_430619cb-f86f-588c-903e-08bdc4a1f691.html).

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Video: “Hawai‘i and the Law of Occupation.” *Lecture Series of the Kaleimaileali‘i Hawaiian Civic Club*, ‘Olelo Community Television, March 11, 2009.

Video: “Title Insurance and Land Ownership in Hawai‘i.” *Lecture Series of the Kaleimaileali‘i Hawaiian Civic Club*, ‘Olelo Community Television, February 4, 2009.

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show, April 11, 2008, online at <http://garybaumgarten.blogspot.com/2008/04/hawaii-kingdom-proponent-makes-case-for.html>.

Radio: "Talk Story with Uncle Charlie." Guest on a weekly talk radio show. *KNUI AM 900*, Kahului, January 23, 2004.

Radio: "Perspective." Co-host with Keaumiki Akui for a weekly talk radio show concerning Hawaiian political history. *KCCN AM 1420*, Honolulu, 1999-2001.

Video: "Hawaiian Kingdom Law a Presentation." *Na Maka o ka Aina*, 1999.

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- "The Hawaiian Kingdom"
- "What is a Hawaiian subject"
- "Attempted Overthrow of 1893"
- "The Annexation that Never Was"
- "Internal Laws of the United States"
- "Supreme Courts and International Courts"
- "U.S. Senate debate: Apology resolution, Oct. 1993"

#### **EXPERT WITNESS IN CIVIL AND CRIMINAL PROCEEDINGS:**

1. *Fukumitsu v. Fukumitsu*, case no. 08-1-0843 RAT
2. *Onewest Bank v. Tamanaha*, case no. 3RC10-1-1306
3. *State of Hawai'i v. English*, case no. CR 14-1-0819
4. *State of Hawai'i v. Dudoit*, case no. CR 14-1-0820
5. *State of Hawai'i v. Kinimaka*, case no. 5DCW-16-0000233
6. *State of Hawai'i v. Larsen*, case no. 3DTA08-03139
7. *State of Hawai'i v. Larsen*, case no. 3DTC08-023156
8. *State of Hawai'i v. Maluhia-Fuller*, case no. 1 DTC-15-028868
9. *State of Hawai'i v. Asam*, case no. 1DCW-17-0000364
10. *State of Hawai'i v. Asam*, case no. 1DCW-18-0000395

#### **MILITARY:**

Aug. 1994: Honourably Discharged  
Dec. 1990: Diploma, *U.S. Army Field Artillery Officer Advanced Course*, Fort Sill, OK  
May 1990: Promoted to Captain (O-3)  
Apr. 1990: Diploma, *U.S. Air Force Air Ground Operations School*, Hurlbert Field, FL  
May 1987: Promoted to 1<sup>st</sup> Lieutenant (O-2)  
Sep. 1987: Diploma, *U.S. Army Field Artillery Officer Basic Course*, Fort Sill, OK  
Sep. 1984: Assigned to *1<sup>st</sup> Battalion, 487<sup>th</sup> Field Artillery*, Hawai'i Army National Guard, Honolulu, H.I.

May 1984: Army Reserve Commission, 2<sup>nd</sup> Lieutenant (O-1), Early Commissioning Program (ECP) from the New Mexico Military Institute, Roswell, NM

**GENERAL DATA:**

Nationality: Hawaiian

Born: July 13, 1964, Honolulu, H.I.

**Exhibit “2”**

## CASES CONDUCTED UNDER THE AUSPICES OF THE PCA OR WITH THE COOPERATION OF THE INTERNATIONAL BUREAU

For summaries of the arbitral awards in many of these cases, see P. Hamilton, et al., *The Permanent Court of Arbitration: International Arbitration and Dispute Resolution – Summaries of Awards, Settlement Agreements and Reports* (Kluwer Law International 1999) pp. 29-281, and B. Macmahon and F. Smith, *Permanent Court of Arbitration Summaries of Awards 1999-2009* (TMC Asser Press 2010) pp. 39-312.

	<b>Parties</b>	<b>Case</b>	<b>Date Initiated</b>	<b>Date of Award</b>	<b>Arbitrators<sup>1</sup></b>
1.	United States of America – Republic of Mexico	Pious Fund of the Californias	22 - 05 - 1902	14 - 10 - 1902	<b>Matzen</b> Sir Fry de Martens Asser de Savornin Lohman
2.	Great Britain, Germany and Italy – Venezuela	Preferential Treat- ment of Claims of Blockading Powers Against Venezuela	07 - 05 - 1903	22 - 02 - 1904	<b>Mourawieff</b> Lammasch de Martens
3.	Japan – Germany, France and Great Britain	Japanese House Tax leases held in perpetuity	28 - 08 - 1902	22 - 05 - 1905	<b>Gram</b> Renault Motono
4.	France – Great Britain	Muscat Dhows fishing boats of Muscat	13 - 10 - 1904	08 - 08 - 1905	<b>Lammasch</b> Fuller de Savornin Lohman
5.	France – Germany	Deserters of Casablanca	10/24 - 11 - 1908	22 - 05 - 1909	<b>Hammar skjöld</b> Sir Fry Fusinato Kriege Renault
6.	Norway – Sweden <sup>2</sup>	Maritime Boundary Grisbådarna Case	14 - 03 - 1908	23 - 10 - 1909	<b>Loeff<sup>3</sup></b> Beichmann Hammar skjöld
7.	United States of America – Great Britain	North Atlantic Coast Fisheries	27 - 01 - 1909	07 - 09 - 1910	<b>Lammasch</b> de Savornin Lohman Gray Sir Fitzpatrick Drago
8.	United States of Venezuela – United States of America	Orinoco Steamship Company	13 - 02 - 1909	25 - 10 - 1910	<b>Lammasch</b> Beernaert de Quesada
9.	France – Great Britain	Arrest and Restoration of Savarkar	25 - 10 - 1910	24 - 02 - 1911	<b>Beernaert</b> Ce de Desart Renault Gram de Savornin Lohman

1. The names of the presidents are typeset in bold.

2. Pursuant to article 47 of the 1907 Convention (article 26 of the 1899 Convention).

3. Not a Member of the Permanent Court of Arbitration.

4. The proceedings of this case were conducted in writing exclusively.

5. In this case the summary procedure provided for in Chapter IV of the 1907 Convention was applied.

<b>Parties</b>	<b>Case</b>	<b>Date Initiated</b>	<b>Date of Award</b>	<b>Arbitrators<sup>1</sup></b>
10. Italy – Peru	Canevaro Claim	25 - 04 - 1910	03 - 05 - 1912	<b>Renault</b> Fusinato Alvarez Calderón
11. Russia – Turkey <sup>2</sup>	Russian Claim for Indemnities damages claimed by Russia for delay in payment of compensation owed to Russians injured in the war of 1877-1878	22 - 07 - 1910/ 04 - 08 - 1910	11 - 11 - 1912	<b>Lardy</b> Bon de Taube Mandelstam <sup>3</sup> H.A. Bey <sup>3</sup> A.R. Bey <sup>3</sup>
12. France – Italy	French Postal Vessel “Manouba”	26 - 01 - 1912/ 06 - 03 - 1912	06 - 05 - 1913	<b>Hammarskjöld</b> Fusinato Kriege Renault Bon de Taube
13. France – Italy	The “Carthage”	26 - 01 - 1912/ 06 - 03 - 1912	06 - 05 - 1913	<b>Hammarskjöld</b> Fusinato Kriege Renault Bon de Taube
14. France – Italy	The “Tavignano,” “Camouna” and “Gaulois” Incident	08 - 11 - 1912	Settled by agreement of parties	<b>Hammarskjöld</b> Fusinato Kriege Renault Bon de Taube
15. The Netherlands – Portugal <sup>4</sup>	Dutch-Portuguese Boundaries on the Island of Timor	03 - 04 - 1913	25 - 06 - 1914	<b>Lardy</b>
16. Great Britain, Spain and France – Portugal <sup>5</sup>	Expropriated Religious Properties	31 - 07 - 1913	02/04 - 09 - 1920	<b>Root</b> de Savornin Lohman Lardy
17. France – Peru <sup>2</sup>	French claims against Peru	02 - 02 - 1914	11 - 10 - 1921	<b>Ostertag<sup>3</sup></b> Sarrut <sup>3</sup> Elguera
18. United States of America – Norway <sup>2</sup>	Norwegian shipowners’ claims	30 - 06 - 1921	13 - 10 - 1922	<b>Vallotton<sup>3</sup></b> Anderson <sup>3</sup> Vogt <sup>3</sup>
19. United States of America – The Netherlands <sup>4</sup>	The Island of Palmas case (or Miangas)	23 - 01 - 1925	04 - 04 - 1928	<b>Huber</b>
20. Great Britain – France <sup>2</sup>	Chevreau claims	04 - 03 - 1930	09 - 06 - 1931	<b>Beichmann</b>
21. Sweden – United States of America <sup>2</sup>	Claims of the Nordstjernan company	17 - 12 - 1930	18 - 07 - 1932	<b>Borel</b>
22. Radio Corporation of America – China <sup>2</sup>	Interpretation of a contract of radio-telegraphic traffic	10 - 11 - 1928	13 - 04 - 1935	<b>van Hamel<sup>3</sup></b> Hubert <sup>3</sup> Furrer <sup>3</sup>
23. States of Levant under French Mandate – Egypt <sup>2</sup>	Radio-Orient	11 - 11 - 1938	02 - 04 - 1940	<b>van Lanschot<sup>3</sup></b> Raestad Mondrup <sup>3</sup>

1. The names of the presidents are typeset in bold.

2. Pursuant to article 47 of the 1907 Convention (article 26 of the 1899 Convention).

3. Not a Member of the Permanent Court of Arbitration.

4. The proceedings of this case were conducted in writing exclusively.

5. In this case the summary procedure provided for in Chapter IV of the 1907 Convention was applied.

	<b>Parties</b>	<b>Case</b>	<b>Date Initiated</b>	<b>Date of Award</b>	<b>Arbitrators<sup>1</sup></b>
24.	France – Greece <sup>2</sup>	Administration of lighthouses	15 - 07 - 1931	24 - 07 - 1956	<b>Verzijl</b> <sup>3</sup> Mestre Charbouris <sup>3</sup>
25.	Turriff Construction (Sudan) Limited – Sudan <sup>2</sup>	Interpretation of a construction contract	21 - 10 - 1966	23 - 04 - 1970	<b>Erades</b> <sup>3</sup> Parker <sup>3</sup> Bentsi-Enchill <sup>3</sup>
26.	United States of America – United Kingdom of Great Britain and Northern Ireland <sup>2</sup>	Heathrow Airport user charges treaty obligations; amount of damages	16 - 12 - 1988	30 - 11 - 1992 02 - 05 - 1994 Settlement on amount of damages	<b>Foighel</b> <sup>3</sup> Fielding <sup>3</sup> Lever <sup>3</sup>
27.	Moiz Goh Pte. Ltd – State Timber Corporation of Sri Lanka <sup>2</sup>	Contract dispute	14 - 12 - 1989	05 - 05 - 1997	<b>Pinto</b> <sup>3</sup>
28.	African State – two foreign nationals <sup>2</sup>	Investment dispute	-	30 - 09 - 1997 Settled by agreement of parties	-
29.	Technosystem SpA – Taraba State Government and the Federal Government of Nigeria <sup>2</sup>	Contract dispute	21 - 02 - 1996	25 - 11 - 1996 Lack of jurisdiction	<b>Ajibola</b>
30.	Asian State-owned enterprise – three European enterprises <sup>2</sup>	Contract dispute	-	02 - 10 - 1996 Award on agreed terms	-
31.	State of Eritrea – Republic of Yemen <sup>2</sup>	Eritrea/Yemen: Sovereignty of various Red Sea Islands sovereignty; maritime delimitation	03 - 10 - 1996	09 - 10 - 1998 Award on sovereignty  17 - 12 - 1999 Award on maritime delimitation	<b>Jennings</b> Schwebel <sup>3</sup> El-Kosheri <sup>3</sup> Highet <sup>3</sup> Higgins
32.	Italy – Costa Rica <sup>2</sup>	Loan agreement between Italy and Costa Rica dispute arising under financing agreement	11 - 09 - 1997	26 - 06 - 1998	<b>Lalive</b> <sup>3</sup> Ferrari Bravo Hernandez Valle <sup>3</sup>
33.	Larsen – Hawaiian Kingdom <sup>2</sup>	Treaty interpretation	30 - 10 - 1999	05 - 02 - 2001	<b>Crawford</b> <sup>3</sup> Greenwood <sup>3</sup> Griffith <sup>3</sup>
34.	The Netherlands – France <sup>2</sup>	Treaty interpretation	21 - 10 - /17 - 12 - 1999	12 - 03 - 2004	<b>Skubiszewski</b> Guillaume Kooijmans <sup>3</sup>
35.	European corporation – African government	Contract dispute	04 - 08 - 2000	18 - 02 - 2003 Settled by agreement of parties	-
36.	Eritrea-Ethiopia Boundary Commission <sup>2</sup>	Boundary dispute	12 - 12 - 2000	13 - 04 - 2002	<b>Lauterpacht</b> Ajibola Reisman <sup>3</sup> Schwebel <sup>3</sup> Watts

1. The names of the presidents are typeset in bold.

2. Pursuant to article 47 of the 1907 Convention (article 26 of the 1899 Convention).

3. Not a Member of the Permanent Court of Arbitration.

4. The proceedings of this case were conducted in writing exclusively.

5. In this case the summary procedure provided for in Chapter IV of the 1907 Convention was applied.

Parties	Case	Date Initiated	Date of Award	Arbitrators <sup>1</sup>
37. Eritrea-Ethiopia Claims Commission <sup>2</sup>	Settlement of claims arising from armed conflict	12 - 12 - 2000	01 - 07 - 2003 Partial Awards for prisoner of war claims 28 - 04 - 2004 Partial Awards for Central Front claims 17 - 12 - 2004 Partial Awards for civilians claims 19 - 12 - 2005 Partial Awards for remaining liability claims 17 - 08 - 2009 Final Award for damages	<b>van Houtte</b> <sup>3</sup> Aldrich <sup>3</sup> Crook <sup>3</sup> Paul <sup>3</sup> Reed <sup>3</sup>
38. Dr. Horst Reineccius; First Eagle SoGen Funds, Inc.; Mr.P.M. Mathieu – Bank for International Settlements <sup>2</sup>	Dispute with former private shareholders	07 - 03 - 2001 31 - 08 - 2001 24 - 10 - 2001	22 - 11 - 2002 Partial Award 19 - 09 - 2003 Final Award	<b>Reisman</b> <sup>3</sup> van den Berg <sup>3</sup> Frowein <sup>3</sup> Krafft <sup>3</sup> Lagarde <sup>3</sup>
39. Ireland – United Kingdom <sup>2</sup>	Proceedings pursuant to the OSPAR Convention	15 - 06 - 2001	02 - 07 - 2003	<b>Reisman</b> <sup>3</sup> Griffith <sup>3</sup> Mustill <sup>3</sup>
40. Saluka Investments B.V. – Czech Republic <sup>2</sup>	Investment treaty dispute	18 - 06 - 2001	17 - 03 - 2006 Partial Award	<b>Watts</b> Behrens <sup>3</sup> Fortier <sup>3</sup>
41. Ireland – United Kingdom <sup>2</sup>	Proceedings pursuant to the Law of the Sea Convention (UNCLOS) “MOX Plant Case”	25 - 10 - 2001	06 - 06 - 2008 Termination order following withdrawal of claim	<b>Mensah</b> <sup>3</sup> Fortier <sup>3</sup> Hafner Crawford <sup>3</sup> Watts
42. European government – European corporation <sup>2</sup>	Investment treaty dispute	30 - 04 - 2002	24 - 05 - 2004 Settled by agreement of parties	–
43. Two corporations – Asian government <sup>4</sup>	Contract dispute	16 - 08 - 2002	12 - 10 - 2004 Partial Award	–
44. Telekom Malaysia Berhad – Government of Ghana <sup>2</sup>	Investment treaty dispute	10 - 02 - 2003	01 - 11 - 2005 Award on agreed terms	<b>Van den Berg</b> <sup>3</sup> Gaillard <sup>3</sup> Layton <sup>3</sup>
45. Belgium – The Netherlands <sup>2</sup>	Dispute regarding the use and modernization of the “IJzeren Rijn” on the territory of The Netherlands	22/23 - 07 - 2003	24 - 05 - 2005	<b>Higgins</b> Schrans <sup>3</sup> Simma <sup>3</sup> Soons <sup>3</sup> Tomka
46. Barbados – Trinidad and Tobago <sup>2</sup>	Proceedings pursuant to the Law of the Sea Convention (UNCLOS)	16 - 02 - 2004	11 - 04 - 2006	<b>Schwebel</b> <sup>3</sup> Brownlie <sup>3</sup> Orrego Vicuña <sup>3</sup> Lowe <sup>3</sup> Watts
47. Guyana – Suriname <sup>2</sup>	Proceedings pursuant to the Law of the Sea Convention (UNCLOS)	24 - 02 - 2004	17 - 09 - 2007	<b>Nelson</b> <sup>3</sup> Hossain <sup>3</sup> Franck <sup>3</sup> Shearer Smit <sup>3</sup>

1. The names of the presidents are typeset in bold.  
2. Pursuant to article 47 of the 1907 Convention (article 26 of the 1899 Convention).  
3. Not a Member of the Permanent Court of Arbitration.  
4. The proceedings of this case were conducted in writing exclusively.  
5. In this case the summary procedure provided for in Chapter IV of the 1907 Convention was applied.



<b>Parties</b>	<b>Case</b>	<b>Date Initiated</b>	<b>Date of Award</b>	<b>Arbitrators<sup>1</sup></b>
48. Malaysia – Singapore <sup>2</sup>	Proceedings pursuant to the Law of the Sea Convention (UNCLOS)	04 - 07 - 2003	01 - 09 - 2005 Award on agreed terms	<b>Pinto</b> <sup>3</sup> Hossain <sup>3</sup> Shearer <sup>3</sup> Oxman <sup>3</sup> Watts
49. 1. The Channel Tunnel Group Limited 2. France-Mache S.A. – 1. United Kingdom 2. France <sup>2</sup>	Proceedings pursuant to the Treaty of Canterbury Concerning the Construction and Operation by Private Concessionaires of a Channel Fixed Link (Eurotunnel)	17 - 12 - 2003	30 - 01 - 2007 Partial Award  2010 Termination order	<b>Crawford</b> <sup>3</sup> Fortier <sup>3</sup> Guillaume Millett <sup>3</sup> Paulsson
50. Chemtura Corporation (formerly Crompton Corporation) – Government of Canada <sup>2</sup>	Proceedings conducted under Chapter Eleven of the North American Free Trade Agreement (NAFTA)	17 - 10 - 2002/ 17 - 02 - 2005	02 - 08 - 2010	<b>Kaufmann-Kohler</b> <sup>3</sup> Brower <sup>3</sup> Crawford <sup>3</sup>
51. Vito G. Gallo – Government of Canada <sup>2</sup>	Proceedings conducted under Chapter Eleven of the North American Free Trade Agreement (NAFTA)	30 - 03 - 2007	15 - 9 - 2011	<b>Fernández-Armesto</b> <sup>3</sup> Castel <sup>3</sup> Lévy <sup>3</sup>
52. Romak S.A. – The Republic of Uzbekistan <sup>2</sup>	Proceedings pursuant to the Agreement between the Swiss Confederation and the Republic of Uzbekistan on the Promotion and the Reciprocal Protection of Investments	06 - 09 - 2007	26 - 11 - 2009	<b>Mantilla-Serrano</b> <sup>3</sup> Rubins <sup>3</sup> Molfessis <sup>3</sup>
53. The Government of Sudan – The Sudan People's Liberation Movement/Army <sup>2</sup>	Delimitation of the Abyei area	11 - 07 - 2008	22 - 07 - 2009	<b>Dupuy</b> <sup>3</sup> Al-Khasawneh Hafner Reisman <sup>3</sup> Schwebel
54. Centerra Gold Inc. & Kumtor Gold Co. – Kyrgyz Republic <sup>2</sup>	Investment agreement dispute	08 - 03 - 2006	29 - 06 - 2009 Termination order	<b>Van den Berg</b> <sup>3</sup>
55. TCW Group & Dominican Energy Holdings – Dominican Republic <sup>2</sup>	Proceedings conducted under the Central America-DR-USA Free Trade Agreement (CAFTA-DR)	21 - 12 - 2007	16 - 07 - 2009 Consent Award	<b>Böckstiegel</b> <sup>3</sup> Fernández-Armesto <sup>3</sup> Kantor <sup>3</sup>
56. Bilcon of Delaware <i>et al.</i> – Government of Canada <sup>2</sup>	Proceedings conducted under Chapter Eleven of the North American Free Trade Agreement (NAFTA)	26-05-2008	-	<b>Simma</b> <sup>3</sup> McRae Schwartz <sup>3</sup>

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	<b>Parties</b>	<b>Case</b>	<b>Date Initiated</b>	<b>Date of Award</b>	<b>Arbitrators<sup>1</sup></b>
57.	HICEE B.V. – The Slovak Republic <sup>2</sup>	Proceedings pursuant to the Agreement on Encouragement and Reciprocal Protection of Investments between the Kingdom of the Netherlands and the Czech and Slovak Federal Republic	17 - 12 - 2008	23 - 05 - 2011 Partial Award 17 - 10 - 2011 Supplementary and Final Award	<b>Berman</b> Tomka Brower <sup>3</sup>
58.	Polis Fundi Immobiliare di Banche Popolare S.G.R.p.A – International Fund for Agricultural Development (IFAD) <sup>2</sup>	Contract dispute	10 - 11 - 2009	17 - 12 - 2010	<b>Reinisch</b> <sup>3</sup> Canu <sup>3</sup> Stern <sup>3</sup>
59.	European American Investment Bank AG – The Slovak Republic <sup>2</sup>	Proceedings pursuant to the Agreement Between the Republic of Austria and the Czech and Slovak Federal Republic Concerning the Promotion and Protection of Investments	23 - 11 - 2009	–	<b>Greenwood</b> Petsche <sup>3</sup> Stern <sup>3</sup>
60.	Bangladesh – India <sup>2</sup>	Proceedings pursuant to the Law of the Sea Convention (UNCLOS)	08 - 10 - 2009	–	<b>Wolfrum</b> <sup>3</sup> Mensah <sup>3</sup> Rao <sup>3</sup> Shearer Treves <sup>3</sup>
61.	China Heilongjiang International Economic & Technical Cooperative Corporation <i>et al.</i> – Mongolia <sup>2</sup>	Proceedings pursuant to the Agreement between the Government of the Mongolian People's Republic and the Government of the People's Republic of China concerning the Encouragement and Reciprocal Protection of Investments dated August 26, 1991	12 - 02 - 2010	–	<b>Donovan</b> <sup>3</sup> Banifatemi <sup>3</sup> Clodfelter <sup>3</sup>
62.	Chevron Corporation & Texaco Corporation – The Republic of Ecuador	Proceedings pursuant to the Treaty between the United States of America and the Republic of Ecuador concerning the Encouragement and Reciprocal Protection of Investment	22 - 05 - 2007	31 - 08 - 2011	<b>Böckstiegel</b> <sup>3</sup> Brower <sup>3</sup> Van den Berg <sup>3</sup>

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<b>Parties</b>	<b>Case</b>	<b>Date Initiated</b>	<b>Date of Award</b>	<b>Arbitrators<sup>1</sup></b>
63. Achmea B.V. (formerly known as Eureko B.V.) – The Slovak Republic	Proceedings pursuant to the Agreement on Encouragement and Reciprocal Protection of Investments Between the Kingdom of the Netherlands and the Czech and Slovak Federal Republic	01 - 10 - 2008		<b>Lowe<sup>3</sup></b> Van den Berg <sup>3</sup> Veeder <sup>3</sup>
64. Chevron Corporation & Texaco Corporation – The Republic of Ecuador	Proceedings pursuant to the Treaty between the United States of America and the Republic of Ecuador concerning the Encouragement and Reciprocal Protection of Investment	23 - 09 - 2009		<b>Veeder<sup>3</sup></b> Grigera Naón <sup>3</sup> Lowe <sup>3</sup>
65. Pakistan – India	Indus Waters Treaty Arbitration	17 - 05 - 2010		<b>Schwebel</b> Berman Wheater <sup>3</sup> Caflisch Paulsson Simma <sup>3</sup> Tomka
66. Guaracachi America, Inc. & Rurelec PLC – The Plurinational State of Bolivia	Proceedings pursuant to the Treaty between the Government of the United States of America and the Government of the Republic of Bolivia Concerning the Encouragement and Reciprocal Protection of Investment and the Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Republic of Bolivia for the Promotion and Protection of Investments	10 - 11 - 2010		<b>Júdice<sup>3</sup></b> Conthe <sup>3</sup> Vinueza
67. The Republic of Mauritius – The United Kingdom of Great Britain and Northern Ireland	Proceedings pursuant to the Law of the Sea Convention (UNCLOS)	20 - 12 - 2010		<b>Shearer</b> Greenwood Hoffmann <sup>3</sup> Kateka <sup>3</sup> Wolfrum <sup>3</sup>

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**Exhibit “3”**

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# Larsen v. Hawaiian Kingdom

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.

In determining whether to accept or decline to exercise jurisdiction, the Tribunal considered the questions of whether there was a legal dispute between the parties to the proceeding, and whether the tribunal could make a decision regarding that dispute, if the very subject matter of the decision would be the rights or obligations of a State not party to the proceedings.

The Tribunal underlined the many points of agreement between the parties, particularly with respect to the propositions that Hawaii was never lawfully incorporated into the United States, and that it continued to exist as a matter of international law. The Tribunal noted that if there existed a dispute, it concerned whether the respondent has fulfilled what both parties maintain is its duty to protect the Claimant, not in the abstract but against the acts of the United States of America as the occupant of the Hawaiian islands. Moreover, the

United States' actions would not give rise to a duty of protection in international law unless they were themselves unlawful in international law. The Tribunal concluded that it could not determine whether the Respondent has failed to discharge its obligations towards the Claimant without ruling on the legality of the acts of the United States of America – something the Tribunal was precluded from doing as the United States was not party to the case.

## Case information

NAME(S) OF CLAIMANT(S)	Lance Paul Larsen (Private entity )
NAME(S) OF RESPONDENT(S)	The Hawaiian Kingdom (State)
NAMES OF PARTIES	-
CASE NUMBER	1999-01
ADMINISTERING INSTITUTION	Permanent Court of Arbitration (PCA)
CASE STATUS	Concluded
TYPE OF CASE	Other proceedings
SUBJECT MATTER OR ECONOMIC SECTOR	Treaty interpretation
PROCEDURAL RULES	UNCITRAL Arbitration Rules 1976
TREATY OR CONTRACT UNDER WHICH PROCEEDINGS WERE COMMENCED	Other
LANGUAGE OF PROCEEDING	English
SEAT OF ARBITRATION (BY COUNTRY)	Netherlands
ARBITRATOR(S), CONCILIATOR(S), OTHER NEUTRAL(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

agent and counsel

## REPRESENTATIVES OF THE PARTIES

NUMBER OF ARBITRATORS IN CASE	3
DATE OF COMMENCEMENT OF PROCEEDING	08 November 1999
DATE OF ISSUE OF FINAL AWARD	05 February 2001
LENGTH OF PROCEEDINGS	1-2 years
ADDITIONAL NOTES	-

## Documents

► Award or other decision

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► Other

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## Contact

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Contact us

## Follow Us



**Exhibit “4”**

March 3, 2000

Mr. John Crook  
Assistant Legal Adviser for United Nations Affairs  
Office of the Legal Adviser  
United States Department of State  
2201 C Street, N.W.  
Room 3422 NS  
Washington, D.C. 20520

RE: Letter confirming telephone conversation of March 3, 2000 relating to arbitral proceedings at the Permanent Court of Arbitration, Lance Paul Larsen vs. The Hawaiian Kingdom

Sir,

This letter is to confirm our telephone conversation today at Washington, D.C. The day before our conversation Ms. Ninia Parks, esquire, Attorney for the Claimant, Mr. Lance Larsen, and myself, Agent for the Respondent, Hawaiian Kingdom, met with Sonia Lattimore, Office Assistant, L/EX, at 10:30 a.m. on the ground floor of the Department of State. I presented her with two (2) binders, the first comprised of an Arbitration Log Sheet, Lance Paul Larsen vs. The Hawaiian Kingdom, with accompanying documents on record before the Permanent Court of Arbitration at The Hague, Netherlands. The second binder comprised of divers documents of the Acting Council of Regency as well as diplomatic correspondence with treaty partners of the Hawaiian Kingdom.

I stated to Ms. Lattimore that the purpose of our visit was to provide these documents to the Legal Department of the U.S. Department of State in order for the U.S. Government to be apprised of the arbitral proceedings already in train and that the Hawaiian Kingdom, by consent of the Claimant, extends an opportunity for the United States to join in the arbitration as a party. She assured me that the package will be given to Mr. Bob McKenna for review and assignment to someone within the Legal Department. I told her that we will be in Washington, D.C., until close of business on Friday, and she assured me that she will give me a call on my cellular phone at (808) 383-6100 by the close of business that day with a status report.

At 4:45 p.m., Ms. Lattimore contacted myself by phone and stated that the package had been sent to yourself as the Assistant Legal Adviser for United Nations Affairs. She stated that you will be contacting myself on Friday (March 3, 2000), but I could give you a call in the morning if I desired.

Today, at 11:00 a.m., I telephoned you and inquired about the receipt of the package. You had stated that you did not have ample time to critically review the package, but will get to it. I stated that the reason for our visit was the offer by the Respondent Hawaiian Kingdom, by consent of the Claimant, 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. You stated that litigation in the court system is handled by the Justice Department and not the State Department, and that you felt they (Justice Dept.) would be very reluctant to join in the present arbitral proceedings.

I responded by assuring that the 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 at (808) 239-5347, 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. The conversation then came to a close.

I have taken the liberty of enclosing Hawaiian diplomatic protests lodged by my former countrymen and women in the U.S. Department of State in the summer of 1897, on record at your National Archives, in order for you to understand the gravity of the situation. I have also enclosed two (2) recent protests by myself as an officer of the Hawaiian Government against the State of Hawai'i for instituting unwarranted criminal proceedings against myself and other Hawaiian subjects and a resident of the Hawaiian Islands under the guise of American municipal laws within the territorial dominion of the Hawaiian Kingdom.

If after a thorough investigation into the facts presented to your office, and following zealous deliberations as to the considerations herein offered, the Government of the United States shall resolve to decline our offer to enter the arbitration as a Party, the present arbitral proceedings shall continue without affect pursuant to the Hague Conventions IV and V, 1907, and the UNCITRAL Rules of arbitration.

With Sentiments of the Highest Regard,

[signed] David Keanu Sai,  
Acting Minister of Interior and  
Agent for the Hawaiian Kingdom

cc: Secretary General van den Hout, Permanent Court of Arbitration  
Ms. Ninia Parks, Esquire, attorney for Lance Paul Larsen  
Mr. Keoni Agard, Esquire, appointing authority  
Ms. Noelani Kalipi, Esquire, Hawai'i Senator Akaka's Legislative Assistant