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UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAII

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

v.

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

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

**HAWAIIAN KINGDOM'S  
MOTION FOR  
RECONSIDERATION**

Judge: Honorable Micah W. J.  
Smith

Magistrate Judge: Honorable Rom  
A. Trader

COMES NOW the Council of Regency in its official capacity as the government of the Hawaiian Kingdom, by and through their undersigned attorney hereby files this motion for reconsideration pursuant to Federal Rule of Civil Procedure 59 and 60, as applied through Local Rule 60.1(c). The motion for reconsideration is made on the grounds that this Court committed a manifest error of law and fact.

Respectfully submitted this \_\_\_ of January, 2026.

By:

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**HAWAIIAN KINGDOM'S  
MEMORANDUM OF LAW IN  
SUPPORT OF MOTION FOR  
RECONSIDERATION**

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## **I. BACKGROUND**

On January 23, 2026, this Court denied the Council of Regency of the Hawaiian Kingdom’s (hereinafter, the “Hawaiian Kingdom”) motion to intervene. *See* Order. Motions for reconsideration of interlocutory orders are governed by Federal Rule of Civil Procedure 59 and 60, as applied through Local Rule 60.1. Reconsideration is an appropriate remedy where (a) there is newly discovered evidence, or (b) where there has been an intervening change in controlling law, or (c) where the Court committed a manifest error of law or fact. It is not a vehicle for re-argument, but it is appropriate where the Court applied an incorrect legal standard.

Reconsideration is sought here to correct a manifest error of law. Local Rule 60.1(c). The Court concluded that permitting intervention under Rule 24 of the Federal Rules of Civil Procedure would require adjudication of issues constitutionally committed to the political branches. That conclusion reflects an erroneous application of the political question doctrine at the intervention stage, where the Court’s inquiry is limited to whether the proposed intervenor has asserted a legally protectable interest relating to the subject of the action.

## **II. ARGUMENT**

Courts generally disfavor motions to reconsider. LR60.1. Such motions are, however, appropriate where a party shows a “manifest error of law.” *Allstate Ins. Co. v. Herron*, 634 F.3d 1101, 1111 (9th Cir. 2011) (citing *McDowell v. Calderon*,

197 F.3d 1253, 1255 n.1 (9th Cir. 1999) (*en banc*)). The issue presented on reconsideration is narrow and procedural. Rule 24 does not require the Court to resolve sovereignty or recognition to permit intervention. It requires only a showing that the proposed intervenor asserts an interest relating to the subject of the action that may be impaired by its non-intervention. By collapsing this procedural inquiry into a merits determination foreclosed by the political question doctrine, the Court applied an incorrect standard. Moreover, the Court's application of this incorrect standard assumes the United States does not recognize the continued existence of the Hawaiian Kingdom as a State since the nineteenth century and the Council of Regency as its interim government.

The political question doctrine only arises if the United States' executive branch has not recognized the sovereignty and independence of a State. *See, e.g., Lin v. United States*, 561 F.3d 502, 506 (D.C. Cir. 2009) (using a form of the political question doctrine concerning the status of Taiwan). The political question doctrine "excludes from judicial review those controversies which revolve around policy choices and value determinations constitutionally committed for resolution to the halls of Congress or the confines of the Executive Branch." *Japan Whaling Ass'n v. Am. Cetacean Soc'y*, 478 U.S. 221, 230 (1986). The doctrine "is primarily a function of the separation of powers." *Baker v. Carr*, 369 U.S. 186, 210 (1962). The

“judiciary ordinarily follows the executive as to which nation has sovereignty.” *Id.*, 212.

By invoking the political question doctrine, the Hawaiian Kingdom presumes the Court was unaware that the United States did recognize the continuity of the Hawaiian Kingdom as a State and the Council of Regency as its interim government in administrative proceedings in *Larsen v. Hawaiian Kingdom* at the Permanent Court of Arbitration (1999-2001). Therefore, reconsideration is appropriate here based on manifest error. Significantly, the United States’ recognition of the Hawaiian Kingdom as a State in continuity since the nineteenth century and the Council of Regency as its interim government “conclusively binds the judges, as well as all other officers, citizens, and subjects of that government. This principle has always been upheld by this Court, and has been affirmed under a great variety of circumstances.” *Jones v. United States*, 137 U.S. 202, 212 (1890); see also *Marbury v. Madison*, 5 U.S. (1 Cranch) 137, 165–66 (1803) (“[b]y the constitution of the United States, the President is invested with certain important political powers, in the exercise of which he is to use his own discretion, and is accountable only to his country in his political character, and to his own conscience. [...] He is the mere organ by whom that will is communicated. The acts of such an officer, as an officer, can never be examinable by the courts”).

**A. United States Recognition of the Hawaiian Kingdom and the Council of Regency as its Government by Executive Agreement, through Exchange of Notes**

To address the Court's manifest error and application of the incorrect standard, in its January 23, 2026, Order, the Hawaiian Kingdom respectfully submits that facts, information, context, acknowledgments and agreements, set forth hereinbelow, are necessary and essential to this Court's reconsideration.

Before the arbitral tribunal was formed by the Permanent Court of Arbitration on June 9, 2000, in *Larsen v. Hawaiian Kingdom*, Mr. Tjaco T. van den Hout, Secretary General of the Permanent Court, spoke with the Chairman of the Council of Regency, Minister Dr. David Keanu Sai, who served as agent for the Hawaiian Kingdom, over the telephone and 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 Minister Dr. Sai, Larsen's counsel, Ms. Ninia Parks, and John Crook from the U.S. State Department. *See* Declaration of David Keanu Sai, Ph.D. The meeting was reduced to a formal note, dated March 3, 2000, and sent to Mr. Crook in his capacity as legal adviser to the State Department, and a copy of the note was sent to the Permanent Court's Registry for record that the United States was invited to join in the arbitral proceedings. *See* Declaration of Dr. David Keanu Sai, Exhibit 1.

Under international law, this note served as an offering instrument that 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. *Id.*

Thereafter, the Permanent Court's Deputy Secretary General, Phyllis Hamilton, informed Minister Dr. Sai over the phone 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. *See* Declaration of David Keanu Sai, Ph.D.

“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.” Johst Wilmanns, “Note Verbale,” 9 *Encyclopedia of Public International Law* 287 (1986). And as “a rule, the recipient of a note answers in the same form. However, an acknowledgment of receipt or provisional answer can always be given in the shape of a note verbale, even if the initial note was of a formal nature.” *Id.*

The offer by the 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 constitutes an international agreement between the Permanent Court and the Hawaiian Kingdom. “[T]he growth of international organizations and the recognition of their legal personality has resulted in agreements being concluded by an exchange of notes between such organizations and states.” J.L. Weinstein, “Exchange of Notes,” 20 *Brit. Y.B. Int’l L.* 205, 207 (1952). *See United States v. Pink*, 315 U.S. 203, 223 (1942) (“[t]his Court, speaking through Mr. Justice Sutherland, held that the conduct of foreign relations is committed by the Constitution to the political departments of the Federal

Government; that the propriety of the exercise of that power is not open to judicial inquiry”). “An exchange of diplomatic notes has often sufficed, without any further formality of ratification or exchange of ratifications, or even of proclamation, to effect purposes more usually accomplished by the more complex machinery of treaties...” See *Report of Mr. Foster, Sec. of State, to the President*, Dec. 7, 1892, S. Ex. Doc. 9, 52 Cong. 2 sess.; H. Doc. 471, 56 Cong. 1 sess. 16-17. “Presidents have made some 1600 treaties with the consent of the Senate [and] they have made many thousands of other international agreements without seeking Senate consent.” Henkin, *Foreign Affairs and the United States Constitution* 215 (2nd ed., 1996).

“[T]he 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.” 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). Altogether, the exchange of notes on this subject matter, between the Hawaiian Kingdom, the Permanent Court, and the United States of America, constitutes a multilateral agreement of the recognition of the restored Hawaiian government as officers *de facto*. See *American Ins. Ass’n v. Garamendi*, 539 U.S. 396, 415 (2003) (“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”); *United*

*States v. Belmont*, 301 U.S. 324, 330 (1937) (“an international compact [...] is not always a treaty which requires the participation of the Senate”).

*U.S. v. Pink*, 315 U.S. 203, 223 (1942) “‘all international compacts and agreements’ are to be treated with similar dignity, for the reason that ‘complete power over international affairs is in the national government, and is not and cannot be subject to any curtailment or interference on the part of the several states.’” In *Garamendi*, at 416, “valid executive agreements are fit to preempt state law, just as treaties are.” See also *Belmont*, at 327, 331; *Pink*, at 223, 230-231. This rule is a mandatory precedent by the U.S. Supreme Court that binds all the courts of states to follow. State courts, however, are not bound to follow persuasive precedents, but they may choose to unless there is a contradictory mandatory precedent. The preemption rule of valid executive agreements is a mandatory precedent, not a persuasive precedent.

The Court’s finding that the Hawaiian Kingdom’s motion to intervene raises “a political, question, the determination of which by the legislative and executive departments of any government” directly conflicts with the aforementioned Supreme Court holdings and constitutes further manifest error because the executive department of the United States, in its recognition of the Hawaiian Kingdom and the Council of Regency, by executive agreement, and by *opinio juris* “conclusively

binds the judges, as well as all other officers, citizens, and subjects of that government.” *See Jones*.

**B. 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”), 36 Stat. 2199, 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 of Arbitration, 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).” Declaration of Niklaus Schweizer, Ph.D., Exhibit 1, at 2.

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. See *Larsen v. Hawaiian Kingdom*, 119 Int’l L. Reports 566, 581 (2001) (“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”). 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.” Georg Schwarzenberger, “Title to Territory: Response to a Challenge,” 51(2) *Am. J. Int’l L.* 308, 316 (1957).

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>1</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. *See* M.J. Peterson, *Recognition*

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<sup>1</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)).

*of Governments: Legal Doctrines and State Practice, 1815-1995* 26 (1997). 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.” *Restatement (Third)*, §203, comment c.

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

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.” Michael Akehurst, “Custom as a Source of International Law,” 47(1) *Brit. Y. B. Int’l L.* 1-53, 10 (1975). 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.” *Id.*, 11.

“[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.” Declaration of Federico Lenzerini, Ph.D., Exhibit 1, at 4.

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 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, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Eswatini, Ethiopia, Fiji, Finland, France, Georgia, Germany, Greece, Guatemala, Guyana, Haiti, Honduras, Hungary, Iceland, India, 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.

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.

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.” *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). 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**—Austria, Czech Republic, Hungary, Poland and Slovakia;
- **1862 Treaty of Amity, Commerce and Navigation between the Hawaiian Kingdom and Belgium**—Burundi, Democratic Republic of the Congo, and Rwanda;

- **1857 Treaty of Friendship, Commerce and Navigation between the Hawaiian Kingdom and France**—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**—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**—Libya and Somalia;
- **1879 Treaty of Peace and Friendship between the Hawaiian Kingdom and Germany**—Poland;
- **1871 Treaty of Amity and Commerce between the Hawaiian Kingdom and Japan**—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**—Indonesia, Luxemburg, and Suriname;
- **1882 Treaty between the Hawaiian Kingdom and Portugal**—Angola, Cabo Verde, Guinea-Bissau, Mozambique, Sao Tome and Principe, and Timor-Leste;

- **1869 Treaty of Commerce and Navigation between the Hawaiian Kingdom and Russia**—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**—Cuba and Equatorial Guinea;
- **1852 Treaty of Friendship, Commerce and Navigation between the Hawaiian Kingdom and the Kingdoms of Sweden and Norway**—Norway and Sweden;
- **1849 Treaty of Friendship, Commerce and Navigation between the Hawaiian Kingdom and the United States, 9 Stat. 977**—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.

The Court's conclusion that the Hawaiian Kingdom's motion to intervene presents a political question directly conflicts with the aforementioned recognition by the United States and other States of the continued existence of the Hawaiian Kingdom as a State, the Council of Regency as its interim government, and its treaties with original States and their successor States, as *opinio juris* and is thus manifest error.

**C. Defendant Kamehameha Schools will not represent  
the Hawaiian Kingdom's Interest**

Minister Dr. Sai 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. *See* Declaration of Dr. Sai.

In that meeting, Minister Dr. Sai 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.).

In his presentation Minister Dr. Sai 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.").

Minister Dr. Sai 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).

Minister Dr. Sai 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; *Bank of America, N.A. v. Santos*, 2015 Haw. App. LEXIS 250; *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. Ampong*, 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 (Haw. Ct. App. Apr. 14, 2003); *State of Hawai‘i v. Lindsey*, 2002 Haw. App. LEXIS 32 (Haw. Ct. App. Mar. 8, 2002); *State of Hawai‘i v. Sherman*, 2000 Haw. App. LEXIS 218 (Haw. Ct. App. Dec. 11, 2000); *Chalon Int’l of Haw., Inc. v. Makuaole*, 2000 Haw. App. LEXIS 192 (Haw. Ct. App. Oct. 24, 2000); and *Nishitani v. Baker*, 82 Haw. 281 (1996).

Minister Dr. Sai 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 (“[t]he 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).

Minister Dr. Sai 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.

On November 12, 2025, Minister Dr. Sai 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 on January 21, 2026.

The Court, stated, “[t]o be sure, the [...] intervention motion also make arguments about the proper interpretation of federal law and [...] refer to materials that might aid in interpreting both. But Plaintiffs and Defendant are ably represented by counsel fully capable of submitting and raising arguments based on any such pertinent materials.” *See* Order. The Hawaiian Kingdom respectfully submits this specific ruling, in and of itself, constitutes manifest error, if only insofar as it is premature in assuming that counsel for Plaintiffs and Defendant are ably and capable to do so, or will, more importantly, raise “arguments based on any such pertinent materials.” The Court’s finding was manifest error because Defendant Kamehameha Schools took a position to not represent the Hawaiian Kingdom’s interest and Plaintiff Student for Fair Admissions will not represent the Hawaiian Kingdom’s interest because it relies on American law and not Hawaiian Kingdom law in its lawsuit.

### **III. CONCLUSION**

This Court should reconsider its Denial of the Hawaiian Kingdom's motion to intervene on January 23, 2026. *See* Order. The Court's conclusion that the Hawaiian Kingdom's motion to intervene presents a political question is manifestly erroneous. Moreover, the Court should reconsider the Hawaiian Kingdom's motion to intervene in light of the United States recognition of the continued existence of the Hawaiian Kingdom and the Council of Regency as its interim government, and the action by the Defendant Kamehameha Schools to not represent the interest of the Hawaiian Kingdom.

Respectfully submitted this 3rd of February, 2026.

By:

s/ Edward Halealoha Ayau  
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*Counsel for Non-Party Intervenor Council  
Of Regency of the Hawaiian Kingdom*

**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". The signature is written in black ink and is positioned above a horizontal line.

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.

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## 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.

## PUBLICATIONS:

Article, “The Sweeping Effect of Hawaiian Sovereignty and the Necessity of Military Government to Curb the Chaos,” *Hawaiian Journal of Law and Politics*, vol. 6 (Spring 2024), online at [https://www2.hawaii.edu/~anu/pdf/Military\\_Gov\\_\(HSLP\)\\_Vol\\_6.pdf](https://www2.hawaii.edu/~anu/pdf/Military_Gov_(HSLP)_Vol_6.pdf).

Chapter, “Hawai‘i’s Sovereignty and Survival in the Age of Empire,” in David Motadel and Houchang-Esfandiar Chehabi (eds.) *Unconquered States: Non-European Powers in the Imperial Age* (Oxford University Press) (2024), online at [https://www2.hawaii.edu/~anu/pdf/Hawaii\\_Sovereignty\\_and\\_Survival\\_\(Sai\).pdf](https://www2.hawaii.edu/~anu/pdf/Hawaii_Sovereignty_and_Survival_(Sai).pdf).

Article, “All States have a Responsibility to Protect its Population from War Crimes—Usurpation of Sovereignty During Military Occupation of the Hawaiian Islands,” *International Review of Contemporary Law* (June 2024), online at [https://hawaiiankingdom.org/pdf/IRCL\\_Article\\_\(Sai\).pdf](https://hawaiiankingdom.org/pdf/IRCL_Article_(Sai).pdf).

Article, “Backstory—Larsen v. Hawaiian Kingdom at the Permanent Court of Arbitration (1999-2001),” *Hawaiian Journal of Law and Politics*, vol. 4 (Spring 2022), online at [http://www2.hawaii.edu/~anu/pdf/Backstory\\_Larsen\\_case\\_Sai\\_\(HJLP\)\\_Vol\\_4.pdf](http://www2.hawaii.edu/~anu/pdf/Backstory_Larsen_case_Sai_(HJLP)_Vol_4.pdf).

Article, “Setting the Record Straight on Hawaiian Indigeneity,” *Hawaiian Journal of Law and Politics*, vol. 3 (Spring 2021), online at [http://www2.hawaii.edu/~anu/pdf/Indigeneity\\_Sai\\_\(HJLP\)\\_Vol\\_3.pdf](http://www2.hawaii.edu/~anu/pdf/Indigeneity_Sai_(HJLP)_Vol_3.pdf).

Book (ed.), “Royal Commission of Inquiry: Investigating War Crimes and Human Rights Violations in the Hawaiian Kingdom,” contributing authors David Keanu Sai, Matthew Craven, William Schabas and Federico Lenzerini (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).

Book Review for Paul D’Arcy’s “Transforming Hawai‘i: Balancing Coercion and Consent in Eighteenth-Century Kanaka Maoli Statecraft,” *Journal of American History* (December 2019), online at [http://www2.hawaii.edu/~anu/pdf/Book\\_Review\\_D'Arcy\(Sai\).pdf](http://www2.hawaii.edu/~anu/pdf/Book_Review_D'Arcy(Sai).pdf).

Chapter with Thomas A. Woods and M. Puakea Nogelmeier “Charting a New Course for the Ship of State: Hawai‘i Becomes a Constitutional Monary” in Thomas A. Woods (ed.), *Kokua Aku, Kokua Mai: Chiefs, Missionaries, and Five Transformations of the Hawaiian Kingdom* (2018), online at [http://www2.hawaii.edu/~anu/pdf/Woods\\_Nogelmeier\\_Sai\\_Charting\\_New\\_Course.pdf](http://www2.hawaii.edu/~anu/pdf/Woods_Nogelmeier_Sai_Charting_New_Course.pdf).

Article, “The Impact of the U.S. Occupation on the Hawaiian People” October 13, 2018 (National Education Association), online at <http://neatoday.org/2018/10/13/us-occupation-of-hawaii/>.

Article, “The U.S. Occupation of the Hawaiian Kingdom” October 1, 2018 (National Education Association), online at <http://neatoday.org/2018/10/01/the-u-s-occupation-of-the-hawaiian-kingdom/>.

Article “The Illegal Overthrow of the Hawaiian Kingdom Government” April 2, 2018 (National Education Association), online at <http://neatoday.org/2018/04/02/the-illegal-overthrow-of-the-hawaiian-kingdom-government/>.

Article, “The Ongoing Unjust War between the Hawaiian Kingdom and the United States of America since 1893,” May 19, 2017 (unpublished), online at [http://www2.hawaii.edu/~anu/pdf/Illegal\\_State\\_of\\_War\\_HI\\_US.pdf](http://www2.hawaii.edu/~anu/pdf/Illegal_State_of_War_HI_US.pdf).

Brief, “Illegal State of War between the Hawaiian Kingdom and the United States of America since January 16, 1893,” April 17, 2017 (unpublished), online at [http://www2.hawaii.edu/~anu/pdf/State\\_of\\_War\\_HI\\_US.pdf](http://www2.hawaii.edu/~anu/pdf/State_of_War_HI_US.pdf).

Book Review for Tom Coffman’s “Nation Within: The History of the American Occupation of Hawai‘i,” *The Hawaiian Journal of History*, Vol. 51 (2017), online at <http://www2.hawaii.edu/~anu/publications.html>.

Article, “Hawaiian Neutrality: From the Crimean Conflict through the Spanish-American War,” (paper presented at the University of Cambridge, UK, Centre for Research in the Arts, Social Sciences and Humanities, *Sovereignty and Imperialism: Non-European Powers in the Age of Empire*, September 10-12, 2015), online at [http://www2.hawaii.edu/~anu/pdf/Cambridge\\_Paper\\_Hawaiian\\_Neutrality.pdf](http://www2.hawaii.edu/~anu/pdf/Cambridge_Paper_Hawaiian_Neutrality.pdf).

Brief, “The Continuity of the Hawaiian State and the Legitimacy of the acting Government of the Hawaiian Kingdom,” August 4, 2013 (unpublished), online at [http://hawaiiankingdom.org/pdf/Continuity\\_Brief.pdf](http://hawaiiankingdom.org/pdf/Continuity_Brief.pdf).

Book, “Ua Mau Ke Ea-Sovereignty Endures: An Overview of the Political and Legal History of the Hawaiian Islands” (Pu‘a Foundation, Honolulu, 2011), online at <http://www.puafoundation.org/product/ua-mau-ke-ea-sovereignty-endures-textbook/>.

Article, “1893 Cleveland-Lili‘uokalani Executive Agreements.” November 28, 2009, unpublished, online at <http://www2.hawaii.edu/~anu/publications.html>.

Article, “Establishing an Acting Regency: A Countermeasure Necessitated to Preserve the Hawaiian State.” November 28, 2009, unpublished, online at <http://www2.hawaii.edu/~anu/publications.html>.

Article, “The Myth of Ceded Lands and the State’s Claim to Perfect Title.” *Ka Wai Ola o OHA Newspaper*, Office of Hawaiian Affairs, April 2009, online at: <http://www2.hawaii.edu/~anu/publications.html>.

Dissertation, “American Occupation of the Hawaiian Kingdom: Beginning the Transition from Occupied to Restored State,” University of Hawai‘i at Manoa, Political Science, December 2008, online at <http://www2.hawaii.edu/~anu/publications.html>.

Article, “A Slippery Path towards Hawaiian Indigeneity: An Analysis and Comparison between Hawaiian State Sovereignty and Hawaiian Indigeneity and its Use and Practice in

Hawai‘i Today,” *Journal of Law and Social Challenges* (San Francisco School of Law), Vol. 10 (Fall 2008), online at <http://www2.hawaii.edu/~anu/publications.html>.

Book Review for “Kahana: How the Land was Lost,” *The Contemporary Pacific: A Journal of Island Affairs*, Vol. 15, No. 1 (2005), online at <http://www2.hawaii.edu/~anu/publications.html>.

Article, “Experts Validate Legitimacy of International Law Case.” *Ka Wai Ola o OHA Newspaper*, Office of Hawaiian Affairs, August 2004, online at: <http://www2.hawaii.edu/~anu/publications.html>.

“American Occupation of the Hawaiian State: A Century Unchecked,” *Hawaiian Journal of Law and Politics*, vol. 1 (Summer 2004), Heinonline, online at: <http://www2.hawaii.edu/~anu/publications.html>.

Article, “The Indian Commerce Clause sheds Light on Question of Federal Authority over Hawaiians,” *Ka Wai Ola o OHA Newspaper*, Office of Hawaiian Affairs, September 2003, online at: <http://www2.hawaii.edu/~anu/publications.html>.

Article, “Before Annexation: Sleight of Hand—Illusion of the Century.” *Ka Wai Ola o OHA Newspaper*, Office of Hawaiian Affairs, July 1998.

“Unpublished Short Essays” on line at <http://hawaiiankingdom.org/info-nationals.shtml>

- “The Hawaiian Kingdom: A Constitutional Monarchy”
- “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>.

Video Interview: Dr. Keanu Sai explains the American invasion and illegal overthrow of the Hawaiian Kingdom government in 1893, *KITV Island Life*, KITV television, January 17, 2025, online at <https://www.youtube.com/watch?v=xQeOmt7JqRI>.

*Neutrality Studies* Podcast with Professor Pascal Lottaz, “EX-Army Officer WAGES LAWFARE To End Illegal Occupation of Hawaii (December 5, 2024), online at <https://www.youtube.com/watch?v=QbjOINCY88A>.

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).

*Keep it Aloha* Podcast with Kamaka Dias, “Dr. Keanu Sai—International law, sovereignty, and Hawaiian Kingdom talk continued, Part 2 (August 29, 2024), online at <https://www.youtube.com/watch?v=YBSFZQdC5bU>.

*Keep it Aloha* Podcast with Kamaka Dias, “Dr. Keanu Sai—The Hawaiian Kingdom, sovereignty and 131 years of illegal occupation, Part 1 (August 1, 2024), online at <https://www.youtube.com/watch?v=PvEdNx2dynE>.

Video Interview: “O‘ahu man addresses the UN on transgressions against the Hawaiian Kingdom,” *KITV Island News*, KITV television, March 23, 2022.

Video Interview: “Dr. Keanu Sai discusses existence of Hawaiian kingdom,” *Hawai‘i News Now*, KGMB television, July 11, 2014.

Video: “Ka‘apuni Honua, KS Song Contest Preshow,” *Kamehameha Schools Song Contest*, KGMB television, March 21, 2014.

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.

Video: “What are Ceded Lands?” *Lecture Series of the Kaleimaileali‘i Hawaiian Civic Club*, ‘Olelo Community Television, December 22, 2009.

Video: “Hawaiian Kingdom Law and Succession.” *Lecture Series of the Kaleimaileali‘i Hawaiian Civic Club*, ‘Olelo Community Television, November 16, 2008.

Video: “Kamehameha I: From Chiefly to British Governance.” *Lecture Series of the Kaleimaileali‘i Hawaiian Civic Club*, ‘Olelo Community Television, July 23, 2008.

Internet Radio: “The Gary Baumgarten Report News Talk Online: Hawai‘i ‘Kingdom’ Proponent Makes Case For An Independent Hawai‘i.” Guest on a daily talk internet radio

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.

Video: Segments of *Aloha Quest* (six-hour broadcast), KFVE television, Honolulu, December 19, 1999.

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

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 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><br>Fusinato<br>Alvarez<br>Calderón                                                         |
| 11. Russia - Turkey <sup>2</sup>                               | Russian Claim for Indemnities<br>damages claimed by Russia for delay in payment of compensation owed to Russians injured in the war of 1877-1878 | 22 - 07 - 1910/<br>04 - 08 - 1910 | 11 - 11 - 1912                  | <b>Lardy</b><br>Bon de Taube<br>Mandelstam <sup>3</sup><br>H.A. Bey <sup>3</sup><br>A.R. Bey <sup>3</sup> |
| 12. France - Italy                                             | French Postal Vessel "Manouba"                                                                                                                   | 26 - 01 - 1912/<br>06 - 03 - 1912 | 06 - 05 - 1913                  | <b>Hammarskjöld</b><br>Fusinato<br>Kriege<br>Renault<br>Bon de Taube                                      |
| 13. France - Italy                                             | The "Carthage"                                                                                                                                   | 26 - 01 - 1912/<br>06 - 03 - 1912 | 06 - 05 - 1913                  | <b>Hammarskjöld</b><br>Fusinato<br>Kriege<br>Renault<br>Bon de Taube                                      |
| 14. France - Italy                                             | The "Tavignano," "Camouna" and "Gaulois" Incident                                                                                                | 08 - 11 - 1912                    | Settled by agreement of parties | <b>Hammarskjöld</b><br>Fusinato<br>Kriege<br>Renault<br>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><br>de Savornin Lohman<br>Lardy                                                                |
| 17. France - Peru <sup>2</sup>                                 | French claims against Peru                                                                                                                       | 02 - 02 - 1914                    | 11 - 10 - 1921                  | <b>Ostertag<sup>3</sup></b><br>Sarrut <sup>3</sup><br>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><br>Anderson <sup>3</sup><br>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><br>Hubert <sup>3</sup><br>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><br>Raestad<br>Mondrup <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>                                                                        |
|-----|-----------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------|---------------------------|---------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------|
| 24. | France - Greece <sup>2</sup>                                                                  | Administration of lighthouses                                                                  | 15 - 07 - 1931            | 24 - 07 - 1956                                                                                    | <b>Verzijl</b> <sup>3</sup><br>Mestre<br>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><br>Parker <sup>3</sup><br>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<br>treaty obligations;<br>amount of damages                      | 16 - 12 - 1988            | 30 - 11 - 1992<br>02 - 05 - 1994<br>Settlement<br>on amount<br>of damages                         | <b>Foighel</b> <sup>3</sup><br>Fielding <sup>3</sup><br>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<br>Settled by<br>agreement<br>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<br>Lack of<br>jurisdiction                                                         | <b>Ajibola</b>                                                                                        |
| 30. | Asian State-owned enterprise - three European enterprises <sup>2</sup>                        | Contract dispute                                                                               | -                         | 02 - 10 - 1996<br>Award on<br>agreed terms                                                        | -                                                                                                     |
| 31. | State of Eritrea - Republic of Yemen <sup>2</sup>                                             | Eritrea/Yemen: Sovereignty of various Red Sea Islands<br>sovereignty;<br>maritime delimitation | 03 - 10 - 1996            | 09 - 10 - 1998<br>Award on sovereignty<br><br>17 - 12 - 1999<br>Award on maritime<br>delimitation | <b>Jennings</b><br>Schwebel <sup>3</sup><br>El-Kosheri <sup>3</sup><br>Highet <sup>3</sup><br>Higgins |
| 32. | Italy - Costa Rica <sup>2</sup>                                                               | Loan agreement between Italy and Costa Rica<br>dispute arising under financing agreement       | 11 - 09 - 1997            | 26 - 06 - 1998                                                                                    | <b>Lalive</b> <sup>3</sup><br>Ferrari Bravo<br>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><br>Greenwood <sup>3</sup><br>Griffith <sup>3</sup>                       |
| 34. | The Netherlands - France <sup>2</sup>                                                         | Treaty interpretation                                                                          | 21 - 10 - /17 - 12 - 1999 | 12 - 03 - 2004                                                                                    | <b>Skubiszewski</b><br>Guillaume<br>Kooijmans <sup>3</sup>                                            |
| 35. | European corporation - African government                                                     | Contract dispute                                                                               | 04 - 08 - 2000            | 18 - 02 - 2003<br>Settled by<br>agreement<br>of parties                                           | -                                                                                                     |
| 36. | Eritrea-Ethiopia Boundary Commission <sup>2</sup>                                             | Boundary dispute                                                                               | 12 - 12 - 2000            | 13 - 04 - 2002                                                                                    | <b>Lauterpacht</b><br>Ajibola<br>Reisman <sup>3</sup><br>Schwebel <sup>3</sup><br>Watts               |

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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>                                                                                                  |
|----------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------|----------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------|
| 37. Eritrea-Ethiopia Claims Commission <sup>2</sup>                                                                        | Settlement of claims arising from armed conflict                                                      | 12 - 12 - 2000                                     | 01 - 07 - 2003<br>Partial Awards for prisoner of war claims<br>28 - 04 - 2004<br>Partial Awards for Central Front claims<br>17 - 12 - 2004<br>Partial Awards for civilians claims<br>19 - 12 - 2005<br>Partial Awards for remaining liability claims<br>17 - 08 - 2009<br>Final Award for damages | <b>van Houtte</b> <sup>3</sup><br>Aldrich <sup>3</sup><br>Crook <sup>3</sup><br>Paul <sup>3</sup><br>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<br>31 - 08 - 2001<br>24 - 10 - 2001 | 22 - 11 - 2002<br>Partial Award<br>19 - 09 - 2003<br>Final Award                                                                                                                                                                                                                                  | <b>Reisman</b> <sup>3</sup><br>van den Berg <sup>3</sup><br>Frowein <sup>3</sup><br>Krafft <sup>3</sup><br>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><br>Griffith <sup>3</sup><br>Mustill <sup>3</sup>                                                    |
| 40. Saluka Investments B.V. - Czech Republic <sup>2</sup>                                                                  | Investment treaty dispute                                                                             | 18 - 06 - 2001                                     | 17 - 03 - 2006<br>Partial Award                                                                                                                                                                                                                                                                   | <b>Watts</b><br>Behrens <sup>3</sup><br>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<br>Termination order following withdrawal of claim                                                                                                                                                                                                                                 | <b>Mensah</b> <sup>3</sup><br>Fortier <sup>3</sup><br>Hafner<br>Crawford <sup>3</sup><br>Watts                                  |
| 42. European government - European corporation <sup>2</sup>                                                                | Investment treaty dispute                                                                             | 30 - 04 - 2002                                     | 24 - 05 - 2004<br>Settled by agreement of parties                                                                                                                                                                                                                                                 | -                                                                                                                               |
| 43. Two corporations - Asian government <sup>2</sup>                                                                       | Contract dispute                                                                                      | 16 - 08 - 2002                                     | 12 - 10 - 2004<br>Partial Award                                                                                                                                                                                                                                                                   | -                                                                                                                               |
| 44. Telekom Malaysia Berhad - Government of Ghana <sup>2</sup>                                                             | Investment treaty dispute                                                                             | 10 - 02 - 2003                                     | 01 - 11 - 2005<br>Award on agreed terms                                                                                                                                                                                                                                                           | <b>Van den Berg</b> <sup>3</sup><br>Gaillard <sup>3</sup><br>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><br>Schrans <sup>3</sup><br>Simma <sup>3</sup><br>Soons <sup>3</sup><br>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><br>Brownlie <sup>3</sup><br>Orrego Vicuña <sup>3</sup><br>Lowe <sup>3</sup><br>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><br>Hossain <sup>3</sup><br>Franck <sup>3</sup><br>Shearer<br>Smit <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>                                                                        |
|-----------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------|------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------|
| 48. Malaysia - Singapore <sup>2</sup>                                                                           | Proceedings pursuant to the Law of the Sea Convention (UNCLOS)                                                                                                     | 04 - 07 - 2003                    | 01 - 09 - 2005<br>Award on agreed terms                          | <b>Pinto</b> <sup>3</sup><br>Hossain <sup>3</sup><br>Shearer<br>Oxman <sup>3</sup><br>Watts           |
| 49. 1.The Channel Tunnel Group Limited<br>2. France-Mache S.A. -<br>1. United Kingdom<br>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<br>Partial Award<br><br>2010<br>Termination order | <b>Crawford</b> <sup>3</sup><br>Fortier <sup>3</sup><br>Guillaume<br>Millett <sup>3</sup><br>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/<br>17 - 02 - 2005 | 02 - 08 - 2010                                                   | <b>Kaufmann-Kohler</b> <sup>3</sup><br>Brower <sup>3</sup><br>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><br>Castel <sup>3</sup><br>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><br>Rubins <sup>3</sup><br>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><br>Al-Khasawneh<br>Hafner<br>Reisman <sup>3</sup><br>Schwebel               |
| 54. Centerra Gold Inc. & Kumtor Gold Co. - Kyrgyz Republic <sup>2</sup>                                         | Investment agreement dispute                                                                                                                                       | 08 - 03 - 2006                    | 29 - 06 - 2009<br>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<br>Consent Award                                  | <b>Böckstiegel</b> <sup>3</sup><br>Fernández-Armesto <sup>3</sup><br>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><br>McRae<br>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<br>Partial Award<br>17 - 10 - 2011<br>Supplementary and Final Award | <b>Berman</b><br>Tomka<br>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><br>Canu <sup>3</sup><br>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><br>Petsche <sup>3</sup><br>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><br>Mensah <sup>3</sup><br>Rao <sup>3</sup><br>Shearer<br>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><br>Banifatemi <sup>3</sup><br>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><br>Brower <sup>3</sup><br>Van den Berg <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>                                                                            |
|------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|----------------------|-----------------------------------------------------------------------------------------------------------|
| 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>Lowé</b> <sup>3</sup><br>Van den Berg <sup>3</sup><br>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</b> <sup>3</sup><br>Grigera Naón <sup>3</sup><br>Lowé <sup>3</sup>                              |
| 65. Pakistan – India                                                                     | Indus Waters Treaty Arbitration                                                                                                                                                                                                                                                                                                                                                               | 17 - 05 - 2010        |                      | <b>Schwebel</b><br>Berman<br>Wheater <sup>3</sup><br>Cafilisch<br>Paulsson<br>Simma <sup>3</sup><br>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</b> <sup>3</sup><br>Conthe <sup>3</sup><br>Vinuesa                                              |
| 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><br>Greenwood<br>Hoffmann <sup>3</sup><br>Kateka <sup>3</sup><br>Wolfrum <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.

**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<br>Professor Christopher J. Greenwood QC<br>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<br>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

▶ Other

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## Contact

Permanent Court of Arbitration  
Peace Palace  
Carnegieplein 2  
2517 KJ The Hague  
The Netherlands

**T:** +31 70 302 4165

**F:** +31 70 302 4167

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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

**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 PROFESSOR NIKLAUS SCHWEIZER**

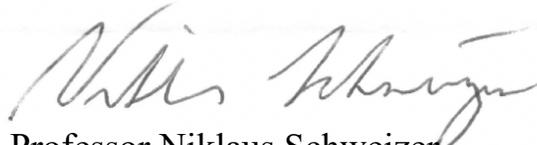
I, Niklaus Schweizer, declare the following:

1. I am a Swiss citizen residing in Honolulu, Hawai‘i. I am a fluent speaker in the French language and I translated the United States Declaration filed with the Dutch Foreign Ministry regarding Palestine’s accession to the 1907 Hague Convention for the Pacific Settlement of International Disputes dated December 28, 2015, which a true and correct copy of the same is attached hereto as Exhibit “1” with the United States Declaration in French.
2. I have a Ph.D. in English, and I am a Professor at the University of Hawai‘i at Mānoa Languages & Literatures of Europe & the Americas. For further

information see <http://manoa.hawaii.edu/lea/person/niklaus-schweizer/>. I can  
be contacted at [niklaus@hawaii.edu](mailto:niklaus@hawaii.edu).

I declare under penalty of perjury that the foregoing is true and correct.

DATED: Honolulu, Hawai‘i, 29 January 2026.



Professor Niklaus Schweizer

**Exhibit “1”**

**MINISTRY OF FOREIGN AFFAIRS OF THE KINGDOM OF THE NETHERLANDS**

**The Hague**

CONVENTIONS CONCLUDED AT THE HAGUE 18 OCTOBER 1907 DURING THE  
INTERNATIONAL CONFERENCE ON PEACE OF 1907

Notification

Convention for the peaceful regulation of international  
conflicts  
(The Hague, October 18, 1907)

The Depository by referring to the notification deposited of the  
Conventions 1907 No. 01/2016 of January 29, 2016, conveys hereby  
the French translation of the declaration done by the United  
States of December 28, 2015.

**DECLARATION**

**THE UNITED STATES, 28-12-2015**

(Translation) According to the government of the United States  
of America the "State of Palestine" does not qualify to become a  
member of the Convention. In Conformity with article 93 of the  
Convention membership in the Convention was originally limited  
to "Powers invited to the Second Conference on Peace" gathered  
at The Hague in 1907. Article 94 of the Convention stipulates  
furthermore that "The conditions under which Powers which did  
not participate at the Second Conference on peace could become  
members in the present Convention shall be objects of a later  
understanding among the contracting Powers." At its meeting on  
March 3, 1960, the administrative council of the permanent Court  
of arbitration, having consulted all the parties at the two  
Conventions at the Hague for regulating peacefully international  
conflicts, decided that the government of the Netherlands would  
invite after March 15, 1960, the members of the United Nations  
which had not participated in the activities of the permanent  
Court of arbitration to declare 1) if they considered themselves  
as parties in the conventions of 1899 or 1907 for the peaceful  
regulating of international conflicts, or, if that was not the  
case, 2) if they wished to become members of these conventions  
or of one of them. On the basis of the later understanding so  
concluded by the parties of the Convention, the possibility of  
membership in the Convention was thus extended to the member  
States of the United Nations. The government of the United  
States does not have any knowledge of any other decision by the

parties of the Convention in respect to extending said possibility of membership to entities which are not members of the United Nations. "The State of Palestine" is not a member of the United Nations. Furthermore 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. "The State of Palestine", being neither "a Power invited to the Second Conference of Peace", nor being a member of the United Nations, is not eligible for membership in the Convention. The government of the United States considers that the Kingdom of the Netherlands in its character as depositary of the Convention should not inscribe "the State of Palestine" as a party of the Convention. In consequence thereof the government of the United States declares that it will not consider "the State of Palestine" as being a party of the Convention and will not consider to have conventional ties with "the State of Palestine" on the basis of said Convention.

**The Hague, February 11, 2016**

The notifications deposited are accessible on line at the Web site of the Ministry of Foreign Affairs of the Kingdom of the Netherlands, at <https://treatydatabase.overheid.nl>.

Conventions 1907 No 05/2016



**MINISTÈRE DES AFFAIRES ÉTRANGÈRES DU ROYAUME DES PAYS-BAS  
LA HAYE**

CONVENTIONS CONCLUES À LA HAYE LE 18 OCTOBRE 1907  
AU COURS DE LA CONFÉRENCE INTERNATIONALE DE LA PAIX DE 1907

Notification

Convention pour le règlement pacifique des conflits internationaux  
(La Haye, le 18 octobre 1907)

Le Dépositaire, se référant à la notification dépositaire Conventions 1907 No. 01/2016 du 29 janvier 2016, transmet ci-joint la traduction française de la déclaration fait par les États-Unis du 28 décembre 2015.

**DÉCLARATION**

**Les États-Unis, 28-12-2015**

*(Traduction)*

Selon le gouvernement des États-Unis d'Amérique, l'« État de Palestine » n'est pas habilité à adhérer à la Convention.

Conformément à l'article 93 de la Convention, l'adhésion à la Convention était initialement limitée aux « Puissances conviées à la Deuxième Conférence de la Paix » réunie à La Haye en 1907. L'article 94 de la Convention stipule en outre que « Les conditions auxquelles les Puissances qui n'ont pas été conviées à la Deuxième Conférence de la Paix pourront adhérer à la présente Convention formeront l'objet d'une entente ultérieure entre les Puissances contractantes. »

Lors de sa réunion du 3 mars 1960, le conseil administratif de la Cour permanente d'arbitrage, après avoir consulté toutes les parties aux deux Conventions de La Haye pour le règlement pacifique des conflits internationaux, a décidé que le gouvernement des Pays-Bas inviterait après le 15 mars 1960 les membres des Nations unies n'ayant pas participé aux activités de la Cour permanente d'arbitrage à déclarer (1) s'ils considéraient être parties aux conventions de 1899 ou de 1907 pour le règlement pacifique des conflits internationaux, ou, si ce n'était pas le cas, (2) s'ils souhaitaient adhérer à ces conventions ou à l'une d'elles. Sur la base de l'entente ultérieure ainsi conclue par les parties à la Convention, la possibilité d'adhérer à la Convention a ainsi été étendue aux États membres des Nations unies.

Le gouvernement des États-Unis n'a connaissance d'aucune autre décision des parties à la Convention en vue d'élargir ladite possibilité d'adhésion aux entités qui ne sont pas membres des Nations unies. ` L'État de Palestine » n'est pas membre des Nations unies. Par ailleurs, le gouvernement des États-Unis estime que ` l'État de Palestine » ne répond pas à la définition d'un État souverain et ne le reconnaît pas comme tel. ` L'État de Palestine » n'étant ni « une Puissance conviée à la Deuxième Conférence de la Paix » ni un membre des Nations unies, il n'est pas éligible à l'adhésion à la Convention.

Le gouvernement des États-Unis estime que le Royaume des Pays-Bas, en sa qualité de dépositaire de la Convention, ne devrait pas inscrire « l'État de Palestine » comme partie à la Convention. En conséquence, le gouvernement des États-Unis déclare qu'il ne considèrera pas « l'État de Palestine » comme étant partie à la Convention, et ne considèrera avoir de liens conventionnels avec « l'État de Palestine » en vertu de ladite Convention.

La Haye, le 11 février 2016

Les notifications dépositaires sont accessibles en ligne sur le site Web du Ministère des Affaires étrangères du Royaume des Pays-Bas, à l'adresse <https://treatydatabase.overheid.nl>.

Conventions 1907 No. 05/2016



**MINISTRY OF FOREIGN AFFAIRS OF THE KINGDOM OF THE NETHERLANDS  
THE HAGUE**

CONVENTIONS CONCLUDED AT THE HAGUE ON 18 OCTOBER 1907  
DURING THE INTERNATIONAL PEACE CONFERENCE OF 1907

Notification

Convention for the Pacific Settlement of International Disputes  
(The Hague, 18 October 1907)

The Depositary, with reference to depositary notification Conventions 1907 No. 01/2016 of 29 January 2016, transmits herewith the French translation of the declaration made by the United States on 28 December 2015.

The Hague, 11 February 2016

The Depositary Notifications are accessible on the website of the Ministry of Foreign Affairs of the Kingdom of the Netherlands at <https://treatydatabase.overheid.nl>.

Conventions 1907 No. 05/2016

**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.*

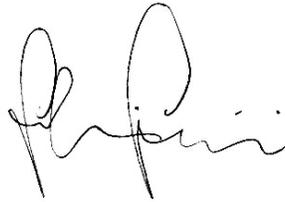
**DECLARATION OF PROFESSOR FEDERICO LENZERINI**

I, Federico Lenzerini, declare the following:

1. I am an Italian citizen residing in Poggibonsi, Italy. I am the author of the legal opinion on the civil law on juridical fact of the Hawaiian State and the consequential juridical act by the Permanent Court of Arbitration, which a true and correct copy of the same is attached hereto as Exhibit “1”.
2. I have a Ph.D. in international law, and I am a Professor of International Law, University of Siena, Italy, Department of Political and International Sciences. For further information see my curriculum vitae attached hereto as Exhibit “2.” I can be contacted at [federico.lenzerini@unisi.it](mailto:federico.lenzerini@unisi.it).

I declare under penalty of perjury that the foregoing is true and correct.

DATED: Siena, Italy, 28 January 2026.

A handwritten signature in black ink, appearing to read 'Federico Lenzerini', with a large, stylized initial 'F'.

Professor Federico Lenzerini

# **Exhibit “1”**

CIVIL LAW ON JURIDICAL FACT OF THE HAWAIIAN STATE AND THE CONSEQUENTIAL  
JURIDICAL ACT BY THE PERMANENT COURT OF ARBITRATION

FEDERICO LENZERINI\*

5 December 2021

***Juridical Facts***

In the civil law tradition, a *juridical fact* (or *legal fact*) is a fact (or event) – determined either by natural occurrences or by humans – which produces consequences that are relevant according to law. Such consequences are defined *juridical effects* (or *legal effects*), and consist in the establishment, modification or extinction of rights, legal situations or *juridical* (or *legal*) *relationships* (*privity*). Reversing the order of the reasoning, among the multifaceted natural or social facts occurring in the world a fact is *juridical* when it is *legally relevant*, i.e. determines the production of *legal effects* per effect of a *legal* (*juridical*) *rule* (*provision*). In technical terms, it is actually the legal rule which produces legal effects, while the juridical fact is to be considered as the *condition* for the production of the effects. In practical terms, however, it is the juridical fact which activates a reaction by the law and makes the production of the effects concretely possible. At the same time, no fact can be considered as “juridical” without a legal rule attributing this quality to it.<sup>1</sup>

Both *rights*, *powers* or *obligations* – held by/binding a person or another subject of law (in international law, a State, an international organization, a people, or any other entity to which international law attributes legal personality) – may arise from a juridical fact.

Sometimes a juridical fact determines the production of legal effects irrespective of the action of a person or another subject of law. In other terms, in some cases legal effects are automatically produced by a(n *inactive*) juridical fact – only by virtue of the mere existence of the latter – without any need of an action by a legal subject. “Inactive juridical facts are events which occur more or less spontaneously, but still have legal effects because a certain reaction is regarded to be necessary to deal with the newly arisen circumstances”.<sup>2</sup> Inactive juridical facts may be based on an occasional situation, a quality of a person or a thing, or the course of time.<sup>3</sup>

***Juridical Acts***

In other cases, however, the legal effects arising from a juridical fact only exist *potentially*, and, in order to concretely come into existence they need to be activated through a behaviour by a subject of law, which may consist of either an action or a passive behaviour. The legal effects may arise from either an *operational act* – i.e. a behaviour to which the law attributes legally-relevant effects for the sole ground of its existence, “although the acting [subject] had no intention to create this legal

---

\* Professor of International Law and Human Rights, University of Siena (Italy), Department of Political and International Sciences. Professor at the LL.M. Program on Intercultural Human Rights, St. Thomas University School of Law, Miami, FL, USA.

<sup>1</sup> See Lech Morawski, “Law, Fact and Legal Language”, (1999) 18 *Law and Philosophy* 461, at 463.

<sup>2</sup> See “Legal System of Civil Law in the Netherlands”, available at <<http://www.dutchcivillaw.com/content/legalsystem022aa.htm>> (accessed on 4 December 2021).

<sup>3</sup> *Ibidem*.

effect”<sup>4</sup> – or an act that a subject of law performs intentionally, “because he[/she/it] knows that the law will respond to it by acknowledging the conception of a particular legal effect. The act is explicitly [and voluntarily] chosen to let this legal effect arise”.<sup>5</sup> In order to better comprehend this line of reasoning, one may consider the example of adverse possession,<sup>6</sup> which is determined by the juridical fact that a given span of time has passed during which the thing has continuously been in the possession without being claimed by its owner. However, in order for the possessor to effectively acquire the right to property, it is usually necessary to activate a legal action before the competent authority aimed at obtaining its legal recognition. In this and other similar cases a subject of law intentionally performs an act “to set the law in motion” with the purpose of producing a desired juridical effect. The legal subject concerned knows that, through performing such an act, the wanted juridical effect will be produced as a consequence of the existence of a juridical fact. Acts that are intentionally performed by a subject of law with the purpose of producing a desired legal effect are defined as *juridical acts* (or *legal acts*). It follows that an act consequential to a juridical fact (i.e. having the purpose of producing a given juridical effect in consequence of the existence of a juridical fact) is called *juridical* (or *legal*) *act*. The entitlement to perform a *juridical act* is the effect of a *power* attributed by the *juridical fact* to the legal subject concerned. The most evident difference between *juridical facts* and *juridical acts* is that, while the former “produce legal consequences regardless of a [person]’s will and capacity”, the latter “are licit volitional acts – in the form of a manifestation of will – that are intended to produce legal consequences”.<sup>7</sup>

### ***Effects of Juridical Acts on Third Parties***

One legal subject may only perform a juridical act unilaterally when it falls within her/his/its own legal sphere, but an unilateral juridical act may produce effects for other legal subjects as well. For instance, in private law unilateral juridical acts exist which produce juridical effects on third parties – for instance a will or a promise to donate a sum of money. Usually, unilateral juridical acts start to produce their effects from the moment when they are known by the beneficiary, and from that moment their withdrawal is precluded, unless otherwise provided for by applicable law (depending on the specific act concerned).

Similarly, bilateral or plurilateral juridical acts influencing the life of third parties are also provided by law – e.g. a contract in favour of third parties or a trust, typical of the common law tradition. Then, of course, the beneficiary of such acts may decide to refuse the benefits (if any) arising from them; however, if such benefits are not refused, said acts will definitely produce their effects, and may only be withdrawn within the limits established by law. Juridical acts also include the laws and regulations adopted by national parliaments, administrative acts, and, more in general, all acts determining – i.e. creating, modifying or abrogating – legal effects. *Acts of the judiciary* (judgments, orders, decrees, etc.) are also included in the concept of juridical acts. For instance, a judgment recognizing natural filiation produces the effects of filiation – with *retroactive effects* – “transform[ing] the [juridical] fact of procreation (in itself insufficient to create a legal relationship)

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<sup>4</sup> Ibidem.

<sup>5</sup> Ibidem.

<sup>6</sup> Adverse possession refers to a legal principle – in force in many countries, especially of civil law – according to which a subject of law is granted property title over another subject’s property by keeping continuous possession of it for a given (legally defined) period of time, on the condition that the title over the property is not claimed by the owner throughout the whole duration of that period of time.

<sup>7</sup> See Nikolaos A. Davrados, “A Louisiana Theory of Juridical Acts” (2020) 80 *Louisiana Law Review* 1119, at 1273.

into a state of filiation (recognized child) that is relevant to the law”.<sup>8</sup> In this case, a juridical act of the judge actually leads to the recognition of a legal state – productive of a number of juridical effects, including *ex tunc* – arising from the juridical fact of the natural filiation. This is a perfect example of a juridical fact (exactly the natural filiation) whose legal effects exist *potentially*, and are activated by the juridical act represented by the judge’s decision.

***The Juridical Act of the Permanent Court of Arbitration (PCA) Recognizing the Juridical Fact of the Statehood of the Hawaiian Kingdom and the Council of Regency as its government***

According to the *PCA Arbitration Rules*,<sup>9</sup> disputes included within the competence of the PCA include the following instances:

- disputes between two or more States;
- disputes between two parties of which only one is a State (i.e., disputes between a State and a private entity);
- disputes between a State and an international organization;
- disputes between two or more international organizations;
- disputes between an international organization and a private entity.

It is evident that, in order for a dispute to fall within the competence of the PCA, it is *always* necessary that either a State or an international organization are involved in the controversy. The case of *Larsen v. Hawaiian Kingdom*<sup>10</sup> was qualified by the PCA as a dispute between a State (The Hawaiian Kingdom) and a Private entity (Lance Paul Larsen).<sup>11</sup> In particular, the Hawaiian Kingdom was qualified as a non-Contracting Power under Article 47 of the 1907 Convention for the Pacific Settlement of International Disputes.<sup>12</sup> In addition, since the PCA allowed the Council of Regency to represent the Hawaiian Kingdom in the arbitration, it also implicitly recognized the former as the government of the latter.<sup>13</sup>

According to a civil law perspective, the juridical act of the International Bureau of the PCA instituting the arbitration in the case of *Larsen v. Hawaiian Kingdom* may be compared – *mutatis mutandis* – to a juridical act of a domestic judge recognizing a juridical fact (e.g. *filiation*) which is productive of certain legal effects arising from it according to law. Said legal effects may include, depending on applicable law, the power to stand before a court with the purpose of invoking certain rights. In the context of the *Larsen* arbitration, the juridical fact recognized by the PCA in favour of the Hawaiian Kingdom was its quality of *State* under international law. Among the legal effects produced by such a juridical fact, the entitlement of the Hawaiian Kingdom to be part of an international arbitration under the auspices of the PCA was included, since the existence of said juridical fact actually represented an indispensable condition for the Hawaiian Kingdom to be admitted in the *Larsen* arbitration, *vis-à-vis* a private entity (Lance Paul Larsen). Consequently, the

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<sup>8</sup> See Armando Cecatiello, “Recognition of the natural child”, available at <<https://www.cecatiello.it/en/riconoscimento-del-figlio-naturale-2/>> (accessed on 4 December 2021).

<sup>9</sup> The *PCA Arbitration Rules 2012* (available at <<https://docs.pca-cpa.org/2015/11/PCA-Arbitration-Rules-2012.pdf>>, accessed on 5 December 2021) constitute a consolidation of the following set of PCA procedural rules: the *Optional Rules for Arbitrating Disputes between Two States (1992)*; the *Optional Rules for Arbitrating Disputes between Two Parties of Which Only One is a State (1993)*; the *Optional Rules for Arbitration Between International Organizations and States (1996)*; and the *Optional Rules for Arbitration Between International Organizations and Private Parties (1996)*.

<sup>10</sup> Case number 1999-01.

<sup>11</sup> See <<https://pca-cpa.org/en/cases/35/>> (accessed on 5 December 2021).

<sup>12</sup> Available at <<https://docs.pca-cpa.org/2016/01/1907-Convention-for-the-Pacific-Settlement-of-International-Disputes.pdf>> (accessed on 5 December 2021).

<sup>13</sup> See Declaration of Professor Federico Lenzerini [ECF 55-2].

International Bureau of the PCA carried out the juridical act consisting in establishing the arbitral tribunal as an effect of the recognition of the juridical fact in point. Likewise, e.g., the recognition of the juridical fact of filiation by a domestic judge, also the recognition of the Hawaiian Kingdom as a State had in principle retroactive effects, in the sense that the Hawaiian Kingdom did *not* acquire the condition of State per effect of the PCA's juridical act. Rather, the Hawaiian Kingdom's Statehood was a juridical fact that the PCA recognized as *pre-existing* to its juridical act.

***The Effects of the Juridical Act of the PCA Recognizing the Juridical Fact of the Continued Existence of the Hawaiian Kingdom as a State and the Council of Regency as its government***

At the time of the establishment of the *Larsen* arbitral tribunal by the PCA, the latter had 88 contracting parties.<sup>14</sup> One may safely assume that the PCA's juridical act consisting in the recognition of the juridical fact of the Hawaiian Kingdom as a State, through the institution of the *Larsen* arbitration, reflected a view shared by all such parties, on account of the fact that the decision of the International Bureau of the PCA was not followed by any complaints by any of them. In particular, it is especially meaningful that there was "no evidence that the United States, being a Contracting State [indirectly concerned by the *Larsen* arbitration], protested the International Bureau's recognition of the Hawaiian Kingdom as a State in accordance with Article 47".<sup>15</sup> On the contrary, the United States appeared to provide its acquiescence to the establishment of the arbitration, as it entered into an agreement with the Council of Regency of the Hawaiian Kingdom to access all records and pleadings of the dispute.

Under international law, the juridical act of the PCA recognizing the juridical fact of the Hawaiian Kingdom as a State may reasonably be considered as an important manifestation of – contextually – State practice and *opinio juris*, in support of the assumption according to which the Hawaiian Kingdom is actually – and has never ceased to be – a sovereign and independent State pursuant to customary international law. As noted a few lines above, it 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".<sup>16</sup> 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>17</sup>

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<sup>14</sup> See <<https://pca-cpa.org/en/about/introduction/contracting-parties/>> (accessed on 5 December 2021).

<sup>15</sup> See David Keanu Sai, "The Royal Commission of Inquiry", in David Keanu Sai (ed.), *The Royal Commission of Inquiry: Investigating War Crimes and Human Rights Violations Committed in the Hawaiian Kingdom* (Honolulu 2020) 12, at 25.

<sup>16</sup> See Nuno Sérgio Marques Antunes, "Acquiescence", in Rüdiger Wolfrum (ed.), *Max Planck Encyclopedia of Public International Law* (2006), at para. 2.

<sup>17</sup> See International Court of Justice, *Case concerning the Temple of Preah Vihear (Cambodia v. Thailand)*, Merits, Judgment of 15 June 1962, *I.C.J. Reports* 1962, p. 6, at 23.

**Exhibit “2”**

## **CURRICULUM VITAE FEDERICO LENZERINI**

### **I. PERSONAL**

Date of Birth: October 7, 1968, Poggibonsi (SI), Italy  
Nationality: Italian  
Personal Status: Married with Erika Piergentili. Three Children: Riccardo, Serena and Edoardo.  
Personal website: <https://docenti.unisi.it/it/lenzerini>

### **II. DEGREES**

1. Juris Dr., University of Siena, 15 October 1998, 110/110 magna cum laude.
2. Ph. D., International Law, 8 April 2003, University of Bari.
3. National Scientific Qualification (“abilitazione”, Italy) for Full Professor of International Law, Sector 12/E1, 4 April 2017.

### **III. ACADEMIC POSITION**

1. Full Professor (Professore ordinario) of International Law, Human Rights and International Organization, University of Siena, Department of Political and International Sciences.
2. Professor at the Tulane-Siena Summer School on International Law and the Arts.
3. Professor at the *LL.M. Program in Intercultural Human Rights*, Miami (FL), USA, St. Thomas University School of Law.
4. Delegate of the Rector of the University of Siena for Students and Researchers Coming from Crisis Areas, 2016-2022.
5. Member of the “Collegio di disciplina” (Disciplinary Board) of the University of Siena, 2019-2023.
6. Representative of the University of Siena at the Italian “Network of Universities for Peace” (RUNIPACE – <https://www.runipace.org/>).
7. Referee of the University of Siena for the UNHCR’s “Manifesto dell’Università Inclusiva” (Manifesto of the Inclusive University for Refugees).
8. Referee of the University of Siena for the UNICORE Project (UNHCR’s University Corridors for Refugees promoted by Italian universities).
9. Person in charge of the “Just Peace” Project of the University of Siena (<https://www.unisi.it/ateneo/adempimenti/urp-e-international-place/sportello-just-peace>).
10. Member of the Commission of Research of the University of Siena.
11. Delegate of the Department of Political and International Sciences of the University of Siena for Research, Quality of Research and the Third Mission.

### **IV PROFESSIONAL POSITION**

1. Assistant Professor (Researcher) of International Law (IUS 13), University of Siena (Italy), Department of Law, 2006-2017.

2. Associate Professor of International Law (IUS 13), University of Siena (Italy), Department of Political and International Sciences, 2018-2023.
3. Full Professor of International Law, Human Rights and International Organization, University of Siena, Department of Political and International Sciences, 2023 -
4. Consultant to the United Nations Educational, Scientific and Cultural Organization (UNESCO), Paris.
5. Deputy Head of the Hawaiian Kingdom's Royal Commission of Inquiry.

## V. PROFESSIONAL ASSOCIATIONS

1. Member of the International Law Association.
2. Member of the "Biotechnology Committee" of the International Law Association 2006-2010.
3. Rapporteur of the "Committee on the Rights of Indigenous Peoples" of the International Law Association, 2008-2012.
4. Rapporteur of the "Committee on the Implementation of the Rights of Indigenous Peoples" of the International Law Association, 2013-2020.
5. Member of the "Committee on Cultural Heritage Law" of the International Law Association, 2012-2016.
6. Member of the Tulane-Siena Institute for International Law, Cultural Heritage & the Arts.
7. Director of the Inter-University Centre for the Research on Human Rights and Immigration Law (CIRDUIS), University of Siena.
8. Member of the Academic Friends of the UN Expert Mechanism on the Rights of Indigenous Peoples (EMRIP).

## VI. PUBLICATIONS

### **BOOKS**

1. *Organizzazione Mondiale del Commercio e diritto della Comunità europea nella prospettiva della risoluzione delle controversie* (WTO and EC Law under the Perspective of Dispute Settlement) (editor, with F. FRANCONI and M. MONTINI), Milano, 2005.
2. *Reparations for Indigenous Peoples: International and Comparative Perspectives* (editor), Oxford University Press, 2008, 650 pp. (also published in paperback in 2009).
3. *The 1972 World Heritage Convention. A Commentary* (assistant editor, with F. FRANCONI), Oxford University Press, 2008, 576 pp.
4. *Asilo e diritti umani. L'evoluzione del diritto di asilo nel diritto internazionale* (Asylum and Human Rights. The Evolution of the Right of Asylum in International Law), Milano, 2009, 679 pp. (monograph).
5. *Cultural Heritage, Cultural Rights, Cultural Diversity. New Developments in International Law* (editor, with S. BORELLI), Leiden/Boston (Brill/Martinus Nijhoff Publishers), 2012, 440 pp.
6. *The Culturalization of Human Rights Law*, Oxford (Oxford University Press), 2014, xxiv-275 pp. (monograph).
7. *International Law for Common Goods. Normative Perspectives on Human Rights, Culture and Nature* (editor, with A. F. VRDOLJAK), Oxford and Portland (Hart Publishing), 2014, viii-460 pp.

**ARTICLES IN JOURNALS AND CHAPTERS IN BOOKS**

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2. “L’evoluzione contemporanea del concetto di schiavitù nel diritto internazionale consuetudinario” (The Contemporary Evolution of the Concept of Slavery in Customary International Law), *Studi Senesi*, 2000, pp. 470 – 531.
3. “La tutela del minore nei conflitti armati” (The Protection of Children in Armed Conflicts), *Rivista Internazionale dei Diritti dell’Uomo*, 2000, pp. 781 – 795.
4. “Lavoro minorile: verso una nuova coscienza internazionale?” (Child Labour: Towards a New International Conscience?), *Testimonianze*, 411/2000, pp. 49 – 57.
5. “Suppressing Slavery Under Customary International Law”, *Italian Yearbook of International Law*, 2000, pp. 145 – 180.
6. “Italian Practice on Slavery: The Application of International Obligations Prohibiting Slavery by Italian Courts”, *Italian Yearbook of International Law*, 2000, pp. 273 – 280.
7. “Survey on World Trade Organization Dispute Settlement (2000)” (with M. MONTINI), *Italian Yearbook of International Law*, 2000, pp. 241 – 261.
8. “Senzacasa nella terra del ‘grande torsolo’” (Homelessness in the Land of the ‘Big Apple-Core’), *Testimonianze*, 414/2000, pp. 7 – 14.
9. “International Trade and Child Labour Standards”, in FRANCONI F. (ed.), *Environment, Human Rights and International Trade*, Oxford, 2001, pp. 287 – 312.
10. “La definizione internazionale di schiavitù secondo il Tribunale per La Ex-Yugoslavia: un caso di osmosi tra consuetudine e norme convenzionali” (The International Definition of Slavery according to the International Tribunal for the Former Yugoslavia. Osmosis between Customary International Law and Treaty Law), *Rivista di Diritto Internazionale*, 2001, pp. 1026 – 1042.
11. “Riflessioni sul valore della diversità culturale nel diritto internazionale” (Reflections on the Value of Cultural Diversity in International Law), *Comunità Internazionale*, 2001, pp. 671 – 684.
12. “Intangible Cultural Heritage in Danger: A Part of the Human Memory that Is Disappearing” (with translation in Japanese), in *Symposium: The Transmission and Present State of Cultural Heritage*, Kyoto, 2002, pp. 72 – 77.
13. “Survey on World Trade Organization (2001)” (with M. MONTINI), *Italian Yearbook of International Law*, 2001, pp. 191 – 214.
14. “Witch Hunting: The Influence of the Fear of Terrorism in the Implementation of Asylum Law”, *Italian Yearbook of International Law*, 2002, pp. 95 – 121.
15. “The Activity of the World Trade Organization (2002)” (with M. MONTINI), *Italian Yearbook of International Law*, 2002, pp. 243 – 256.
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- Contemporary International Law), in *Rivista Giuridica dell'Ambiente*, 2004, pp. 165 – 180.
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  31. “Indigenous Peoples’ Rights, Biogenetic Resources and Traditional Knowledge: The Case of the Sateré-Mawé People” (with M. FRABONI), in F. FRANCONI and T. SCOVAZZI (eds.), *Biotechnology and International Law*, Oxford, 2006, pp. 341 – 366.
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  57. "Reflections on the Impact of Communism on the Italian International Law Scholarship: 1945-1989" (with F. Francioni), Academy of European Law – EUI Working Papers, Firenze, 2009, AEL 2009/23 pp. 36.
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  60. "Italy", in T. KONO (ed.), *The Impact of Uniform Laws on the Protection of Cultural Heritage and the Preservation of Cultural Heritage in the 21st Century*, Leiden-Boston, 2010, pp. 439-466.
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### **ENTRIES IN ENCYCLOPEDIAS**

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3. “The Naga People, India” (with B. KATZ and P. SHIKHU CHINGMAK), Study prepared for the International Law Association Committee on the Rights of Indigenous Peoples, 2019, <https://www.ila-hq.org/index.php/committees>

### **NOTES**

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3. “Law No. 77 of 20 February 2006 (GU No. 58 of 10 March 2006). Special measures for the protection and fruition of Italian sites of cultural, landscape-related and natural interest, inscribed in the World Heritage List, placed under UNESCO’s protection”, in *Italian Yearbook of International Law*, 2006, pp. 395 – 397.

4. “Law No. 38 of 6 February 2006 (GU No. 38 of 15 February 2006). Provisions for the fight against sexual exploitation of children and paedo-pornography, including Internet-related paedo-pornography”, *Italian Yearbook of International Law*, 2006, pp. 407 – 411.
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### **BOOK REVIEWS**

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2. “Laurent Mandiereux and Michele Vellano (eds.), *Éthique globale, bonne gouvernance et droit international économique*, Torino, Giappichelli, 2017, pp. XXIV-184”, in XXVII *Italian Yearbook of International Law*, 2017, pp. 576-583.
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4. “RICCARDO PISILLO MAZZESCHI, *International Human Rights Law. Theory and Practice*, Cham/Torino, Springer and Giappichelli Editore, 2021, pp. XXIX-544”, in XLII *Italian Yearbook of International Law*, 2022, pp. 604-608.

### **BIBLIOGRAPHICAL RESEARCHES**

1. “Italian Bibliographical Index of International Law 1999” (with M. MONTINI and A. VIVIANI), *Italian Yearbook of International Law*, 1999, pp. 366 – 394.
2. “Italian Bibliographical Index of International Law 2000” (with F. LETTIERI, M. MONTINI and A. VIVIANI), *Italian Yearbook of International Law*, 2000, pp. 413 – 435.
3. “Italian Bibliographical Index of International Law 2001” (with G. BARTOLINI and M. MONTINI), *Italian Yearbook of International Law*, 2001, pp. 431 – 465.
4. “Italian Bibliographical Index of International Law 2002” (with G. BARTOLINI and M. MONTINI), *Italian Yearbook of International Law*, 2002, pp. 365 – 393.
5. “Italian Bibliographical Index of International Law 2003” (with G. BARTOLINI e M. MONTINI), *Italian Yearbook of International Law*, 2003, pp. 347 – 373.
6. “Italian Bibliographical Index of International Law 2004” (with G. BARTOLINI, A. CHECHI e M. MONTINI), *Italian Yearbook of International Law*, 2004, pp. 455 – 492.

### **TRANSLATIONS**

1. “L’applicazione del diritto dell’Organizzazione Mondiale del Commercio nell’ordinamento giuridico comunitario: ‘doppio standard’ della Corte di Giustizia?”, in FRANCONI F., LENZERINI F., and MONTINI M., *Organizzazione Mondiale del Commercio e diritto della Comunità europea nella prospettiva della risoluzione delle controversie*, Milano, 2005, pp. 133 – 154 (translation from English to Italian of the chapter written by STEPHEN WEATHERILL, entitled “The Application of WTO Law in the EC Legal Order: Does the European Court of Justice Have a ‘Double Standard’?”).

2. “Indigenous Peoples and Psychosocial Reparation: The Experience with Latin American Indigenous Communities”, in F. LENZERINI (ed.), *Reparations for Indigenous Peoples: International and Comparative Perspectives*, Oxford, 2008, pp. 143-159 (translation from Spanish to English of the chapter written by NIEVES GÓMEZ).
3. “Reparations for Indigenous Peoples in Two Selected Latin American Countries”, in F. LENZERINI (ed.), *Reparations for Indigenous Peoples: International and Comparative Perspectives*, Oxford, 2008, pp. 345-362 (translation from Italian to English of the chapter written by MARZIA ROSTI).

## **VII. MAIN AREAS OF RESEARCH**

1. Rights of indigenous peoples.
2. International protection of human rights.
3. International protection of cultural heritage.
4. International humanitarian law.
5. International protection of cultural diversity.
6. Right of asylum in international and European law.
7. International trade law and biotechnology.
8. International environmental law.

## **VIII. MEMBERSHIP OF EDITORIAL COMMITTEES OF ACADEMIC JOURNALS, EDITORIAL SERIES OR ENCYCLOPEDIAS OF INTERNATIONAL RELEVANCE**

1. Member of the Editorial Committee of the *Italian Yearbook of International Law*.
2. Member of the Advisory Board of the editorial series *Cultural Heritage Law and Policy*, Oxford University Press.
3. Member of the International Editorial Advisory Board of the *Intercultural Human Rights Law Review*, Miami (FL), USA.
4. Member of the Scientific Committee of the *Wroclaw Commentaries on Culture and Human Rights*, patronized by the City of Wroclaw, Poland (European Capital of Culture 2016), the European Union Initiative of “European Capitals of Culture”, the National Centre for Culture, Warsaw (Poland), the Council of Europe and the European Association of Cultural Researchers (ECURES), 2015-2016.

## **IX. ACTIVITY IN THE FIELD OF PROTECTION OF CULTURAL HERITAGE**

1. Accomplishment of several consultancies to UNESCO.
2. Participation, as independent expert as well as representative and/or legal consultant of the Italian Government, in the negotiations for the drafting and adoption of the UNESCO Convention on the Safeguarding of Intangible Cultural Heritage, Grinzane Cavour (Italy) March 2001, Rio de Janeiro (Brazil) 22–25 January 2002, Paris (France), 12-15 June 2002, 2-6 June 2003, 11-14 October 2003.
3. Participation, as independent expert as well as representative and/or legal consultant of the Italian Government, in the negotiations for the conclusion of the UNESCO Declaration on the Intentional Destruction of Cultural Heritage, Paris (France), 28-30 April 2003 and 26 September 2003.

4. Preparation of a legal study, commissioned by UNESCO, on “The Destruction of the Buddhas of Bamyan and International Law” (with F. FRANCONI), April 2001.
5. Participation, as member of the Italian delegation, in the UNESCO General Conference, 32<sup>nd</sup> Session, Commission Culture (IV), Paris (France), 11-14 October 2003.
6. Paris, 11-14 October 2003, legal advisor of the Italian Ambassador Francesco Caruso in the mediation which led to the conclusion of an agreement between Israel and Palestine concerning the implementation of a UNESCO Resolution on the protection of cultural heritage in Jerusalem (see Resolution “Jerusalem and the implementation of 31 C/Resolution 31”, adopted by the UNESCO General Conference on 17 October 2003).
7. Participation, as member of the Italian delegation, in the 28<sup>th</sup> Session of the UNESCO World Heritage Committee, Suzhou (China), 28 June – 4 July 2004.
8. Participation, as member of the Italian delegation to the negotiations for the adoption of the UNESCO Convention on the Protection of the Diversity of Cultural Expressions, Paris (France), 20-25 September 2004.
9. Assistance to the UNESCO Legal Office for the Organization of the Symposium on “UNESCO: Sixty Years of Standard-Setting in Education, Science and Culture”, UNESCO, Paris, 9 – 10 March 2006.
10. Consultancy to the UNESCO Legal Office for the preparation of the volume edited by A. YUSUF, *Standard-setting in UNESCO, II voll.*, Paris/Leiden, 2007.
11. Preparation of an official UNESCO report on ‘Evaluation of UNESCO’s Standard-setting Work of the Culture Sector, Part III – 1972 Convention Concerning the Protection of the World Cultural and Natural Heritage’, Final Report, 14 April 2014 (with F. FRANCONI and C. BAKKER).
12. Joint expert of the parties on Italian law in the case of *Simonis v. The Arts Council of England*, CO/3601/2017, High Court Of Justice, Queen’s Bench Division, Administrative Court, United Kingdom, Judgment of 23 July 2018.
13. Member of the Scientific Advisory Board for the Qatar Museums-University College London Cultural Heritage Law Project, participating in the drafting of the new Cultural Heritage Law for the State of Qatar and of its implementing regulations on “Safeguarding of the Intangible Cultural Heritage of Qatar” and “Immovable Cultural Heritage of Qatar” (2019-2020).
14. Consultancy for the U.S.-based organization Antiquities Coalition in the context of the realization of a project carried out with the U.S. Department of State and the People’s Democratic Republic of Algeria aimed at strengthening Algerian legislation on cultural heritage (2021).

## **X. OTHER INTERNATIONAL CONSULTANCIES**

1. Preparation of a preliminary study, commissioned by the French Government, concerning the possible institution of a specialized agency of the United Nations for the environment, November 2004 (with P.M. DUPUY, F. FRANCONI, E. MORGERA, F. DE VITTOR, M. MONTINI, R. PAVONI).
2. Preparation of a study commissioned by the “Scuola Superiore della Pubblica Amministrazione – Presidenza del Consiglio dei Ministri”, Italy, on the “Impatto dei nuovi strumenti di diritto internazionale sugli Stati e i loro rapporti con i privati” (The Impact of New Instruments of International Law on States and Their Relations with Private Persons), in the context of the research project

called “Governance per contratto e regolazione transnazionale” (Contractual Governance and Transnational Regulation), November 2011 – October 2012.

## **XI. TEACHING AND RESEARCH PERIODS ABROAD, MEMBERSHIP OF DOCTORAL COMMISSIONS**

1. Research fellow at the Tarlton Law Library, Jamail Center for Legal Research of the School of Law of the University of Texas, Austin (TX), U.S.A, 1-28 February 2002.
2. Visiting professor at the Faculty of Law of the Charles University, Prague, 11-15 October 2005.
3. Miami (FL), USA, St. Thomas University School of Law, professor at the LL.M. Program in Intercultural Human Rights, 9-14 February 2009, 8-13 February 2010, 14-19 February 2011, 13-19 February 2012, 19-23 February 2013, 18-22 February 2014, 9-14 February 2015, 8-13 February 2016, 6-11 February 2017, 5-10 February 2018, 11-15 February 2019, 3-7 February 2020, 14-18 February 2022, 13-18 February 2023.
4. Visiting Professor, University of Wellington, Faculty of Law and University of Waikato Te Piringa, Faculty of Law, New Zealand, May-June 2010.
5. Visiting Professor, University of Tulane School of Law, New Orleans, 1-12 February 2011.
6. Member of the Doctoral Commission for the Ph.D. Defence by Olugbenga Ifedayo Ademodi, “The Rights and Status of Indigenous Peoples in Nigeria”, Miami (FL), St. Thomas University School of Law, 15 February 2011.
7. Member of the Doctoral Commission for the Ph.D. Defence by Jean Tschopp, “Statut et droits collectifs des autochtones”, Geneva, Graduate Institute, 10 February 2012.
8. Member of the Doctoral Commission for the Ph.D. Defence by Adriana Bessa Rodriguez, “The Protection of Traditional Local Communities in International Law”, Florence, European University Institute, 13 December 2013.
9. Visiting Professor, Romanian-American University, Bucharest, Romania, 5-9 May 2014, teaching of a course on “International Human Rights Law”.
10. Member of the Doctoral Commission for the Ph.D. Defence by Magdalena Silska, “The state of internal displacement : in search of protection for internally displaced persons”, Florence, European University Institute, 7 July 2014.
11. Member of the Doctoral Commission for the Ph.D. Defence by Amy Strecker, “Landscape as Public Space: The Role of International Law in the Protection of Landscape in Europe”, Florence, European University Institute, 15 June 2015.
12. Member of the Doctoral Commission for the Ph.D. Defence by Tomislava Savtcheva, “The Right to Culture”, Miami (FL), St. Thomas University School of Law, 9 February 2016.
13. Visiting Professor, Central European University, Budapest, Hungary, March 2017.
14. Visiting Professor, Charles University, Prague, Czech Republic, 25-28 April 2017.
15. Visiting Professor, University of Tulane School of Law, New Orleans, 24 January-7 February 2019.

16. Chair of the Doctoral Commission for the Ph.D. Rigorosum of Carol Castleberry, “The Global Culture of Bullying and Human Rights”, Miami (FL), St. Thomas University School of Law, 7 August 2020 (online).
17. Member of the Doctoral Commission for the Ph.D. Rigorosum of Gabriela Curras DeBellis, “Culture, Law and Policy Working in Sync to Eradicate Human Trafficking?”, Miami (FL), St. Thomas University School of Law, 4 December 2020 (online).
18. Member of the Doctoral Commission for the Ph.D. Rigorosum of Hisham Rehia, “The Law and Policy of Counter-Terrorism: An Empirical Study of Libya after the Revolution of February 17, 2011”, Miami (FL), St. Thomas University School of Law, 25 June 2020 (online).
19. Virtual visiting professor at the University of the Philippines Baguio, co-teaching the course No. 1222-IS-331-T, on “Heritage and Indigenous Peoples”. May-June 2023.

## **XII. MAIN TEACHING EXPERIENCES**

1. Course of “European Union Law”, University of Siena, Faculty of Law, academic years 2003-2004, 2004-2005, 2006-2007, 2007-2008, 2008-2009, 2009-2010, 2010-2011, 2011-2012, 2012-2013.
2. Course of “Public International Law”, University of Siena, Faculty of Medicine, academic years 2003-2004, 2004-2005, 2005-2006, 2006-2007.
3. Course of “Public International Law”, University of Siena, Department of Law, academic year 2013-2014.
4. Course of “Private International Law”, University of Siena, Faculty of Law, academic years 2004-2005, 2005-2006, 2006-2007, 2007-2008, 2008-2009.
5. Course of “Law of Cultural Property”, University of Siena, Faculty of Literature and Philosophy, academic years 2006-2007, 2007-2008, 2008-2009, 2009-2010.
6. Course of “International Economic Law”, University of Siena, Faculty of Law, academic year 2009-2010.
7. Course of “International Dispute Settlement”, University of Siena, Faculty of Law, academic year 2010-2011 (in English).
8. Course of “International Law of Human Rights and Culture”, University of Siena, Department of Law, academic years 2014-2015, 2015-2016, 2016-2017, and 2017-2018 (in English).
9. Course of “Methodology of Research of Bibliographic Sources – Public International Law”, University of Siena, Department of Law, academic years 2014-2015, 2015-2016 and 2016-2017.
10. Course of “Organizzazione Internazionale” (International Organization), University of Siena, Department of Political and International Sciences, academic years 2017-2018, 2018-2019, 2019-2020, 2020-2021, 2021-2022, 2022-2023.
11. Course of “Rule of Law and Human Rights/European Human Rights Protection” (in English), University of Siena, Department of Political and International Sciences, academic year 2018-2019, academic year 2019-2020, academic year 2020-2021, academic year 2021-2022, academic year 2022/2023.
12. Course of “Tutela internazionale dei diritti umani” (International Protection of Human Rights), University of Siena, Department of Political and International Sciences, academic years 2018-2019, 2019-2020, 2020-2021, 2021-2022, 2022-2023.

13. Workshop on International Protection of Human Rights, University of Siena, Department of Law, academic year 2017-2018.
14. Numerous lectures in the context of the course of “Public International Law”, University of Siena, Faculty of Law, academic years 2004-2005, 2005-2006, 2006-2007, 2007-2008, 2008-2009, 2009-2010, 2010-2011, 2011-2012, 2012-2013, 2013-2014, 2014-2015, 2015-2016.
15. Professor of “International Protection of Cultural Heritage” at the “European Master for the Conservation and Management of Cultural Property”, organized the Faculty of Literature and Philosophy of the University of Siena (in cooperation, for the first years, with the universities of Cassino, Venezia, Salamanca e Caen), years 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013.
16. Advanced seminar on “International Law – The Law of Treaties”, University of Siena, Faculty of Law, academic year 2006-2007.
17. Numerous lectures at the Specialized Course for Experts in Environmental Legislation, organized by the University of Siena and the Chamber of Commerce of Siena, years 2002, 2003, 2004, 2006, 2009, 2010.
18. Professor at the LL.M. Program in Intercultural Human Rights, on the African System on Human Rights Protection, Miami (FL), USA, St. Thomas University School of Law (in English), 9-14 February 2009, 8-13 February 2010, 14-19 February 2011, 13-18 February 2012, 18-23 February 2013, 18-22 February 2014.
19. Professor at the LL.M. Program in Intercultural Human Rights, on the European System on Human Rights Protection, Miami (FL), USA, St. Thomas University School of Law (in English), 9-14 February 2015, 8-13 February 2016, 6-11 February 2017, 5-10 February 2018, 11-15 February 2019, 3-7 February 2020, 16-20 February 2021 (online), 14-18 February 2022, 13-18 February 2023.
20. Professor at the Tulane-Siena Summer School on International Law and the Arts, University of Siena, on “The Protection of Art in Times of Crisis: from War to Natural Disasters” (in English), June 2009, June 2010, June 2011, June 2012, June 2013, June 2014, June 2015, June 2016, June 2017, June 2018, June 2019, June 2022, June 2023.
21. Course on “The Rights of Indigenous Peoples in International Law”, University of Tulane School of Law, New Orleans, 1-11 February 2011 (in English).
22. Four lectures on International Environmental Law in the context of the Sino-Italian Advanced Training Programme on Sustainable Development and Environmental Management, Venice International University, Siena, 2011 (in English).
23. Professor at the Academy of European Law, European University Institute, Session on Human Rights Law, 20 June-1 July 2011, San Domenico di Fiesole (Firenze), course on “Suppressing and Remedying Offences against Culture” (in English).
24. Two lectures on the Resolution of International Environmental Disputes in the context of the Sino-Italian Advanced Training Programme on Sustainable Development and Environmental Management, Venice International University, Venice, 2012 (in English).
25. Three Lectures on “Human Trafficking: Human Rights and Victim’s Perspective” at the Spring School on Human Trafficking, organized by the Technical University of Dresden (Germany), the University of Siena (Italy), the Masaryk University of Brno (Czech Republic), the Romanian American University of

- Bucharest (Romania) and the St. Thomas University School of Law (Miami, USA), 11 and 13 March 2013.
26. Professor at the Summer School on “Cultural Heritage Law”, on “The 2003 Convention on the Safeguarding of the Intangible Cultural Heritage: Indigenous Peoples and Minorities” (in English), Geneva, 3 July 2013.
  27. Siena, Master in “Global Governance”, lecture on “International Law and Diplomatic Relations” (in English), 10 April 2014.
  28. Professor at the Master on Global Governance and Cultural Diplomacy, University of Siena, on human rights and culture, Spring 2015, Spring 2016, Autumn 2016, Autumn 2017 and Autumn 2018.
  29. Visiting Professor, Romanian-American University, Bucharest, Romania, 5-9 May 2014, teaching of a course on “International Human Rights Law”.
  30. Grosseto (Italy), Professor at the “Master di Archeologia Preventiva” (Master in Preventive Archaeology), University of Siena, Faculty of Literature and Philosophy, Spring 2011, Spring 2012, Spring 2013 and Spring 2015.
  31. Siena, Master in “Global Governance”, lecture on “Human Rights and Culture: Universalism vs. Relativism” (in English), 27 November 2014.
  32. Siena, Master in “Global Governance”, lecture on “The Rights of Refugees in International Law” (in English), 4 December 2014.
  33. Pescara (Italy), Università degli studi Gabriele D’Annunzio, Ph.D. in Business Institutions and Markets (BIM), 2017/2018, two lectures on “Sviluppo sostenibile e investimenti stranieri: la responsabilità sociale delle IMN in materia di diritti sociali dei lavoratori” (Sustainable Development and Foreign Investment: Social Responsibility of Multinational Enterprises in the context of Workers’ Social Rights) and on “Sviluppo sostenibile e conoscenze tradizionali delle popolazioni indigene” (Sustainable Development and Indigenous Peoples’ Traditional Knowledge), 16 March 2018.
  34. Professor at the Summer School on “International Cultural Heritage Law”, on “Standard-Setting for Living Heritage: Indigenous and Intangible Heritage” (in English), Geneva, 27 July 2018.
  35. Professor at the Summer School on “Terrorism and Human Rights”, Siena, 20 July 2018, lecture on “Terrorism, Deportation and Ill-Treatment”.
  36. Course on “International Protection of Cultural Heritage and Human Rights”, University of Tulane School of Law, New Orleans (LA), USA, 25 January-6 February 2019.
  37. Torino, Master in Cultural Property Protection in Crisis Response, academic year 2018/2019, 22 February 2019, final lecture on “The Human Dimension of Cultural Heritage Protection in Times of Crisis” (in English).
  38. Professor at the Summer School on “International Cultural Heritage Law”, on “Standard-Setting for Living Heritage: Indigenous and Intangible Heritage” (in English), Geneva, 26 June 2019.
  39. Professor at the Master Programme on “Conflict Management and Humanitarian Action”, University of Siena, on “Protection, International Law and Humanitarian Action” (in English), academic years 2019-2020, 2020-2021, 2021-2022. 2022-2023.
  40. Torino, Master in Cultural Property Protection in Crisis Response, academic year 2018/2019, 12 February 2020, lecture on “Cultural Heritage, Cultural Identity and Human Rights Based Approach in Crisis Response” (in English).
  41. Siena, Master in management del patrimonio culturale (Master in Management of Cultural Heritage), lecture on “La Convenzione sul patrimonio mondiale e la Convenzione sul patrimonio culturale intangibile” (World Heritage Convention

- and Convention for the Safeguarding of the Intangible Cultural Heritage), 4 December 2020 (online).
42. Lecture on the “Cultural Heritage, Sustainable Development and Human Rights”, CAS Program, International Cultural Heritage Law, Art-Law Centre of the University of Geneva, 14 January 2022 (online).
  43. Geneva (Switzerland), Lecture on the “World Heritage Convention”, CAS Program, International Cultural Heritage Law, Art-Law Centre of the University of Geneva, 18 March 2022.
  44. Siena, Master in management del patrimonio culturale (Master in Management of Cultural Heritage), lecture on “La protezione del patrimonio culturale mondiale” (The Protection of World Cultural Heritage), 25 November 2022.
  45. Geneva (Switzerland), Lecture on the “The Spirit and the Substance. The Holistic Character of Indigenous Peoples’ and Minorities’ Cultural Heritage”, CAS Program, International Cultural Heritage Law, Art-Law Centre of the University of Geneva, 14 January 2023.
  46. Virtual visiting professor at the University of the Philippines Baguio, co-teaching the course No. 1222-IS-331-T, on “Heritage and Indigenous Peoples”. May-June 2023.
  47. Numerous lectures as guest speaker in the context of University courses, Masters, LL.M.’s and Schools of Specialization in various Italian and foreign universities.

### **XIII. SELECTED LECTURES**

1. Siena, Italy, 10-11 April 2000, Conference on “Environment, Human Rights, and the Liberalization of International Trade”, lecture on “International Trade and Child Labour Standards” (in English).
2. Siena, Italy, 7 May 2000, First Regional Conference of the Pioneers of the Italian Red Cross on “The Protection of Children in Armed Conflict”, lecture on “Child Protection on the basis of the UN Convention on the Rights of the Child” (in Italian).
3. Pescara, Italy, 4 May 2001, Conference on “The Protection of Fundamental Rights between Regionalism and Globalization of Economy”, lecture on “New Forms of Slavery and International Trade” (in Italian).
4. Reggio Emilia, Italy, 21 June 2001, Conference organized by the Italian “Club UNESCO”, lecture on “International Law and Cultural Diversity” (in Italian).
5. Siena, Italy, 22–23 June 2001, Conference on “European Community and WTO”, lecture on “Cooperation for Development and WTO” (in Italian).
6. Kyoto, Japan, 13–14 November 2001, Conference organized by the Kyoto University of Arts on the protection of cultural heritage, lecture on “The Protection of Intangible Cultural Heritage: A New Challenge for UNESCO and International Law” (in English).
7. Arezzo (Italy), UNESCO Club, 29 November 2001, individual lecture on “Diritto internazionale e diversità culturale” (International Law and Cultural Diversity).
8. Cuneo (Italy), 21 March 2002, course on “La tutela e la valorizzazione del patrimonio mondiale” (The Protection and Valorization of World Heritage), organized by the local UNESCO Club, with the contribution of the city and province of Cuneo as well as of the Piedmont Region, with lecture on “La tutela del patrimonio intangibile alla luce del valore delle diversità culturali”

- (Safeguarding of Intangible Heritage in Light of the Value of Cultural Diversities).
9. Parma (Italy), 8 May 2002, lecture on “Il ruolo dell’OMC nella tutela dei diritti umani fondamentali” (The Role of WTO in the Protection of Fundamental Human Rights), Faculty of Law, University of Parma.
  10. Aosta, Italy, 8 November 2002, International Conference on “Mountain and Environment Ten Years after Rio”, lecture on “Protected Areas” (in Italian).
  11. Pescara, Italy, 28 March 2003, Conference on the Use of Force in International Law, lecture on “The Destiny of the Geneva Conventions of Humanitarian Law in the Age of Preventive War and against Terrorism” (in Italian).
  12. Arezzo, Italy, Sala dei Grandi della Provincia, 30 June 2003, lecture on “I diritti umani nei paesi in via di sviluppo” (Human Rights in Developing Countries), organized by the Lega Italiana dei Diritti dell’Uomo and the Province of Arezzo.
  13. Siena (Italy), Faculty of Political Sciences, 12 September 2003, “Study Meeting among Young Scholars of International Law”, lecture on “Problematiche giuridiche relative alla tutela del patrimonio culturale in situazioni conflittuali” (Legal Problems relating to the Protection of Cultural Heritage in Situations of Conflicts).
  14. Arezzo, Italy, 15 November 2003, Siena/Kyoto Symposium – Revitalization of Cultural Environment, Sub-theme: Art Management and the Preservation of Cultural Heritage”, lecture on “Revitalization of Intangible Cultural Heritage” (in English).
  15. Siena, Italy, 1 June 2004, Conference on “A Modern Concept of Sovereignty: Perspectives from the US and Europe”, jointly organized by the University of Siena and by the University of Texas at Austin, lecture on “Parallel-sovereignty of Culturally Distinct Groups” (in English).
  16. San Ginesio, Italy, 16 September 2004, Workshop on “The New Actors of Law and Diplomacy in the Age of Globalization”, Project “Alberico Gentili”, lecture on “The Protection of Foreign Investments” (in Italian).
  17. Siena, Italy, 9 October 2004, Conference on “Biotechnology and International Law”, lecture on “Biotechnology, Human Dignity and the Human Genome” (in English).
  18. Firenze, Italy, European University Institute, 25-26 October 2004 and 3 June 2005, International Conference on “The Impact of Biotechnologies on Human Rights”, lecture on “Biogenetic Resources and Indigenous Peoples Rights” (in English).
  19. Montecatini Terme, Italy, 16-20 March 2005, Sixth Mediterranean Social and Political Research Meeting (Workshop 11 – *The Legal Tools for Conservation and Management of Cultural Heritage in the Mediterranean Countries*), lecture on “Intangible Cultural Heritage in the Mediterranean: A New Challenge for International Cooperation” (in English).
  20. Austin, TX, USA, 16 April 2005, “International Symposium on Sovereignty”, jointly organized by the University of Texas and by the University of Siena, lecture on “Parallel Sovereignty of Indigenous Peoples” (in English).
  21. Bern, Switzerland, 2-3 September 2005, World Trade Forum 2005: “Genetic Engineering: Challenges Posed by a New Technology to the World Trading System”, lecture on “Traditional Knowledge and Intellectual Property Rights: Problems and Prospects” (in English).
  22. West Long Branch (New Jersey, USA), Monmouth University, Glory Days: A Bruce Springsteen Symposium, 9-11 September 2005, panel on “The Rising, 9/11 and Springsteen”, with lecture on “Intercultural Dialogue in Springsteen’s Poetry”.
  23. Prague, Charles University, 12 October 2005, Česká společnost pro mezinárodní právo, Česká odbočka Sdružení pro mezinárodní právo (International Law

- Association, Czech Branch), lecture on “Right of Asylum in Europe in the Age of International Terrorism” (in English).
24. Firenze, Italy, European University Institute, 28-29 October 2005, Conference on “Cultural Rights as Human Rights”, jointly organized by the Academy of European Law of the European University Institute and by the Institute of Human Rights of the Åbo Academy (Finland), lecture on “Indigenous Peoples’ Cultural Rights and the Commercial Use of Their Traditional Knowledge” (in English).
  25. Paris, France, UNESCO Palace, 9-10 March 2006, Symposium celebrating the Sixtieth Anniversary of the Establishment of UNESCO, entitled “UNESCO: Sixty Years of Standard-Setting in Education, Science and Culture”, lecture on “Fostering Tolerance and Mutual Understanding among Peoples” (in English).
  26. Siena, Italy, 2-3 June 2006, organization of, and participation to, an International Symposium on “Reparations to Indigenous Peoples in International Law”, lecture on “The Trail of Broken Dreams: The Status of Indigenous Peoples in International Law and the Perspectives of Reparation” (in English).
  27. San Ginesio, Italy, 22-23 September 2006, Symposium on “Alberico Gentili. The Safeguarding of Cultural Heritage in International Law”, lecture on “The ‘Subjective’ Significance of Cultural Heritage as Essential Element of Peoples’ Identity” (in Italian).
  28. Firenze, European University Institute, 14 December 2006, Working Group on Cultural Heritage, Guest Lecture on “The Safeguarding of Intangible Cultural Heritage”.
  29. Venice, Italy, 10-11 May 2007, Seminar on “Cultural Identities in New UNESCO Instruments: A New Approach for the Building of Peace?”, lecture on “Intentional Destruction of Cultural Heritage as Instrument of Humiliation of Peoples’ Identity” (in Italian).
  30. Firenze, Italy, European University Institute, 7-8 November 2007, Workshop on “The Human Rights Council: The First Two Years”, lecture on “The HRC and International Humanitarian Law” (in English).
  31. Bern (Switzerland), 16-17 November 2007, Meeting of the “Biotechnology Committee” of the International Law Association, lecture on “Human Rights and Biotechnology”.
  32. València, Universitat de València, 22 November 2007, Jornada su Investigación, Genética y Derecho, lecture on “Genetic Research and International Law: Ethical Problems” (in Italian).
  33. Montecatini Terme, Italy, 13-15 March 2008, Ninth Mediterranean Research Meeting (Workshop No. 5, Illicit Traffic of Cultural Heritage in the Mediterranean Region), lecture on “Illicit Trafficking in Cultural Objects and the Protection of World Cultural Heritage” (in English).
  34. Jerusalem, Al-Quds University, 28-29 April 2008, Conference on the Protection of Cultural and Religious Properties in Palestine under International Humanitarian Law, lecture on “The ICTY Case-law on Cultural and Religious Properties. Taking a Lesson for the Future from the Balkan Wars” (in English).
  35. Firenze, Italy, European University Institute, 26 May 2008, Colloquium on Landscapes and Beyond: Bringing Nature and Culture Together, lecture on “The Safeguarding of Intangible Cultural Heritage as a Constitutive Element of Cultural Landscapes” (in English).
  36. Paris, 27 May 2008, presentation to the Information Meeting of the States Parties to the World Heritage Convention of the volume “The 1972 World Heritage Convention. A Commentary”, with F. Francioni and A. Yusuf.

37. Procida (Italy), 29 September 2008, Summer School su “L’impresa culturale nel Mediterraneo” (Cultural Enterprise in the Mediterranean), lecture on “Beni culturali e diritti umani” (Cultural Property and Human Rights).
38. Vicenza (Italy), 3 October 2008, “La base o l’UNESCO?” (Military Bases or UNESCO?), UNESCO Day for the safeguarding of the cultural heritage of Vicenza, lecture on “La cultura come diritto umano: la difesa del patrimonio culturale e i crimini internazionali” (Culture as a Human Right: Protection of Cultural Heritage and International Crimes).
39. Roma, Italy, 11 November 2008, Ministry of Cultural Goods and Activities and Ministry of Foreign Affairs, Symposium on “UNESCO World Heritage: International Dimension and Role of Italy”, lecture on “Future Perspectives of the UNESCO World Heritage Convention” (in Italian).
40. Miami, Florida, USA, 12 February 2009, Conference on “Human Trafficking: Global and Local Perspectives” (Panel II: The Necessity of a Victim-Oriented Approach to Human Trafficking), lecture on “International Instruments for the Prevention and Suppression of Human Trafficking: Points of Strength and Shortcomings” (in English).
41. Firenze, Italy, European University Institute, 27 February 2009, Workshop on “Policing the High Seas: EU Action against Piracy and Irregular Migration by Sea”, lecture on “EU Action against Irregular Migration by Sea and Questions of International Protection” (in English).
42. New Delhi, India, 18-20 September 2009, International Law Association Regional Conference on “International Trade Law & Legal Aspects of Trans-Border Investment”, lecture on “The guarantee of ‘Fair and Equitable’ treatment in the settlement of international investment disputes” (in English).
43. Siena, Italy, 27-28 November 2009, Conference on “Fundamental Rights of Immigrants: Family Unity and Child Protection”, lecture on “Protection of Unaccompanied Foreign Children” (in Italian).
44. Firenze, Italy, European University Institute, 14-15 December 2009, Conference on ILA Draft Commentary, “The United Nations Declaration on the Rights of Indigenous Peoples”: welcome speech; presentation of Draft Report, Subcommittee on Cultural Rights and Identity; presentation of Draft Report, Subcommittee on Education and Media; presentation of Draft Report, Subcommittee on Redress and Reparations; chairmanship of the final Session, “Future Work of the Committee” (all in English).
45. Firenze, Italy, European University Institute, 18 December 2009, Workshop on “The Human Dimension of Cultural Heritage”, presentation on “Indigenous Peoples Cultural Rights vs. ‘Cultural Heritage’: A Hard-to-Settle Tension?” (in English).
46. Riga, Latvia, 29 January 2010, Workshop on “European institutional perspectives in ensuring the enjoyment of human rights as regards activities carried out by private military and security companies”, lecture on “The Interface of Human Rights Law and International Humanitarian Law in the Regulation of Private Military and Security Companies” (in English).
47. Poggibonsi, Italy, 5 February 2010, “Sala dell’Amicizia” (Hall of Friendship), individual conference on “Immigrazione e diritto d’asilo: tra diritto e realtà sociale” (Immigration and the Right of Asylum: Between Law and Social Reality).
48. Firenze, Italy European University Institute, 8 April 2010, Workshop organized by the Italian Yearbook on International Law on “International Law in Italian Courts: Ten Years of Jurisprudence”, lecture on “Treatment of Migrants: The Evolution of the Jurisprudence concerning the Relationship between the Constitutional Right of Asylum and the Recognition of Refugee Status” (in English).

49. Roma, Italy, 20-21 May 2010, Conference on “Global Environmental Governance”, lecture on “Proposals for Reforming the Current System of International Environmental Governance” (in English).
50. Wellington, New Zealand 31 May 2010, University of Wellington Faculty of Law, Individual Public Lecture on “The UN Declaration on the Rights of Indigenous Peoples” (in English).
51. Auckland, New Zealand, 8-9 June 2010, Ngā Pae o te Māramatanga (4th International Indigenous Conference on Traditional Knowledge), lecture on “The United Nations Declarations on the Rights of Indigenous Peoples: Amending Five Centuries of Wrongs” (in English).
52. Hamilton, New Zealand, 10 June 2010, University of Waikato Te Piringa – Faculty of Law, Public Seminar on “The Right of Asylum and Protection of Refugees” (in English).
53. Hamilton, New Zealand, 11 June 2010, live intercontinental interview by the Italian National Radio (Radio 2) on “Fair and Equitable Commerce and Intellectual property Rights” (in Italian).
54. Firenze, Italy, European University Institute, 18 June 2010, EJIL Conference on “International Law for Cultural Heritage”, lecture on “Intangible Cultural Heritage: The Living Culture of Peoples” (in English).
55. Bolzano (Italy), 14 July 2010, EURAC Science Cafè, “Bio a tutti i costi? Luci ed ombre del Fair Trade intercontinentale” (Biotechnology at Any Price? Lights and Shadows of Intercontinental Fair Trade), main lecturer.
56. Siena, Italy, 8 October 2010, Workshop on “The Safeguarding of Cultural Heritage in International Law: Pending Problems and New Challenges”, lecture on “The Return of the Maori *Mokomokai*” (in English).
57. Tumkur, Karnataka, India, *World Parliament of Indigenous Peoples*, First Round Table, 8 January 2011, lecture on “Indigenous Rights and United Nations” (in English).
58. Lucerne, Switzerland, Workshop on “International Trade in Indigenous Cultural Heritage”, 17 January 2011, lecture on “International Indigenous and Human Rights Law” (in English).
59. Montevideo (Uruguay), Primera Reunión de Expertos Jurídicos de Patrimonio Mundial para América Latina y el Caribe, “Reflexiones sobre los aspectos jurídicos del patrimonio cultural nacional y su relación con el derecho internacional público”, UNESCO, 25-27 April 2011, lecture on “La convención de patrimonio mundial y el compromiso del estado. El territorio nacional garante de un bien de todos” (The World Heritage Convention and the Commitment of the State. The National Territory Guarantees a Property Belonging to Everybody) (in Spanish).
60. San Quirico d’Orcia (Italy), Conference on “Inconti nel Paesaggio” (Meetings in the Landscape), 6 May 2011, lecture on “Il paesaggio nei siti UNESCO” (Landscape in UNESCO Sites).
61. Modena, Italy, 27 May 2011, Symposium on the Protection of Refugees and Asylum Seekers, lecture on “ECHR and EU Instruments of Protection for Refugees and Asylum Seekers” (in Italian).
62. Siena, Italy, 3 May 2011, Symposium on “Defending Aphrodite: Enforcing International Cultural Property Law”, Tulane-Siena Institute, lecture on “The Role of International and Mixed Criminal Courts in the Enforcement of International Norms concerning the Protection of Cultural Heritage” (in English).
63. Anchorage, Alaska, 2-3 July 2011, International Law Association, Committee on the Rights of Indigenous Peoples, Intersessional Meeting, presentation of the “Final Report” of the Committee.

64. Siena, Italy 14 November 2011, Symposium organized by UNICEF on “The Convention on the Rights of the Child”, lecture on “The Protection of Children Seeking Asylum” (in Italian).
65. Torino, Italy, 19 March 2012, Conference organized by Amnesty International on “The Rights of Indigenous Peoples”, lecture on “The UN Declaration on the Rights of Indigenous Peoples. From the Assimilationist Approach to the Recognition of the Specificity of Indigenous Cultures, Evolution and Perspectives of International Law” (in Italian).
66. Parigi, France, 5 May 2012, Workshop organized by the Université Panthéon-Assas Paris II and by the European University Institute on “Le Droit de l’environnement: aspects relatifs aux droits de l’homme”, lecture on “Human Rights in Access and Benefit Sharing Linked to the Utilization of Genetic Resources: the Nagoya Protocol” (in English).
67. Göttingen, Germany, 24-25 May 2012, Workshop organized by the Georg-August-Universität on “The International Law of Culture: Prospects and Challenges”, lecture on “Indigenous Peoples and Their Culture – The International Law Point of View” (24 May 2012, in English).
68. Grosseto, Italy, 20 June 2012, Campaign “Mai più respinti” (No Rejected Refugees Anymore), for the World Refugee Day, lecture on “Il diritto di asilo e lo status di rifugiato nell’ordinamento italiano e internazionale: sentenza *Hirsi c. Italia*” (Right to Asylum and Refugee Status in the Italian and International Legal Order: Judgment *Hirsi v. Italy*”.
69. Firenze, Italy European University Institute, 25 June 2012, Conference on “International Law For Common Goods. Normative Perspectives on Human Rights, Culture and Nature”, Introduction to the Conference and presentation on “From *jus in bello* to *jus commune humanitatis*: The Interface of Human Rights Law and International Humanitarian Law in the Regulation of Armed Conflicts”.
70. Sofia (Bulgaria), 27-30 August 2012, Biennial Conference of the International Law Association, presentation of the final report and resolution of the “Committee on the Rights of Indigenous Peoples” (28 August 2012, in English).
71. Leiden (The Netherlands), 1-2 October 2012, Second Leiden-VU Expert Seminar on Investment Law, organized by the Universiteit Leiden, the Grotius Centre for International Legal Studies and the VU University of Amsterdam, lecture on “Foreign investment in the energy sector and indigenous peoples” (2 October 2012, in English).
72. Ravenna, Italy, 12-13 October 2012, “Eventi Nativi 2012” (Native Events 2012), organized by the “Comitato 11 ottobre” (11 October Committee), lecture on “Land Rights of Indigenous Peoples in International Law” (in Italian).
73. Siena, Italy, ELSA Human Rights Day, lecture on “The Contemporary Evolution of Human Rights in light of Cultural Diversities” (in Italian).
74. Siena, 18 May 2013, Celebration Day in memory of Wangari Maathai on Environment and Human Rights, lecture on “A Human Rights Perspective” (in Italian).
75. Dresden (Germany), 31 May 2013, Conference on “Climate Change as a Threat to Peace: Impacts on Cultural Heritage and Cultural Diversity”, presentation on “Protecting the Tangible, Safeguarding the Intangible: A Same Conventional Model for Different Needs” (in English).
76. Maastricht (The Netherlands), 20-21 June 2013, Conference on “Culture and International Economic Law”, presentation on “Investment Projects Affecting Indigenous Heritage” (20 June; in English).

77. Warsaw, 24-25 June 2013, Symposium on “The Impact of Collective Cultural Rights on General International Law – Relocating the Third-Generation Human Rights”, presentation on “The Safeguarding of Collective Cultural Rights through the Evolutionary Interpretation of Human Rights Treaties” (24 June, in English).
78. Roma, Scuola Nazionale dell’Amministrazione, 8 November 2013, Conference on “The Distributional Consequences on Transnational Regulation”, presentation on “The Effects of Transnational Regulation on Regulatory Capabilities” (in English).
79. Siena, 18 December 2013, “Karibuni. Meeting on Human Rights and International Cooperation”, presentation on “Cooperation to Development” (in Italian).
80. Siena, 5 March 2014, ELSA Conference on “Web and Human Rights: New Perspectives of the Digital Era”, lecture on “Internet and Human Rights: The Two Sides of the Coin” (in Italian).
81. Camogli (Italy), 22 March 2014, Meeting on “Rights and Poetry” with the Cheyenne poet Lance Henson, discussion on the rights of indigenous peoples (in Italian and English).
82. Siena, 10 December 2014, ELSA Conference on “Aliens: Equality in Rights”, lecture on “The Rights of Migrant People in the International and European Legal Orders: The Situation of Refugees and Asylum-Seekers” (in Italian).
83. Cagliari (Italy), 11-12 December 2014, Conference on “Migrant Children in the 21st Century”, presentation on “Exploitation of migrant children in economic activities” (11 December, in Italian, with E. Piergentili).
84. Kuala Lumpur (Malaysia), International Conference on “Access to Justice for Indigenous Peoples: Realisation of an Inclusive & Integrated Human Rights Approach”, Faculty of Law, University of Malaya, 9-10 April 2015, Keynote Speech on “Land, Culture and Heritage: Restoring Indigenous Peoples’ Cultural Identity through Access to Justice and Reparations” (9 April 2015).
85. Bruxelles (Belgium), European Parliament, Committee on Culture and Education, Public Hearing on “Destruction and Trafficking of Cultural Heritage”, lecture on “The responsibility to protect: can Third States and international organisations intervene in case of destruction of cultural heritage?”, 13 July 2015.
86. Firenze (Italy), European University Institute, 3 March 2016, Workshop “From Bamiyan to Palmyra: International Law and the Deliberate Destruction of Cultural Heritage”, presentation on “The Role of the 2003 UNESCO Declaration”.
87. Firenze (Italy), 27 May 2016, Final Workshop organized in the context of the Ph.D. in International Law of the University of Florence, entitled “Arte e Diritto” (Art and Law), presentation on “Distruzione intenzionale del patrimonio culturale: crimine contro i popoli e contro l’umanità complessivamente intesa” (Intentional Destruction of Cultural Heritage: Crime against Peoples and against the International Community as a Whole”.
88. Ravenna (Italy), Conference Eventi Nativi 2016, 13-14 October 2016, with presentation on “Diritto di autodeterminazione dei popoli indigeni e diritto internazionale” (Right to Self-Determination of Indigenous Peoples and International Law) (14 October).
89. Lyon (France), International Colloquium on “La coopération transfrontalière en droit internationale européen”, 20-21 October 2016, with presentation on “la coopération culturelle” (21 October).

90. Taipei (Taiwan), 2016 Taipei Conference on the South China Sea Arbitration and International Law, 4 November 2016, with presentation on “Intentional Destruction of Cultural Heritage and its Sanction under International Law”.
91. Wroclaw (Poland), 14 November 2016, Launching Event on “Culture and Human Rights: The Wroclaw Commentaries”, with presentation on “Towards a ‘Culturalisation’ of Human Rights?”.
92. Honolulu (Hawai’i), Kamehameha Schools, 30 January 2017 (morning), Lecture on “International Law and the Status of the Hawaiian Kingdom in the XIX Century”.
93. Honolulu (Hawai’i), Kamehameha Schools, 30 January 2017 (evening), Public Lecture on “Incidents of War Crimes in the Hawaiian Kingdom (the *Larsen* case) – Fact-finding Proceedings”.
94. Budapest (Hungary), Central European University (Cultural Heritage Studies Program), 20 March 2017, lecture on “Cultural Heritage and Human Rights: An Indissoluble Relationship”.
95. Budapest (Hungary), Central European University, 22 March 2017, lecture on “The Intentional Destruction of Cultural Heritage”.
96. Prague (Czech Republic), Charles University, 25 April 2017, lecture on “Culturalization of Human Rights” for the Czech Society of International Law (in English).
97. Siena, 29 September 2017, lecture on “Tortura: prospettive di diritto internazionale – il caso Regeni” (Torture: International Law Perspectives: The Regeni Case), Bright – Notte dei Ricercatori, University of Siena.
98. London, 20 October 2017, Conference on “10th Anniversary of the UN Declaration on the Rights of Indigenous Peoples: Conference to review progress and challenges” (organized by the University of London and the Human Rights Consortium), keynote speech on “The International Law Association Committee on the Implementation of the Rights of Indigenous Peoples: Current activities” and chairmanship of the Panel on “The Role of the Courts in Implementing UNDRIP”.
99. Ferrara (Italy), 16 November 2017, lecture on “La protezione dei minori non accompagnati nel diritto internazionale” (Protection of Unaccompanied Children in International Law), Conference on “La protezione dei minori non accompagnati al centro del dibattito europeo ed italiano” (Protection of Unaccompanied Children at the Core of European and Italian Debate), organized by the University of Ferrara, Department of Law, and the Italian Society of International Law.
100. Pescara, Dottorato BIM, 16 March 2018, two lectures on, respectively, “Sustainable Development and Foreign Investment” and “Sustainable Development and Traditional Knowledge of Indigenous Peoples”.
101. Doha (Qatar), Workshop on “Qatar’s Cultural Heritage Law”, 1-2 October 2018, two lectures on, respectively, “Intangible Heritage and Protection of Traditional Cultural Expressions” and “Protection of Cultural Landscapes and Modern Architecture”.
102. Pescara (Italy), 18 October 2018, Conference on “Culture as Strategic Fact of Growth and Development”, presentation on “The evolutionary ‘jurisprudence’ of human rights monitoring bodies in Africa and Latin America” (in Italian).
103. Siena, Italy, 25 October 2018, Conference on “L’Italia a 80 anni dalle leggi antiebraiche e a 70 dalla Costituzione” (Italy Eighty Years after anti-Jewish Laws and Seventy Years after the Constitution), presentation on “La lotta alla discriminazione razziale nel diritto internazionale” (The Fight against Racial Discrimination in International Law) (in Italian).

104. Siena, Italy, 16 November 2018, European Law Students' Association (ELSA) Open Legislation Conference on "L'inclusione dei richiedenti asilo" (Inclusion of Asylum Seekers), lecture on "Diritto d'asilo" (Right of Asylum).
105. Siena, Italy, 13 December 2018, Conference on "Higher Education Going Global: Contemporary Challenges for Educational Science", lecture on "Counter-limits' and the Prevalence of Fundamental Constitutional Principles over the ECHR: A Case of Convergence between Russian and Italian Courts".
106. Warsaw (Poland), Faculty of Political Science and International Studies of the University of Warsaw, 29 April 2019, Book presentation, "The Culturalization of Human Rights Law".
107. Warsaw (Poland), Faculty of Political Science and International Studies of the University of Warsaw, 30 April 2019, Lecture for the students and press on "Culturalization of Human Rights Law".
108. Innsbruck (Austria), University of Innsbruck, 7 May 2019, Ph.D. lecture on "The Protection of Indigenous Rights".
109. Doha (Qatar), Auditorium of the National Museum of Qatar, Workshop on "Safeguarding the Intangible Cultural Heritage in Qatar. Current Scenarios, Challenges and Future Perspectives", 5 November 2019, main presentation.
110. 26 May 2020, Lecture on "La protezione dei minori richiedenti asilo" (The Protection of Child Asylum Seekers) in the context of the University Multidisciplinary Course of Rights Education, organized by UNICEF and the Santa Chiara Lab of the University of Siena (online).
111. 18 June 2020, Lecture on "The Common European Asylum System: Recent Challenges and (Still) Unresolved Problems", in the context of the Conference "Boosting European Security Law and Policy", organized by the Department of Law of the University of Siena and co-funded by the Erasmus+ Programme of the European Union (online).
112. 25 June 2020, TV interview on "Diritti Umani in una società globale e multiculturale" (Human Rights in a Global and Multicultural Society), in the context of a programme organized by LIONS International, Tuscan Branch, entitled "Diritti Umani. Contemporaneità e Internazionalità" (Human Rights. Contemporary and International Issues), broadcasted by the Tuscan TV Teletruria.
113. US National Lawyers Guild Annual Convention (2020): The Law of Occupation – Hawai'i, Iraq, Afghanistan and Palestine, 21 September 2020, lecture on "The Law of Occupation and Human Rights" (online).
114. 26 September 2020, Rome (Italy), short lecture on human rights in the context of the event organized by Welfair-Fiera di Roma on "Qual è il lascito della pandemia?" (What Is the Inheritance of the Pandemics?) (online).
115. Siena, 26 November 2020, organization of, and introduction to, the session entitled "Ali spezzate. Gli effetti della pandemia sul diritto d'asilo" (Broken Wings. The Effects of the Pandemics on the Right to Asylum), Bright Night – Notte dei Ricercatori, University of Siena (online).
116. International Law Association, Kyoto Conference 2020, speech at the meeting on "Implementation of the Rights of Indigenous Peoples", 5 December 2020 (online).
117. Organization and introductory speech of the event "Just Peace. Dialoghi di Pace" (Just Peace. Peace Dialogues), in the context of the official launch of the Italian Network of Universities for Peace, Siena, 10 December 2020 (online).

118. Lecture at the International Association of Democratic Lawyers (IADL)-National Lawyers Guild (NLG) Webinar on War Crimes Committed in Hawai'i, 9 January 2021 (online).
119. Lecture for Chinmaya Vishwavidyapeeth and the Weeramantry Centre for Peace, Justice and International Law, India, "Post-covid19 International law and Multiculturalism" (Series "Alternative Approaches to International Law (AAIL 2020-21)"), 18 January 2021 (online).
120. Lecture at the LEES PhD Program, University of Milano, on "The Culturalization of Human Rights Law" 7 June 2021 (online).
121. Lecture on "Peace and Defence in Europe" (in Italian), Lezioni d'Europa, Europe Direct, University of Siena, 4 May 2021.
122. Lecture on "European Integration as a Project of Peace" (in Italian), Lezioni d'Europa, Europe Direct, University of Siena, 11 May 2021.
123. Round Table on "From European Union to University: An Open Debate in occasion of the International Day against Homophobia, Transphobia and Biphobia", University of Siena, 17 May 2021, Chair and moderator.
124. La Ho'Iho' Ea Conference, "The Status of the Hawaiian Kingdom Gains International Attention", 31 July 2021, lecture on "Restoring Legality in Hawai'i" (online).
125. Online seminar on "Planning Law and the Historic Environment", Institute of Art and Law and Essex Chambers, UK, lecture on "The World Heritage Convention and its impact on planning", 16 August 2021.
126. Conference on "Patrimonio culturale, sviluppo sostenibile e diritti umani" (Cultural Heritage, Sustainable Development and Human Rights), University of Parma, 25 November 2021, lecture on "Lo spirito e la materia. La dimensione umana del patrimonio culturale in una prospettiva di sostenibilità" (The Spirit and the Substance. The Human Dimension of Cultural Heritage under a Perspective of Sustainability) (in Italian).
127. International Conference on "The Intentional Destruction of the Cultural Heritage of Mankind (IDCHM): What Are the Remedies under International Law?", 2 December 2021, two lectures on "The 2003 Declaration concerning the Intentional Destruction of Cultural Heritage: A Step Back?" and on "The Preliminary Question of the Nature of the Rights infringed by IDCHM: Individual, Collective or Group Rights" (online).
128. Conference on "Cultural Heritage. From the Midst of War to the Brink of Peace", Sapienza University and McGill University, lecture on "The Interface of International Humanitarian Law and Human Rights Law in the Protection of Cultural Heritage in Armed Conflicts", 14 December 2021 (online).
129. Online workshop on "Addressing Injustice, Atrocities and Violence: Exploring Reparations in Global Perspective", University of Innsbruck, 23 March 2022, lecture on "The Effectiveness of Reparation. The Case of Indigenous Peoples".
130. "Heritage and Sustainability" seminar, Institute of Art and Law and Essex Chambers, UK, lecture on "Intangible Cultural Heritage and Sustainable Development", 29 March 2022.
131. Siena, 5-6 April 2022, Conference on "The Role of Women and Women's Civil Society Organizations in Peace Processes", University of Siena and University of Milano, Welcome Address and Concluding Remarks.
132. Siena, workshop on "La guerra in Ucraina: una sconfitta per tutti i popoli. Profili di diritto internazionale e riflessioni sul presente e sul futuro dell'umanità" (The War in Ukraine: A Defeat for All Peoples. Profiles of International Law and

- Reflections on the Present and Future of Humanity), 13 April 2022, Welcome Address and Chairmanship.
133. “UNIYD Meets UNISI: Sustainability, Negotiation and Cultural Diplomacy”, University of Siena, 6 May 2022, lecture on “Human Rights and Sustainable Development, with a Focus on Indigenous Peoples and Rural Communities”.
  134. Conference on “Guerra in Ucraina: ripercussione sul territorio senese” (War in Ukraine: Repercussions on Siena’s Territory”, Comitato Una Mano per Siena Protagonista, 27 May 2022, lecture on the geo-political background.
  135. Workshop on “Religious Pluralism, Culture and Human Rights: Paving the Road to Peace through Inclusion, Tolerance and Mutual Understanding”, Siena, 6 June 2022, lecture on “Fostering Cultural Pluralism, Inclusion, Tolerance and Mutual Understanding as Tools for Promoting Reconciliation among Religions”.
  136. Round Table on “Patrimoni violati. Cultura, Arte, Ambiente in scenari di guerra. Il caso Ucraina” (Violated Heritage. Culture, Art, Environment in War Scenarios. The Ukrainian Case), Accademia dei Fisiocritici, 22 June 2022, lecture on “Violated Cultural Identities”.
  137. Siena, 4 November 2022, Conference on “Le dimensioni del principio solidaristico nel terzo millennio” (The Dimensions of the Principle of Solidarity in the Third Millennium), lecture on “Principio di solidarietà nel diritto internazionale dei diritti umani” (The Principle of Solidarity in the context of International Human Rights Law).
  138. 11 February 2023, Honolulu (Hawai’i), Hawaiian Society of Law and Politics Symposium, University of Hawai’i, Mānoa’s Art Building Auditorium, “The Royal Commission of Inquiry. Investigating War Crimes and Human Rights Violations Committed in the Hawaiian Kingdom”. Lecture on “Authority of the Council of Regency and of the Royal Commission of Inquiry”.
  139. 24 February 2023, Michigan State International Law Review’s Annual Symposium, “Voices from the Margins: Legal Battles of Global Indigenous Communities”, lecture on “Indigenous Peoples’ Cultural Heritage and International Law: A Tale of Wrongs and of Struggle for Survival and Renaissance” (online).
  140. 9 March 2023, 10th International Garifuna Conference, “From Reaction to Action: Challenges and Opportunities for promoting Reparatory Justice for Indigenous Peoples in the Caribbean”, Keynote Address on “Using International Law for Promoting Reparatory Justice for Indigenous Peoples and Their Members in the Caribbean” (online).
  141. 23 March 2023, Siena, Palazzo della Provincia, Parlamento degli Studenti (Parliament of Students), “La cura, strumenti politico-didattici per sconfiggere l’astensionismo e rivalutare le istituzioni” (The Cure, Political-didactic Tools to Defeat Abstentionism and Re-evaluate the Institutions), lecture on “Diplomazia culturale e Soft-Power” (Cultural Diplomacy and Soft-Power).

#### **XIV. PARTICIPATION IN ACADEMIES OF REPUTATION IN THE SECTOR OF INTERNATIONAL LAW**

1. Professor at the Academy of European Law, European University Institute, Florence, June-July 2011.
2. Weeramantry Centre for Peace, Justice and International Law, Chinmaya Vishwavidyapeeth Deemed-to-be-University, India, Lecture Series on Alternative

Approaches to International Law (AAIL 2020-21), Lecture on “Post-covid 19 International Law and Multiculturalism”, 18 January 2021 (online).

## **XV. WORKS WITH INTERNATIONAL SCHOLARLY ASSOCIATIONS**

1. Preparation of the Interim Report of the International Law Association Committee on the Rights of Indigenous Peoples, The Hague Conference 2010, available at <<http://www.ila-hq.org/en/committees/index.cfm/cid/1024>>
2. Preparation of the Final Report of the International Law Association Committee on the Rights of Indigenous Peoples, Sofia Conference 2012, available at <<http://www.ila-hq.org/en/committees/index.cfm/cid/1024>>
3. Preparation of the Interim Report of the International Law Association Committee on the Implementation of the Rights of Indigenous Peoples, Johannesburg Conference 2016, available at <<http://www.ila-hq.org/en/committees/index.cfm/cid/1048>>
4. Preparation of the Final Report of the International Law Association Committee on the Implementation of the Rights of Indigenous Peoples, Kyoto Conference 2020, available at <<https://www.ila-hq.org/index.php/committees>>

## **XVI. OTHER ACTIVITIES**

1. Milano (Italy), 26 February 2010, Judge at the Philip C. Jessup International Law Moot Court Competition, 2010 (Case Concerning the Windscale Islands), Italian National Round.
2. Member of the Commission of the Italian National Bar Exam, Region of Tuscany, Florence, 2014-2015.
3. President of the humanitarian association “Sorriso d’Africa” (African Smile), located in Poggibonsi, Italy, devoted to child sponsorship in the area of Machakos, Kenya.

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UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAII

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

v.

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

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

**PROPOSED ORDER  
GRANTING HAWAIIAN  
KINGDOM'S MOTION FOR  
RECONSIDERATION**

Before the Court is the Council of Regency of the Hawaiian Kingdom's Motion for Reconsideration. Having carefully reviewed the filings, it is hereby ORDERED the Motion for Reconsideration is GRANTED.

Dated this 3rd of February, 2026.

By:

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*Defendant.*

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

**CERTIFICATE OF  
COMPLIANCE**

1. The Motion for Reconsideration filed on February 3, 2026, in the above-captioned matter, complies with the type-volume limit to Local Rule 7.4 because the Motion for Reconsideration contains 65 words and its accompanying Memorandum of Law in Support of the Motion for Reconsideration contains 5,969 words.

2. These documents comply with the typeface and type style requirements of local rules because these documents have been prepared in a proportionally spaced typeface using Word, Office version 2025, in 14-point Times New Roman style type.
3. This brief has been scanned for viruses and is virus-free.

Dated this 3rd of February, 2026.

By:

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*Defendant.*

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**CERTIFICATE OF SERVICE**

1. I hereby certify that on February 3, 2026, the following documents were electronically served upon the attorney(s) listed below via PACER electronic service, pursuant to Rule 5(b) Fed. R. Civ. P., as indicated:
  - a. Hawaiian Kingdom's Motion for Reconsideration

- b. Hawaiian Kingdom's Memorandum of Law in Support of Motion for Reconsideration
- c. Declaration of Dr. David Keanu Sai with Exhibits 1-4
- d. Declaration of Professor Niklaus Schweizer with Exhibit 1
- e. Declaration of Professor Federico Lenzerini with Exhibit 1 and 2

2. Persons served:

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