



3 March 2026

Dear H.E. Dr. Keanu Sai,

Reference is made to your letters of 28 July 2025, of 2 September 2025 and of 26 February 2026 regarding the observer status of the Hawaiian Kingdom, which has been reviewed thoroughly.

Reference is also made to Rule 82 of the Rules of Procedure of the Assembly, which deal with Observers. In that regard, your attention is drawn to the categories of entities that may participate as Observers in the Assembly:

- “(a) States and entities referred to in article 305 of the United Nations Convention on the Law of the Sea which are not members of the Authority;
- (b) National liberation movements which in their respective regions are recognized by the Organization of African Unity or by the League of Arab States;
- (c) Observers to the United Nations Conference on the Law of the Sea who have signed the Final Act and who are not referred to in article 305, paragraph 1 (c), (d), (e) and (f), of the United Nations Convention on the Law of the Sea;
- (d) The United Nations, its specialized agencies, the International Atomic Energy Agency and other intergovernmental organizations invited by the Assembly;
- (e) Non-governmental organizations with which the Secretary-General has entered into arrangements in accordance with article 169, paragraph 1, of the United Nations Convention on the Law of the Sea, and other non-governmental organizations invited by the Assembly which have demonstrated their interest in matters under the consideration by the Assembly.”

Article 305 of the United Nations Convention on the Law of the Sea (‘the Convention’) refers to the entities to which the Convention was open for signature until 9 December 1984. Those entities are as follows:

- “(a) all States;
- (b) Namibia, represented by the United Nations Council for Namibia;
- (c) all self-governing associated States which have chosen that status in an act of self-determination supervised and approved by the United Nations in accordance with General Assembly resolution 1514 (XV) and which have competence over the matters governed by this Convention, including the competence to enter into treaties in respect of those matters;

H.E. David Keanu Sai, Ph.D.  
Minister of Foreign Affairs *ad interim*  
Hawaiian Kingdom  
P.O. Box 4146  
Hilo, HI 96720

Email: [interior@hawaiiankingdom.org](mailto:interior@hawaiiankingdom.org)



Page 2

(d) all self-governing associated States which, in accordance with their respective instruments of association, have competence over the matters governed by this Convention, including the competence to enter into treaties in respect of those matters;

(e) all territories which enjoy full internal self-government, recognised as such by the United Nations, but have not attained full independence in accordance with General Assembly resolution 1514 (XV) and which have competence over the matters governed by this Convention, including the competence to enter into treaties in respect of those matters;

(f) international organizations, in accordance with Annex IX."

I note that the Kingdom of Hawaii is not a signatory of the Convention.

It follows that your request does not emanate from an entity that falls within the categories as referred to in article 305 of the Convention and in Rule 82 of the Rules of Procedure of the Assembly, which are eligible for possible participation as Observer to the Authority.

I also wish to add that matters of constitutional law are beyond the purview of the competence of the Authority as defined by the Convention and the Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982.

As to your request to participate in the first part of the thirty-first session of the Council of the International Seabed Authority (9-19 March 2026), it follows from what precedes that it cannot be accommodated. In addition, only accredited delegations who qualify as Observers are able to participate in the meetings of the Assembly and of the Council. In this regard, provisions on credentials are found in Rule 23 of the Rules of Procedure of the Assembly and in Rule 17 of the Rules of Procedure of the Council. The credentials are issued either by the Head of State or Government, by the Minister for Foreign Affairs or person authorized by him or, in the case of the entities referred to in article 305, paragraph 1 (f), of the United Nations Convention on the Law of the Sea, by another competent authority.

I take this opportunity to inform you that it is possible to follow the upcoming first part of the Council as its meetings are web-TV covered.

I thank you very much for your interests in the activities of the Authority.

Yours Sincerely,

A handwritten signature in blue ink, appearing to read "Mariana Durney", with a large, stylized initial "M" and "D".

Mariana Durney  
Legal Counsel and  
Director of the Office of Legal Affairs