



H.E. DAVID KEANU SAI, PH.D.

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Washington, D.C., 20 April 2021

Excellency:

Enclosed please find a Preliminary Report of the Royal Commission of Inquiry re *Explicit Recognition of the Hawaiian State and of the Council of Regency as its Government by the United States of America* during arbitral proceedings held under the auspices of the Permanent Court of Arbitration (PCA), in *Larsen v. Hawaiian Kingdom*, from 8 November 1999 to 5 February 2001.¹ The Royal Commission of Inquiry was established by proclamation of the Council of Regency on 17 April 2019 to investigate war crimes and human rights violations committed in the Hawaiian Kingdom.²

At the center of the international dispute was the alleged liability of the Council of Regency “for allowing the unlawful imposition of American municipal laws over the claimant’s person within the territorial jurisdiction of the Hawaiian Kingdom.” The undersigned served as lead agent for the Hawaiian Kingdom in these arbitral proceedings. Before the arbitral tribunal was formed on 9 June 2000, the PCA had to determine it possessed institutional jurisdiction when the arbitral proceedings were instituted by the claimant on 8 November 1999.

As a member State of the PCA Administrative Council, the Czech Republic, along with the United States, acknowledged that the *Larsen* arbitral tribunal was established “Pursuant to Article 47 of the 1907 Convention,” which provides access to the jurisdiction of the PCA for non-Contracting States. Furthermore, the Czech Republic was fully aware of the ‘unlawful imposition of American municipal laws... within the territorial jurisdiction of the Hawaiian Kingdom.’

The Czech Republic’s Honorary Consul, the Honorable Ann Suzuki Ching, whose office is located at 591 Paikau Street, in the city of Honolulu, has not presented her credentials to the Hawaiian Government and, therefore, has not been granted an exequatur pursuant to §458 of the Hawaiian Civil Code, which states, “No foreign consul, or consular or commercial agent shall be authorized to act as such, or entitled to recover his fees and perquisites in the courts of this Kingdom, until he shall have received his exequatur.” Her credentials were presented to the United States and not to the Hawaiian Kingdom.

¹ Permanent Court of Arbitration Case Repository, *Larsen v. Hawaiian Kingdom*, PCA Case no. 1999-01 (online at <https://pca-cpa.org/en/cases/35/>).

² Royal Commission of Inquiry website (online at <https://hawaiiankingdom.org/royal-commission.shtml>).

The Czech Republic's Honorary Consulate within the territory of the Hawaiian Kingdom is by virtue of 'American municipal laws,' which stand in violation of Hawaiian sovereignty and independence, and, therefore, constitutes an internationally wrongful act. As an occupied State, Hawaiian independence and sovereignty is preserved under the rules and principles of international law despite over a century of effective occupation and control of Hawaiian territory by the United States. In order to rectify this internationally wrongful act, the Council of Regency is ready to receive Mrs. Ching's credentials as Honorary Consul and is prepared to grant an exequatur to the same.

Nationals of the Czech Republic have been placed in a dire situation regarding their persons and property situated within the territorial jurisdiction of the Hawaiian Kingdom as a result of the United States illegal and prolonged belligerent occupation and violation of international humanitarian laws.

The Council of Regency acknowledges that nationals of the Czech Republic should be afforded remedial prescriptions regarding defects in their real estate holdings that have resulted from the illegal occupation in accordance with the laws of the Hawaiian Kingdom. This subject is covered in the Royal Commission of Inquiry's Preliminary Report re *Legal Status of Land Titles throughout the Realm*³ and its Supplemental Report re *Title Insurance*.⁴

I have also enclosed a publication by the Royal Commission of Inquiry so that Your Excellency may become better acquainted on this important subject. This publication is also accessible online as an eBook at no charge.⁵ I would also recommend the viewing of two recent webinars on the United States prolonged occupation of the Hawaiian Kingdom: first, a webinar sponsored by the International Association of Democratic Lawyers and the National Lawyers Guild on 9 January 2021 on *War Crimes and the U.S. Occupation of Hawai'i with Dr. Keanu Sai and Professor Federico Lenzerini*,⁶ and second, a webinar sponsored by the *Centre for International Legal Studies*, Jindal Global Law School, and Addis Ababa University IHL Clinic on 8 April 2021 on the *Hawaiian Kingdom, United States and International Law*.⁷

³ Royal Commission of Inquiry, Preliminary Report—*Legal Status of Land Titles throughout the Realm* (16 July 2020) (online at https://hawaiiankingdom.org/pdf/RCI_Preliminary_Report_Land_Titles.pdf).

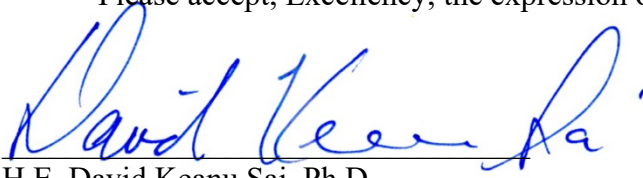
⁴ Id., Supplemental Report—*Title Insurance* (28 October 2020) (online at https://hawaiiankingdom.org/pdf/RCI_Supp_Report_Title_Insurance.pdf).

⁵ David Keanu Sai (ed.), *The Royal Commission of Inquiry: Investigating War Crimes and Human Rights Violations Committed in the Hawaiian Kingdom* (2020), [https://hawaiiankingdom.org/pdf/Hawaiian_Royal_Commission_of_Inquiry_\(2020\).pdf](https://hawaiiankingdom.org/pdf/Hawaiian_Royal_Commission_of_Inquiry_(2020).pdf).

⁶ International Association of Democratic Lawyers and the National Lawyers Guild webinar on *War Crimes and the U.S. Occupation of Hawai'i with Dr. Keanu Sai and Professor Federico Lenzerini* (9 January 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/>).

⁷ Centre for International Legal Studies, Jindal Global Law School (JGLS), and Addis Ababa University IHL Clinic presents Webinar Series, Spring 2021, *Semi Colonialism and International Law*, Webinar 3, Hawaiian Kingdom, United States and International Law (8 April 2021) (online at <https://hawaiiankingdom.org/blog/dr-keanu-sai-to-present-on-the-hawaiian-kingdom-united-states-and-international-law-on-april-8/>).

Please accept, Excellency, the expression of my highest consideration.

A handwritten signature in blue ink, reading "David Keanu Sai". The signature is fluid and cursive, with a horizontal line drawn underneath it.

H.E. David Keanu Sai, Ph.D.
Minister of Foreign Affairs *ad interim*

His Excellency Hynek Kmoníček
Czech Republic's Ambassador to the United States

Enclosures

Carbon copied by email:

The Honorable Ann Suzuki Ching
The Czech Republic's Honorary Consul to Hawai'i
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The Honorable Isabela Silk
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