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Excellency:

Recalling my country's Protest and Demand of 9 August 2012 that was acknowledged and received by Dr. Mezoui on behalf of your Excellency on 10 August 2012 pursuant to Article 35(2) of the Charter of the United Nations at the headquarters for President of the General Assembly, I would like to make the following clarifications and request.

Although the provision of Article 35(2) of the Charter of the United Nations states a "State which is not a Member of the United Nations may bring to the attention of the General Assembly any dispute," we are not in *dispute* with the United States of America with regard to the non-compliance of the 1893 *Lili'uokalani assignment & Agreement of restoration*, 1899 Hague Convention, IV, the 1949 Geneva Convention, IV, and international law. Nor are we in *dispute* with the other named States. Rather, my country views this as a *situation* and not a *dispute*. My country's acceptance of the obligations of pacific settlement was made should a *dispute* arise with the named States in the Protest and Demand.

It is also my country's understanding that there is binding precedence with regard to the legal consequences for States, other than the United States of America, regarding the prolonged occupation of the Hawaiian Islands that are enumerated in the International Court of Justice's Advisory Opinion of 21 June 1971, *Legal Consequences for States of the continued presence of South Africa in Namibia (South-West Africa) Notwithstanding Security Council Resolution 276 (1970)*. While the Court's advisory opinion centered on rights of the mandatory, being Namibia, that had yet, at the time, been able to exercise self-determination and independence and, as a result, the legal consequences of States, the Hawaiian Protest and Demand centers on the rights of the Hawaiian Islands who already exercised self-determination and achieved the international recognition of its independence since 28 November 1843, and, as a result, the legal consequences of States. The Hawaiian Islands being the State, while the Hawaiian Kingdom being its government.

The United States obligations to the Hawaiian Kingdom arises from the 1893 *Lili'uokalani assignment & Agreement of restoration*, 1899 Hague Convention, IV, the 1949 Geneva Convention, IV, and international law, where in similar fashion the

obligations of South Africa with regard to Namibia arose under the General Assembly resolution 2145 (XXI), the Security Council Resolution 276 (1970), the Charter of the United Nations, and international law. Therefore, the legal consequences for States with regard to the Hawaiian situation are enumerated as follows:

- a) Member States are under obligation (subject to (d) below) to abstain from entering into treaty relations with the United States of America in all cases in which the Government of the United States of America purports to act on behalf of or concerning the Hawaiian Islands. With respect to existing bilateral treaties member States must abstain from invoking or applying those treaties or provisions of treaties concluded by the United States of America on behalf of or concerning the Hawaiian Islands, which involve active intergovernmental co-operation. With respect to multilateral treaties, the same rule cannot be applied to certain general conventions such as those with humanitarian character, the non-performance of which may adversely affect the people of the Hawaiian Islands: it will be for the competent international organs to take specific measures in this respect.
- b) Member States are under obligation to abstain from sending diplomatic or special missions to the United States of America including in their jurisdiction the territory of the Hawaiian Islands, to abstain from sending consular agents to the Hawaiian Islands, and to withdraw any such agents already there; and to make it clear to the United States of America that the maintenance of diplomatic or consular relations does not imply any recognition of its authority with regard to the Hawaiian Islands.
- c) Member States are under obligation to abstain from entering into economic and other forms of relations with the United States of America on behalf of or concerning the Hawaiian Islands which may entrench its authority over the territory.
- d) However, non-recognition should not result in depriving the people of the Hawaiian Islands of any advantages derived from international co-operation. In particular, the illegality or invalidity of acts performed by the Government of the United States of America on behalf of or concerning the Hawaiian Islands during its illegal annexation on 12 August 1898 and subsequent prolonged occupation cannot be extended to such acts as the registration of births, deaths and marriages.

In light of the prolonged and illegal occupation of the Hawaiian Islands since 12 August 1898 and the severity of the Hawaiian situation, my country makes the following requests:

1. Because the term of the President is coming to an end next month and a new President will be entering office, my country requests that the

Protest and Demand and all relevant documents be provided to the successor President and his administration.

2. Because of the legal, political and economic severity of the Hawaiian situation and the obligation of States to abstain: (a) from entering into treaty relations with the United States of America in all cases in which the Government of the United States of America purports to act on behalf of or concerning the Hawaiian Islands; (b) from sending diplomatic or special missions to the United States of America including in their jurisdiction the territory of the Hawaiian Islands, to abstain from sending consular agents to the Hawaiian Islands, and to withdraw any such agents already there; and (c) from entering into economic and other forms of relations with the United States of America on behalf of or concerning the Hawaiian Islands which may entrench its authority over the territory, my country requests that the Hawaiian situation be placed on the agenda at the opening of the Sixty-Seventh Session of the General Assembly in order for all one hundred ninety-three (193) members of the United Nations to be made aware of the Hawaiian situation, and not just the one hundred seventy-three (173) member States named in the Protest and Demand.
3. Because of the complexities of the Hawaiian situation, my country requests that member States of the General Assembly and the Security Council peruse my doctoral dissertation titled “American Occupation of the Hawaiian Kingdom,” with particular focus on chapter 5 titled “Righting the Wrong: Beginning the Transition from Occupied State to Restored State” that proposes a general plan for the United Nations to address the prolonged occupation. The dissertation and other law journal articles on this topic I authored can be accessed on the accompanying CD to the Protest and Demand provided to your office and the other named member States in the Protest and Demand. The dissertation and law journal articles, however, can also be downloaded from the internet at www2.hawaii.edu/~anu/publications.
4. And because the General Assembly lacks the necessary powers to carry out sections 1, 2, and 4 of Section II—Nature of the Claim, Protest and Demand (pages 5-6), my country requests the Sixty-Seventh Session of the General Assembly to enlist the co-operation of the Security Council. The Security Council is vested with the necessary authority under Article 24 of the Charter.

Please accept, Excellency, the assurances of my highest consideration,

A handwritten signature in black ink, appearing to read "David Keanu Sai". The signature is fluid and cursive, with a prominent initial "D" and a long, sweeping tail.

David Keanu Sai

cc: Executive Secretary, Council of Presidents
Executive Secretary, Group of 77 at the United Nations
Permanent Mission for China
Named States in the Protest and Demand