



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

Minister of Foreign Affairs *ad interim*  
P.O. Box 4146  
Hilo, HI 96720  
Tel: +1 (808) 383-6100  
E-mail: [interior@hawaiiankingdom.org](mailto:interior@hawaiiankingdom.org)  
Website: <http://hawaiiankingdom.org/>

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21 October 2023

The Honorable Antony J. Blinken  
Secretary of State  
U.S. Department of State  
2201 C Street NW  
Washington, DC 20520

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Re: Notice of Termination of the 1875 Reciprocity Treaty and its 1884 Supplemental Convention granting exclusive right for the United States to enter Pearl Harbor

Dear Secretary Blinken:

I have the honor to refer to Article I of the 1884 Supplemental Convention (25 Stat. 1399) that extended the duration of the 1875 Commercial Reciprocity Treaty (19 Stat. 625) between our two countries for an additional term of seven years from the date when ratifications were exchanged by our Plenipotentiaries at Washington, D.C., on 9 November 1887, and further, “until the expiration of twelve months after either of the High Contracting Parties shall give notice to the other of its wish to terminate the same, each of the High Contracting Parties being at liberty to give such notice to the other at the end of the said term of seven years or at any time thereafter.”

Please find enclosed a Proclamation by the *acting* Council of Regency dated 20 October 2023 terminating the 1875 Commercial Reciprocity Treaty and its 1884 Supplemental Convention that granted “to the Government of the United States the exclusive right to enter the harbor of Pearl River, in the Island of O‘ahu.” Upon receipt of this notice of termination, the United States shall, prior to the expiration of twelve months in accordance with Article I of the 1884 Supplemental Convention, remove all movable property at its military facilities throughout the Hawaiian Islands, including unexploded munitions, and

fuel, with the exception of real property attached to the land or erected on it, including man-made objects, such as buildings, homes, structures, roads, sewers, and fences, to include on other properties that have been or are currently under its supervision and command.

I have taken the liberty of also enclosing the *Legal Opinion on the Authority of the Council of Regency of the Hawaiian Kingdom* by Professor Federico Lenzerini, and a copy of the *Royal Commission of Inquiry: Investigating War Crimes and Human Rights Violations Committed in the Hawaiian Kingdom* (2020).

With sentiments of the highest regard,

A handwritten signature in blue ink, reading "David Keanu Sai". The signature is fluid and cursive, with the first name "David" being the most prominent.

H.E. David Keanu Sai, Ph.D.

Minister of Foreign Affairs *ad interim*

enclosures

# Proclamation

**Whereas**, by the advice and approval of the Legislature of Our Kingdom, We did enter into a Convention with the United States of America on the subject of Commercial Reciprocity, which said Convention was concluded and signed by duly authorized Plenipotentiaries representing the Hawaiian Kingdom and the United States of America, at the City of Washington, on the 30th day of January, 1875; and

**Whereas**, a Supplementary Convention to limit the duration of the Convention respecting commercial reciprocity and to grant to the Government of the United States the exclusive right to enter the harbor of Pearl River, in the Island of O'ahu, and to establish and maintain there a coaling and repair station for the use of vessels of the United States, and to that end the United States may improve the entrance to said harbor and do all other things needful to the purpose aforesaid, was concluded and signed by duly authorized Plenipotentiaries representing the Hawaiian Kingdom and the United States of America, at the City of Washington, on the 6th day of December, 1884; and



**Whereas**, the Supplementary Convention was ratified by both High Contracting Parties, and the respective ratifications of the same have been exchanged at the City of Washington, on the 9th day of November, 1887; and

**Whereas**, the Supplemental Convention to the 1875 Treaty of Commercial Reciprocity extended the duration of both instruments for a term of seven years from the date of the exchange of ratifications in 1887, and further, until the expiration of twelve months after either of the High Contracting Parties shall give notice to the other of its wish to terminate the same, each of the High Contracting Parties being at liberty to give such notice to the other at the end of the said term of seven years or at any time thereafter; and

**Whereas**, the United States in its unlawful and prolonged military occupation of the Hawaiian Kingdom since the 17th day of January, 1893, has exploited its use of Pearl Harbor by establishing military facilities throughout the Hawaiian Islands in violation of Article 1 of the 1907 Hague Convention (V) respecting the Rights and Duties of Neutral Powers and Persons in Case of War on Land; and



**Whereas**, the Hawaiian Kingdom is a Neutral Power by treaty provisions in the Hawaiian-Swedish/Norwegian Treaty of 1852, the Hawaiian-Spanish Treaty of 1863, and the Hawaiian-German Treaty of 1879; and

**Whereas**, the United States Army Pacific was established in the Hawaiian Islands in 1898 during the Spanish-American War headquartered at its first military base called Camp McKinley on the Island of O'ahu, and later headquartered at Fort Shafter on the Island of O'ahu in 1921; and

**Whereas**, in April 1942, the United States military forces in the Hawaiian Islands were organized into two commands for the Army under United States Army Forces Pacific and for the Navy as Commander-in-Chief, Pacific Fleet, and Pacific Oceans Areas Commander-in-Chief; and

**Whereas**, the United States command structure of the Army and Navy in the Hawaiian Islands during the Second World War since 1942 was transformed into the United States Pacific Command on the 1st day of January, 1947, which is presently called the Indo-Pacific Command whose headquarters is at Camp H.M. Smith on the Island of O'ahu; and



**Whereas**, the United States Air Force separated from the United States Army as a separate branch of the armed forces in September 1947 with its base headquartered at Hickam Air Force Base, Island of O‘ahu, and later merged in 2010 to become an element of Joint Base Pearl Harbor-Hickam with the Navy; and

**Whereas**, the Indo-Pacific Command has four component commands stationed in the territory of the Hawaiian Kingdom—United States Army Pacific whose headquarters is at Fort Shafter on the Island of O‘ahu, United States Marine Forces Pacific whose headquarters is at Camp H.M Smith on the Island of O‘ahu, United States Pacific Fleet whose headquarters is at Naval Station Pearl Harbor on the Island of O‘ahu, and United States Pacific Air Forces whose headquarters is at Hickam Air Force Base/Joint Base Pearl Harbor-Hickam on the Island of O‘ahu; and

**Whereas**, the presence of all United States military forces throughout the Hawaiian Islands have a direct nexus to the 1884 Supplemental Convention granting the United States exclusive access to Pearl Harbor:



**Now, therefore, We,** the acting Council of Regency of the Hawaiian Kingdom, serving in the absence of the Monarch and temporarily exercising the Royal Power of the Kingdom, do hereby give notice terminating the 1875 Reciprocity Treaty and its 1884 Supplemental Convention as provided for under Article I of the said Supplemental Convention, which will take effect twelve months from the date the United States has received this notice of termination;

**And, We** do require that when the United States has received this notice of termination, it shall, prior to the expiration of twelve months in accordance with Article I of the 1884 Supplemental Convention, remove all movable property at its military facilities throughout the Hawaiian Islands, including unexploded munitions, and fuel, with the exception of real property attached to the land or erected on it, including man-made objects, such as buildings, homes, structures, roads, sewers, and fences, to include on other properties that have been or are currently under its supervision and command.

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