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August 30, 2001

Mr. Philippe Couvreur,
Registrar of the International Court of Justice
Peace Palace
2517 KJ The Hague
The Netherlands

Re: General Declaration Accepting Jurisdiction of the International
Court of Justice

Dear Sir,

Recalling your attention to United Nations Security Council Resolution no. 9 (15 October 1946) that provides, *inter alia*, that the "...International Court of Justice shall be open to a State which is not a party to the Statute of the International Court of Justice," I compose this communiqué.

My nation achieved the recognition of its independence on December 19, 1842, by the United States of America; April 1, 1843, by the United Kingdom; and by joint proclamation between the United Kingdom and France on November 28, 1843. On May 16, 1854, the Hawaiian Kingdom declared itself a Neutral State, and whose neutrality became a provision in multiple treaties with other independent States. My nation also became a member of the Universal Postal Union on January 1, 1882.

At the time of the recognition of Hawaiian independence, the Hawaiian Kingdom's government was a Constitutional Monarchy, and for the next fifty years, it would develop a complete system of laws, both Civil and Criminal, and have treaty relations of a *most favored nation* status with the major powers of the world, including the United States of America. In spite of the United States of America's blatant disregard of International Humanitarian Laws during its occupation of the Hawaiian Kingdom since the Spanish-American War in 1898, the continuity of the Hawaiian Kingdom as an occupied State presently remains safeguarded under international law.

Recently, my government has been active in arbitration proceedings at the Permanent Court of Arbitration in The Hague from November 9, 1999 to the issuance of the Arbitral Award on 5 February 2001, and is presently serving as the Complainant in a dispute submitted to the United Nations' Security Council concerning the prolonged occupation of the Hawaiian Kingdom by the United States of America since 1898.

On July 5, 2001, my government filed a Complaint with the Security Council pursuant to Article 35(2) of the United Nations Charter, concerning the illegal and prolonged occupation of the Hawaiian Kingdom, and the failure on the part of the United States of America to administer the laws of the Hawaiian Kingdom in accordance with International Humanitarian Laws, and requests the Security Council to provide *recommendations on methods of adjustment*.

In addition to these proceedings, I have been instructed by my government to submit to the Registrar of the International Court of Justice, provided herein as an enclosure, my government's Declaration accepting jurisdiction of the International Court of Justice in accordance with the conditions prescribed by United Nations Security Council Resolution no. 9 (15 October 1946) in virtue of the powers conferred upon the Security Council by Article 35, paragraph 2, of the Statute of the International Court of Justice.

With Sentiments of the Highest Regard,

A handwritten signature in black ink, appearing to read "David Keanu Sai". The signature is fluid and cursive, with the first name "David" being the most prominent.

David Keanu Sai,
Agent for the Hawaiian Kingdom

Enclosure

**GENERAL DECLARATION ACCEPTING JURISDICTION
OF THE INTERNATIONAL COURT OF JUSTICE**

TO THE REGISTRAR OF THE INTERNATIONAL COURT OF JUSTICE,
THE HAGUE.

I have the honour to declare on behalf of the *Acting* Government of the Hawaiian Kingdom that:

The *Acting* Government of the Hawaiian Kingdom recognizes as compulsory, *ipso facto* and without special agreement, in relation to any other State accepting the same obligation, that is on condition of reciprocity, the jurisdiction of the International Court of Justice, in conformity with United Nations Security Council Resolution no. 9 (15 October 1946) until such time as notice might be given to terminate the acceptance, over all disputes, other than:

- a. disputes in regard to which the parties to the dispute have agreed or shall agree to have recourse to some other method of peaceful settlement;
- b. disputes with regard to questions, which by international law fall exclusively within the jurisdiction of the Hawaiian Kingdom;
- c. disputes relating to any matter excluded from judicial settlement or compulsory arbitration by virtue of any treaty, convention or other international agreement or instrument to which the Hawaiian Kingdom is a party.

Honolulu, 29 August 2001.

[signed] Peter Umialiloa Sai,
Acting Minister of Foreign Affairs.