There is a respectful and high level discussion on the question of Hawaiian Sovereignty and related matters in a closed facebook listing reserved only for former Na`i Aupuni participants. However, it is my belief that the matter is of such importance that it really should be shared with a much wider audience. Therefore, I am taking the opportunity to share my views along with unnamed correspondents to respect their privacy. I think you will find these postings interesting.

One correspondent writes:

During the same time period the French overthrew their kingdom. What is the difference. none. In that time things were different and laws were not binding. I do blame the U.N. for allowing the United States to get away with the fraudulent vote in 1959. That was illegal. They did not allow us to vote on independence and allowed military people to vote to make it seem as if we wanted state hood. The wisdom in all this should be basically okay we know things happened and it wasn't right. So what can we do now to make it right.

[Poka Laenui](https://www.facebook.com/plaenui) The Declaration on the Definition of Aggression was adopted in 1974 by the U.N. General Assembly, saying inter alia: "No territorial aquisition or special advantage resulting from aggression is or shall be recognized as lawful." Article 5 3.

The declaration makes no excuse that the application of this principle should only apply to forward occurring events. By its very nature, it is a declaration looking at events, including those which had occurred previously.

Comparing the U.S. Apology Resolution with the Declaration’s definition of Aggression, there is no doubt that the definition applies.

To look back at the U.N.’s oversight in the 1959 representation by the U.S. in reporting that Hawaii had exercised its right of Self-determination as set forth in Article 73 of the U.N. Charter, is essentially to argue that although the U.S. reported fraudulently to the U.N. that Hawaii had exercised self-determination, its o.k. and that there must be a statute of limitation to that fraud which occurred so long ago. However, the rule is that there is no statute of limitation against fraud. Very similar arguments raised regarding Kanaky’s re-inscription on the list of places to be decolonized and thus taken up by the Special Committee on Decolonization. Same as the situation of Tahiti!

Especially in the light of the confession by William F. Quinn 25 years after the 1959 Statehood Vote, on Hawaii Public Television with Dan Boylan acting as program moderator (guests in addition to the former Governor of the Territory and the State were C.J. William Richardson, Mahealani Kamau`u (Wendt), and this writer, Poka Laenui) in which Quinn confesses that he had no idea of the U.N. obligation under Article 73 and the executing resolution, G.A. Reso. 66, the fraud which had been committed in the U.S. report to the General Assembly in 1959 is not a matter that can be left to the annals of history, but remains an appropriate point of contention. The Hawaii claim for the right to self-determination continues to persist. (copy of the program transcript available at [http://www.hawaiianperspectives.org/?cat=11](http://l.facebook.com/l.php?u=http%3A%2F%2Fwww.hawaiianperspectives.org%2F%3Fcat%3D11&h=eAQH_2OYC))

As to the claim by Napoleon, “I may be wrong but wasn't American "aggression" over-looked and ignored by all those countries who had long recognized the Kingdom of Hawaii? To me these nations were complicit for standing idle knowing full well what happened here. Not to mention the time period of the overthrow was way before the UN Charter was created. If those laws or principles of legitimacy were applied equally to all nations (per the UN Declaration) very few nations can claim legitimacy. Are there any nations that did not wage war in order to claim the lands/territory they now say they own legitimately?”

Point one: The fact that other countries failed to take action against the U.S. for its aggression of Hawaii is no basis to justify the subsequent taking and present possession of Hawaii by the U.S. There is no basis in international or even American Domestic law which would countenance this as a basis for legitimizing a theft initiated by such an aggression. If there is, please identify the legal principle.

Point two: The overthrow was way before the creation of the U.N. Charter, etc. Perhaps true, but let’s not forget that the Charter itself named specifically Article 73, non self-governing territories! And don’t forget that the General Assembly in 1946 specifically ratified Resolution 66 which than enscribed the list of territories considered to fall under Article 73. Finally, don’t avoid the fact that the U.S. itself submitted Hawaii as one of the territories it held and obligated itself to follow under Article 73. To now argue that Article 73 does not apply is to deny the very steps taken in history to include Hawaii and many other takings by the U.S. which occurred prior to the formation of the U.N. in 1945, i.e., Panama Canal Zone, Alaska, Occupied Samoa, Puerto Rico, American Virgin Islands, Guam.

I would suggest that your suggestions why the U.S. current claim of jurisdiction over Hawaii is legitimate is not well supported in law or history. Neither is it supported when measured against the principle of Human Rights and Fundamental Freedoms.
[#HawaiianDecolonization](https://www.facebook.com/hashtag/hawaiiandecolonization?hc_location=ufi) [#HawaiianLiberation](https://www.facebook.com/hashtag/hawaiianliberation?hc_location=ufi) [#InternationalLaw](https://www.facebook.com/hashtag/internationallaw?hc_location=ufi) [#Decolonization](https://www.facebook.com/hashtag/decolonization?hc_location=ufi) [#Poka](https://www.facebook.com/hashtag/poka?hc_location=ufi) [#UNSpecialCommittee](https://www.facebook.com/hashtag/unspecialcommittee?hc_location=ufi) [#Committeeof24](https://www.facebook.com/hashtag/committeeof24?hc_location=ufi) [#IndigenousPeople](https://www.facebook.com/hashtag/indigenouspeople?hc_location=ufi)

On person recently wrote in part:

Although if Hawaii is to be treated as a special case then what about every country that was overthrown back in those times, up to and including the Russian Royal family. Times were different back then and just because it was different doesn't make it right. How are we different from other countries? Yes no one stood by us. Our friends all slipped away to the American side. This was predetermined twenty years before the overthrow. Then when King Kalakaua suggested a Polynesian Empire, that nailed the deal shut. The Germans went to America and said they needed to do something about this as a Polynesian Empire would close the Pacific to Europeans.

My response: You have split your argument into several points, first, “if Hawaii is to be treated as a special case then what about every country that was overthrown back in those times, …..”

Let us be clear, we are not asking that Hawaii be treated as a special case. We are simply insisting that Hawaii be measured by international law, as all nations large and small are to be so measured. I am not suggesting we create a special category or “case” for Hawaii, I am merely saying, let us follow international law as was laid down by the governing powers who created the United Nations. In that creation, the founding nations were trying to take from the historical development of international law and to move forward. One of the fundamental principles of the development of the U.N. and the principle of international law, was the principle of self-determination. Hawaii’s situation falls squarely within the U.N. system of self-determination, as I’ve already laid out previously, under Article 73 and the events which followed.

That correspondent continued:

The deal was done. Anyone can spit out U.N.declarations and codes but in the end what the U.N.cannot do is change history by going back to a time that they did not exist. Yes the vote of 1959 was fraudulent and so was the U.N.by not putting a stop to this fraudulent vote. So if we all want to get real here, the fact is simple.

As to your second point, contained in your particular interpretation of the history of the Pacific, Europeans, and the deals made between the Germans and the Americans, that may be used as an explanation (yours), but it says nothing of the applicable standards of international law today and where Hawaii can proceed under international law. That part of your explanation sounds more like a whining about our condition, and finding excuses why we are here. No one is attempting to change history. We are simply saying, there are points in history in which our rights have been violated, and those points provide the springboard for us to move into our future – self determination.

Your next point claims that the 1959 vote was fraudulent. You claim that the U.N. was guilty of the fraud as well. I would suggest the U.N. was a victim of the fraud instead. The U.S. government committed the fraud both against the people of Hawaii as well as against the U.N. General Assembly when it reported to that assembly.

But then you lapse into the defeatist attitude with that surprising statement, “The United States runs the United Nation. No other country contributes the amount of money to run the U.N. as America does. Hint hint, there for no one is going to fight for Hawaii but us. You can say Columbia, Venezuela and other countries will bring this up at the U.N., and that may be true but in the end they will back off just like the rest. Don't count on China as they have their own problems with Tibet. You think they going to shove this down the Americans. No way this happening.”

The Modern history of the world is replete with defeatists and prophets of doom like you who have already called the outcome of the war before the first shot is fired! With people of your thinking, Vietnam would still be split with the Americans ruling the South. India would still be under British rule. All of the independent nations of the Pacific would still be under the Trust territory arrangement with the U.S. being their watchful “Trustee”, Panama Canal Zone would still be under American control. Papua Niu Gine would belong to the Dutch, in fact over 100 members of the United Nations would still be under colonization.

Well, you should take a new look at the world map, a new look at the membership of the United Nations, a new look at the advancements of the process of decolonization, such that the old guard led by the U.S., France, Britain and the rest of their White, Christian, Capitalist gang, simply do not rule the world as they did before. The world has changed, my friend, and so has the U.S. A new generation is taking over.

As to your declaration that “I say we do to them as they did to us. We do this by voting in our people so we can change the laws of the state. So we can make positive changes for our people today. I'm not going to wait for any foreign Country or the U.N.to do this for us. If I do then this might take another couple hundred years. Our people who are homeless and starving can't wait. They need to be taken care of now. Our children who are running away from Hawaii because they cannot afford to live here, now that's a tragedy which we must stop now. You want to change Hawaii, then change the hearts and minds of all our people's of Hawai'i Nei,”

Yours is a positive approach. It is nothing new. Many of us who have been pushing for independence via the international arena have also been actively engaged in the situation at home. They have become legislators, lawyers, judges, farmers, service providers, etc. But let us not get into this one-upmanship game, by suggesting that only one way is better than another. There are many pathways to the top of the mount, many halau which contain wisdom.

Finally, I am surprised by your closing statement: “I may not have all those fancy degrees, but I do know that no one will fight for us but us and we do it by changing the state government.” If I have denigrated you by any suggestion that you do not have a fancy degree, I profusely apologize. To be honest, I never paid any attention to your or anyone’s degree, nor did I attempt to use any academic achievement I may have to bolster my argument with you. I take your comments for the content which it deserves, nothing more, nor less, and I would expect the same treatment from you of mine. I agree with you that there is validity in changing the state government. I believe we should change all of the systems which has caused any oppression over us, including the economic, educational, health, social, housing, transmigration, military, etc. You may want to visit web site [www.hawaiianperspectives.org](http://l.facebook.com/l.php?u=http%3A%2F%2Fwww.hawaiianperspectives.org%2F&h=nAQHKKIq8) and see some of the work we've been trying to do in those and many other areas. Aloha
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