Fraudulent Hague Arbitration -- The Use of "the International Court at the Hague" for a Propaganda Circus

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Two friends agree that the Hawaiian Kingdom was illegally overthrown, and the annexation of Hawai'i to the U.S. was done illegally. They agree that the laws of the Kingdom of Hawai'i still are the rightful laws of Hawai'i today. One of these friends, Lance Larsen, repeatedly gets arrested for driving a car in Hawai'i while failing to have a license plate and drivers' license issued by the State of Hawai'i. Larsen refuses to pay the fines, and continues to defy State law. He gets thrown in jail for 30 days. He claims the State of Hawai'i is not the rightful government and has no jurisdiction over him. Meanwhile, his friend Keanu Sai claims to be the Regent Pro-Tem of the Kingdom of Hawai'i, having followed the laws of the Kingdom to establish himself in that office. The two of them cook up a scheme whereby Lance will sue Keanu, as acting head of state, for failing to protect Lance, a subject of the Kingdom, against the illegal actions of an illegal State of Hawai'i. And just to make it complete, Lance also sues the United States and all the other nations that had treaty relationships with the Kingdom, claiming that they also had a duty under their treaties to protect Lance against harassment from an illegal government.

But the first action taken once the lawsuit has been filed is for Lance and Keanu to dismiss the lawsuit by agreeing to have the matter arbitrated. Lance and Keanu take their dismissal documents and their agreement to submit to arbitration, to a retired federal court judge who still handles occasional matters, and who is himself ethnic Hawaiian and a supporter of Hawaiian sovereignty. Instead of laughing and dismissing the case outright as frivolous, the judge signs the order of dismissal, happy that the case is no longer on his court docket because the parties have agreed to arbitration. Lance and Keanu announce that a U.S. judge has recognized the continued existence of the Kingdom of Hawai'i by signing a document in which the Kingdom's representative and a Kingdom subject have agreed to dismiss their case from court and submit it to arbitration.

Since the case has the appearance of involving international law, Lance and Keanu are able to persuade the Permanent Court of Arbitration at the Hague (Netherlands) to provide a venue where hand-picked arbitrators can hear the case. Lance and Keanu each hire one arbitrator (fee $10,000 each), and those two arbitrators agree upon a third arbitrator, thus comprising a three-man arbitral panel to hear the case at the Hague under the rules of international law governing commercial relationships (not the rules governing international political disputes). The arbitral panel does hear the case, and issues a ruling that Lance and Keanu have no real dispute between them because they agree on everything. The panel says that if there is any real dispute capable of being arbitrated under international law it would be between Lance/Keanu vs. the United States over the issue of the alleged illegal occupation of Hawai'i by the U.S. But the arbitral panel rules that it is unable to consider such an issue because the U.S. is not a party to these proceedings (in other words, people are saying bad things about the U.S. and the U.S. was not present to defend itself since Lance and Keanu had dismissed the U.S. right from the start!). Case dismissed. In less polite terms: Where's the beef? Get outta here! In the language of international law, the notice of dismissal is called an "Award." Thus, Lance and Keanu now have an "Award" from "the International Court at the Hague."

Gullible people see an opera and mistake it for real life. This staged performance had the backdrop of a building used for the genuine International Court at the Hague, where disputes between nations are resolved and where
international war crimes trials are held. Naturally, Keanu and Lance refer to their arbitral panel as "The International Court at the Hague," which creates a false impression of grandeur.

Lance Larsen flies to Europe carrying two "passports:" one issued by the bogus Kingdom of Hawai'i, and one issued by an international "passport" company whose documents are not recognized by the Netherlands. He is denied entry to the Netherlands and must return to the U.S., from where he participates in the hearings by telephone. Keanu Sai flies to Europe carrying two passports: one issued by the United States to U.S. citizen David Keanu Sai, and one issued by the bogus Kingdom of Hawai'i. He is admitted to the Netherlands and presents his case at the arbitral hearing in the Hague. He subsequently announces that the Netherlands admitted him because it recognized his Kingdom of Hawai'i passport. But of course, it was his U.S. passport which got him admitted to the Netherlands. The Dutch border guards don't care what other identification cards he carries, including a membership card for the art museum or a booklet labeled "Hawaiian Kingdom Passport." Next time Mr. Sai wants to travel abroad, let him try traveling carrying no personal identification document other than his Kingdom of Hawai'i passport!

The following newspaper article is typical of how sovereignty activists persuade gullible people to see this case:

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Kingdom advocate predicts World Court victory

February 05, 2001

The Kauai Garden Island.

By LESTER CHANG - TGI Staff Writer

A case before an international court at The Hague, Netherlands will show the world the United States is responsible for the demise of the Hawaiian kingdom, said an acting agent for the kingdom.

David Keanu Sai said the case before the World Court's Permanent Court of Arbitration will prove the U.S. illegally took over the Hawaiian Islands following the illegal ouster of Queen Lili'uokalani in 1893.

Instead of using existing kingdom laws, the federal government passed laws that were illegally applied to the islands, including those that set up Hawai'i as a territory in 1900 and as a state in 1959, he said.

Sai spoke before nearly 80 people at the Anahola Clubhouse last Saturday about the international case, in which three international arbitrators are attempting to resolve a dispute between Lance P. Larsen, a Big Island resident who claims to be a subject of the Hawaiian Kingdom, and the kingdom.

Larsen said the kingdom failed to protect his right to drive on the Big Island without a driver's license. The kingdom said its hands are tied due to the control of Hawai'i by the U.S.

Sai came to Kaua'i at the request of island sovereignty advocates.

The revelations that come out of the international case could spur world powers to force the ouster of the U.S. from Hawai'i, Sai said.

The court held oral arguments in December and will decide in March whether the U.S. should be a party to the case because Larsen's arrest stems from enforcement of U.S. laws.

The case has illustrated U.S. violations against the kingdom since 1893, when Queen Lili'uokalani was deposed by an illegal provisional government, Sai said. Her ouster as head of state of the kingdom didn't occur, and the annexation of the Hawaiian Islands to the U.S. was illegal, he said.
Laws passed by Congress affect the other 49 states but not Hawai‘i, because Hawai‘i remains a nation with standing among world nations and was never part of the U.S., Sai claimed.

In pleadings and oral arguments before the international court, the United States, in its occupation of Hawai‘i, has violated international law by administering its laws instead of kingdom laws, he said.

In the case of American control of the Philippines following the Spanish-American War, U.S. President William McKinley administered Spanish laws until a treaty of surrender was secured, Sai said.

"He was following the law of occupation, but he wasn't doing it for us because they were hiding the occupation under the illusion that we were annexed. That was a lie," Sai said.

Under international laws of occupation, the United States should have left Hawai‘i at the end of the Spanish-American War, but didn't because the U.S. needed Hawai‘i to expand its military presence in the Pacific and in Asia, Sai said.

At a time of U.S. nationalism, Congress illegally passed a joint resolution annexing Hawai‘i in 1898, Sai said. He said some members of Congress acknowledged the resolution could not be imposed on a foreign, sovereign nation like Hawai‘i, but went ahead with it, anyway.

"They were incriminating themselves, but in the heat of the battle, they needed Hawai‘i," Sai said.

America has brought Hawai‘i into harm's way by building up military installations that could be attacked by nations unfriendly to it, Sai said.

America also illegally passed legislation in 1900 that turned Hawai‘i into territory, passed legislation in 1920 that created the state’s Hawaiian Homes Commission, and passed legislation in 1959 that turned Hawai‘i into a state, Sai said.

Former President Clinton's 1993 apology bill for the U.S. takeover of Hawai‘i, and recently reintroduced legislation recognizing a relationship between the Native Hawaiians and the federal government, have no bearing on Hawai‘i, Sai said.

The violations committed by the United States against the kingdom opens the door for claims for reparations by Hawaiians, Sai said.

Meanwhile, in the case before the international court, Larsen, represented by attorney Ninia Parks, was arrested and was jailed for 30 days in October 1999 for driving his vehicle in Hilo without a driver's license, license plate, safety check and registration.

Larsen contended the kingdom's laws are still applicable even though the nation is occupied by the United States.

Larsen subsequently filed a federal lawsuit accusing the Hawaiian kingdom of not protecting his rights as one of its subjects. The case was dismissed in federal court after Larsen, and the kingdom agreed to resolve the dispute in the World Court.

Here is an unpublished reply to that article, written by the author of this website on February 8:

As you know, the case is being arbitrated. That means that the arbitrators must accept as valid everything that both parties agree with. Both sides in this trumped-up hoax agree that the overthrow and annexation were illegal. Both sides agree that the Kingdom of Hawai‘i continues to exist as the lawful government of Hawai‘i, and that the U.S. is engaged in a 108-year continuing illegal military occupation of the Kingdom. The whole point of this charade is to call attention to these claims, and to make it appear that an international court has validated them.
But of course, all the arbitrators can truthfully say about these claims is that both sides agree to them, not that the claims are true. Contrary views have not been presented. Exclusion of contrary views is precisely why an arbitration was set up by the two parties, and why all actual nations, including the United States, were "dismissed" from the "case" by agreement of the two remaining parties.

The title of your article was, "Kingdom advocate predicts World Court victory." I believe Mr. Sai is correct. His side of the case will be victorious on the sole issue being arbitrated, which is, whether the alleged Kingdom of Hawai‘i owes any damages to its alleged subject Lance Larsen. The obvious ruling is that the Kingdom has no liability for failing to protect Mr. Larsen, for the obvious reason, agreed to by both Sai and Larsen, that the Kingdom is powerless to meet any obligations it may have. There are at least two conceivable explanations why the Kingdom is impotent. One is that the Kingdom is under military occupation by the United States and its puppet regime the State of Hawai‘i, and therefore the Kingdom cannot protect Mr. Larsen against the occupying power. The other explanation why the Kingdom is impotent is that the Kingdom died 108 years ago and no longer exists. Which explanation of the Kingdom's impotence is correct cannot be decided by the arbitration panel, because the two parties to the so-called "dispute" have no disagreement -- both agree with the military occupation theory; and no contrary views have been presented. Despite the name of the "court," this is not even an international arbitration, because the only two parties are an individual person and the ghost of what he claims to be his own government. Mr. Sai loves to spend hours explaining his theories about Hawaiian history and Kingdom law. But when asked to explain what is the dispute being arbitrated, he has a very hard time. That's because there is no dispute between the two parties Keanu Sai and Lance Larsen.

What would be really funny is if the arbitral panel were to say that the Kingdom is liable for damages of ten million dollars. Let's see Lance Larsen try to collect. And let's see Keanu Sai then sue the United States (in the REAL International Court of Justice at the Hague) as being responsible because it is an illegal military occupier of Hawai‘i. Then there would be a genuine controversy for a court to settle, and Mr. Sai’s absurd arguments would be contradicted by the true facts of history and law.

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Here is the final "Award" of the arbitral panel, which became publicly available early in March:

AWARD

For the reasons stated above, the Tribunal determines as a matter of international law, which it is directed to apply by Article 3 (1) of the Arbitration Agreement:

(a) that there is no dispute between the parties capable of submission to arbitration, and

(b) that, in any event, the Tribunal is precluded from the consideration of the issues raised by the parties by reason of the fact that the United States of America is not a party to the proceedings and has not consented to them. Accordingly, the Tribunal finds that these arbitral proceedings are not maintainable.

SIGNED as at the Permanent Court of Arbitration, the Peace Palace, Den Haag.

JAMES CRAWFORD SC
GAVAN GRIFFITH QC
CHRISTOPHER GREENWOOD QC

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As befits an opera or other public entertainment, a vast amount of publicity and "hoopla" surrounded this entire process for a period of about two years, right up until the result was announced. Large fundraisers were held, including a six-hour extravaganza of speeches and music on the grounds of 'Iolani Palace, televised in Hawai‘i as a live paid commercial, and simultaneously webcast over the internet. Numerous speeches and panel discussions were held over a period of many months. Allegedly hundreds of supporters traveled to the Hague for the
hearings dressed in Hawaiian-style clothing and bestowing beautiful, fragrant lei upon "court" personnel and spectators -- the Hawai'i Tourism Authority would have been proud! A good time was had by one and all.

The silence was deafening after the result was made known. Since then, Keanu Sai and Lance Larsen have announced they are asking the arbitral panel to reconstitute itself as a fact-finding commission, so the propaganda circus can continue. The trouble is, any genuine fact-finding commission would be obligated to find out the facts! Any halfway respectable fact-finding commission would not limit itself to hearing only from Keanu Sai and Lance Larsen and other supporters of their revisionist, twisted view of history. Will the reconstituted "fact-finding" commission allow the author of this website and his attorney friends present some historical facts and legal arguments?

There never was any dispute between Larsen and Sai. The whole purpose of the arbitration was to allow the participants and their fanatic supporters to proclaim their propaganda far and wide, unchallenged by any contrary view.

On April 18 the once-per-week "alternative" newspaper "Honolulu Weekly" explained the arbitration in a highly one-sided, glowing, full-page "news report." The following week, Ken Conklin had a much shorter letter-to-the editor in the same publication. Below are the article as published (not available on the "Weekly"'s poorly maintained website), followed by Ken Conklin's complete response (only part of which was published).

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Honolulu Weekly, April 18-24, 2001

International

Citizens of an occupied nation seek international justice at the World Court

Kingdom Come
by Anne Keala Kelly

From an occupied kingdom to the land of international laws, questions over legitimacy and jurisdiction in Hawai'i made their way to the World Court's Permanent Court of Arbitration at The Hague, Netherlands, on December 7, 2000.

A series of traffic citations issued to Lance Paul Larsen in Hilo may one day be known as the tickets heard 'round the world. But for now, Larsen's refusal to display a license plate and safety tag and the subsequent 30 days of jail time he did should be looked upon as an act of civil disobedience powerful enough to bring the international court's attention to the subject of Hawaiian independence. And what may distinguish this path form others followed by Hawaiian sovereignty and independence advocates is the fact that tying these citations to the illegal overthrow of a government is actually a legitimate avenue to take in the arena of international law.

To understand the Hawaiian Kingdom's standing in the international courts, one has to look at history in Hawai'i since Western contact. Arguably one of the most famous events in Hawai'i is referred to as the "illegal overthrow." Following that, two attempts were made to annex the islands to the United States in 1893 and again in 1897. Both were unsuccessful. During the Spanish-American War a year later, the United States Congress passed an internal law, Joint Resolution #55, which, under U.S. laws, annexed Hawai'i. In 1959, Hawai'i was admitted to the union. For most Americans, that's the end of the discussion. But for many Native Hawaiians it remains an unresolved history.

"The U.S. enacted their internal joint resolution, but under international law that means nothing," says Keanu Sai, acting minister of interior for the Hawaiian Kingdom. "There is a provision, Article 27 of the Vienna Convention, that codified what had been accepted as international law since the 1800's. It states, 'A party may not invoke the provision of its internal law as justification for its failure to perform a treaty.'"
Broken down, that means when a nation, such as the United States, has a treaty with another nation, such as the Kingdom of Hawai'i, the United States cannot impose its own domestic laws. Which is to say, it's illegal for one country to go to another country - say, Switzerland - and put up its own flag just because it has the military and economic might to do it. The civil and criminal codes of the Hawaiian Kingdom are still intact, even if they aren't being adhered to.

"There's been a lapse of time," says Sai, "but under international law the presumption is that a lapse of time does not effect independence. It's simply called 'prolonged occupation.'" Sai continues: "The Hawaiian Kingdom was an established state with many treaties, and as such it is protected by international law. The only way an independent state can give itself away is by consent."

And as we all know, the vast majority of subjects of the Hawaiian Kingdom protested America's presence (the Ku'e Petitions), the provisional government, and the Republic of Hawai'i, whose sole purpose was to transfer itself to the United States. Queen Lili‘uokalani protested at home and in Washington, D.C., and entered into an estoppel agreement with President Grover Cleveland, wherein the president asked the queen effectively to pardon the traitors who were calling themselves the provisional government. In return for this, the United States would support the reinstatement of the Hawaiian monarchy. She agreed; however, to this day, the United States has not lived up to its end of the agreement.

The potential interpretation of that history in the international courts is that the government of the kingdom has been under siege - held hostage, if you will. And hence, the presence of the United States in Hawai'i is defined in international law as occupation. "The mandate under international law," says Sai, "is that the occupying powers must administer the laws of the land. They can't change them."

Which brings us back to Lance Paul Larsen. Following his incarceration, Larsen filed suit against the Hawaiian Kingdom, because under its laws the kingdom is responsible for protecting his rights as a subject. He alleges that the failure on the part of the kingdom resulted in his imprisonment by an occupying force.

"We are at the World Court to determine liability of the Hawaiian Kingdom's government in relation to one of its nationals," says Sai. "Under international law, the existence of the kingdom is the presumption, not the claim. Its existence as an independent state is a matter of international law. We already have sovereignty," says Sai. "We are working to end the occupation." In February of this year, the "award" from the court was announced. The entire text can be read at www.AlohaQuest.com, but the sticking points of the award have opened the door for a promising path to justice.

In brief, one such point says, "A belligerent occupation, per se, does not extinguish the state." As pursuant to options offered in the World Court's award, Larsen's attorney, Ninia Parks, and the Hawaiian Kingdom have responded with a request that the Arbitral Tribunal be reconstituted into a commission for fact-finding in order for the merits to be heard, exercising independence as a kingdom again may become inevitable. And economic reparations both locally and internationally will eventually become part of the discussion.

Why reparations? Because the ethical questions of occupation lead to questions about the economic substance for that occupation. One point of contention is that the U.S. tariffs on goods are far higher than those of the Hawaiian Kingdom, and businesses that export goods to Hawai'i have been overpaying for a hundred years.

The bottom line for the Hawaiian Kingdom is that even if U.S. leaders chose to ignore the convoluted way the United States has come to call these islands part of "America," international law still applies in matters of occupation - even a hundred years after the fact. The Hawaiian Kingdom's road is all about those laws, not America's perceptions.

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Upon reading the above article on April 18, the author of this website composed a letter to editor and submitted in on April 19. That reply was published April 25. The reply as submitted appears in its entirety below. However, the version that got published left out the final two major paragraphs about Santa Claus. Those two
paragraphs are, of course, the most important from a public relations standpoint because they offer the public a simple and memorable analogy that deflates and ridicules Keanu Sai's fraud. The title submitted for the article was also changed to the much less attention-grabbing "Thy kingdom came." The spoof institutional affiliation was published, and the author is eagerly awaiting offers of grant money from philanthropic organizations, Indian tribes, and U.S. government agencies.

CONKLIN VS. SANTA CLAUS FOR NON-DELIVERY OF PRESENTS; U.S. TO PAY DAMAGES TO BOTH

Anne Keala Kelly's article about the Hague arbitration (Honolulu Weekly April 18-24) reminds me of those newspaper articles we see around Christmas time reporting that Santa's sleigh has been sighted somewhere over Alaska heading our way. Gullible children with big eyes get all excited, and even intelligent grown-ups give a wink and a nod.

The Larsen case was arbitrated. Arbitrators must accept as valid everything both parties agree with. Both sides in this trumped-up hoax agree that the overthrow and annexation were illegal (false). Both sides agree that the Kingdom of Hawai'i continues to exist as the lawful government of Hawai'i (false), and that the U.S. is engaged in a 108-year continuing illegal military occupation of the Kingdom (false). The whole point of this arbitration charade is to propagandize these claims, and to make it appear that an international court has validated them (false). But of course, all the arbitrators can truthfully say about these claims is that both Lance Larsen and Keanu Sai agree to them, not that the claims are true. Contrary views have not been presented. Exclusion of contrary views is precisely why an arbitration was set up and paid for by the two parties, and why all actual nations, including the United States, were "dismissed" from the "case" by Larsen and Sai.

The Kingdom has no liability for failing to protect Mr. Larsen, for the obvious reason, agreed to by both Sai and Larsen, that the Kingdom is powerless to meet any obligations it may have. One explanation why the Kingdom is impotent: the Kingdom is under hostile military occupation (false) by the United States and its puppet regime the State of Hawai'i, and therefore the Kingdom cannot protect Mr. Larsen (true). The other explanation: the Kingdom died 108 years ago and no longer exists (true). Which explanation of the Kingdom's impotence is correct cannot be decided by the arbitration panel, because the two parties to the so-called "dispute" have no disagreement -- both agree with the military occupation theory; and no contrary views have been presented. Despite the name of the "court," this is not even an "international" arbitration (except that Larsen and Sai went to another country to present their "case") because the only two parties are an individual person (Larsen) and an alleged representative (Sai) of the ghost of what he claims to be his own government.

Imagine this: I sue Santa Claus for failing to deliver my Christmas presents. A guy in a Santa suit agrees I have been nice and not naughty, and agrees Santa owes me Christmas presents. Santa and I agree the reason he couldn't deliver the presents is that a U.S. NORAD fighter jet shot down Santa's sleigh over Alaska. Santa and I agree the U.S. owes trillions of dollars in damages for destroying Santa's sleigh and for pain and suffering to us both. At first I file a suit against both Santa and the U.S., but then Santa and I agree to dismiss the U.S. and get our "dispute" arbitrated (What dispute?). We spend months explaining to the arbitrators why Santa owes me presents, and how the U.S. shot down Santa's sleigh, and why the U.S. owes us both big bucks. We agree on all those things, and therefore expect the arbitrators to publish them.

If the arbitrators were as gullible as Ms. Kelly, they might issue a ruling confirming everything we are saying (and incidentally deciding Santa doesn't owe me any money because failure to deliver wasn't his fault since the U.S. shot down his sleigh). After all, no contrary evidence was presented, and arbitrators are required to go along with whatever both parties agree upon. Fortunately, the Hague arbitrators weren't so stupid. Their conclusion clearly says CASE DISMISSED because (1) there was no real dispute between the two parties actually present; and (2) any real dispute would be with the United States government which is entitled to be present but was cleverly "dismissed" by the two parties. But a good time was had by all. Ho ho ho!
For the truth about Hawaiian history, overthrow, annexation, and sovereignty, please see http://www.angelfire.com/hi2/hawaiiansovereignty

Kenneth R. Conklin, Ph.D.
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To see how Keanu Sai got started in the Hawaiian sovereignty scam biz, proclaiming himself Regent pro-tem of the Kingdom of Hawai‘i, claiming land titles in Hawai‘i are junk because the overthrow, annexation, and statehood were all illegal, collecting hundreds of thousands of dollars from hundreds of clients for bogus title searches and warranty deeds; causing grief to property owners; messing up the real estate industry and mortgage banking for more than a year; and escaping with probation and a $200 fine: visit thie following webpage: http://www.angelfire.com/hi2/hawaiiansovereignty/fraudperfecttitle.html

Disclaimer: The word "fraud" is being used on this webpage not in any formal legal sense, but in the customary informal moral or political meaning of "a deception deliberately practiced in order to secure unfair gain; a piece of trickery; a sham." In the case of the Hague arbitration, no allegations of financial or legal fraud are being made (although there were serious efforts to raise large sums of money for research, travel, and public relations through a tax-exempt corporation, whose financial records have not been made public). Rather, the accusation concerns political and moral fraud -- one-sided historical claims, and claims that the "world court" has somehow agreed with those historical claims.

You may now

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