



General Assembly

Distr.: General
13 September 2024

English only

Human Rights Council

Fifty-seventh session

9 September–9 October 2024

Agenda item 3

**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Written statement* submitted by International Committee for the Indigenous Peoples of the Americas, a non- governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[13 August 2024]

* Issued as received, in the language of submission only.



Violations of the Human Rights of the People of the Hawaiian Islands

The International Committee for the Indigenous Peoples of the Americas and Koani Foundation, a Hawaii NGO, wish to call to the attention of the Human Rights Council, the ongoing flagrant violations of the human rights of the people of the Hawaiian Islands by the United States of America. The violations are the direct result of 131 years of international wrongful acts by the United States of America, including, the usurpation, pillaging and prolonged illegal occupation of the Hawaiian Islands. These international wrongful acts, demand international remedy.

These violations have been repeatedly reported to UN bodies such as the Human Rights Commission, the Human Rights Committee, the Committee for the Elimination of Racial Discrimination and the Human Rights Council in the forms of shadow reports, petitions and interventions. To no avail.

At the first cycle of the UPR of the United States of America, Cuba queried the United States of America about its disposition of occupied territories. This was presumably referring to Alaska and Hawaii since the term “occupied” could not be applied to any other territory of the United States of America. The United States of America did not respond to the question.

At the second cycle of the UPR of the United States of America, Pakistan asked the United States of America to “Respond to the suggestion made by the Special Procedures in paragraph 69(n) of report A/68/284 regarding the situations of Alaska, Hawaii and the Dakotas” signifying that these are international, not domestic matters. The United States of America did not respond to the question.

The prolonged, multiple violations of human rights began in 1893 when the United States of America landed fully armed troops in Honolulu to topple the government of the then Kingdom of the Hawaiian Islands, a sovereign, independent state then at peace with the world. This act of aggression by the United States of America, without warning or cause, constituted an unprovoked act of war in clear violation of international laws. Even more, it constituted a betrayal of the 100-plus years of treaties of peace, friendship and commerce between the two sovereign states. Intimidated by the United States of America, none of Hawaii’s 40 other treaty partners objected to the United States of America aggression or came to the aid of Hawaii.

Thus, the United States of America used regime change to take control of all aspects of the economic, social, educational, military and political aspects of the Hawaiian nation, reducing it to a captured territory of the United States of America.. The United States of America proceeded to impose the United States of America citizenship (a foreign nationality) upon the Hawaiian people and manipulating the international community to accept its claim of supremacy over the Hawaiian Islands. The wrongful occupation of the Hawaiian islands by the United States of America, is an international criminal act. Among its effects are egregious violations of human rights.

It is important to note that the seizure of the Hawaiian Islands by the United States of America set the precedent for the past 131 years of the United States of America foreign policy, fomenting regime change, war, exploitation, mass displacement, depriving the human rights of people all over the world.

1. The Hawaii was not annexed by any legal means. After two failed attempts, in 1893 and in 1897 to annex the Hawaiian Islands by treaty, the United States of America resorted to outright deceit, using an illegitimate Joint Resolution of Congress,(i) to give the appearance of a legitimate the United States of America’s acquisition of Hawaii.

2. In 1946, ignoring international law and the UN Charter, the United States of America concealed the true status of the Hawaiian Kingdom as a sovereign state under occupation, and falsely presented “Hawaii” as a territory of the United States of America to be decolonized by listing Hawaii as a Non-Self-Governing Territory (NSGT) under the United Nations.(ii) The United States of America began immediately to draft legislation to absorb Hawaii as a state of the United States of America. The first Statehood Bill was sent to Congress in 1947.(iii) Hawaiians filed suit in 1948 to stop the expenditure of public funds to ‘propagandize’ for statehood, but the United States of America territorial courts denied their petition.(iv)
3. On September 17, 1959, the United States of America informed the United Nations that a “new Constitution” had been adopted in Hawaii and that a referendum was conducted and that the “people of Hawaii” had consented to be incorporated into the United States of America; that the United States of America had granted statehood and would no longer transmit information about Hawaii as a non-self-governing territory under Article 73 e of the UN Charter.(v)
4. The ballot for the Statehood referendum by which Hawaii was incorporated into the United States of America failed to provide the required options for a legitimate exercise of self-determination — nor did the United Nations supervise the referendum. Consequently, the United States of America manipulated the referendum to create the appearance that the people of Hawaii consented become incorporated into the United States of America. There were three major flaws with the referendum.
5. First major flaw: Only the United States of America citizens were allowed to vote, including the United States of America military personnel and their dependents.(vi) Hawaiian people, the actual “self” in “self-determination”, were excluded from voting.
6. Second major flaw: The United States of America failed to inform Hawaiian people of other forms of self-government such as independence or free association. The lack of other options invalidates the referendum.
7. Third flaw: The referendum and the statehood act fail to designate the boundaries of the “state of Hawaii”, leaving the state with no specified area.
8. Thus, the political aspirations of the Hawaiian by a process of self-determination was hijacked and in fact, denied.
9. Following “Statehood” and by virtue of Sections 4 and 5 of the state of Hawaii Constitution, native Hawaiians were systematically dispossessed of their lands, homes and resources and were made wards of the state. Hawaiian people’ private properties were seized... Pursuant to Section 5(f) of the Constitution, the ‘trusts’ were created for those with 50% blood quantum. Hawaiians of less than 50% were excluded from those trust benefits.(vii)
10. Today, the United States of America policy discriminates against Hawaiian people depriving them of basic civil rights, human rights and political rights. Hawaiian people living in the Hawaiian Islands are routinely denied basic rights.(viii) Because of this, Hawaiian programs and federal funding are now being challenged as racially motivated classifications (See the United States of America Periodic Report, para. 29-32);
11. The most egregious Human right violations in the Hawaiian Islands stem from the illegal, prolonged occupation of Hawaii by the United States of America, empowered by the UN ... is what Dr. Alfred M. deZayas the former Independent Expert for a democratic order described in a 2017 memorandum as, “a strange form of occupation.”(ix)

The International Committee for the Indigenous Peoples of the Americas and Koani Foundation call on the Human rights Council to appoint a special rapporteur or independent expert or other such official to conduct an in-country investigation of the human rights violations being perpetrated in the Hawaiian Islands by the United States of America.

Koani Foundation Hawaii, NGO(s) without consultative status, also share the views expressed in this statement.

- (i) Native Hawaiian Study Commission Report on the Culture, Needs and Concerns of Native Hawaiians (June 23, 1983, pp 300-303)
- (ii) General Assembly Resolution 66 (I) 14 Dec. 1946
- (iii) U.S. Congress, Statehood for Hawaii, House of Representatives, 80th Cong. 1st Sess, H.R. 49, Washington G.P.O. 1947)
- (iv) “Kamokila Campbell Files Statehood Suit”, Honolulu Advertiser, Jan. 18, 1948, p. 1 and p. 6
- (v) Cessation of the Transmission of information under Article 73 e, UNGA Doc. No. A/4226, 24 Sept. 1959, pp 99 -103, Exhibit 9)
- (vi) Islands in Captivity, The Road to Colonization, Milestones of Hawaii’s Interaction with the West, Islands in Capacity, Record of the International Tribunal of the Rights of Indigenous Hawaiians, compiled and edited by Ward Churchill and Sharon H. Venne, South End Press (2004), p. XXXV; See also Exhibit 8 the ballot; and Exhibit 9
- (vii) Official Records of the General Assembly, 14th Sess. Annexes, 15 Sept. - 13 Dec. (1959), pp. 99 – 103, Doc. A/4226
- (viii) U.S. Periodic Report to ICCPR, Para. 9 – 25)
- (ix) Memorandum to Members of the Judiciary for the State of Hawaii, Dr. Alfred M. deZayas, 25 February 2017