

OFFICE OF THE HEAD OF STATE
Pu`uhonua O Waimanalo Village, Waimanalo, Oahu

EXECUTIVE ORDER: 95-001

April 11, 1995

THE REFUGE ACT

By virtue of the authority vested in me by the Proclamation of Restoration of the Sovereign and Independent Nation State of Hawai`i of January 16, 1994, Resolution 94-006 of the Provisional Government of March 6, 1994, the Hawai`i Constitution of October 9, 1994 and the Hawai`i Constitution of January 16, 1995, Article VIII, Section 4.(e), the Declaration of National State of Emergency of January 17, 1995, and, finally by Natural Law of Na Kupuna o Hawai`i as the Head of State it is ordered as follows:

PURPOSE, POLICY AND IMPLEMENTATION

Terms and Definitions

The Refuge Act: In harmony with the cultural heritage and traditional values of Hawai`i there is established a new Pu`uhonua "Refuge Act" for the purpose of National and International peace and security for any individual no matter what the penalty or the avenger. Refuge in this law represents a superior law over all else and second only to the word of God. It shall protect and guard against any further abuses of our government and people and may be utilized by the Head of State during this State of Emergency for any reasons he deems necessary and required. The Refuge Act gives to the Head of State the Powers to act on behalf of the people in any order of business with the Full Authority of a country as an independent State with International Treaties, Conventions and Agreements. The laws of Hawai`i are carefully placed into The Refuge Act and shall remain within its protection until such a time that the Head of State shall terminate the State of Emergency and Transition of Hawai`i as an Independent State: Safe and Free.

The definition and use of the term "The Refuge Act" shall not be amended or altered in anyway and the contents therein shall be utilized to the fullest power of law under Present Law and Universal Law and shall remain the supreme authority of law throughout the transition.

International Treaties, Conventions and Agreements: In 1893 the United States breached the core principle of International Law by abridging their trust obligation to uphold the measures of the treaties they were in signatory with Hawai`i. Therefore the Treaties with the United States are violated and due to be addressed in the International Court of Justice. Because of this unlawful act the United States is also required to make a new treaty with Hawai`i should it be agreed upon by both parties at such time that the final business of Transition is addressed under the observations of the United Nations and under the Present Law.

The 31 treaties with other member states or destructed states were unlawfully abrogated by the United States and informally abrogated by those in signatory; and therefore considered valid by Hawai`i and in need of review.

Transition: Transition is the process by which Hawai`i will succeed the illegal and alien military occupation of the United States and all her officials, and; the transfer of archives, debts and properties, and; land and natural resources of the Hawai`i Archipelago as defined in the Proclamation of Restoration to Hawai`i under Present Law.

Present Law: Present Law refers to the Hawai`i Constitution of 16 of January 1995 and an International Instrument with powers to hold accountable to its principles any and all actions enacted with or without notice of said powers to answer and serve the delivery of its consequences at any time. Further it is the measuring rod of this government upon all at such a time that our Kupuna Council shall render judgement of all crimes against humanity that has been committed as destructive means to destroy the inherent right of self-determination and self-governance of the Kanaka Maoli people and the punishment in harmony with International Law shall be the conditions for adoption by the Legislative General Assembly into force.

Executive Acts: Policy, Standards, Principles, Laws, Orders, Instruments, Mechanisms established for the purpose of proper and ethical governance of the Nation and shall be considered lawful powers.

The extraordinary circumstances of Transitional Preparedness requires the immediate actions by my office as the Head of State to do the following:

Article I. Make appointment of Ministers to delegate wide range of authority to and provide coordination of their offices on each island to directly transition between state and the predecessor agencies and their officers.

Article II. Execute Executive Acts to enact the Supreme Ka Ho`okolokolo Nui and thereby establish their jurisdictions of: International Customary Law, Common Law, Commercial Law, Statutory Law and the recognition of international instruments, Constitutions, Conventions and Agreements as deemed necessary and appropriate by the Attorney General for the purpose of handling the affairs of any claim, case, transaction, custom and usage, recordation or dispute presented under the Hawai`i Constitution 1995 (hereinafter referred to as "present law").

Article III. Establish Policy and Standards for the purpose of managing the affairs of the developing independent State.

Article IV. Issue Executive Orders to provide processes, instruments and mechanisms for the advancement of the developing independent State. The powers of this act has developed due to the State of Emergency which has been declared by my office as the Head of State with the lawful authority given me to uphold and lead this country to the dawn of Independence for my people.

By these inherent virtues I also establish this as an organic document of law which is created to keep in order the Business of the Nation and the International Affairs of the Nation as we further develop our Country and Government Structure. To provide present law with the internal network of record to be presented for review and adoption by the Legislative General Assembly in the special convening of the Assembly on transition. These sessions may be extended as may be deemed necessary so as to give the new legislature the opportunity to be in control of the overwhelming recordation, comprehension, reviews and adoption or termination due to the transition of states.

The format of this order is developed to assist in the management of order among principles for the purpose of reference and growth. Article I. Ministries of the Nation shall have the numbers §101 through §199 dedicated to its development; Article II. Executive Acts, shall have the numbers §201 through §299 dedicated to its' development; Article III. Policy and Standards shall have the numbers §301 through §399 dedicated to its' development; and, Article IV. Legal Instruments and Mechanisms shall have the numbers §401 through §499 dedicated to its' development; all of these are subject to change when the legislative body is in place.

Article I - §101.(a) - Ministries of the Nation

This Article defines the basic responsibilities and aims of each ministry of the Nation. The Ministers which I appoint shall work to develop charters and assist the Legislative General Assembly in developing appropriate provisions through law making to organize and maintain the Business of the Nation in the advancement of Transition and Independence. Therefore I hereby establish thirteen Ministries of the Nation.

§ 101.1 - Ministry of Agriculture

The Ministry of Agriculture benefits all Citizens daily. It works to improve and maintain farm income and to develop and expand markets abroad for agricultural products. The Ministry helps to curb and to cure poverty, hunger, and malnutrition. It works to enhance the environment and to maintain our production capacity by helping landowners protect the soil, water, forests, and other natural resources. Rural development, credit and conservation programs are key resources for carrying out national growth policies. Ministry research findings directly or indirectly benefit all Citizens of the Nation. The Ministry, through inspection and grading services, safeguards and ensures standards of quality in the daily food supply.

§ 101.2 - Ministry of Commerce

The Ministry of Commerce encourages, serves and promotes the Nation's international trade, economic growth, and technological advancement. Within this framework and together with a policy of promoting the national interest through the encouragement of the competitive free enterprise system, the Ministry provides a wide variety of programs. It offers assistance and information to increase Citizen's competitiveness in the world economy; administers programs to prevent unfair foreign trade competition;

provides social and economic statistics and analysis for business and government planners; provides research and support for the increased use of scientific, engineering, and technological development; works to improve our understanding and benefits of the Earth's physical environment and oceanic resources; grants patents and registers trademarks; develops policies and conducts research on telecommunications; provides assistance to promote domestic economic development; promotes travel to the Nation of Hawai'i by residents of foreign countries; and assists in the growth of minority businesses.

§101.3 - Ministry of Defense

The Ministry of Defense is responsible for providing the military and para-military forces needed to deter war as well as to protect and maintain the peace & security of the country.

§ 101.4 - Ministry of Education

The Ministry of Education is the Cabinet-level Ministry that establishes policy for, administers, and coordinates most Federal assistance to education.

§101.5 - Ministry of Energy

The Ministry of Energy provides the framework for a comprehensive and balanced national energy plan through the coordination and administration of the energy functions of the National Government. The Ministry is responsible for long-term, high-risk research and development of energy technology; the marketing of national power; energy conservation; the nuclear weapons programs; energy regulatory programs; and a central energy data collection and analysis program.

§101.6 - Ministry of Foreign Affairs

The Ministry of Foreign Affairs advises the Head of State in the formulation and execution of foreign policy. As Chief Executive, the Head of State has overall responsibility for the foreign policy of the Nation. The Ministry's primary objective in the conduct of foreign relations is to promote the long-range security and well-being of the Nation.

The Ministry determines and analyzes the facts relating to Citizens overseas interests, makes recommendations on policy and future action, and takes the necessary steps to carry out established policy. In so doing, the Ministry of Foreign Affairs engages in continuous consultations with the Hawaiian public, the Legislative General Assembly, other Ministries and Agencies, and foreign governments; negotiates treaties and agreements with foreign nations; speaks for the Nation in the United Nations and other international organizations in which the Nation participates.

§101.7 - Ministry of Health and Human Services

The Ministry of Housing and Urban Development is the principal National agency responsible for programs concerned with the Nation's housing needs, fair housing opportunities, and improvement and development of the Nation's communities.

In carrying out its responsibilities, the Ministry administers a wide variety of programs, including; National Housing Administration mortgage insurance programs that help families become homeowners and facilitate the construction and rehabilitation of rental units; rental assistance programs for lower-income families who otherwise could not afford decent housing; the national mortgage securities to ensure adequate assistance; programs to combat housing discrimination and affirmatively advance fair housing; programs that aid community and neighborhood development and preservation; and programs to help protect the home buyer in the marketplace. The Ministry also takes steps to encourage a strong private sector initiatives, public/private sector partnerships, and public entrepreneurship.

§101.8 - Ministry of Land and Natural Resources

The Ministry of Land and Natural Resources is the Nation's principal conservation agency, the Ministry has the responsibility for most of our nationally owned public lands and natural resources. This includes fostering sound use of our land and water resources; protecting our fish, wildlife, and biological diversity; preserving the environmental and cultural values of our national parks and historical places; and providing for the enjoyment of life through outdoor recreation.

The Ministry assesses our mineral resources and works to ensure that their development is in their best interests of all our people by encouraging stewardship and citizen participation in their care. The Ministry also has a major responsibility for Hawaiian communities and for people who live in island territories under Hawaiian Administration.

§101.9 - Ministry of Justice

The Ministry of Justice is the largest law firm in the Nation and serves as counsel for its citizens. It represents them in enforcing the law in the public interest Through its thousands of lawyers, investigators, and agents. The Ministry plays the key role in protection against criminals and subversion, in ensuring healthy competition of business in our free enterprise system, in safeguarding the consumer, and in enforcing drug, immigration, and naturalization laws. The Ministry also plays a significant role in protecting citizens through its efforts for effective law enforcement, crime prevention, crime detection, and prosecution and rehabilitation of offenders.

§101.10 - Ministry of Labor

The purpose of the Ministry of Labor is to foster, promote, and develop the welfare of the wage earners of the Nation of Hawai'i, to improve their working conditions, and to advance their opportunities for profitable employment. In carrying out this mission, the Ministry administers a variety of National labor laws guaranteeing workers' rights to safe and healthful working conditions, a minimum hourly wage and overtime pay, freedom from employment discrimination, unemployment insurance, and workers' compensation. The Ministry also protects workers' pension rights; provides for job training programs; helps workers find jobs; works to strengthen free collective bargaining; and keeps track of changes in employment, prices, and other national economic measurements. As the Ministry seeks to assist all Citizens who need and want to work, special efforts are made to meet the unique job market problems of: older workers, women, youths, minority group members, the handicapped, and other groups.

§101.11 - Ministry of Transportation

The Ministry of Transportation establishes the Nation's overall transportation policy. Under its umbrella there are administrators whose jurisdictions include: highway planning, development, and construction; urban mass transit; railroads; aviation; and the safety of waterways, ports, highways, and oil and gas pipelines. Decisions made by the Ministry in conjunction with the appropriate State and local officials strongly affect other programs such as land planning, energy conservation, scarce resource utilization, and technological change.

§101.12 - Ministry of the Treasury

The Ministry of the Treasury performs four basic functions: formulating and recommending economic, financial, tax, and fiscal policies; serving as financial agent for the Government; enforcing the law; and manufacturing coins and currency.

§101.13 - Ministry of Veteran's Affairs

The Ministry of Veteran's Affairs operates programs to benefit veterans and members of their families. Benefits include compensation payments for disabilities or death related to military service; pensions; education and rehabilitation; home loan guaranty; burial; and medical care program incorporating nursing homes, clinics, and medical centers.

Because of our unique situation the Ministry shall oversee the aforementioned affairs to ensure that all due compensation in all forms be administered appropriately and will also be responsible for investigation studies to make determinations of the needs of veteran's and ensure their betterment.



Pu'uhonua K. Kanahale