
HOUSE CONCURRENT RESOLUTION

EXPRESSING SUPPORT FOR, AND URGING THE INTERNATIONAL AND
DOMESTIC REPATRIATION OF, NATIVE HAWAIIAN ART, CULTURAL
ITEMS, AND IWI KUPUNA.

1 WHEREAS, the United Nations Declaration on the Rights of
2 Indigenous Peoples of 2007 affirms in Articles 11 and 12 that it
3 is the right of indigenous peoples to maintain, protect, and
4 develop their artistic and cultural artifacts and directs member
5 states to seek repatriation, and in certain cases redress, for
6 items inappropriately or unlawfully taken; and

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8 WHEREAS, the United Nations Educational, Scientific and
9 Cultural Organization (UNESCO) reported in 2013 that, along with
10 trafficking in drugs and arms, the black market of historic
11 artistic and cultural items constitutes one of the most
12 persistent illegal trades in the world, reaching an estimated
13 value of \$60,000,000,000 globally; and

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15 WHEREAS, the UNESCO 1970 Convention on the Means of
16 Prohibiting and Preventing the Illicit Import, Export and
17 Transfer of Ownership of Cultural Property provided the first
18 international legal framework to combat illicit trafficking of
19 cultural property in times of peace and has been ratified by one
20 hundred twenty-seven countries including the United States; and

21
22 WHEREAS, the United Nations Intergovernmental Committee for
23 Promoting the Return of Cultural Property to its Countries of
24 Origin or its Restitution in case of Illicit Appropriation,
25 established in 1978, works to promote bilateral and multilateral
26 cooperation, negotiation, restitution, and general public
27 awareness for the repatriation of cultural goods; and



1 WHEREAS, the Native American Graves Protection and
2 Repatriation Act of 1990 established penalties for those who
3 sell, purchase, use for profit, or transport for sale or profit
4 any Native American or Native Hawaiian cultural item obtained in
5 violation of the Act; and

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7 WHEREAS, the Hawaii State Constitution affirms the
8 importance of conserving historic or cultural places, objects,
9 and art, and subsequent statutes established penalties for those
10 who unlawfully reproduce, forge, sell, or exchange historic
11 objects, as well as for those who unlawfully transport iwi
12 kupuna out of the State; and

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14 WHEREAS, Native Hawaiian art, cultural items, iwi kupuna,
15 and other historic artifacts are indispensable parts of Native
16 Hawaiian culture and the culture of Hawaii as a whole and yet
17 tragically have been subject to inappropriate or illegal theft
18 and transfer away from these islands; and

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20 WHEREAS, among these items located abroad or out of state
21 include 'aha 'ula, mahiole, kahili, pohaku ku'i 'ai, papa ku'i 'ai,
22 pahu, ipu, leiomano, niho palaoa, kapa, kapa pounders, ki'i, and
23 ancestral remains; and

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25 WHEREAS, Native Hawaiian art and cultural items are
26 preservations of masterful craftwork and highly refined
27 techniques revered across the Pacific, which are tragically in
28 danger of becoming a lost art with each passing generation; and

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30 WHEREAS, these artifacts are crucial elements in
31 understanding and perpetuating traditional ceremonial
32 procedures, culinary practices, warfare, music, political
33 structures, dress, and other facets of the complex social,
34 political, economic, spiritual, and intellectual fabric of
35 Native Hawaiian society; and

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37 WHEREAS, artifacts lost from Hawaii are not limited to
38 those of Ancient Hawaii, but include an estimated five thousand
39 items that remain missing from 'Iolani Palace following the
40 overthrow of the Kingdom of Hawaii, including Kalakaua's bedroom
41 suite, military items in private collections, the Gothic Revival



1 Hutch last seen at the demolished Haleiwa Hotel, the King's
2 Library Venus de Milo plaster cast, and the spelter statues; and
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4 WHEREAS, the unlawful or inappropriate removal of these
5 items from the islands of Hawaii represents a deplorable robbery
6 from future generations of Native Hawaiians of their identity,
7 ancestral connection, and opportunities for revitalization and
8 perpetuation of their culture; and
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10 WHEREAS, the unlawful or inappropriate removal of these
11 items from the islands of Hawaii is a detriment to all future
12 generations of Hawaii's collective community; and
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14 WHEREAS, the Legislature acknowledges there are certain
15 instances in which historic Native Hawaiian artifacts have
16 legitimate reasons to be placed abroad or in the continental
17 United States, such as the willful exchanges that occurred with
18 voyagers or gifts sent by the Kingdom of Hawaii to other
19 nations; and
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21 WHEREAS, in certain appropriate and lawful instances, these
22 artifacts may serve as their own cultural ambassadors by
23 providing education or advancing research, as well as providing
24 opportunities for Native Hawaiian and former Hawaii residents to
25 connect to Hawaii's history and heritage even if they no longer
26 live in the State; now, therefore,
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28 BE IT RESOLVED by the House of Representatives of the
29 Thirty-first Legislature of the State of Hawaii, Regular Session
30 of 2021, the Senate concurring, that this body expresses its
31 support for, and urges the international and domestic
32 repatriation of, Native Hawaiian art, cultural items, and iwi
33 kupuna; and
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35 BE IT FURTHER RESOLVED that this body recognizes the work
36 of the United Nations Intergovernmental Committee for Promoting
37 the Return of Cultural Property to its Countries of Origin or
38 its Restitution in case of Illicit Appropriation and strongly
39 urges UNESCO and its member states to protect Native Hawaiian
40 artifacts; and



1 BE IT FURTHER RESOLVED that this body recognizes the work
2 of the federal government to repatriate indigenous artifacts and
3 respectfully urges the Secretary of the Interior, Secretary of
4 State, Secretary of Commerce, Secretary of Homeland Security,
5 and United States Attorney General to consult with Native
6 Hawaiian organizations and communities in repatriating Native
7 Hawaiian art, cultural items, and burial remains; and
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9 BE IT FURTHER RESOLVED that this body respectfully urges
10 the Secretary of the Interior, Secretary of State, Secretary of
11 Commerce, Secretary of Homeland Security, and United States
12 Attorney General to work to determine the scope of illegal
13 trafficking of these items domestically and internationally and
14 develop methods and explicit regulations to prevent its
15 proliferation; and
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17 BE IT FURTHER RESOLVED that the Governor, Department of
18 Land and Natural Resources, and Hawaii State Historic
19 Preservation Division are urged to continue cooperation with
20 domestic and international entities to encourage, conduct, and
21 facilitate repatriation efforts; and
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23 BE IT FURTHER RESOLVED that certified copies of this
24 Concurrent Resolution be transmitted to the Secretariat of the
25 United Nations Permanent Forum on Indigenous Issues, Chairperson
26 of the United Nations Intergovernmental Committee for Promoting
27 the Return of Cultural Property to its Countries of Origin or
28 its Restitution in case of Illicit Appropriation, Secretary of
29 State, Secretary of Commerce, United States Attorney General,
30 Secretary of the Interior, Secretary of Homeland Security,
31 Manager of the Federal Bureau of Investigation Art Crime Team,
32 Executive Director of the Bureau of Educational and Cultural
33 Affairs, members of Hawaii's Congressional Delegation, Governor,
34 Lieutenant Governor, Chairperson of the Board of Land and
35 Natural Resources, Administrator of the State Historic
36 Preservation Division, Chief Executive Officer of the Office of
37 Hawaiian Affairs, President and Chief Executive Officer of the
38 Council for Native Hawaiian Advancement, President of Bishop
39 Museum, and Director of the Friends of 'Iolani Palace.

