
HOUSE CONCURRENT RESOLUTION

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

1 WHEREAS, articles 11 and 12 of the United Nations
2 Declaration on the Rights of Indigenous Peoples of 2007 affirm
3 the rights 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 UNESCO 1970 Convention on the Means of
9 Prohibiting and Preventing the Illicit Import, Export and
10 Transfer of Ownership of Cultural Property provided the first
11 international legal framework to combat illicit trafficking of
12 cultural property in times of peace and has been ratified by one
13 hundred twenty-seven countries including the United States; and
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15 WHEREAS, in 1978 the United Nations established the
16 Intergovernmental Committee for Promoting the Return of Cultural
17 Property to its Countries of Origin or its Restitution in case
18 of Illicit Appropriation to promote bilateral and multilateral
19 cooperation, negotiation, restitution, and general public
20 awareness for the repatriation of cultural goods; and
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22 WHEREAS, the Native American Graves Protection and
23 Repatriation Act of 1990 (NAGPRA) established penalties for
24 those who sell, purchase, use for profit, or transport for sale
25 or profit any Native American or Native Hawaiian cultural item
26 obtained in violation of the Act; and
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28 WHEREAS, in 2013, the United Nations Educational,
29 Scientific and Cultural Organization (UNESCO) reported that the
30 black market of historic artistic and cultural items constitutes



1 one of the most persistent illegal trades in the world, reaching
2 an estimated value of \$60,000,000,000 globally; and
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4 WHEREAS, article XI, section 9, of the Hawaii State
5 Constitution affirms the importance of conserving historic or
6 cultural places, objects, and art; and
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8 WHEREAS, 18 U.S.C. 1170 established penalties for those who
9 unlawfully reproduce, forge, sell, or exchange historic objects,
10 as well as for those who unlawfully transport iwi kupuna out of
11 the State; and
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13 WHEREAS, cultural and historic artifacts such as Native
14 Hawaiian art and iwi kupuna are indispensable parts of Native
15 Hawaiian culture and have been subject to inappropriate or
16 illegal theft and transfer; and
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18 WHEREAS, among these items located abroad include 'ahu 'ula
19 (feather cloak or cape), mahiole (feather helmets), kähili
20 (feather standard, symbolic of royalty), pohaku ku'i 'ai (poi-
21 pounding stone), papa ku'i 'ai (poi-pounding board), pahu (drum),
22 ipu (guard), leiomano (weapons made of large shark teeth), niho
23 palaoa (whale-tooth pendant), kapa (fabric), kapa pounders, ki'i
24 (image or statutes), and ancestral remains; and
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26 WHEREAS, Native Hawaiian art and cultural items are
27 preservations of masterful craftwork and highly refined
28 techniques revered across the Pacific, which are tragically in
29 danger of becoming a lost art with each passing generation; and
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31 WHEREAS, these artifacts are crucial elements in
32 understanding and perpetuating traditional ceremonial
33 procedures, culinary practices, warfare, music, political
34 structures, dress, and other facets of the complex social,
35 political, economic, spiritual, and intellectual fabric of
36 Native Hawaiian society; and
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38 WHEREAS, the unlawful or inappropriate removal of these
39 items from Hawaii represents a deplorable robbery from future
40 generations of their identity, ancestral connection, and
41 opportunities for revitalization and perpetuation of their
42 culture; and
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1 WHEREAS, artifacts lost from Hawaii are not limited to
2 those of ancient Hawaii, but include an estimated five thousand
3 items that remain missing from 'Iolani Palace following the
4 overthrow of the Kingdom of Hawaii, including Kalakaua's bedroom
5 suite, military items in private collections, the Gothic Revival
6 Hutch last seen at the demolished Haleiwa Hotel, the King's
7 Library Venus de Milo plaster cast, and spelter statues; and
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9 WHEREAS, the Legislature acknowledges there are certain
10 instances in which historic Native Hawaiian artifacts have
11 legitimate reasons to be placed abroad or in the continental
12 United States, such as the willful exchanges that occurred with
13 voyagers or gifts sent by the Kingdom of Hawaii to other
14 nations; and
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16 WHEREAS, in certain appropriate and lawful instances, these
17 artifacts may serve as their own cultural ambassadors by
18 providing education or advancing research, as well as providing
19 opportunities for Native Hawaiians and other Hawaii residents to
20 connect to Hawaii's history and heritage; now, therefore,
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22 BE IT RESOLVED by the House of Representatives of the
23 Thirty-first Legislature of the State of Hawaii, Regular Session
24 of 2021, the Senate concurring, that this body expresses its
25 support for, and urges the international and domestic
26 repatriation of Native Hawaiian art, cultural items, and iwi
27 kupuna; and
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29 BE IT FURTHER RESOLVED that this body recognizes the work
30 of the United Nations Intergovernmental Committee for Promoting
31 the Return of Cultural Property to its Countries of Origin or
32 its Restitution in case of Illicit Appropriation and strongly
33 urges UNESCO and its member states to protect Native Hawaiian
34 artifacts; and
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36 BE IT FURTHER RESOLVED that this body recognizes the work
37 of the federal government to repatriate indigenous artifacts and
38 respectfully urges the Secretary of the Interior, Secretary of
39 State, Secretary of Commerce, Secretary of Homeland Security,
40 and United States Attorney General to consult with Native
41 Hawaiian organizations and communities in repatriating Native
42 Hawaiian art, cultural items, and burial remains; and
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1 BE IT FURTHER RESOLVED that this body respectfully urges
2 the Secretary of the Interior, Secretary of State, Secretary of
3 Commerce, Secretary of Homeland Security, and United States
4 Attorney General to work to determine the scope of illegal
5 trafficking of these items domestically and internationally and
6 develop methods and explicit regulations to prevent its
7 proliferation; and
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9 BE IT FURTHER RESOLVED that the Governor, Department of
10 Land and Natural Resources, and Hawaii State Historic
11 Preservation Division are urged to continue cooperation with
12 domestic and international entities to encourage, conduct, and
13 facilitate repatriation efforts; and
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15 BE IT FURTHER RESOLVED that certified copies of this
16 Concurrent Resolution be transmitted to the Secretariat of the
17 United Nations Permanent Forum on Indigenous Issues, Chairperson
18 of the United Nations Intergovernmental Committee for Promoting
19 the Return of Cultural Property to its Countries of Origin or
20 its Restitution in case of Illicit Appropriation, Secretary of
21 State, Secretary of Commerce, United States Attorney General,
22 Secretary of the Interior, Secretary of Homeland Security,
23 Manager of the Federal Bureau of Investigation Art Crime Team,
24 Executive Director of the Bureau of Educational and Cultural
25 Affairs, members of Hawaii's Congressional Delegation, Governor,
26 Lieutenant Governor, Chairperson of the Board of Land and
27 Natural Resources, Administrator of the State Historic
28 Preservation Division, Chief Executive Officer of the Office of
29 Hawaiian Affairs, President and Chief Executive Officer of the
30 Council for Native Hawaiian Advancement, President of Bishop
31 Museum, and Director of the Friends of 'Iolani Palace.

