

MAR 11 2022

SENATE CONCURRENT RESOLUTION

REQUESTING THE DEPARTMENT OF HAWAIIAN HOME LANDS TO ESTABLISH A
WORKING GROUP TO RETURN CROWN LANDS TO NATIVE HAWAIIANS.

1 WHEREAS, more than one hundred twenty-nine years ago, on
2 January 17, 1893, the Kingdom of Hawaii was overthrown with the
3 participation of agents and citizens of the United States,
4 effectively shattering the relationship that had existed between
5 the Kingdom of Hawaii and the United States; and
6

7 WHEREAS, the Hawaiian Kingdom was overthrown in violation
8 of international law, and the Provisional Government was
9 established in 1893, followed by the Republic of Hawaii, which
10 lasted from 1894 to 1898; and
11

12 WHEREAS, in 1898, when Hawaii was annexed to the United
13 States as a Territory, the Republic of Hawaii ceded the
14 remaining Crown and Government Lands to the United States, which
15 then became a public land trust; and
16

17 WHEREAS, the Crown Lands were originally part of the unique
18 personal domain of King Kamehameha III and became a collective
19 resource to support the Hawaiian monarchs and Hawaiian people;
20 and
21

22 WHEREAS, the Republic of Hawaii confiscated the Crown Lands
23 and merged them with the Government Lands and enacted the 1895
24 Land Act, establishing a homesteading program through which some
25 acreage was transferred into private ownership; and
26

27 WHEREAS, the Crown Lands were not truly "public" but were
28 an entitlement of the Hawaiian people as the beneficiaries of a
29 trust maintained by their monarch; and
30



S.C.R. NO. 125

1 WHEREAS, the lands taken by the Provisional Government in
2 1893, Republic of Hawaii in 1894, and United States in 1898 were
3 taken without the consent of or compensation to the Hawaiian
4 people, as acknowledged in the 1993 federal Apology Resolution
5 and comparable enactments of the Hawaii State Legislature; and
6

7 WHEREAS, in 1978, the State of Hawaii acknowledged the
8 consequences of these actions by significantly amending the
9 Hawaii State Constitution and enacting unprecedented legislation
10 relating to the Native Hawaiian community; and
11

12 WHEREAS, in 1993, the 103rd Congress enacted Public Law
13 103-150, as, in part, an official apology to Native Hawaiians on
14 behalf of the people of the United States for the overthrow of
15 the Kingdom of Hawaii by agents and citizens of the United
16 States and the deprivation of the rights of Native Hawaiians to
17 self-determination; and
18

19 WHEREAS, the Apology Resolution confirms that the actions
20 of United States agents in the overthrow and occupation of the
21 monarchy violated treaties between the United States and the
22 sovereign Kingdom of Hawaii as well as the norms of
23 international law; and
24

25 WHEREAS, the 1993 federal Apology Resolution confirms that
26 one million eight hundred thousand acres of Crown and Government
27 Lands were thereafter ceded to the United States without the
28 consent of or compensation to the Native Hawaiian people or
29 their sovereign government, as a result of the United States'
30 annexation of Hawaii; and
31

32 WHEREAS, the Apology Resolution recognizes that the health
33 and well-being of the Native Hawaiian people are intrinsically
34 tied to their deep feelings for and attachment to the land; now,
35 therefore,
36

37 BE IT RESOLVED by the Senate of the Thirty-first
38 Legislature of the State of Hawaii, Regular Session of 2022, the
39 House of Representatives concurring, that the Department of
40 Hawaiian Home Lands is requested to establish a working group to
41 return Crown Lands to Native Hawaiians (Crown Lands Working
42 Group); and



1
2 BE IT FURTHER RESOLVED that the Crown Lands Working Group
3 is requested to identify and report on:

- 4
5 (1) Which Crown Land tax map keys should be prioritized
6 for return to Native Hawaiians; and
7
8 (2) Which entity or entities should receive the land from
9 the State and assume responsibility for management of
10 those lands in perpetuity; and
11

12 BE IT FURTHER RESOLVED that the Crown Lands Working Group
13 consist of the following individuals, or their respective
14 designees:

- 15
16 (1) The Chairperson of the Hawaiian Homes Commission;
17
18 (2) The Chairperson of the Board of Trustees of the Office
19 of Hawaiian Affairs;
20
21 (3) The Director of the Ka Huli Ao Center for Excellence
22 in Native Hawaiian Law;
23
24 (4) A Native Hawaiian legal practitioner selected by the
25 Chairperson of the Hawaiian Homes Commission;
26
27 (5) The President and Chief Executive Officer of ALU LIKE,
28 Inc.;
29
30 (6) The President of the Executive Committee of the
31 Association of Hawaiian Civic Clubs;
32
33 (7) The President and Chief Executive Officer of the
34 Council for Native Hawaiian Advancement;
35
36 (8) The President of the Executive Board of the Native
37 Hawaiian Education Association; and
38
39 (9) The Executive Director of Papa Ola Lokahi, Inc.; and
40

41 BE IT FURTHER RESOLVED that the Crown Lands Working Group
42 is requested to select a chairperson from among its members; and



S.C.R. NO. 125

1
2 BE IT FURTHER RESOLVED that the Crown Lands Working Group
3 is requested to submit a report of its findings and
4 recommendations, including any proposed legislation, to the
5 Legislature no later than twenty days before the convening of
6 the Regular Session of 2023; and

7
8 BE IT FURTHER RESOLVED that certified copies of this
9 Concurrent Resolution be transmitted to the Governor;
10 Chairperson of the Hawaiian Homes Commission; Chairperson of the
11 Board of Trustees of the Office of Hawaiian Affairs; Director of
12 Ka Huli Ao Center for Excellence in Native Hawaiian Law;
13 President and Chief Executive Officer of ALU LIKE, Inc.;
14 President of the Executive Committee of the Association of
15 Hawaiian Civic Clubs; President and Chief Executive Officer of
16 the Council for Native Hawaiian Advancement; President of the
17 Executive Board of the Native Hawaiian Education Association;
18 and Executive Director of Papa Ola Lokahi, Inc.

19
20
21

OFFERED BY: _____

