



The Senate

STATE CAPITOL
HONOLULU, HAWAII 96813

April 25, 2014

Ramin Bastani, CEO
Qpid.me, Inc.
7162 Beverly Boulevard # 238
Los Angeles, CA 90036

RE: Joint Statement by the Hawai'i State Senate Hawaiian Affairs Caucus and the Office of Hawaiian Affairs

Aloha mai,

The Hawai'i State Senate Hawaiian Affairs Caucus and the Office of Hawaiian Affairs have issued the joint statement to Ramin Bastani, CEO of Qpid.me, Inc. and producer of the "Hula" application designed to facilitate information sharing regarding sexually transmitted diseases:

The Office of Hawaiian Affairs (OHA) and the Hawai'i State Legislature Hawaiian Affairs Caucus (Hawaiian Affairs Caucus) express our great disappointment in the choice of name for the "Hula" application, and urge Ramin Bastani, CEO of Qpid.me, Inc., to cease the use of this cultural practice and Native Hawaiian intellectual property for the branding of his commercial product.

OHA and the Hawaiian Affairs Caucus appreciate and respect efforts relating to STD awareness and prevention. However, we find that the use of the term "Hula" for the STD application is hewa (wrong) because it represents a highly insensitive, tactless and inappropriate misappropriation of a culturally sacred and cherished practice.

1. **Hula is a sacred Native Hawaiian cultural expression and important cultural property.**

The first hula, or sacred dance, was taught to the goddess Hi'iakaikapoliopole before she left on an epic journey across the Hawaiian Islands. It is in the spirit of these origins that Native Hawaiians practice hula, which encompasses traditional chants and songs to communicate genealogy and history, as well as to honor deities, nature and our ancestors.

The historical sexualization and commercialization of hula continue to adversely impact Native Hawaiian communities. Yet, in spite of these misappropriations, hula remains an important means of cultural survival during the nineteenth and twentieth centuries and allowed Native Hawaiians to construct powerful counter-narratives to the negative effects of depopulation, land alienation and the loss of political autonomy. Today, hula remains an important medium for the perpetuation and preservation of Native Hawaiian history and culture, and continues to be vital for the mental, physical and spiritual health of individuals as well as the Native Hawaiian community.

2. Naming a commercial product after a Native Hawaiian sacred cultural expression without meaningful consultation is inconsistent with state, international and the Native Hawaiian people's policies.

The state of Hawai'i has consistently and wisely granted a significant amount of deference to the Native Hawaiian community, in establishing policies and other guidance on the use and perpetuation of traditional knowledge and cultural expression, including hula. The Hawai'i State Constitution recognizes and protects Native Hawaiian traditional and customary rights, including cultural expressions and practices such as hula.¹ The state legislature has also affirmed "that the Native Hawaiian people are recognized as indigenous, traditional knowledge holders and that they have collective intellectual property rights."²

Additionally, the United States supports the United Nations Declaration on the Rights of Indigenous Peoples ("UNDRIP"), which confers upon indigenous peoples the right to maintain and control traditional knowledge, cultural traditions and intellectual property relating to their cultural heritage, traditional knowledge and traditional cultural expressions and manifestations.³ In 2003, the Native Hawaiian community developed the Paoakalani Declaration, which provides a framework for Native Hawaiian intellectual property and its use.⁴ The Paoakalani Declaration affirms the right of Native Hawaiians to exclude the use of cultural expressions for "those who would exploit, privatize, and unfairly commercialize our traditional knowledge, cultural expressions and art forms, natural resources, biological material, and intellectual properties."⁵

3. Conclusion

Our opposition to the naming of the Hula application is about ensuring the survival of Native Hawaiian culture. As one expert said, "the commodification of culture will, in every instance, destroy the consciousness of a people and yield deleterious results to Native Peoples' health, environment, and sustainability."⁶

¹ HAW. STATE CONST. ART. XII SEC. 7.

² S.C. Res.167, 22nd Leg. (Haw. 2004).

³ UNITED NATIONS DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLE ART. 31.

⁴ PAOKALANI DECLARATION (2003).

⁵ Id. ART. 4.

⁶ Danielle Conway-Jones, Awareness of Native Hawaiian traditional knowledge in a climate of Western commodification of culture. Industrial Biotechnology, Winter 2005. Available at <http://ssrn.com/abstract=1337116>.

For these reasons, we strongly urge Qpid.me, Inc. to stop branding the “Hula” application with a highly cherished Native Hawaiian cultural expression and associated imagery, and to engage in meaningful consultation with the Native Hawaiian community before any future use of such a cultural property.



Senator Brickwood Galuteria
Senate Majority Leader



Senator Malama Solomon, Ph.D.
Chair, Committee on Water and Land




Senator Clayton Hee
Chair, Judiciary Committee



Senator Kalani English
Chair, Transportation and International Affairs



Senator Maile Shimabukuro
Chair, Hawaiian Affairs Committee



Senator Gilbert Kahele
Chair, Tourism Committee



Senator Michelle Kidani
Vice Chair, Ways and Means Committee