



**Department of Land and Natural Resources
Aha Moku Advisory Committee
State of Hawaii
Post Office Box 621
Honolulu, Hawaii 96809**

Testimony of
Aha Moku Advisory Committee

Before the House Committee on Judiciary

Wednesday, April 3, 2019
2:00 p.m.
State Capitol, Conference Room 325

In SUPPORT OF HCR 155 / HR 142

Urging the Establishment of a Native Hawaiian Intellectual Property Task Force to Develop a Sui Generis Legal System to recognize and protect Native Hawaiian Cultural Intellectual Property, Traditional Cultural Expressions, and Genetic Resources.

Restored from the 9th Century by the translations of ancient oral chants by John Kaimikaua, a deeply respected kumu and historian, the Aha Moku Process (Aha Moku) was brought forward by over 200 kupuna and expert practitioners of many native Hawaiian traditional disciplines from each of the main Hawaiian Islands, in a series of public puwala and countless community meetings from 2004 to 2012. The Aha Moku was transformed into law via Act 288, SLH 2012, §171.4-5 HRS through the efforts of the Association of Hawaiian Civic Clubs. The Aha Moku is comprised of the archipelago of Hawaii – all the Hawaiian Islands including *Moku Manamana* (Northwest Hawaiian Islands). The traditional names used by each of the islands, prior to 1778 are: *Moku O Keawe* (Hawai'i Island), *Moku O Pi'ilani* (Maui), *Moku O Kanaloa* (Kaho'olawe), *Nana'i Kaula* (Lana'i), *Moloka'i Pule O'o* (Moloka'i), *Moku O Kakuhihewa* (Kaho'olawe), *Manokalanipo* (Kaua'i), and *Ka Aina O Kawelonakala* (Ni'ihau).

Each of the islands consist of moku and ahupua'a. Collectively, there are eight (8) *mokupuni* (islands) with their attached 46 *moku* (larger land districts) and 606 *ahupua'a* (smaller land districts) throughout the *Pae'Aina*. Each of the *moku* and *ahupua'a* have the traditional families still there, who have held on to the generational knowledge of their natural and cultural resources, their customs, and practices. And while collectively, as stated in the HCR 55, cultural expressions and art forms are expressed generally throughout the islands, it must be noted that every island is unique in their cultural expressions and dialects. These exclusive island-specific expressions and dialects must also be included in the protection of the Intellectual Property Task Force before they are forever lost, or misappropriated by researchers, authors, scientists, biotechnology corporations, universities, fashion and others.

Aha Moku is in strong support of HCR 155/HR 142 because a Native Hawaiian Intellectual Property Task Force that should develop ways to protect Native Hawaiian cultural property, expressions, and genetic resources is truly needed. We believe this task force will be able to protect not only the most well-known and general cultural expressions of Hawaii as a whole, but also to begin to recognize the unique differences in cultural practices and vocabularies that are exclusive and site-specific to each island. **Aha Moku does not wish to offend any of the notable organizations that are listed in the BE IT RESOLVED clause, but because the Aha Moku is already a law, and has access to the generational families of many of the ahupua'a within the State of Hawaii, we ask that we be added to the group from which the Task Force members will be selected.**

Respectfully yours,

Leimana DaMate

Aha Moku Advisory Committee, Phone: 808-640-1214, Email: Leimana.k.damate@hawaii.gov

HCR-155

Submitted on: 4/2/2019 11:04:01 AM

Testimony for JUD on 4/3/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Melodie Aduja	O`ahu County Democrats Legislative Priorities Committee	Support	No

Comments:



LATE

Luna O Na Papa Alakai

House Committee on Judiciary

Pelekikena
A. Makana Paris

Wednesday, April 3, 2019
2:00 pm House Conference Room 325
State Capitol
415 South Beretania Street

Hope Pekekikena
Ekahi
Randi Fernandez

Hope Pelekikena
Elua
Matthew Gumapac

Re: HR142/HCR155 - URGING THE ESTABLISHMENT OF A NATIVE HAWAIIAN INTELLECTUAL PROPERTY TASK FORCE TO DEVELOP A SUI GENERIS LEGAL SYSTEM TO RECOGNIZE AND PROTECT NATIVE HAWAIIAN CULTURAL INTELLECTUAL PROPERTY, TRADITIONAL CULTURAL EXPRESSIONS, AND GENETIC RESOURCES.

Puuku
Denise Kekuna

Kakauolelo Hoopaa
Sai Furukawa

Aloha Chair Chris Lee, Vice-Chair Joy San Buenaventura, and honorable members:

Kakauolelo Hooholo
Palapala
Kamuela Werner

The Prince Kūhiō Hawaiian Civic Club **SUPPORTS THE INTENT** of HR142/HCR155. The bill calls for the creation of the Native Hawaiian Intellectual Property Task Force to develop a sui generis legal system to recognize and protect Native Hawaiian cultural intellectual property, traditional cultural expressions, and genetic resources by various stakeholders and State agencies. At the 59th Annual Convention of the Association of Hawaiian Civic Clubs, the Association passed Resolution 2018-43, urging the State legislature to fund and establish a Native Hawaiian Intellectual property task force to develop a *sui generis* legal system to recognize and protect Native Hawaiian cultural intellectual property, traditional cultural expressions, and genetic resources.

Pelekikena Hala
Koke
Yvonne 'PeeWee'
Ryan

The development of a *sui generis* legislative system in the State of Hawaii could provide recognition of the full range of Native Hawaiian cultural products and expressions, and thus, empower the Native Hawaiian community to have better control of their culture. Moreover, a *sui generis* legislative system is one of the few ways to achieve a just solution to the problems faced by Native Hawaiians given the exploitation of their intellectual property rights by others.

Luna Alakai
Kuni Agard
Puamana Crabbe
Kanani Pali
Marlene Sai
Jennifer Smythe
Bruce Wong

Thus, the Prince Kūhiō Hawaiian Civic Club respectfully urges the Committee to **PASS** HR142/HCR155.

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96812

Mahalo nui loa.

www.pkhcc.org

Founded in 1964
by Liliuokalani
Kawananakoa Morris

Me ke aloha,


A. Makana Paris
Pelekikena
president@pkhcc.org



LATE

THE ASSOCIATION OF HAWAIIAN CIVIC CLUBS

Committee on Judiciary

Pō‘akolu, ‘Apelila 3, 2019
Lumi ‘Aha Kūkā 325
Ke Kapikala Moku ‘āina
415 South Beretānia Street

Re: HR142/HCR155 - URGING THE ESTABLISHMENT OF A NATIVE HAWAIIAN INTELLECTUAL PROPERTY TASK FORCE TO DEVELOP A SUI GENERIS LEGAL SYSTEM TO RECOGNIZE AND PROTECT NATIVE HAWAIIAN CULTURAL INTELLECTUAL PROPERTY, TRADITIONAL CULTURAL EXPRESSIONS, AND GENETIC RESOURCES.

Aloha Luna Ho ‘omalu Chris Lee, *Hope Luna Ho ‘omalu* Joy San Buenaventura and members of the House Committee on Judiciary:

The Association of Hawaiian Civic Clubs **SUPPORTS** HR142/HCR155. This measure requests the creation of a Native Hawaiian Intellectual Property Task Force to develop a sui generis legal system to recognize and protect Native Hawaiian cultural intellectual property, traditional cultural expressions, and genetic resources.

At its 59th Annual Convention, the Association passed Resolution 2018-43, URGING THE HAWAI‘I STATE LEGISLATURE TO FUND AND ESTABLISH A NATIVE HAWAIIAN INTELLECTUAL PROPERTY TASK FORCE TO DEVELOP A SUI GENERIS LEGAL SYSTEM TO RECOGNIZE AND PROTECT NATIVE HAWAIIAN CULTURAL INTELLECTUAL PROPERTY, TRADITIONAL CULTURAL EXPRESSIONS, AND GENETIC RESOURCES. The Association would join with other stakeholders and agencies of the state to endeavor to create a *sui generis* legal system that protects Native Hawaiian intellectual property.

Thus, the Association respectfully urges the committee to **PASS** HR142/HCR155.

The Hawaiian Civic Club movement was founded in 1918 by Congressional Delegate Prince Jonah Kūhiō Kalaniana‘ole with the creation of the Hawaiian Civic Club; the Association was

formally organized in 1959 and has grown to a confederation of over sixty (60) Hawaiian Civic Clubs located throughout the State of Hawai'i and the United States. The Association is the oldest Hawaiian community-based grassroots organization. The Association is governed by a 16-member Board of Directors; advocates for improved welfare of Native Hawaiians in culture, health, economic development, education, social welfare, and nationhood; and perpetuates and preserves language, history, music, dance and other Native Hawaiian cultural traditions.

Mahalo for allowing us to share our *mana* 'o.

Me ka 'oia 'i 'o,

Hailama Farden
Pelekikena

LATE

HCR-155

Submitted on: 4/3/2019 8:55:39 AM

Testimony for JUD on 4/3/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Kamuela Werner MPH	Individual	Support	No

Comments:

LATE

HCR-155

Submitted on: 4/3/2019 9:58:07 AM
Testimony for JUD on 4/3/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Juanita Kawamoto Brown	Individual	Support	No

Comments:

Mahalo nui loa for hearing this resolution .

I support this resolution, unamended.

The cultural manipulation and colonization by foreign corporate profiteers have for way to long abused our Native Hawaiian cultural practices and Intellectual properties. I am glad to see, in my lifetime, we are beginning to correct and define rhe protection and future for our Native Hawaiiian cultural rights for the many Hawaiiian generations to come.

Imua kÄ• kou.