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# HOUSE CONCURRENT RESOLUTION

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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  
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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

6  
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

13  
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

19  
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

24  
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

36  
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,  
27

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  
22

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.

