
HOUSE RESOLUTION

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 Article 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
20 one hundred twenty-seven countries including the United States;
21 and
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23 WHEREAS, the United Nations Intergovernmental Committee for
24 Promoting the Return of Cultural Property to its Countries of
25 Origin or its Restitution in case of Illicit Appropriation,
26 established in 1978, works to promote bilateral and multilateral
27 cooperation, negotiation, restitution, and general public
28 awareness for the repatriation of cultural goods; and
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30 WHEREAS, the Native American Graves Protection and
31 Repatriation Act of 1990 established penalties for those who
32 sell, purchase, use for profit, or transport for sale or profit



1 any Native American or Native Hawaiian cultural item obtained in
2 violation of the Act; and

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4 WHEREAS, the Hawaii State Constitution affirms the
5 importance of conserving historic or cultural places, objects,
6 and art, and subsequent statutes established penalties for those
7 who unlawfully reproduce, forge, sell, or exchange historic
8 objects, as well as for those who unlawfully transport iwi
9 kupuna out of the State; and

10
11 WHEREAS, Native Hawaiian art, cultural items, iwi kupuna,
12 and other historic artifacts, are indispensable parts of Native
13 Hawaiian culture and the culture of Hawaii as a whole, and yet
14 tragically have been subject to inappropriate or illegal theft
15 and transfer away from these islands; and

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17 WHEREAS, among these items located abroad or out of state
18 include 'aha 'ula, mahiole, kahili, pohaku ku'i 'ai, papa ku'i 'ai,
19 pahu, ipu, leiomano, niho palaoa, kapa, kapa pounders, ki'i, and
20 ancestral remains; and

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22 WHEREAS, Native Hawaiian art and cultural items are
23 preservations of masterful craftwork and highly refined
24 techniques revered across the Pacific, which are tragically in
25 danger of becoming a lost art with each passing generation; and

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27 WHEREAS, these artifacts are crucial elements in
28 understanding and perpetuating traditional ceremonial
29 procedures, culinary practices, warfare, music, political
30 structures, dress, and other facets of the complex social,
31 political, economic, spiritual, and intellectual fabric of
32 Native Hawaiian society; and

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34 WHEREAS, artifacts lost from Hawaii are not limited to
35 those of Ancient Hawaii, but include an estimated five thousand
36 items that remain missing from 'Iolani Palace following the
37 overthrow of the Kingdom of Hawaii, including Kalakaua's bedroom
38 suite, military items in private collections, the Gothic Revival
39 Hutch last seen at the demolished Haleiwa Hotel, the King's
40 Library Venus de Milo plaster cast, and the spelter statues; and



1 WHEREAS, the unlawful or inappropriate removal of these
2 items from the islands of Hawaii represents a deplorable robbery
3 from future generations of Native Hawaiians of their identity,
4 ancestral connection, and opportunities for revitalization and
5 perpetuation of their culture; and
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7 WHEREAS, the unlawful or inappropriate removal of these
8 items from the islands of Hawaii is a detriment to all future
9 generations of Hawaii's collective community; and
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11 WHEREAS, the Legislature acknowledges there are certain
12 instances in which historic Native Hawaiian artifacts have
13 legitimate reasons to be placed abroad or in the continental
14 United States, such as the willful exchanges that occurred with
15 voyagers or gifts sent by the Kingdom of Hawaii to other
16 nations; and
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18 WHEREAS, in certain appropriate and lawful instances, these
19 artifacts may serve as their own cultural ambassadors by
20 providing education or advancing research, as well as providing
21 opportunities for Native Hawaiian and former Hawaii residents to
22 connect to Hawaii's history and heritage even if they no longer
23 live in the State; now, therefore,
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25 BE IT RESOLVED by the House of Representatives of the
26 Thirty-first Legislature of the State of Hawaii, Regular Session
27 of 2021, that this body expresses its support for, and urges the
28 international and domestic repatriation of, Native Hawaiian art,
29 cultural items, and iwi kupuna; and
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31 BE IT FURTHER RESOLVED that this body recognizes the work
32 of the United Nations Intergovernmental Committee for Promoting
33 the Return of Cultural Property to its Countries of Origin or
34 its Restitution in case of Illicit Appropriation and strongly
35 urges UNESCO and its member states to protect Native Hawaiian
36 artifacts; and
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38 BE IT FURTHER RESOLVED that this body recognizes the work
39 of the federal government to repatriate indigenous artifacts and
40 respectfully urges the Secretary of the Interior, Secretary of
41 State, Secretary of Commerce, Secretary of Homeland Security,



1 and United States Attorney General to consult with Native
2 Hawaiian organizations and communities in repatriating Native
3 Hawaiian art, cultural items, and burial remains; and
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5 BE IT FURTHER RESOLVED that this body respectfully urges
6 the Secretary of the Interior, Secretary of State, Secretary of
7 Commerce, Secretary of Homeland Security, and United States
8 Attorney General to work to determine the scope of illegal
9 trafficking of these items domestically and internationally and
10 develop methods and explicit regulations to prevent its
11 proliferation; and
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13 BE IT FURTHER RESOLVED that the Governor, Department of
14 Land and Natural Resources, and Hawaii State Historic
15 Preservation Division are urged to continue cooperation with
16 domestic and international entities to encourage, conduct, and
17 facilitate repatriation efforts; and
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19 BE IT FURTHER RESOLVED that certified copies of this
20 Resolution be transmitted to the Secretariat of the United
21 Nations Permanent Forum on Indigenous Issues, Chairperson of the
22 United Nations Intergovernmental Committee for Promoting the
23 Return of Cultural Property to its Countries of Origin or its
24 Restitution in case of Illicit Appropriation, Secretary of
25 State, Secretary of Commerce, United States Attorney General,
26 Secretary of the Interior, Secretary of Homeland Security,
27 Manager of the Federal Bureau of Investigation Art Crime Team,
28 Executive Director of the Bureau of Educational and Cultural
29 Affairs, members of Hawaii's Congressional Delegation, Governor,
30 Lieutenant Governor, Chairperson of the Department of Land and
31 Natural Resources, Administrator of the State Historic
32 Preservation Division, Office of Hawaiian Affairs, President and
33 Chief Executive Officer of the Council for Native Hawaiian
34 Advancement, President of Bishop Museum, and Director of the
35 Friends of 'Iolani Palace.
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OFFERED BY: 

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