

**HCR-189**

Submitted on: 3/16/2021 2:47:38 PM

Testimony for CAI on 3/17/2021 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
cheryl B.	Individual	Support	No

Comments:

Support

Bring them home.

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<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Dee Green	Individual	Support	No

Comments:

This is such an important issue. Please support.

# STRONG SUPPORT FOR BRINGING OUR HAWAIIAN CULTURAL ARTIFACTS HOME WITH HCR189/HR158!

Chair Cedric Gates  
Chair, Committee on Culture, Arts, and International Affairs  
Hawaii State Capitol  
Room 323

**Aloha Chair Gates, Vice Chair LoPresti, and Members,**

I write in **strong support** of HCR189/HR158 relating to the repatriation of Native Hawaiian cultural artifacts and iwi kupuna, and thank you for hearing this measure.

*When students learn about Native Hawaiian history, if they do not see the actual artifacts that color, shine light on, and indeed breathe the incredibly advanced and complex society Native Hawaiians had, will future generations be doomed to perceive Native Hawaiian culture as antiquated, under-developed, unornamented, unembellished, and uninspiring?*

Museums and other entities in Hawai'i have been doing a great job, but if our museum shelves only hold a small portion of what is out there, and indeed are bare of the items that have been lost forever, how do future generations feel pride, connection, conduct perpetuation, or resilience of their lineage and the heritage of our Hawai'i as a whole?

This measure reiterates the importance of ensuring that Native Hawaiian cultural artifacts that are unlawfully or inappropriately taken from Hawai'i should be returned. **It also lists the international and domestic legal precedence and mechanisms for this to occur, and I urge the committee to strengthen the resolution by asking these entities to prioritize Native Hawaiian artifacts, and indeed all indigenous artifacts.** Stolen pieces of artwork by famous artists are certainly important and in danger of being lost; however, when we lose indigenous artifacts, we are losing the culture, heritage, and history of generations of civilizations. In a world of limited resources to combat illegal trafficking, isn't the latter more endangered and the impact deeper than the former?

Some items, listed in the resolution, which indeed should be much longer, detail the history and practices we lose when we lose these artifacts:

**Kapa/Kapa pounders: a dying cultural art of traditional Native Hawaiian dress**

**Niho palaoa: a cultural artifact important to representation of Native Hawaiian Chiefhood**

**Mahiole: representing a long legacy of weaving, which is also an endangered art**



'Aha 'ula: a legacy of feather work that is a lost art, which contains the remnants of extinct birds

Leiomano: A lost form of Hawaiian weaponry and a demonstration of warfare techniques

And the list goes on.

It is so sad to know that some of these items are in a person's house or private collection storage, far from their homelands, unable to be celebrated by the youth of Hawai'i.

Let's push the federal government to enact laws that enforce the Native American Graves Protection and Repatriation Act, namely:

**Title 18 US Code §1170. Illegal trafficking in Native American human remains and cultural items**

(a) Whoever knowingly sells, purchases, uses for profit, or transports for sale or profit, the human remains of a Native American without the right of possession to those remains as provided in the Native American Graves Protection and Repatriation Act shall be fined in accordance with this title, or imprisoned not more than 12 months, or both, and in the case of a second or subsequent violation, be fined in accordance with this title, or imprisoned not more than 5 years, or both.

(b) Whoever knowingly sells, purchases, uses for profit, or transports for sale or profit any Native American cultural items obtained in violation of the Native American Grave Protection and Repatriation Act shall be fined in accordance with this title, imprisoned not more than one year, or both, and in the case of a second or subsequent violation, be fined in accordance with this title, imprisoned not more than 5 years, or both.

Let's follow the creed of member states gathered at the United Nations in Article 11 and 12 of the UN Declaration on the Rights of Indigenous Peoples<sup>1</sup>:

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<sup>1</sup> *United Nations Declaration on the Rights of Indigenous Peoples*, A/RES/61/295 (13 September 2007), available from <https://undocs.org/A/RES/61/295>.



# General Assembly

Distr.: General  
2 October 2007

Sixty-first session  
Agenda item 68

## Resolution adopted by the General Assembly on 13 September 2007

*[without reference to a Main Committee (A/61/L.67 and Add.1)]*

### **61/295. United Nations Declaration on the Rights of Indigenous Peoples**

#### *Article 11*


1. Indigenous peoples have the right to practise and revitalize their cultural traditions and customs. This includes the right to maintain, protect and develop the past, present and future manifestations of their cultures, such as archaeological and historical sites, artefacts, designs, ceremonies, technologies and visual and performing arts and literature.

2. States shall provide redress through effective mechanisms, which may include restitution, developed in conjunction with indigenous peoples, with respect to their cultural, intellectual, religious and spiritual property taken without their free, prior and informed consent or in violation of their laws, traditions and customs.

#### *Article 12*

1. Indigenous peoples have the right to manifest, practise, develop and teach their spiritual and religious traditions, customs and ceremonies; the right to maintain, protect, and have access in privacy to their religious and cultural sites; the right to the use and control of their ceremonial objects; and the right to the repatriation of their human remains.

2. States shall seek to enable the access and/or repatriation of ceremonial objects and human remains in their possession through fair, transparent and effective mechanisms developed in conjunction with indigenous peoples concerned.



I respectfully urge passage of this measure by the committee. Thank you for your consideration.

Mahalo nui loa,

**Daniel Lee**

## TESTIMONY IN STRONG SUPPORT of HCR189/HR158 to REPATRIATE NATIVE HAWAIIAN CULTURAL ITEMS AND IWI KUPUNA

Chair Cedric Gates  
Committee on Culture, Arts, and International Affairs  
415 S. Beretania Street  
Honolulu, HI 96813

Mahalo piha Chair Gates, Vice Chair LoPresti, and Committee Members for hearing this bill.

*"Mai kaula 'i wale i ka iwi o nā kūpuna."*

*Do not dry out the bones of the ancestors. Do not discuss the ancestors too freely with strangers, for it is like bringing their bones out of their hiding places for everybody to stare at. -Pukui #2069*

*"Mai lawe wale i nā mea i ho'omoepū 'ia."*

*Don't wantonly take things placed with the dead*

I write in **strong support** for returning our ancestors back to Hawai'i. It is an absolute travesty and perversion that there are Native Hawaiian families with their great grandparents kept in a dusty box on a museum shelf far away from Hawai'i.

"Native Hawaiian art and cultural items are preservations of masterful craftwork and highly refined techniques revered across the Pacific," as the resolution reads, is absolutely true. They are time capsules, models, story tellers in their own right of existence to practices and an art that is, "tragically in danger of becoming a lost art with each passing generation." **With each artifact that is lost from our native lands, we not only lose the practices of past generations, but rob our future generations of a connection to their identity.**

**Their culture.**

**Their history.**

**Their pride.**

Not only for those of Native Hawaiian lineage but for all those that call this place home. We have a collective responsibility to honor, protect, and cherish Native Hawaiians. **There is no other Hawai'i on this planet. We must hold true to the gravity of that reality.**

Thank you for your consideration.

With Aloha,

Rikako Ishiki