



**Nation of Hawai'i**

*Pu'uhonua o Waimānalo*

41-1300 Waikupanaha Street

Waimānalo, Hawai'i, USA 96795

**Head of State:** Pu'uhonua Bumpy D. Kanahale

**Email:** [independentnationstateofhawaii@gmail.com](mailto:independentnationstateofhawaii@gmail.com)

**Websites:** [nationofhawaii.org](http://nationofhawaii.org); [hawaii-nation.org](http://hawaii-nation.org);  
[bumpykanahale.com](http://bumpykanahale.com)

April 15, 2020

**Nation of Hawai'i's Response to the Call for Submissions by the Expert Mechanism on the Rights of Indigenous Peoples Re Repatriation of Ceremonial Objects and Human Remains under the UN Declaration on the Rights of Indigenous Peoples**

The Nation of Hawai'i welcomes the opportunity to discuss its experience with the repatriation of our *iwi kūpuna* (ancestral bones). As part of our submission, we attach prior submissions to the UN Permanent Forum on Indigenous Issues (UNPFII) that describe in detail the origins of the Nation of Hawai'i, our legal foundation, the history of how Hawaiians came to occupy the worst socioeconomic indicators today, as well as recommendations we have made to the UNPFII.<sup>1</sup>

However, before we discuss repatriation efforts by the Nation of Hawai'i, we must address the historical root of the issue -- the illegal overthrow of the Hawaiian Nation in 1893. Many of the social ills Hawaiians must contend with today are symptoms of the overthrow. The loss of our country, the genocidal project of westernization, and colonization after the illegal overthrow, and the continuing suppression of our Hawaiian National Sovereignty are all contributing factors in the current struggle for the full recognition of our rights as Hawaiian Nationals.

The illegal occupation of our Hawaiian National Lands for 127 years must be addressed while we pursue self-determination, and self-governance. Hawaiians cannot properly care for our *iwi kūpuna* without reclaiming our Hawaiian National Sovereignty, and our Hawaiian National Lands. In the September 2019 EMRIP report entitled, "Efforts to implement the United Nations Declaration on the Rights of Indigenous Peoples: recognition, reparation and reconciliation," the EMRIP stated,

59. In another example, the Congress of the United States of America issued an apology to native Hawaiians in 1993 for the overthrow of the Kingdom of Hawaii, recognizing that it had resulted in the suppression of the "inherent sovereignty of the Native Hawaiian people". The apology also called for reconciliation efforts. However, as pointed out by the Special Rapporteur on the rights of indigenous peoples, the call for reconciliation remained unfulfilled, while a growing movement of indigenous Hawaiians

---

<sup>1</sup>[https://www.un.org/development/desa/indigenouspeoples/wp-content/uploads/sites/19/2016/08/Nation\\_of\\_Hawaii.pdf](https://www.un.org/development/desa/indigenouspeoples/wp-content/uploads/sites/19/2016/08/Nation_of_Hawaii.pdf);

<https://www.un.org/development/desa/indigenouspeoples/wp-content/uploads/sites/19/2018/02/Nation-of-Hawaii-Response-to-2017-UNPFII-Questionnaire-to-Indigenous-Peoples-Organizations-FINAL-1.1.18.pdf>.

challenged the legitimacy and legality of the annexation of Hawaii following the overthrow, as well as the process by which Hawaii had moved from its designation as a non-self-governing territory under United Nations supervision to being incorporated into the United States as one of its federal states in 1959. The Special Rapporteur added that, in the meantime, indigenous Hawaiians saw their sacred places under the domination of others and they continued to fare worse than any other demographic group in Hawaii in terms of education, health, crime and employment (A/HRC/21/47/Add.1, paras. 65–66).<sup>2</sup>

As such, in order to help address repatriation issues for Hawaiians, we recommend that the EMRIP support Nation of Hawai‘i’s efforts to get the U.S. government, and the State of Hawai‘i to support and move forward the reconciliation process mandated by U.S. Public Law 103-150, the Apology Law.<sup>3</sup>

In the interim, Nation of Hawai‘i pursues practical strategies and solutions to address the dire socioeconomic conditions of the Hawaiian people within the current state and federal system. The two main models, which are rooted in traditional Hawaiian cultural, and social practices, are the *pu‘uhonua* (place of refuge) model, and the *ahupua‘a* system, which we utilize on our sovereign Hawaiian land base, *Pu‘uhonua o Waimānalo*. The creation of more *pu‘uhonua*, and the return to the *ahupua‘a* system will empower Hawaiians to increase repatriation efforts to bring more *iwi kūpuna* back to Hawai‘i.

Interim measures can be utilized to mitigate ongoing harms, and they must be based on meaningful consultation with the Hawaiian people about current realities, our most pressing needs, and community-based solutions. Our *pu‘uhonua* (place of refuge) model for Hawaiian National Land restoration permits us to: 1) establish sovereign land bases for self-determination, self-governance, and the exercise of Hawaiian National Sovereignty by our citizens, including repatriation efforts; and, 2) to move forward the reconciliation process in a practical manner that does not wait for the permission nor acquiescence of the U.S. or State of Hawai‘i.

In the *ahupua‘a* system, a self-sustaining land management system is supported by a social structure in which everyone has a defined role and contributes to maintaining the balance between the Hawaiian people, the land, and nature. Properly caring for our *iwi kūpuna* is an integral component of the *ahupua‘a* system.

Nation of Hawai‘i has a history of engaging in repatriation efforts with respect to *iwi kūpuna*. The Nation’s sovereign land base, *Pu‘uhonua o Waimānalo*, which is located on the island of O‘ahu, currently has a *wahi pana* (sacred place) that is the resting place of *iwi kūpuna* that were returned to Hawai‘i after being held all over the world.

In partnership with Kunani, and Ipō Nihipali of *Hui Malama I Na Kupuna ‘O Hawai‘i Nei* (Group Caring For the Ancestors of Hawai‘i), Nation of Hawai‘i citizens learned the traditional Hawaiian

---

<sup>2</sup>A/HRC/EMRIP/2019/3/Rev.1, para. 59.

<sup>3</sup>107 Stat. 1510.

chants, and protocols to welcome the *iwi kūpuna* to *Pu‘uhonua o Waimānalo* after a long time away from our *‘āina* (land).

The sovereign status of *Pu‘uhonua o Waimānalo* empowered Nation of Hawai‘i to create a safe space for the *iwi kūpuna*, and to follow traditional Hawaiian cultural practices without interference from the U.S. or State of Hawai‘i. Repatriation efforts in Hawai‘i have historically been hindered by federal, and state legal, and administrative restrictions. However, the sovereign status of the Nation of Hawai‘i allowed us to avoid these roadblocks, and properly care for our *iwi kūpuna*, some of whom could not be properly identified, and returned to their families due to the long passage of time.

Nation of Hawai‘i’s partnership with the administration at Bellows Air Force Station in Waimānalo is a good example of positive intergovernmental collaboration that prioritizes Hawaiian cultural traditions, and responsible, Native Nation-focused repatriation best practices.

Nation of Hawai‘i’s Head of State, Pu‘uhonua Dennis B. K. Kanahale has been recognized as an expert in the repatriation, and care for *iwi kūpuna*. Moreover, the Bellows Air Force Station administration has recognized Nation of Hawai‘i as a key partner in protecting *iwi kūpuna* in the Waimānalo *ahupua‘a*. This positive relationship has resulted in the Bellows Air Force Station administration funding repatriation efforts when they find *iwi kūpuna*, and affirmatively requesting Nation of Hawai‘i’s oversight, and participation in the traditional Hawaiian burial, and reinterment process.

Nation of Hawai‘i recommends that the EMRIP consult with Native Nations like Nation of Hawai‘i, who already have well-established best practices with respect to building, and maintaining positive relationships with surrounding governments, in order to ensure meaningful, Native Nation-focused repatriation efforts.

We invite the EMRIP to visit the Nation of Hawai‘i to see our *wahi pana* (sacred place) where we currently house over 200 *iwi kūpuna*, and to study how our *pu‘uhonua*, and the *ahupua‘a* system permit our Nation to exercise Hawaiian National Sovereignty, including caring for our *iwi kūpuna* according to our cultural traditions, while maintaining a peaceful coexistence with the state and federal governments.