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**INTERVENTION TO THE UNITED NATIONS
WORKING GROUP ON INDIGENOUS POPULATIONS
at its 11th session**

Agenda Item #5

*Review of developments pertaining to the promotion and
protection of human rights and fundamental freedoms of
indigenous populations, including economic and social
relations between indigenous peoples and States.*

*by Pōkā Laenui
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Ano 'ai me ke aloha. O wau no 'o Poka Laenui. He Hawai'i au. [Greetings in the spirit of Aloha. I am Poka Laenui. I am Hawai'i.]

I submit for your information the following review of developments relating to the indigenous peoples of Hawai'i and our interaction with the United States of America and its subsidiary, the State of Hawai'i.

Over the past 12 months since this working group terminated its 10th session, much has occurred with Hawai'i's indigenous people whom I shall call here the po'e Hawai'i. Like all occurrences in life, some have been positive and some not. The major negative state of the po'e Hawai'i remains the simple fact of occupation by a foreign force, the United States of America. The events of 1893 culminating in the overthrow of the independent nation of Hawai'i by the United States military continue to loom over us in not only the extreme militarization of Hawai'i by this foreign government, but also by their ever present economic, social and political system ingrained in our society.

But many positive events have taken place as well. The State of Hawai'i is coming to terms with the fact of the illegal overthrow and although not yet ready to capitulate its authority in Hawai'i, is attempting a serious review that will consider the future of Hawai'i "within or without the United States of America." [House concurrent Resolution No. 147, 16th Legislative session (1991)] Recently, the State has negotiated a settlement with the Office of Hawaiian Affairs to pay over \$100 million for income received by the State which should have been turned over to that office over the last 13 years. The State is also attempting to resolve disputes in a non-judicial manner for mismanagement of lands set aside by the United States government under the Hawaiian Homestead program and subsequently turned over to the State for management.

In perhaps the most dramatic step taken by the State in attempting to address the illegal overthrow and consequent injury to the po'e Hawaii, the legislature has adopted a

program in which the Governor would appoint 19 members to advise on the creation of a Hawaiian nation. Naturally, there are dissenting voices to this recent State program, including the voice of the Institute for the Advancement of Hawaiian Affairs. Generally, the critics of the State program point out that the State should have no authority in the area of setting the terms of reference in the creation or recreation of a Hawaiian nation. Some claim that it is the U.S. central government which should set those terms. Still others, including IAHA, declare that "a thief should not sit in judgment of itself!" Therefore, neither the State nor the U.S. government should have competence over the question of the reformation of the Hawaiian nation. That competence resides in the people themselves and if at any other place, in the decolonization process of the United Nations.

Yet, one can not ignore the fact that the State is making a sincere attempt at addressing the "sovereignty question" within the paradigms in which it works. In doing so, it has opened an arena for dialogue over this matter which must be seen as a positive step, although it does not meet the full aspiration of its detractors. A political process has been put in place for addressing the call for Hawaiian sovereignty.

We would be remiss if we did not point out that the recent State programs are in part, a result of the activism of the po'e Hawaii, activism which often times resulted in the criminalization and imprisonment of our people for conduct considered necessary in order to act consistent with our political belief. Many of our people have been and continue to be arrested and convicted by the U.S. laws for refusing to act in accordance with those laws, or for acting consistent with the dictates of our conscience as Hawaiian citizens.

Over three days in January, 1993, in Honolulu, Hawaii, at our national capital, 'Iolani Palace, a massive crowd of over 10,000 people gathered to observe the events of 100 years ago when the U.S. marines landed in peaceful Honolulu and committed what U.S. President Grover Cleveland subsequently called "an act of war, committed with the participation of a diplomatic representative of the United

States and without authority of Congress." [Cleveland's address to the joint houses of Congress on December 18, 1893] The Governor of the State of Hawaii, a po'e Hawaii, declared that over those three days, the United States flag would not fly over the palace.

The events were reported live by public radio throughout Hawaii via the Hawaiian National Broadcast Corporation, a newly formed, Hawaiian controlled entity. The broadcast proved to be one of the more popular programs of the day, allowing thousands more to share in the observation. That event was an exhibition of concentrated political concern over the injustice which occurred 100 years ago. It has become the impetus for continuing dialogue over the question of Hawaiian sovereignty and self-determination.

That dialogue has been taken up not only by the State legislature, but by members of the judiciary, community organizers, businesses (including churches), indeed by people of all walks of life and races in Hawaii. That dialogue has expanded beyond merely the discussion of new political arrangements to be formed in Hawaii, but has entered into the arena of economic consequences of a sovereign Hawaiian nation. The specific question of the economic viability of Hawaiian sovereignty has been addressed by a recent symposium of government officials, representatives of Hawaiian sovereignty organizations and people from all walks of life and who hold different positions regarding Hawaiian sovereignty. The Hawaiian National Broadcast Corporation and Hawaii Public Radio presented the full program live for thousands unable to attend.

Hawaii is also witnessing a changing spirit of cooperation among its people. Along the Wai'anae coastline, many activities are taking place at the community level to re-instill a sense of community consciousness and commitment in rebuilding values. Cooperating community organizations are addressing community conditions holistically, rethinking medical care and bringing it more in line with the indigenous health practices, producing healthy

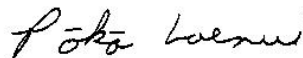
food for the community in a culturally based setting, beginning to integrate modernity into traditional culture.

Serious Hawaiian poets are emerging, song writers are now addressing issues of Hawaiian sovereignty and self-determination, young people are aggressive in their learning the language, history, culture and laws of Hawai'i.

These are vibrant times in Hawai'i. We are looking both outward and inward for new directions which Hawai'i should take. We are wary of the discord which today tears apart the people of the former Yugoslavia and which threatens other recently emerged nations of Europe. We look with hope at the experience of the new Pacific Island nations. We are trying to find lessons in our culture and history to assist in providing the guidance necessary as we try to create a new, just and compassionate society.

Following, please find documentations to give further details of the events now occurring in Hawaii, along with the necessary background information to provide a basis of understanding of these recent events.

Aloha a hui hou,



Pōkā Laenui
[Hayden F. Burgess]

Attachments: Newsprint THREE DAYS IN JANUARY
Collection of Papers on Hawaiian Sovereignty
& Self-Determination
The Five Phases of the Study of Hawaiian
Sovereignty
Hawaii Independence [Voters weren't offered
this option
Various news clippings