



Pacific Intervention On Mauna Kea **Sacred Lands Protection and Hawaiian** **Rights to Practice and Maintain Cultural Traditions** **and Customs Under the UNDRIP**

UN Permanent Forum on Indigenous Issues

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Agenda Item 4

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Collective Intervention of Indigenous Hawaiian Cultural Practitioners on Urgent need to protect their sacred mountain, Mauna Kea, and Violations of Articles 11, 12 and 25 of the UN Declaration on the Rights of Indigenous Peoples

Submitted by: Na Koa Ikaika Ka Lahui Hawaii

Supported by:

The Royal House of Keoua Nui;, Kai Ula Pono'I; Hawaiian Civic Club of Texas, Waikiki Hawaiian Civic Club, Halau o ke Koolau; Flores-Case 'Ohana, Nobrega 'Ohana Paakai Practitioners; Halau Hula Kealanamaupua; Halau Mohala Ilima; 'Ohana Kealoha (Kepohoni); 'Ohana Kawahinekoa/Paliokawelo; 'Ohana Waiiau – Papakalea; The Koani Foundation; Leighton Tseu & Keolaewa-Tseu Ohana; Hui Hawaii 'O Utah Hawaiian Civic Club; Carden Ohana; Sharon Lindsey Medeiros-Medeiros Mo'opuna; Malama Haloa 'O Utah; Kahu Richard Ma'ele DeLeon Ohana; Tulipa Hawaiian Civic Club; Na Mamo O Tulipa; Sacred Mauna Kea Hui, Pua Ana Ka Malanai Hula School; Kumu Hula Paul Kevin Kealiikea O Mamo Neves; Halau Ha'a Kea O Kinohi, Naeole-Kualaa Ohana; Kaha I Ka Panoa Kaleponi Sivila Hawaiian Civic Club; Robert Freitas Jr. Ohana; Halau Hula o Napua; Kumu Hula K. Napua Brown; Hale O Na Alii, Maui; Hui O Kameahou; Keawe-Kaonaonaokalani-Paki-Dudoit-Bush-Blevins Ohana ; Onaona and Kepa Maly-Kumu Pono Associates; Clem Malani Jr. Ohana, May Liliuokalani Ross, Ohana O Hawaii; Kaonaonaokalani-Mahi-Palena-Paki-Bush-Dudoit Ohana; Robert Michael Ebanes Ohana, Ka Pa Hulu Manu Halau; Keliikoa-Maka'iwi-Kane-Keawemauhili Ohana; Dane Silva, Kupuna La'au Lapa'au O Hawaii; Waiialua Hawaiian Civic Club; Kawika Au Ohana; Hui

Pu Laka O Moku O Keawe Hawaiian Civic Club; Lualualei Hawaiian Civic Club, Lōpaka Igarta DeVera ; Kawaika Nahoopii Ohana, Trask Ohana; Sharpe Ohana-Hawaii; Hanalei Fergerstrom; Na

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Kupuna Moku O Keawe; 'Ohana Arts & Hula Studio, Hui o Polynesia, Puanani Rogers, Ho'okipa News Network, Kauai; Ka'iana Markell Ohana, Buddy-Kapule-Luahine-Ka'uhane-Naea Ohana; Jerry Konanui 'Ohana Nani Na Pua Ilima Hula Halau; Lau Kanaka No Hawaii Hawaiian Civic Club of Arizona, Moku'aina A Wakinekona Hawaiian Civic Club; Kalikolehua Kanaele Ohana; Lei'ohu Ryder- Kukuipuka Ohana; Na Keiki O Hawaii Hawaiian Civic Club; Maunalua Hawaiian Civic Club; Ke Ali'i Kaiulani Hawaiian Civic Club-Chicago; Ke Kula Kupa'a O Ka Pikapika; Kupa'a Pacific Island Resources; Pacific Soundz Productions, Professional Performing Arts of Pacific Island; Aloha Center of Chicago; Trask-Batti Ohana of Hawaii Luana Busby-Neff and Craig Neff Ohana-The Hawaiian Force; Nalei & Ku Kahakalau - Ku-A-Kanaka LLC; Idle No More Hawaii Warriors; Na Kama Ho'oinoa Mamalu Of Poliahu; Lynda Saffrey, Practitioner of Ulana Lauhala, Lau Niu; Ho'o Hanohano Hiakai a Wahi Pana La'a, Indigenous Consultants; Pā'ū 'o Hi'iaka; Ka Pā Hula O Ka Lei Lehua; Na Kamalei; Kaawa Cultural Resource Management; Hawaii Island Youth Core; Pā Ola Hawaii (waimanalo); Akau 'Ohana; Kakalia 'Ohana; Perreira 'Ohana; Cobb-Adams 'Ohana; Mahuna 'Ohana; Mangauil/Kipapa 'Ohana; Kaaua 'Ohana; Keliikoa 'Ohana; Gajate 'Ohana; Loa 'Ohana; Hayward 'Ohana; Lindsey 'Ohana; Ka 'Ohana Reyes; Ka 'Ohana Freitas; Ka 'Ohana Roy; DeRego/Medeiros/Pogtis 'Ohana Kaolulo/Ka'eo 'Ohana; Kaneloa; KOAKUAMAUNA; Hale Mua o Maui a Akalana E Ola Mau I Ka Pono; Hālau Māpuna Leo; Hālau Hula Kauluokalā; Kanehunamoku Voyaging Academy; 'ohana Kahapea-Tanner; The Apapalani Maunakea Practitioners; Hālau I Ka Wēkiu; Hālau Hi'iakaināmakalehua; Hālau o Ka Hanu Lehua; Guahan Coalition for Peace and Justice

Aloha Forum Experts,

This intervention is presented in behalf of the above 'Ohana (extended family), Hui and organizations of Indigenous Hawaiian Practitioners.

From time immemorial, Kanaka Maoli, indigenous Hawaiians, have held reverence for their sacred mountain, Mauna Kea, also known as Mauna a Wākea (Mountain of Sky Father). Mauna Kea is sacred because it is a *piko* connected to Ke Akua (The Creator) and the creation of Native Hawaiians. It is the meeting place of Wākea, Sky Father, and Papahānaumoku, Earth Mother, where heaven and earth meet. It's in this union that the islands of Hawai'i were born. Mauna Kea is a focal point of spiritual and cultural significance for Hawaiians, a place of spiritual connection with one's ancestors, history, and the heavens. For Hawaiians, Mauna Kea is also considered "*Wao Akua*", the realm of the gods. Mauna Kea is the abode of divine beings and ancestral *akua* (gods, goddesses, deities) including Poliahu of the snow and ice, Lilinoe of the mist, Waiāu of the sacred lake, and Mo'oinanea, guardian of these waters on the summit. The prominence of Mauna Kea as the tallest mountain in the world as well as its stationing nearest to the heavens holds a spiritual significance for the Hawaiian people, a significance that can be

expressed in likening the mountain to a sacred temple. A place reserved for the making of prayers and giving of sacred offerings. Mauna Kea is more than a mountain; it is the embodiment of the Hawaiian people. WE ARE MAUNA KEA.

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All this changed when the State of Hawai‘i and University of Hawai‘i declared the sacred space on this mountain as a Science Reserve. Starting in 1968, hundreds of acres on Mauna Kea were set aside for long term leases to multi-national corporations for astronomy development and use. The States of Argentina, Australia, Brazil, Canada, Chile, France, Japan, Netherlands, South Korea, Taiwan, United Kingdom, and United States have constructed 13 huge telescopes on the summit of Mauna Kea. Also involved are many US “interests” including NASA, National Radio Astronomy Observatory, AUI, National Science Foundation, Smithsonian Astrophysical Observatory, Lockheed, Caltech, University of California, University of Hawai‘i, and the US military. Leases provide exclusive use for the States and corporations, but failed to include reservations and special measures for the protection of Hawaiian human rights including the Rights referred to in provisions 11, 12 and 25 of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). See quotes below. These human rights violations are continuing and expanding.

The State of Hawai‘i assumed the responsibility to protect and conserve these public lands of Mauna Kea held in trust for its beneficiaries, Native Hawaiians and the general public. However, the State of Hawai‘i has failed to protect these lands within a conservation district which has resulted in the substantial, significant, and adverse cumulative impacts upon the cultural and natural resources on Mauna Kea as the result of over forty years of astronomy development. Instead, the interests of multi-national corporations and private development have been prioritized over the interests of the beneficiaries and the protection of Hawaiian traditional and customary rights.

For the past several decades, Hawaiians have opposed the continued destruction and desecration on Mauna Kea, seeking the protection of *Wahi Kapu* – Sacred Sites and the recognition of Hawaiian Rights to practice and maintain cultural traditions and customs. In 2009, Mauna Kea was selected as the preferred site for the Thirty Meter Telescope (TMT). This project is being financed by the governments of Canada, China, India and Japan as well as by the University of California and California Institute of Technology through the Gordon and Betty Moore Foundation. TMT’s massive observatory would be over 18 stories tall and over 216 feet/66 meters in diameter. It would be taller than any existing building on Hawai‘i Island and would further destroy the open space and view planes of the northern plateau that includes hundreds of Hawaiian cultural sites and shrines. Construction would also impact Hawaiian cultural traditions and practices as well as the fragile habitats of endangered flora and fauna.

In late March 2015, construction activities commenced with this proposed 14th telescope on Mauna Kea that would cause further adverse impacts upon our people and our sacred lands. Hawaiians have risen up spontaneously opposing further development on this revered mountain. Police arrested dozens of Hawaiians and their supporters on Hawai‘i Island, several hundred people have begun an occupation on Mauna Kea, religious practitioners from throughout the

islands have commenced ceremonies to stop further desecration, and thousands are making pilgrimages to our sacred mountain. With the recent arrests of Mauna Kea protectors, people throughout Hawai‘i are outraged and are demonstrating to shutdown all TMT construction activities. Recently, over three thousand Hawaiians went to ‘Iolani Palace to demonstrate, several thousand students throughout the University of Hawai‘i campuses held rallies and have
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boycotted classes, over a thousand people provided testimony to the University of Hawai‘i Board of Regents against the TMT project, and over 50,000 people have signed an online petition to halt further construction and arrests. News reports and video documentaries have gone viral worldwide. Mauna Kea has become a rallying point for global support for indigenous human rights to practice and maintain one’s cultural traditions and customs and to protect one’s sacred lands from further desecration and destruction. We are using the Declaration and raising our human rights.

OUR PEOPLE ARE SAYING – “WE HAVE A RIGHT TO PRACTICE OUR CULTURAL TRADITIONS IN THE ENVIRONMENT OF OUR BELIEF AND TO PROTECT OUR SACRED LANDS.”

We have come to the UN Permanent Forum to request your immediate help and assistance.

#1. We request the Forum Experts send a letter to United States President Barack Obama; State of Hawai‘i Governor David Ige; University of Hawai‘i Board of Regents and President David Lassner; State of Hawai‘i Department and Board of Land and Natural Resources; and Thirty Meter Telescope International Observatory LLC Board of Governors, Partners, and Associates, informing them of the rights of indigenous Hawaiian people under provision 11, 12 and 25 of the UNDRIP and of the right of our people to be consulted and to give our Free, Prior and Informed Consent (FPIC) to the use and or development of our lands, territories and resources.

#2. We are requesting that the Forum also send letters to the States of Canada, China, Japan, and India including the University of California, California Institute of Technology, and Gordon and Betty Moore Foundation, funders of the TMT, to withdraw their support and divest from this project due to its substantial, significant, and adverse impacts upon indigenous Hawaiian rights and their sacred lands of Mauna Kea.

#3. We are requesting the Special Rapportuer, Vicky Tauli-Corpuz come to Hawai‘i to investigate these human rights abuses.

We Pray the Akua (Creator) Bless you all,
I ka piko o ke Aloha,

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I. United Nations Declaration on the Rights of Indigenous Peoples
Articles 11, 12, and 25 of the Declaration specifically address these rights.

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Article 11 of the Declaration states:

1. *Indigenous peoples have the right to practice 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, artifacts, 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 of the Declaration States:

1. *Indigenous peoples have the right to manifest, practice, 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.*

Article 25 of the Declaration states:

1. *Indigenous peoples have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, waters and coastal seas and other resources and to uphold their responsibilities to future generations in this regard.*

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