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OHA WEIGHS NEXT MOVE FOLLOWING HAWAI'I SUPREME COURT'S CEDED LAND REVENUE DECISION

HONOLULU – The Office of Hawaiian Affairs (OHA) is mapping its next move following today's decision by the Hawai'i Supreme Court denying OHA's petition for a *writ of mandamus* requiring the 2011 legislature to enact legislation regarding OHA's past due ceded land revenue claims.

"We naturally are disappointed at the court's ruling," said Clyde Namuo, OHA Chief Executive Officer. "However, we note that the court based its decision on its understanding of the technical requirements for a mandamus action. Nothing in the court's ruling calls into question our belief that the legislature's position to hold off on these claims is contrary to the Hawai'i constitution, Hawai'i statutes and the State's fiduciary duties owed to Native Hawaiians. We will continue to pursue these claims."

Decisions by the Hawai'i State Supreme Court in 2001 and 2006 mandating the Hawai'i legislature to address these claims were not adhered to after proposals submitted by OHA during the 2008, 2009 and 2010 legislative sessions were rejected. As a last resort, OHA had reluctantly filed the mandamus petition to protect the interests of OHA's Native Hawaiian beneficiaries.

Revenues owed to OHA are for the State's use of ceded lands such as the State airports, State hospitals, and Hawai'i Housing Authority and Hawai'i Housing Finance and Development Corporation projects. These past due claims were not resolved in 1993 by the \$130 million settlement. In 2008, OHA and the Lingle administration entered into a settlement agreement that would have resolved these claims for \$200 million, but the legislature did not go along with the settlement.

The Hawai'i Supreme Court's ruling in previous cases has held that "it is incumbent upon the legislature to enact legislation that gives effect to the right of Native Hawaiians to benefit from the ceded lands trust."

About OHA

The Office of Hawaiian Affairs (OHA) is a unique, independent state agency established through the Hawai'i State Constitution and statutes to advocate for the betterment of conditions of all Native Hawaiians, with a Board of Trustees elected by the voters of Hawai'i. OHA is guided by a vision and mission to ensure the perpetuation of the culture, protect the entitlements of Native Hawaiians, and build a strong and healthy Hawaiian people and nation. For more information, visit www.oha.org.

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