

OHA CHAIRPERSON HAUNANI APOLIONA  
OPENING REMARKS  
PRESS CONFERENCE  
JANUARY 12, 2009

Aloha mai kākou,

I would like to welcome you all here today.

The Office of Hawaiian Affairs is announcing today that we have drafted a bill for introduction to the 2009 Legislature that would enact a moratorium on the sale and exchange of ceded lands. This bill has been reviewed and approved by the OHA Board of Trustees.

You may recall, on January 31, 2008, the Justices of the Hawai‘i Supreme Court issued a UNANIMOUS decision to prohibit the state from selling or transferring ceded lands until the “unrelinquished claims” of Native Hawaiians to these lands are settled.

The Hawai‘i Supreme Court held that in light of the Apology Resolution and similar State legislation, the State has a fiduciary duty to preserve the corpus of the public lands trust, specifically, the ceded lands, until such time as the unrelinquished claims of Native Hawaiians have been resolved

The state administration appealed the decision to the U.S. Supreme Court and in October 2008, the U.S. Supreme Court said it would hear the case.

The Lingle Administration has been a friend to Native Hawaiians. OHA is grateful that in 2003 the governor corrected the unfair termination of annual ceded land

payments by restarting revenue payments and with the support of the state legislature paid back revenues withheld from OHA for over a year and a half. We also acknowledge state efforts for our people in areas such as affordable housing.

However, the OHA trustees continue to believe that the Hawai'i Supreme Court ruled correctly and this bill is a legislative vehicle to implement the decision of the state's highest court. The bill would halt the sale of lands in the Public Land Trust that were:

- Ceded to the United States by the Republic of Hawaii in 1898.
- Acquired in exchange for lands so ceded, and granted to the State of Hawaii by the Admission Act of 1959.
- Retained by the United States under the Admission Act of 1959 and later conveyed to the State in 1964

The prohibition would also apply to the exchange of these lands for private lands.

While the bill prevents the sale of the lands, it would not prohibit transfer of ceded lands between state agencies, nor would it prohibit the state to lease the lands, for a true public purpose.

This legislation is a means to maintain the status quo to ensure that the public lands trust is maintained and preserved in anticipation of a meaningful, fair and just reconciliation process with the Native Hawaiian people.

The case now on appeal before the U.S. Supreme Court, is of grave concern. This appeal could very well provide the Justices of the Supreme Court an opportunity to undermine all Native Hawaiian programs and assets as well as undermine the legal basis for Native Hawaiian federal recognition.

A far-reaching decision by the U.S. Supreme Court could affect OHA's ability to carry out its mission of bettering the conditions of Native Hawaiians.

We, therefore, **again**, ask the state administration to withdraw its appeal to the U.S. Supreme Court. This would demonstrate the right course of action and reasonable public policy.

While the State's seeks to assert its own interests; it is imperative that the State concurrently seek to fulfill its Trust duties and obligations to Native Hawaiians regarding our Trust lands and rights as native indigenous people.

We look to the political will of the Legislature to assist in this regard.

Preservation of the land trust will enable Native Hawaiians to relevant work in reconciliation and self-determination in order to reach a fair and just outcome with respect to the unrelinquished claims to these lands of the Native Hawaiian people.

Ke Akua a me nā kūpuna pū me kākou. I pono ke ea o ka 'āina.