

TWENTY-NINTH LEGISLATURE, 2017
STATE OF HAWAI'I

____.C.R. NO. _____

CONCURRENT RESOLUTION

RECOGNIZING THE HISTORIC SUCCESS OF COMMUNITY STEWARDSHIP UNDER THE TRADITIONAL KONOHIKI FISHING RIGHTS SYSTEM IN SUSTAINING AN ABUNDANT NEARSHORE ENVIRONMENT AND A THRIVING POPULATION AND CULTURE, AND URGING THE STATE TO SUPPORT THE DEVELOPMENT, ADOPTION, AND IMPLEMENTATION OF CULTURALLY-GROUNDED, COMMUNITY-DRIVEN FISHERIES MANAGEMENT PROPOSALS TO STEWARD, RESTORE, AND PERPETUATE OUR NEARSHORE RESOURCES AND MAINTAIN AND PROTECT ASSOCIATED CULTURAL TRADITIONS AND VALUES

1 WHEREAS, traditional Native Hawaiian resource management
2 has been long-renowned for sustainably supporting a thriving
3 population of up to a million inhabitants in the Hawaiian
4 islands, prior to documented Western contact; and
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6 WHEREAS, traditional ocean tenure played a key role in
7 Native Hawaiian communities' ability to sustain themselves both
8 physically and spiritually, notwithstanding the inherently
9 limited land resources of an island setting; and
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11 WHEREAS, the success of traditional resource management
12 relied on ahupua'a tenants' intimate connection to and knowledge
13 of their place, including their nearshore waters and ecosystems,
14 as well as on the oversight of ali'i and their regional resource
15 managers, or konohiki; and
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17 WHEREAS, the first written laws of the Kingdom of Hawai'i
18 sought to reflect the traditional system of ocean tenure and
19 stewardship, providing tenants and konohiki with exclusive
20 rights of access to their nearshore ahupua'a waters; and
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22 WHEREAS, these laws established what came to be known as
23 konohiki fishing rights, and allowed Native Hawaiian tenants and
24 konohiki to continue stewarding the nearshore resources they had
25 known and depended upon for generations; and
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1 WHEREAS, legal interpretations of konohiki fishing rights
2 slowly eroded the authority of tenants and konohiki to manage
3 their nearshore resources throughout the nineteenth century; and
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5 WHEREAS, the illegal overthrow of the Hawaiian Monarchy set
6 the stage for the subsequent annexation of Hawai'i to the United
7 States, which occurred without the consent of the Hawaiian
8 people; and
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10 WHEREAS, the Organic Act establishing Hawai'i as a Territory
11 of the United States sought to abolish konohiki fishing rights,
12 declaring the waters of Hawai'i as "free to all citizens of the
13 United States, subject . . . to vested rights" registered in
14 accordance with that Act; and
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16 WHEREAS, the Territory's subsequent actions led to all but
17 a handful of konohiki fishing rights to be condemned or declared
18 abandoned by Statehood, removing a critical layer of protection
19 for many nearshore fisheries relied upon by ahupua'a tenants
20 since time immemorial; and
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22 WHEREAS, the abolishment of konohiki fishing rights thus
23 facilitated the degradation and depletion of fisheries
24 throughout the islands, undermining the ability of many Native
25 Hawaiians to maintain their cultural and subsistence ways of
26 life, their connection to their communities and places, and
27 their cultural identity; and
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29 WHEREAS, for decades, the State of Hawai'i has struggled to
30 adequately manage our nearshore marine resources, and thereby
31 protect the cultural practices and lifestyles that rely upon
32 these resources; and
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34 WHEREAS, the continued degradation and depletion of our
35 nearshore fisheries also undermine our islands' food security
36 and resilience to climate change, as well as the economic,
37 recreational, and ecological interests of Hawai'i's residents
38 generally; and
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40 WHEREAS, notwithstanding the abolishment of the konohiki
41 fishing rights system, a number of rural, kīpuka communities
42 continue to maintain an intimate understanding of and connection
43 to their nearshore areas, and carry on the community-driven

1 stewardship practices and harvesting traditions that konohiki
2 fishing rights once protected throughout the islands; and
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4 WHEREAS, these kīpuka communities have now expressed an
5 interest to engage more formally with the State, in proposing
6 culturally-grounded and community-driven fisheries management
7 proposals, including community-based subsistence fishery
8 management area proposals, that can much more effectively
9 protect, maintain, and perpetuate the resources of their
10 nearshore waters, and ensure the continuation of cultural and
11 subsistence traditions, values, and lifestyles for generations
12 to come; and
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14 WHEREAS, the success of such culturally-grounded,
15 community-driven fishery management area proposals can inspire
16 other communities to develop an intimate knowledge of their own
17 nearshore areas, and work toward the restoration of their local
18 resources and place-based traditions; and
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20 WHEREAS, the broader restoration of community-based marine
21 resource management will improve the health of our nearshore
22 environment, increase the food security of our residents, and
23 sustain the cultural values and traditions that have long
24 informed our shared understandings and unique social fabric;
25 now, therefore,
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27 BE IT RESOLVED by the Senate/House of Representatives of
28 the Twenty-ninth Legislature of the State of Hawai‘i, Regular
29 Session of 2017, the House of Representatives/Senate concurring,
30 that the Legislature recognizes the historic success of
31 community-driven stewardship under the traditional konohiki
32 fishing rights system in sustaining an abundant nearshore
33 environment and a thriving population and culture throughout our
34 islands; and
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36 BE IT FURTHER RESOLVED that the Legislature urges the
37 Department of Land and Natural Resources to support the
38 appropriate development, adoption, and implementation of
39 culturally-grounded, community-driven fishery management
40 proposals, that seek to apply kīpuka communities’ intimate
41 knowledge of their nearshore waters to steward, restore, and
42 perpetuate their resources, and maintain and protect their
43 cultural traditions and values; and
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1 BE IT FURTHER RESOLVED that certified copies of this
2 Concurrent Resolution be transmitted to the Governor, the
3 Attorney General, the Chairperson of the Board of Land and
4 Natural Resources, and the Chairperson of the Board of Trustees
5 of the Office of Hawaiian Affairs.

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OFFERED BY: _____
By Request

DRAFT