



Nā Koa Ikaika o Ka Lāhui Hawai'i

PO Box 6377 Hilo, Hawaii, 96720

Convener: Mililani B Trask email: mililani.trask@icllchawaii.com

July 28, 2016

To: President Barrack Obama
The White House
1600 Pennsylvania Ave, N.W.
Washington D.C. 20500

From: Mililani B. Trask
Convener, Na Koa Ikaika Kalahari Hawaii
ECO-SOC Affiliate to Indigenous World Association

Melissa Moniz
President, Kai Ulla Ponto's Hawaiian Civic Club of Texas

Re: Proposed Expansion of the US Northwest Hawaiian Islands Marine Monument

Aloha Mr. President,

Our organizations filed objections with the United States and the World Heritage Committee (WHC) when the US proposed establishing the Papahānaumoku Monument. Our objections were based on the fact that the Monuments rules and regulations deprive native Hawaiians and Hawaiians of their fishing rights, commercial and subsistence, while allowing unlimited sustenance fishing for the US Military and the International tourism industry.

These limitations were unilaterally imposed by the United States and the WHC without consultations with Hawaiians and without our Free, Prior and Informed Consent. The area of restriction lies within the boundaries of the State of Hawaii. These are not international waters. When Hawaii was admitted into the Union, the U.S. imposed a trust obligation to utilize State ceded lands and submerged lands "to better the conditions of native Hawaiians". Since that time, the United States has had a unique trust relationship with our peoples and an obligation to ensure that Hawaiian trust assets, including State marine resources in State waters, are used to "better the conditions of native Hawaiians". The imposition of these restrictions not only violates specific provisions of the UN Declaration on the Rights of Indigenous Peoples, but also threatens our food security and that of the entire State of Hawaii.

In addition to fishing, Hawaiians have cultural rights to gather cultural resources and to worship at the many sacred heiau located within the Monument. These rights are enshrined in the United Nations Declaration on the Rights of Indigenous peoples, which you supported.

We want to bring to your attention the findings of the **Human Rights Council Expert Mechanism on the Rights of Indigenous Peoples in its Report on the Promotion and protection of the rights of indigenous peoples with respect to their cultural heritage**



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dated 11 May 2015 (A/HRC/EMRIP/2015/2) which confirms these problems within WHC sites including the Monument. It states in part:

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“56. The establishment of World Heritage sites, or other forms of protected areas, often has a negative impact on indigenous peoples because, often, their ancestral rights over their lands and territories are not respected or protected. In many nature-protected areas, including areas inscribed on the World Heritage List, narrow restrictions are imposed on traditional practices and activities, such as hunting, gathering, farming or animal husbandry, in violation of the cultural and subsistence rights of indigenous peoples. To be included on the World Heritage List, sites must be of “outstanding universal value”, a concept that can lead to management frameworks that prioritize the protection of those heritage aspects at the expense of the land rights of indigenous peoples or one specific interpretation of the site to the detriment of other interpretations. As a result, the protection of world heritage can undermine indigenous peoples’ relationship with their traditional lands, territories and resources, as well as their livelihoods and cultural heritage, especially in sites where the natural values are deemed to be of outstanding universal value but the cultural values of indigenous peoples are not taken into account.”

The Hawaiian Community is overwhelmingly opposed to the Expansion of the Monument as evidenced by the opposition of the Hawaiian Civic Clubs. We read with interest the letter forwarded to you by Senator Schatz dated March 23d 2016 that stated that it was “critical” that your administration “commence direct and meaningful engagement with Hawaii stakeholders who have an interest in this special place and its surrounding waters.” To date, neither your administration nor Mr. Schatz have held consultations with our Hawaiian fishermen & Hawaiian communities.

We oppose the expansion of the Monument and reiterate our request that the United States convene a Consultation with our peoples on this initiative here in the State of Hawaii. We request your administration listen to the perspective of the US WESPAC, the body directed by federal law to work with communities to protect and manage fisheries.

We forward herewith our Objection to the initial declaration of the Monument and incorporate this Objection by reference.

Regards,

Convener, Na Koa Ikaika Kalahari Hawaii

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