



HAWAIIAN HOME LANDS TRUST
DEPARTMENT OF HAWAIIAN HOME LANDS

**Native Hawaiian
Development Program Plan
NHDPP
2011 – 2013**

GOVERNANCE

Summary of Comments Received
&
Staff Responses and Recommendations

GOVERNANCE

In general, governance comprises the traditions, institutions and processes that determine how power is exercised, how citizens are given a voice, and how decisions are made on issues of public concern.

Goal 5 - GOVERNANCE

Democratically-elected Hawaiian homestead community self-governance organizations choose to govern and manage certain homestead assets and lessee matters.

STRATEGY

There are a number of proposals which support the movement toward increased self-determination and self-governance exercised by Native Hawaiians.

Implementing Action 5.1: Legal Defense

The various Hawaiian trusts, including DHHL, have been the subject of a variety of lawsuits. Starting with the Barrett lawsuit in 2000 (dismissed 2003) and the Arakaki 2 lawsuit in 2002 (dismissed 2005), a substantial amount of time and resources have been devoted to defend the trust from constitutional challenges. These legal challenges continue.

Scope: The State Attorney General or private counsel represents the Hawaiian Homes Commission in these lawsuits. There is a need to keep beneficiaries informed.

Timeframe: Ongoing.

Cost: Legal costs are covered under other budget items.

Implementing Action 5.2: Selected HHCA Functions

Certain beneficiary organizations have expressed the desire to assume certain responsibilities for the management of funds and land as authorized under Act 302, SLH 2001, for example, common area property management, cultural and resource management, homestead lease compliance.

Timeframe: FY 2009-2011

Scope: Allow functions related to the management of funds and land as eligible for Grants and training activities.

Estimated Cost: None, covered under other budget items

Implementing Action 5.3: Support Federal Recognition

Although the Hawaiian Homes Commission Act was created by an Act of Congress in 1921 and incorporated as part of the Admission Act in 1959 as a public trust responsibility, the legal basis has been questioned recently. It is widely accepted that federal recognition is necessary to establish a government-to-government political relationship with the United States, similar to American Indian and Alaska Natives. It is important that native Hawaiians and the general public be educated on native laws, rights, and processes.

Timeframe: FY 2011-2013

Scope: Continue to show Commission support by Chairman testifying before Congressional committees, educating the beneficiary group on federal recognition and its impacts.

Estimated Cost: None; covered under other budget items.

Implementing Action 5.4: Understanding Native Public Policy

In order for native Hawaiians to better understand public policy on recognition and other native issues, and how to influence public policy, it is critical that native Hawaiians be exposed to the wide range of experiences between native groups and the United States and State governments.

Timeframe: FY 2011-2013

Scope: Conduct symposiums on Oahu and the Neighbor Islands, as the budget allows, on public policy and practices regarding native rights which may include, but not be limited to, federal and state recognition, the Hawaiian Homes Commission Act and its basis, land use and water rights under the HHCA, citizenship, self-governance, native constitutions, and land claim settlements.

Estimated Cost: \$50,000 for two series of symposiums.

