

Potential Powers of the Native Hawaiian Nation

* to adopt ordinances for the health, safety, and welfare of members of the Hawaiian community--and operate schools, police, fire protection, welfare system

* to receive and manage lands, resources, and funds

* to levy taxes, issue bonds, zone trust lands, produce income from such lands, and regulate conduct on trust lands

* to allot lands to members of the Hawaiian community

* to regulate hunting, fishing, access and other traditional rights and practices of members of the Hawaiian community

* Lands and Resources controlled by Native Hawaiian Nation would not be subject to taxation by the State Government.

** sovereign immunity*

What Groups Have the Right to Self-Determination Under International Law?

What is the status under international law of the “Declaration on Principles of International Law Concerning Friendly Relations and Cooperation Among States in Accordance with the Charter of the United Nations”?

Self-Sufficiency

* Land – and offshore ocean resources

* Water

* Resource Base – Commercially Viable
Assets

* Political Autonomy

* Cultural Integrity – Traditional and
Customary Rights

** Gathering

** Access

** Religious

* Control of Education

"Nonmarket values" that are of importance to Native Hawaiians.

- A. Traditional and customary lifestyles**
- B. The ecological vitality of natural ecosystems**
- C. Conveying respect for the natural forces; recognizing that the ocean (for instance) is a living being--and a home for other living beings and a home of living gods (Kumulipo); maintaining a natural balance; promoting biodiversity.**

HAWAII

THE RIGHT OF THE PEOPLE OF HAWAII TO SELF-DETERMINATION:

**** 1959--HAWAII BECOMES THE 50TH STATE
PURSUANT TO REFERENDUM, AND THUS
BECOMES FULLY INTEGRATED INTO THE
UNITED STATES.**

**** DOES IT MATTER THAT OTHER OPTIONS
WERE NOT LISTED ON THE BALLOT
(INDEPENDENCE, FREE-ASSOCIATION)?**

Sovereignty

- * Freedom from nonconsensual constraints
- * Freedom to choose and establish a form of government

External Sovereignty – equal status with other states; freedom from outside interference

Internal Sovereignty – exercise of authority within territorial boundaries

Aboriginal Sovereignty

Internally:

- * Form their own government
- * Determine their own membership
- * Legislate
- * Administer justice
- * Provide a stable economic environment

Externally:

- * Equality of status with other governments
- * Freedom of decisionmaking