



Na'i Aupuni

Q&A

December 15, 2015

Q: Why is Na'i Aupuni proceeding with the 'Aha and inviting all 196 Native Hawaiians who were running to be delegates to the convention?

A: Our goal has always been to create a path so that Hawaiians can gather and have a serious and much-needed discussion about self-governance.

We anticipated that the path would have twists and turns and even some significant obstacles, but we are committed to getting to the 'Aha where this long-overdue discussion can take place.

The 196 delegate candidates have publicly indicated that they are serious about taking part in such a gathering and dialogue. They have campaigned and stepped forward to let the community know who they are. Community groups have also sponsored events and forums to further provide access to the candidates. Both the candidates and most of the Native Hawaiian community want to have this discussion and we intend to support them by moving forward with the 'Aha.

Consistent with offering to seat all candidates, Na'i Aupuni has decided that the election votes will never be counted. Thus, the Akina litigation, which seeks to stop the counting of the votes, is moot, and Na'i Aupuni will take steps to dismiss the lawsuit. To be clear, Na'i Aupuni does not know and will never learn election results.

Q: Will the 'Aha still start with an instruction section?

A: Yes, a key component of the 'Aha is the education and information the delegates will receive during the first week regarding constitution building, federal Indian law, international law regarding de-occupation, decolonization and the rights of indigenous people, U.S. Constitution issues that relate to Native Hawaii self-governance, the ceded lands claim, background on Hawaiian Home Lands, Kingdom Law and constitutions drafted by sovereignty groups.

Q: You have changed the 'Aha from convening over eight weeks for 40 delegates to convening for only four weeks with 196 candidates. Why was that change made?

A: This is not a convening of elected delegates. By convening the candidates we are supporting their desire and the community's desire to have this much-needed, long-overdue discussion about the future of Native Hawaiians.

This 'Aha will provide the candidates with information of the main issues relating to sovereignty including the various forms of self-governance. Our goal always has been to create a path so that Hawaiians can gather and have a serious much-needed discussion about the future of Native Hawaiians.

Given the delays caused by the ongoing litigation – that could continue for years – we decided that the most effective route at this point would be to offer to convene all of the remaining delegate candidates and allow them to meet, learn, debate and hopefully reach a consensus on a process to achieve self-governance.

Q: If the meeting of the delegate candidates does not result in a proposed reorganized governing document or constitution that can be ratified by Hawaiian voters, what is the point of the meeting?

A: Whatever is discussed and proposed will be up to the delegates, not Na'i Aupuni. However, Na'i Aupuni believes that the convening of this leadership group will be the first step toward reorganizing a government that the majority of Hawaiians support.

Q: What will be Na'i Aupuni's role in the 'Aha?

A: Na'i Aupuni will manage the process of the 'Aha but not the substance of the discussions. Na'i Aupuni has retained Peter Adler and Linda Colburn of The Mediation Center of the Pacific to serve as facilitators to lead the instruction week and to thereafter assist in organizing the delegates. Linda and Peter will be in contact with the candidates who decide to participate in the 'Aha shortly after the confirmation deadline of Dec. 22, 2015. An email that was sent to the delegates offering details and financial assistance to attend the 'Aha can be found on our website. The email requests that the delegates confirm by Dec. 22, 2015 whether they intend to accept the terms and attend the 'Aha that runs the month of February 2016 at a meeting facility in Kailua, Oahu. On Dec. 23, 2015, we will post the list of delegates on our website.

Q: OHA provided a grant to the Akamai Foundation for the benefit and use by Na'i Aupuni to organize an election and convention for Native Hawaiians. Are there any legal consequences to Na'i Aupuni cancelling the actual election?

A: The Grant Agreement, which is on our website, states that OHA will not control or affect Na'i Aupuni's decisions and that Na'i Aupuni has no obligation to consult with OHA. Thus, OHA is learning about this announcement along with the rest of the community at this time. Na'i Aupuni did not consult with OHA about this change of plans, and Na'i Aupuni believes that it is authorized under the Grant Agreement to proceed in this fashion. The Akina plaintiffs and perhaps others may sue to obstruct the convening of the candidates, but Na'i Aupuni believes that that case would be without merit because: (1) the current process does not involve an election, (2) conducting this 'Aha does not constitute state action, and (3) use of OHA's public land trust funds in this manner is consistent with the Admission Act, the Hawaii Constitution and Ninth Circuit law.

Q: You extended the deadline to vote until Dec. 21. Is there any reason for people to continue voting if all 196 candidates will be invited to the 'Aha?

A: No, Na'i Aupuni has terminated the election process and thus there is no need to continue to vote. Na'i Aupuni has informed Election America to stop the receipt of ballots, to seal ballots that have already been received, and to prevent anyone from counting the votes.