

Protecting
Our Past

HAWAIIAN BURIALS



For more information contact:

Department of Land & Natural Resources
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state.hi.us/dlnr/hpd/hpgreeting.htm

NĀ IWI KŪPUNA, ANCESTRAL BONES



For societies the world over, living descendants and next of kin are recognized as having the right to determine proper treatment of their ancestral dead. The same is true for native Hawaiians.

In 1989, the removal of 1,100 Hawaiian remains from an ancient graveyard at Honokahua, Maui initiated a public outcry for stronger legal protection of Hawaiian burial sites. The events at Honokahua clearly showed that Hawaiians should be involved in determining the proper treatment of their *kūpuna* (ancestors).

In 1990, while the remains at Honokahua were being returned to their original resting places, the State Legislature passed a bill which Governor John Waihe'e signed into law as Act 306. This new burial law changed the way in which all unmarked burial sites would be treated.

Above photo: At Kahakahana Kapa Heiau on Moloka'i, modern Hawaiians ask for divine guidance for the preparation of *kapa* cloth for the reburial of their ancestors at Honokahua, Maui.

Front Cover: In the foreground, stacked rock, *abu*, mark Hawaiian burials along Hana, Maui's rugged coastline.

Ancient Rites

Hawaiians cared for the bones of their dead with elaborate rituals. In ancient times the corpse was often cooked and stripped of its flesh (*pela*) which was either burned or deposited in the deep sea. The remaining bones were wrapped in *kapa* cloth and bundled with a woven *laubala* outer covering. These bones were then deposited in a secure place. Burials of high chiefs were often hidden in the secrecy of night, so that no jealous enemy could steal these remains and thus degrade the deceased.

Today's Legacy

Since Hawaiians buried their dead everywhere, ancestral bones can be found in all districts throughout Hawai'i, usually in unmarked graves. Unless families have kept track of their unmarked burial sites, these burial places can be subject to disturbance.

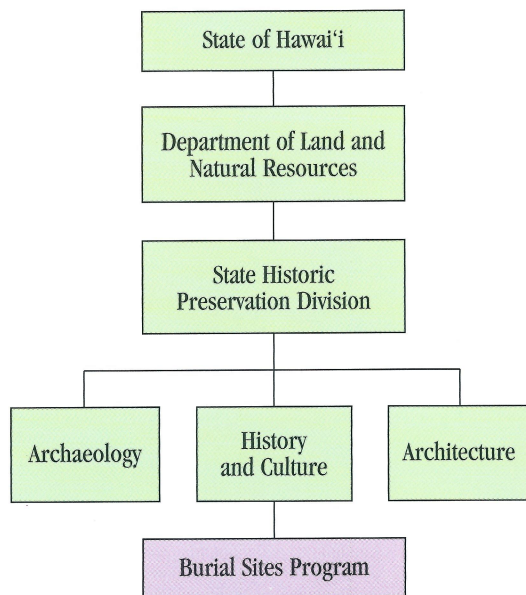


Annie Kahaleuahi, a *laubala* weaver sits amidst rolls of prepared pandanus leaves. During traditional times, woven *laubala* was often used as an outer covering for burials.

THE STATE BURIALS LAW

The State Burials Law passed in 1990 amends Hawai'i Revised Statutes, Chapter 6E, by providing for:

- **PROCEDURES** for determining the proper treatment of Hawaiian burials;
- **ISLAND BURIAL COUNCILS** who decide upon proper treatment of previously identified burials;
- **STATEWIDE INVENTORY** of unmarked Hawaiian burial sites; and
- **PENALTIES FOR VIOLATION** of the burial law.



NOTE: The State Law does not provide for the repatriation of burials from Federally supported institutions. Federal Laws P.L. 101-185 and P.L. 101-601 authorize the repatriation of Native American remains.

PROCEDURES

If you accidentally discover burials, you must:

- Stop all disturbing activity in the immediate area of the discovery;
- Leave all remains in place; and
- Contact State Department of Land and Natural Resources, Historic Preservation Division (DLNR), Phone: 692-8015, and the County Police Department.

If the remains are under 50 years old, they are under Police Department jurisdiction.

If the remains are over 50 years old then DLNR has the authority to decide on the proper treatment of these remains.

DLNR will send staff to the burial site usually that day or the next, to decide whether to preserve in place or relocate the remains.

When preservation in place is not possible, DLNR will develop or concur with the property owner's plan to properly reinter the burial.

If you contemplate relocating previously identified burials, then you must:

- Notify DLNR who will review the proposal.
- Following review of the project, if the burials are native Hawaiians, DLNR will refer the matter to the appropriate Burial Council.*
- 30 days from referral, the Burial Council will determine whether to protect in place or relocate the burials.
- If there is no appeal of the Burial Council's decision then within 90 days a mitigation plan must be approved by DLNR in consultation with known lineal descendants, the Burial Council, interested Hawaiian organizations and the property owner.

ISLAND BURIAL COUNCILS

In order to allow for native Hawaiian and development interest input into the Burial review process, Island Burial Councils were established by Chapter 6E, Hawai'i Revised Statutes.

These five councils represent Hawai'i Island, Maui/Lāna'i, Moloka'i, O'ahu and Kaua'i, Ni'ihau. All council members are appointed by the Governor and confirmed by the Senate. These councils have the authority to determine whether previously identified native Hawaiian burial sites are to be moved or preserved in place.



The dissected burial dune at Honokahua, Maui, where 1,100 native Hawaiian remains were removed, then later, returned to their original resting place.

Right photo: Traditional burial site on Maui. Most early Hawaiian burials have no inscribed markers to clearly identify graves. These unmarked graves are often subject to accidental discovery.

STATEWIDE INVENTORY

DLNR is mandated by State law to carry out an inventory of all unmarked burial sites. This inventory is confidential and not available for public use.

The inventory's main purpose is to provide a geographic data base to help protect burials from future disturbance.

The only way to insure the protection of a burial site is to know where the site is. Anyone with knowledge of unmarked burial sites in need of protection should call DLNR, Phone 692-8015.



PENALTIES FOR VIOLATION

Hawai'i law makes it unlawful for any person to knowingly take, appropriate, excavate, injure, destroy or alter any burial site or its contents located on private or public lands, except as permitted by law.

A civil penalty of \$10,000 is set for each separate offense. If other loss occurs, the violator shall be fined the value equal to the damage caused. In addition, equipment used by a violator may be seized and sold by the State without compensation to the owner.

Finally, any person found in violation may be prohibited from participating in construction of State/County funded projects for 10 years.

* **NOTE:** If the burials are not native Hawaiian, DLNR will decide proper treatment in consultation with the appropriate ethnic organizations and property owner.