

CALLING ON THE UNIVERSITY OF CALIFORNIA SYSTEM AND THE UNIVERSITY OF CALIFORNIA SANTA CRUZ TO WITHDRAW FROM THE THIRTY METER TELESCOPE PROJECT ON MAUNA KEA, HAWAII AND WORK TOWARD ITS CANCELATION

GRADUATE STUDENT ASSOCIATION
University of California, Santa Cruz
Nov. 5, 2019

AUTHORED BY: Mauna Kea Protectors UC Santa Cruz

ABSTRACT: This resolution calls on the University of California Board of Regents, the UC Office of the President, UC-affiliated directors of the TMT Project, and the University of California Santa Cruz withdraw all forms of legal, financial, and administrative support for the construction of the Thirty Meter Telescope (TMT) on Mauna Kea, Hawai'i, while taking such steps as are necessary to ensure construction of the project never occurs on Mauna Kea.

Whereas, the Kanaka Maoli (Indigenous people of Hawai'i) have lived on the Hawaiian Islands since time immemorial,

Whereas, the mountain of Mauna Kea is an origin place of the Kanaka Maoli and one of their most culturally and spiritually important places,

Whereas, in 1893, United States troops invaded the Hawaiian Kingdom and forcefully deposed Queen Lili'uokalani in violation of U.S. constitutional law and international law,

Whereas, in 1898, the United States allegedly annexed Hawai'i through an act of Congress known as the Newlands Resolution and acted upon the pretension the measure had the legal force of a treaty, which it did not,

Whereas, the US Congress,

1. on the occasion of the 100th anniversary of the illegal overthrow of the Kingdom of Hawai'i, apologized to Native Hawaiians on behalf of the people of the United States for the overthrow of the Kingdom of Hawai'i and the consequent deprivation of the rights of Native Hawaiians to self-determination;
2. expressed its commitment to acknowledging the ramifications of the overthrow of the Kingdom of Hawai'i and to support reconciliation efforts between the United States and the Native Hawaiian people;

Whereas, the United Nations Declaration on the Rights of Indigenous Peoples Article 19 requires that governments "shall consult and cooperate in good faith with the Indigenous Peoples concerned through their own representative institutions in order to obtain their **free, prior and informed consent** before adopting and implementing legislative or administrative measures that may affect them,"

Whereas, TMT International Observatory, LLC has been attempting to build an 18-story telescope, known as the Thirty Meter Telescope, atop Mauna Kea, for several years,

Whereas, the UC has played an instrumental role in the TMT Project since its inception:

1. The University of California, California Institute of Technology, and Association of Canadian Universities for Research in Astronomy (ACURA) co-founded the TMT Observatory Corporation in 2003 to develop the TMT Project;
2. in March 2014, the University of California Board of Regents voted to make the University of California a partner in TMT International Observatory (TIO), a non-profit limited liability corporation that exists for the sole purpose of constructing and operating the TMT Project;¹
3. in March 2014, the UC Regents directed the UC Office of the President to invest up to \$175 million in the construction of the TMT Project, including a \$125 million gift/pledge by the Gordon and Betty Moore Foundation;²
4. from 2014 to 2017, the only years for which information is publicly available, the UC provided \$38.11 million out of \$152.65 million of the TMT Project's overall cash and in-kind contributions, comprising 25 percent of the total;³
5. according to the most recent TMT International Observatory, LLC Year-End Financial Statement, the UC remains a part-owner of the TIO and retains 16.3 percent of TIO board of directors decision-making rights, pursuant to the TMT Master Agreement;⁴
6. UC Santa Barbara Chancellor Henry Yang is chairman of the TIO board of directors, University of California Merced Interim Chancellor Nathan Brostrom is TIO treasurer, and UC Santa Cruz Professor of Astronomy and Astrophysics Michael Bolte is TIO associate director, thereby giving the UC outsized influence concerning TMT Project decisions;⁵

Whereas, the members of the TIO are the University of California, Caltech, the National Institutes of Natural Sciences of Japan, the National Astronomical Observatories of the Chinese Academy of Sciences, the Department of Science and Technology of India, and the National Research Council (Canada), and the Association of Universities for Research in Astronomy (AURA) is a TIO Associate,

Whereas, the Association of Universities for Research in Astronomy (AURA) was founded in 1957 by a group of U.S. universities to create astronomical observation facilities that would be available for research purposes by qualified institutions,

¹ UC Regents (2014), "Approval of Participation in the Thirty-Meter Telescope Construction and Operation," in UC Regents Committee on Finance, March 19, 2014, <https://regents.universityofcalifornia.edu/minutes/2014/fin3.pdf>.

² Ibid.

³ TMT International Observatory, LLC. (2017), "Financial Statements For the Years Ended December 31, 2017 and 2016," <https://www.tmt.org/download/Document/44/original>; TMT International Observatory, LLC. (2015), "Financial Statements For the Year Ended December 31, 2015 and the Period From May 6, 2014 (Inception) to December 31, 2014," <https://www.tmt.org/download/Document/8/original>

⁴ TMT International Observatory, LLC (2017), p. 8

⁵ TMT International Observatory – Board of Governors, <https://www.tmt.org/page/governance>

Whereas, AURA is now made up of 47 U.S. member institutions, including the University of California Santa Cruz,

Whereas, on June 20, 2019 The Hawai'i Department of Land & Natural Resources issued a notice to proceed with construction of the TMT on Mauna Kea,

Whereas, on July 15, 2019 thousands of Native Hawaiian protectors blocked the Mauna Kea Access Road with kūpuna (elders) of the community making up the front line,

Whereas, on July 17, 2019 33 kūpuna and five kia'i (protectors) were arrested by police. Some were in wheelchairs,

Whereas, as of the date of this resolution, thousands of Native Hawaiian protectors will have blocked the Mauna Kea Access Road in order to stop construction of the TMT for 115 consecutive days,

Whereas, the Mauna Kea protectors are under imminent threat of violence from a militarized police force:

1. On July 17, 2019, Hawaii Governor Ige signed an emergency declaration requiring "all state agencies and officers to cooperate with and extend their services, materials, and facilities as may be required to assist in all efforts to eliminate the danger" allegedly posed by the non-violent blockade. The order invokes the state's "right to suppress or prevent lawless violence, riot, civil disturbance, and/or the forcible obstruction of the execution of the laws of the State of Hawai'i" (the declaration has since expired);
2. in March 2019, the Hawaii Department of Land and Natural Resources Division of Conservation and Resources Enforcement, which is coordinating the law enforcement operation, made an internal request to purchase a Long-Range Acoustic Device (LRAD), a dangerous crowd-control weapon originally developed for military use;

Whereas, the violent eviction of Mauna Kea protectors from the Mauna Kea access road would be a grave injustice for which the University of California system and the University of California Santa Cruz would bear direct responsibility,

Whereas, the degradation of Mauna Kea by the TMT Project, despite a powerful resistance movement from Native Hawaiians, including those actively obstructing the Mauna Kea Access Road, represents a genocidal act against the Indigenous people of Hawai'i and their culture, sovereignty, and spiritual practices,

Whereas, the University of California system and the University of California Santa Cruz are both benefactors and supporters of the TMT Project, and as such are actively supporting the degradation of the culture, sovereignty, and spiritual practices of the Native Hawaiian people,

Whereas, University of California campuses -- including UCSC -- are home to hundreds of Native Hawaiian students, and the UC's ongoing advocacy for and involvement in the TMT Project constitute a threat to these students' histories and culture,

Whereas, on September 25, 2019, the University of California Student Association released a letter signed by all nine Associated Students External Vice Presidents from throughout the UC system demanding that the UC sever financial ties with the TMT Project.

Whereas, many Mauna Kea protectors have called on University of California students, faculty, staff, and administrators to pressure university authorities to withdraw from the TMT project, thus utilizing our unique positions of influence concerning this project's fate,

Therefore, be it resolved, that the University of California Santa Cruz shall respect the sovereignty of the Native Hawaiian people by demanding that AURA divest from, and cease all support for, the construction of the TMT on Mauna Kea.

Be it further resolved, that the University of California Board of Regents shall immediately and permanently cease new investments in TMT construction on Mauna Kea, and that it will also withdraw all existing investments,

Be it finally resolved, that the UC Board of Regents, the UC Office of the President, and the UC-appointed directors of the TIO shall utilize their crucial decision-making authority concerning the TMT Project to ensure that its construction never occurs on Mauna Kea.