

Hawaiians call Mark Zuckerberg 'the face of neocolonialism' over land lawsuits

Attorneys for Facebook's CEO have filed suits against hundreds of Hawaiians centered around his 700-acre Kauai estate, alarming neighbors



The road into Mark Zuckerberg's 700-acre estate on Kauai, the center of 'quiet title' land suits against hundreds of Hawaiians. Photograph: Jon Letman

By Jon Letman in Kauai and Julia Carrie Wong
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A few days after Christmas, Mark Zuckerberg shared a series of photographs of his family at their \$100m, 700-acre property in Kauai. The Facebook CEO and his wife “fell in love with the community and the cloudy green mountains”, he wrote, and decided to “plant roots and join the community ourselves”.

Two days later, Zuckerberg's lawyers filed lawsuits against hundreds of Hawaiians who may own an interest in small parcels within the boundaries of Zuckerberg's estate. The “quiet title” suits, first reported by the Honolulu Star-Advertiser, are used to clarify the often complicated history of land ownership in Hawaii and can result in owners being forced to sell their land at auction. In some cases, defendants are even required to pay the legal fees of the plaintiff – in this case, the world's fifth richest man.

Zuckerberg's lawsuits have prompted a backlash from locals who place the billionaire within a long, painful history of western conquest and Native Hawaiian dispossession.

"This is the face of neocolonialism," said Kapua Sproat, a law professor at the University of Hawaii who is originally from Kauai. "Even though a forced sale may not physically displace people, it's the last nail in the coffin of separating us from the land."

"For us, as Native Hawaiians, the land is an ancestor. It's a grandparent," she added. "You just don't sell your grandmother."



Mark Zuckerberg. Photograph: Esteban Felix/AP

Kauai, known as the Garden Island, has long been a favorite playground of holidaymakers, Hollywood film-makers and millionaires on their second or third homes. The vine-choked forests, plunging waterfalls and broad sand beaches have served as the backdrops for films including Jurassic Park and Pirates of the Caribbean while the laid-back rural cool and mellow tropical vibe has attracted rock stars, celebrities and at least one Russian billionaire.

But the acquisition of vacation homes by wealthy malihini (newcomers) exacerbates a social chasm keenly felt by kamaaina (native-born or longtime residents of Hawaii).

"People have always seen the value of living in Hawaii, in paradise, and for many generations now, it's been a detriment to us," said Kauai council member Mason Chock. "They've come in and purchased land and raised the value so much. Only people from abroad or outside Kauai can even afford to live in Kauai now."

Nearby a bluff overlooking north Pacific swells, a one-mile lava-rock wall demarcates a property which, from the road, is attractive but unremarkable. A sign reads “thank you for not trespassing”, but nothing suggests the land belongs to the Facebook CEO.

The problem is that it doesn't. Not all of it, anyway.

Before westerners came to Hawaii, stewardship of the land, or 'āina, was a collective responsibility, characterized by the familial relationship to the land described by Sproat. Privatization came in 1848 with the Māhele, which began the process of divvying up parcels between the king, the government and the people. The Kuleana Act of 1850 was intended to allow Native Hawaiians to claim title to lands they were cultivating, but ultimately less than 1% of Hawaii's land area was granted to indigenous people.

Over the generations, ownership stakes in many kuleana parcels have been divided among descendants, and some Hawaiians may not even know they have a claim on the land. It is this confusion that quiet title lawsuits attempt to dispel.



Zuckerberg's estate. Photograph: Jon Letman

The defendants in Zuckerberg's lawsuits are descendants of the original kuleana title holders for small parcels surrounded by the estate.

Zuckerberg's lawyer and representatives did not respond to repeated inquiries from the Guardian, but in a Facebook post on 19 January, the CEO defended his lawsuits as a good-faith effort “to find all these partial owners so we can pay them their fair share”. He is also reportedly supported by one of the partial owners of the kuleana land, Carlos Andrade, a retired professor of Hawaiian Studies at the University of Hawaii.

Andrade is assisting Zuckerberg on the quiet title process, according to the Honolulu Star-Advertiser. He did not respond to a query from the Guardian.

Makaala Kaaumoana, the executive director of an environmental group in Hanalei, Kauai, said that the lawsuits would help identify and inform descendants of links to the land they may not know about, which is “a good thing”.

“It is always a sad thing when families lose their land, for any reason, but at least this way they are compensated,” she said.

And Matt Goodale, a neighbor whose 10 acres of breadfruit, banana, mango, lychee and longan trees lie about one and a half miles from Zuckerberg’s property, said that the CEO’s purchase of the land was much better than the alternative: an 80-home development.



The public Pilaa Beach, below the hillside and ridgetop land owned by Facebook’s CEO, Mark Zuckerberg. Photograph: Ron Kosen/AP

“His current actions show that he is trying to do the right thing,” Goodale said.

But for others, Zuckerberg’s lawsuits are unnecessary and unneighborly.

“Zuckerberg is saying he wants to respect the local culture and Hawaiian values but ... I was always taught that if there was a dispute with somebody you go and knock on their door, sit down, and you kukakuka [discuss] and you hooponopono [make it right],” said Hawaii state representative Kaniela Ing of Maui. “You don’t initiate conversation by filing a lawsuit.”

Ing criticized Zuckerberg as “using the same legal loopholes sugar barons in Hawaii exploited centuries ago”, and said he planned to introduce state legislation to reform

the quiet title process. One proposal would let kuleana owners group together and form a trust, in order to achieve a fairer price for their land.

Zuckerberg had already raised hackles by building the mile-long wall, and the lawsuits have also raised concerns about whether Zuckerberg will try to block people from accessing a public beach through his private property.

Many Native Hawaiians, including Sproat's family, travel regularly to Pilaa beach to fish and gather seaweed, which she called an "important icebox" for people pursuing the traditional lifestyle.

"We have been waiting for contact," said Hope Kallai, who lives on the same street as Zuckerberg, one property away. Kallai said she and other neighbors have attempted to reach out through Zuckerberg's lawyers and ranch manager with no success. They did know that the billionaire was in town for Christmas, though, because they saw security guards parked on the road.

"He's kind of in a bubble. It would be much better if we could sit in a circle and talk. He talks about building bridges and not walls," Kallai said. "He built a six-foot wall."