

Law and Water Management in the Hawaiian Kingdom

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Abstract

This paper examines the history of freshwater administration and collaboration in the Hawaiian Islands. It focuses on the Hawaiian Kingdom era from 1840-1893, during which indigenous models of water management emphasized shared access and community governance. Laws like the 1840 Constitution and 1876 Forestry Act codified protections for water sources, while water commissioners were appointed community representatives to adjudicate disputes based on local knowledge. However, after the illegal overthrow of the Kingdom in 1893, corporate powers reshaped policies to serve private irrigation projects. Sugar interests gained control of vast tracts of Hawaiian lands and watersheds. Over 20 major ditch systems were developed, capable of diverting over 1.2 billion gallons per day by 1926. This severely disrupted streamflows, traditional cultivation, and community health across islands.

This paper highlights the tensions between traditional water rights, plantation interests, and the territorial government in late 19th century Hawaii. The rise of the sugar plantation industry ultimately undermined equitable, place-based administration. Despite gains for elite planters, communities persistently challenged unjust diversions. This legacy informs struggles for environmental justice today. More collaborative, culturally-informed approaches are needed to resolve 21st century water challenges in Hawaii and beyond.

This analysis of Hawaii's history demonstrates how traditional and modern systems can clash in an island setting. It provides lessons on power imbalances, inequality, and the importance of local context for freshwater policy and regulation. Centering community voices and environmental sustainability alongside economic demands remains critical for just and resilient water administration on islands worldwide.

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