Proposals 48, 465, and 483 are suggested amendments to Article X, Section 3 and Proposal 8 is a suggested amendment to Article XIII of the Hawaii State Constitution. This statement on these proposals does not reflect the institutional position of the University of Hawaii.

We recognize that the major issues concerning these proposals are State boundaries and the jurisdiction of marine resources within these boundaries. The jurisdiction of marine resources cannot be discussed, however, until the boundaries of the State have been determined. The boundaries of the State cannot be changed unilaterally through amendment of the state constitution. Those boundaries are determined by historical fact, federal court interpretation, and most recently, by international law as reflected in the ongoing negotiations at the U.N. Conference on the Law of the Sea.

The intent of Proposals 8, 48, and 483 is clearly worthy and represents the State's position that the islands and the channels between be recognized as an archipelago. It must be noted, however, that administrative control requires jurisdiction, and adoption of this proposal will not automatically give the State the jurisdiction to control the channels between the islands. This can only be accomplished by an Act of Congress with the State's concurrence. We recommend, therefore, that the wording be changed to recognize that the State can have jurisdiction only if the federal government grants it.
In Proposal 8, the spelling of the name of Lisianski Island should be corrected.

A point of confusion arises if both Proposals 8 and either 48 or 483 are placed into the Constitution. If the State includes islands as far away as Ocean and Palmyra Islands, and if the State has control over the channels between the islands, then the State controls roughly one million square miles of ocean, clearly and absurd proposition. The amendment should clearly state which channels are intended to be under State control.

The addition of "and other resources" suggested by Proposal 465 seems appropriate for inclusion in the constitution.

There would seem to be no objection to condensing Article XVI, Section 13, "Condemnation of Fisheries" to one sentence to be included in Article X, Section 3 as proposed in Proposal 483 as long as it is clearly understood (as stated in Hawaii Revised Statutes Sec. 188-12) that just compensation will always be provided as a result of condemnation proceedings.