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Marianas II

June 1, 1973

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From May 15 to June 4, 1973, the Marianas Political Status Commission and the President's Personal Representative met in Saipan for negotiations aimed at achieving political union between the Mariana Islands and the United States of America.

The meeting consisted of public plenary opening and closing sessions, several working sessions, and meetings of subpanels of advisers on technical matters. The two sides recognize that any final agreement emerging from these and future sessions of negotiations will have to be approved by the Marianas District Legislature, the people of the Marianas in a plebiscite, and the United States Congress. The delegations attempted during these discussions to arrive at preliminary agreements where possible and to identify technical questions requiring further study by smaller panels of experts. There was no attempt to agree on precise language for formal agreement. However, both delegations believe their working sessions have resulted in substantial progress in that preliminary agreements were reached in broad areas.

The discussions dealt with the nature of the future political relationship, United States economic and financial assistance, and land matters including United States land requirements. The tentative agreements are set forth below:

The Nature of the Political Relationship

1. The future political relationship between the Marianas and the United States would take the form of a commonwealth arrangement, as defined by a formal political status agreement. Under this arrangement, the future

Marianas Government would exercise a maximum amount of self-government consistent with relevant portions of the United States Constitution and federal law. Sovereignty over the Marianas would be vested in the United States.

2. Fundamental provisions of the formal agreement establishing the commonwealth relationship would be subject to modification only by mutual consent. The parties have agreed to explore alternative methods to implement this mutual consent requirement.

3. Article IV, section 3, clause 2 of the United States Constitution would apply to the future political relationship between the Marianas and the United States, subject to the two delegations arriving at an acceptable arrangement under which modification of fundamental provisions of the formal agreement establishing the commonwealth relationship is made only by mutual consent and subject further to the reservation of the Marianas Political Status Commission that it will explore means to reconcile the plenary powers of Congress under Article IV, section 3, clause 2 with the exercise by the commonwealth of the Marianas of maximum self-government with respect to internal affairs.

4. The future Marianas government would be established under a constitution of the Marianas. This constitution would be drafted by a local constitutional convention and would be subject to the approval of the people of the Marianas. The Marianas constitution would include a bill of rights and provide for the separation of powers and a popularly elected chief executive. The Marianas constitution, as initially drafted and approved

by the people of the Marianas, would be subject to approval by the United States Congress for consistency with the relevant provisions of the United States Constitution, legislation establishing the commonwealth arrangement, and any other relevant federal legislation. Constitutional amendments would not require approval by the United States Government, although federal courts would be competent to pass on the consistency of such amendments with relevant provisions of the United States Constitution and of federal law.

5. The United States would have responsibility for and complete authority in the fields of defense and foreign affairs. In this regard, the advice of the future commonwealth government on international matters directly affecting the islands would be considered by the United States Government and the United States would support the membership of the Marianas in regional or other international organizations concerned with economic, cultural, or comparable matters of concern to the Marianas to the extent such organizations permit such representation. The Marianas would also be able to establish offices abroad to promote local tourism or other economic or cultural interests.

6. With respect to judicial matters, the new Marianas commonwealth would have the right to establish local courts to handle cases arising under local law. The operation of these courts, if established, would be compatible with the federal court system and consistent with applicable federal law. The jurisdiction of the United States District Court in the Marianas would be at least the same in the Marianas as it would in a state.

7. Recognizing that the question of Marianas representation in the United States Congress is ultimately a matter for decision by that body, the United States delegation has agreed to support a request by the Marianas for its own non-voting delegate in Congress. The parties have agreed to explore a common approach to the United States Congress on this subject.

8. Article IV, section 2, clause 1 of the United States Constitution relating to "privileges and immunities" would apply in the Marianas, subject to appropriate limitation in the formal status agreement to assure that the ability of the future Marianas Government to preserve control of the land of the Marianas in the hands of Marianas citizens will not be compromised. Citizens of the Marianas would be entitled to all privileges and immunities of citizens in the several states. Article IV, section 1 of the United States Constitution relating to "full faith and credit" would apply with respect to the Marianas as if it were a state. The requirements in the United States Constitution of indictment by grand jury and of a jury trial in civil cases need not be made applicable in the Marianas. The Marianas Political Status Commission will study further which additional provisions of the United States Constitution should be made expressly applicable in the Marianas.

9. Marianas residents would have the opportunity of becoming United States citizens. The parties have agreed to study further, through a joint working group of lawyers, the status to be accorded those residents of the Marianas who might not wish to become American citizens.

10. There would be continuing dialogue after establishment of the commonwealth, on the needs and interests of the Marianas. The parties have agreed to discuss, at a later stage in the negotiations, whether to provide for formal periodic review of all aspects of the relationship between the Marianas and the United States.

11. The question of whether certain major areas of federal legislation will apply in the Marianas may be dealt with explicitly in the formal agreement establishing the future political status of the Marianas. These areas include taxes, immigration, customs, banking, social security, maritime laws, labor standards, and the postal service. The parties have agreed that the joint working group of lawyers will study federal laws in these and other areas to determine whether and how their application in the Marianas should be circumscribed by the formal status agreement and whether that agreement might provide generally for resolving questions as to the applicability of future federal laws in the Marianas.

12. At some future date a joint commission would be established to study and make recommendations on the applicability in the Marianas of the large body of federal legislation and regulations which will not be specifically addressed in the formal status agreement.

Economics and Finance

1. The objectives of a long term economic development program for the Marianas should be:

a. To facilitate an orderly transition to the new political status;

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- b. to build toward an adequate social and economic infrastructure;
- c. to provide necessary public services and programs; and
- d. to encourage and to promote the future economic development of the Marianas.

The United States is agreed in principle to assist the Marianas in the attainment of these objectives in order to achieve the ultimate goals of raising significantly the per capita income of the people of the Marianas and moving the Marianas progressively toward economic self-sufficiency.

2. The accomplishment of the above objectives will require systematic long-range planning to identify specific economic priorities and evaluate financial needs and potential local sources of revenue (particularly as they may be substantially affected by proposed military activities in the Marianas) in order to develop estimates of the quantum of financial support from the United States which might be necessary for the new commonwealth to achieve self-sufficiency.

3. The two delegations discussed such a preliminary planning effort including such matters as a land cadastral program for the Marianas, preparation of a physical plan, a government reorganization plan, an economic and social development plan, and legal planning in such areas as political education, preparation for a Constitutional Convention, and development of initial legislative programs. The United States will agree in principle to finance this planning effort, subject to the outcome of a

review of such questions as timing, the range of activities contemplated and funding procedures, to be undertaken by a joint working group on economics and finance.

4. The parties have agreed that special attention will be paid to finding means to implement a land cadastral survey program in the Marianas as soon as possible.

5. The parties are agreed in principle on the need for United States financial assistance for capital improvement programs, for start-up costs associated with the new commonwealth, and for government operations and programs until the people and the government of the Marianas can meet the financial responsibilities of self-government from their own resources. Although the United States believes that long-term support for the Marianas can best be assured by the extension of appropriate federal programs and services to the Marianas and by direct grants approved annually through the normal federal budgetary process, the United States is prepared to agree, subject to the approval of the United States Congress, to provide financial support over an initial period of years at guaranteed fixed levels, in addition to the normal range of federal programs for which the new Marianas government might become eligible. The parties have agreed to explore the exact framework through which such a commitment can be implemented.

6. Reliable estimates of the levels of required United States financial assistance cannot be determined until after further study of the needs of the Marianas and their anticipated revenues. Although the extensive preliminary planning efforts discussed above will address these

subjects in greater detail, the parties have agreed that the joint working group on economics and finance referred to above, will study specific questions relating to the long-term financial requirements of the Marianas, including the following:

- a. the likely nature and extent of internal revenues in the Marianas;
- b. the impact on anticipated revenues of current United States plans for construction and operation of military facilities in the Marianas;
- c. the impact on anticipated revenues of foreseeable growth in the economy of the Marianas;
- d. the capital improvement needs and economic development goals of the Marianas;
- e. the costs of government operations and programs in the Marianas; and
- f. the amount of federal funds that could be made available to the Marianas through certain current federal programs available to the states and territories.

Future Uses of Land in the Marianas

1. The two delegations devoted several meetings to discussion of the question of land and concluded that a firm basis for further progress in this important substantive area had been established. Both sides agreed that it has been possible to develop meaningful understanding as to the significant principles involved although a number of important questions still remain to be resolved in future discussions.

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2. With regard to public land, the United States reiterated its prior commitment to return to the people of the Marianas the land now held in public trust just as soon as questions of a legal, technical, administrative and timing nature can be resolved. These are now being examined as part of a larger study of the early return of public land in all the districts of Micronesia. If that study is delayed, priority attention will be given to the Marianas.

3. The United States agreed to work with the Marianas Political Status Commission to establish an effective means for preventing land in the Marianas from being alienated to persons not of Marianas ancestry.

4. With regard to United States military land requirements, the Marianas Political Status Commission again acknowledged the oft-stated United States need for land in the Marianas for defense purposes and agreed to negotiate with the United States in good faith on meeting that need. The United States agreed to approach the matter in the same spirit. The Marianas Political Status Commission agreed in principle to make land available to the United States, with the question of the extent of such land and the terms under which it is to be made available still to be negotiated.

5. The Marianas Political Status Commission agreed in principle that a small, uninhabited and inaccessible island could be made available as a United States target area, as Farallon de Medinilla is now being used. The United States would continue its joint use of Isley Field on Saipan. Other needs are still under discussion.

6. It was the understanding of both delegations that the Marianas Political Status Commission would be prepared to negotiate with respect to that portion of Tinian required by the United States for military purposes. In this connection, means would have to be found to assure that social and economic conditions evolve in a manner compatible with the mutual interests of both the civilian and military communities.

7. During the forthcoming recess in formal talks between the two delegations, further discussions will be held at a technical level to clarify and refine the United States proposals in detail. In this connection, the United States has agreed to further examine its proposals for military land requirements in the light of the comments of the Marianas Political Status Commission. Similarly the Marianas Political Status Commission has agreed to give further consideration to the United States military land proposals.

8. The United States will send a small group of engineers to the Marianas to make necessary preliminary on-the-spot surveys. These actions are necessary in order to facilitate the planning process. In this regard, the United States offered assurances that it has no intention of taking further action to implement its military land proposals so long as this matter is still under negotiation with the Marianas Political Status Commission.

9. The parties agreed to establish a consultative group to discuss the detailed plans for military and related land use in the Marianas as they are developed and to consult with the people directly affected by these plans. The people of Tinian will be represented in such a group.

Future Meetings

The Chairman of the Marianas Political Status Commission and the President's Personal Representative agreed that the two delegations would meet again to pursue all of these matters further as soon as possible probably in the late summer or early fall. Meanwhile talks will continue at the technical level on the subjects indicated above.

Edward DLG Pangelinan

Edward DLG. Pangelinan
Chairman, Marianas Political
Status Commission

Marianas Political Status Commission

Mr. Edward DLG Pangelinan, Chairman
Mr. Vicente N. Santos, Vice-Chairman
Mr. Olympio T. Borja
Mr. Vicente T. Camacho
Mr. Herman Q. Guerrero
Mr. Francisco A. Hocog
Mr. Benjamin Manglona
Mr. Herman Manglona
Mr. Daniel T. Muna
Mr. Francisco T. Palacios
Mr. Joaquin T. Pangelinan
Mr. Felix Rabauliman
Mr. Felipe A. Salas
Mr. Joannes R. Taimanao
Mr. Jose C. Tenorio

Staff and Consultants

Mr. Howard P. Willens
Mr. Jay F. Lapin
Mr. James Leonard
Mr. James E. White

Date June 4, 1973

Franklin Haydn Williams
Franklin Haydn Williams
The President's Personal Representative
for Marianas Status Negotiations

United States Delegation

Ambassador Franklin Haydn Williams,
The President's Personal Representative
Mr. James M. Wilson, Jr.
Captain William J. Crowe, Jr., USN

Advisors

Mr. John Dorrance
Mr. Adrian de Graffenried
Mr. Thomas Johnson
Colonel William Kenty
Mr. Harman E. Kirby
Mr. Herman Marcuse
Colonel James P. McCarthy
Mr. James P. Samaritano
Colonel Athol M. Smith
Miss Mary Vance Trent
Mr. Thomas Whittington