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STATEMENT OF THE INTENTION OF THE NEGOTIATING
PARTIES WITH RESPECT TO THE AGREEMENT TO ESTABLISH A
COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS IN
POLITICAL UNION WITH THE UNITED STATES OF AMERICA

The following is a statement of the intention of the negotiating parties with respect to certain provisions of the Agreement to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, ^{signed} ~~agreed to~~ by the Marianas Political Status Commission and the President's Personal Representative in Saipan, Mariana Islands, on _____, 197__.

Section 101.

~~This Section provides that the Northern Mariana Islands will, upon termination of the Trusteeship Agreement, become a self-governing commonwealth in political union with and under the sovereignty of the United States of America.~~

9] The negotiating parties have considered it unnecessary to state explicitly in the Agreement that the Government of the Commonwealth will have sovereign immunity. ~~See e.g., Porto Rico v. Rosaly, 227 U.S. 27, or that the Government of the Commonwealth and its predecessor, the Government of the Northern Mariana Islands, will have sovereign immunity, and will not be considered an agency or instrumentality of the United States Government.~~

Section 102.

The supremacy clause contained in this Section is modeled on the supremacy clause of the United States Constitution, and the negotiating parties intend that the relationship between the Northern Mariana Islands and the United States delineated by this clause be comparable to the relationship between the States and the United States delineated by Article VI, Clause 2 of the United States Constitution.

Section 103.

~~This Section, guaranteeing to the people of the Northern Mariana Islands the right of local self-government, is intended to carry out the commitment in the Joint Communiqué of June 4, 1973 that the people of the Northern Mariana Islands would exercise a maximum amount of self-government. The legislative powers of the United States with respect to the Northern Mariana Islands will be exercised with strict regard for the preservation of the internal self-government of the Commonwealth.~~

Section 105.

With respect to those provisions which cannot be altered without mutual consent, as provided in this Section, it is understood that an act by either Government in contravention of such a provision would be a de facto attempt to alter the

Agreement and could not successfully be accomplished without the permission of the other Government.

The phrase " . . . Northern Mariana Islands as defined in this Agreement" is used in this Section in order to guarantee the territorial integrity of the Commonwealth. The geographic boundaries stated in Section 1006(b) of the Agreement, by virtue of this Section, cannot be allowed without the consent of both the ^{Government of the} United States and ^{the Government of the} Northern Mariana Islands. ~~Governments.~~

Section 202.

This Section states the entire ~~amount of the~~ authority of the United States with respect to the Constitution of the Northern Mariana Islands, except for the power of the President to delay the effectiveness of certain provisions of the local Constitution until termination of the Trusteeship. ~~The~~ The United States will not have the power directly or indirectly to alter the Constitution of the Northern Mariana Islands after initial approval, except insofar as parts of the Constitution may be passed on by federal courts in particular cases.

This Section is not intended to be an independent grant of jurisdiction to the courts established by the Constitution or laws of the United States. Rather, it is simply intended to acknowledge their authority to review the local