

OFFICE FOR MICRONESIAN STATUS NEGOTIATIONS  
WASHINGTON, D.C. 20240

May 8, 1974

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Memorandum

To: J.M. Wilson, Jr., The U.S. Deputy Representative  
for Micronesian Status Negotiations

From: Adrian de Graffenried, Legal Adviser, OMSN

Subject: "Commonwealth Agreement", New Proposed Draft

Attached for your attention is a revised approach for a document which is proposed to meet the basic legal and political requisite for establishing the Northern Mariana Islands as a territory of the United States. This document together with appropriate legislation adopted by the United States Congress to specify the particulars deleted in this draft but contained in the draft forwarded the Marianas Political Status Commission should adequately protect both parties and should facilitate an early agreement and approval by the local people.

Attachment

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COVENANT ESTABLISHING A POLITICAL UNION BETWEEN  
THE MARIANA ISLANDS DISTRICT OF THE TRUST TERRITORY OF THE  
PACIFIC ISLANDS AND THE UNITED STATES OF AMERICA

Whereas, the Northern Mariana Islands, now known as the Mariana Islands District of the Trust Territory of the Pacific Islands, consisting of those islands and the territorial waters thereof which lie within the area north of 14° north latitude, south of 21° north latitude, west of 150° east longitude and east of 144° east longitude are now administered by the United States of America pursuant to a Trusteeship Agreement with the Security Council of the United Nations; and

Whereas, the United States of America fully recognizes and supports the desire of the people of the Mariana Islands District of the Trust Territory of the Pacific Islands to exercise their inalienable right of self-determination; and

Whereas, under the Charter of the United Nations and the Trusteeship Agreement between the United Nations and the United States the inhabitants of the Mariana Islands District are free to express their wishes for self-government or independence; and

Whereas, the people of the Mariana Islands District and the United States share the goals and values found in the American system of government based upon the principles of individual freedom and democracy; and

Whereas, for over twenty years, the people of the Mariana Islands District, through public petition and referendum, have clearly expressed their desire to attain the benefits inherent in political union with the United States;

Now, therefore, the Marianas Political Status Commission, being the duly appointed representatives of the people of the Mariana Islands

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District, and the Personal Representative of the President of the United States have agreed to this Covenant establishing a self-governing commonwealth for the Mariana Islands District within the American political system and defining the future relationship between the people of the Mariana Islands District and the United States.

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## TITLE I

Upon termination of the present Trusteeship Agreement the Mariana Islands District of the Trust Territory of the Pacific Islands will become integrated into the American political family as a self-governing commonwealth under the sovereignty of the United States to be know as "The Commonwealth of the Northern Marianas".

## TITLE II

The Commonwealth will govern itself pursuant to a Constitution of its own adoption and in accordance with this Covenant, applicable provisions of the United States Constitution, and applicable federal law. The Constitution of the Commonwealth will be framed by the people of the Mariana Islands District and adopted by popular vote. It will provide for a bill of rights, the separation of powers, and a popularly elected chief executive and legislature. The United States will advise and consent to the proposed Constitution of the Commonwealth according to its constitutional processes and in consultation with the Commonwealth.

## TITLE III

The Commonwealth Government may establish local courts with such jurisdiction as may be prescribed by local law. Their operation will be compatible with the federal court system of the United States and consistent with applicable federal law. The United States will also establish a Federal District

Court with powers and jurisdiction equal to those of the District Court of Guam in the Territory of Guam.

#### TITLE IV

The people of the Mariana Islands District will become citizens of the United States, with the opportunity to become nationals of the United States, with all the rights, privileges, immunities and responsibilities pertaining thereto.

#### TITLE V

The United States will hold the full attributes of sovereignty over the commonwealth and will exercise its legislative powers with strict regard for the preservation of Marianan internal self-government. The United States agrees that the fundamental political status relationship of the Commonwealth in the American political family will be amended only by mutual consent. To this end the United States agrees to obtain the prior approval of the Commonwealth before exercising its sovereign authority in matters of: (LIST)

#### TITLE VI

The Commonwealth will regulate the alienation of all public and private lands so as to prevent their transfer to persons not of Marianan ancestry.

#### TITLE VII

The Commonwealth will make land available to the United States Government for the exercise of its responsibilities in the Marianas. All United States property and interests in property in the Marianas shall be acquired pursuant to the procedures set forth in a separate agreement.

TITLE VIII

The United States will extend financial support to the Commonwealth Government to support an orderly transition to the new political status; to develop the Commonwealth economy toward self-sufficiency; and will include the extension of federal programs and services and other assistance in meeting future development needs as may be mutually agreed to.

TITLE IX

This Covenant will be approved by the Government of the United States according to its Constitutional processes and by the Marianas District Legislature and the people of the Mariana Islands District in a plebiscite constituting the exercise of their sovereign act of self-determination. This Covenant will become effective upon implementation by the President of the United States.

Signed at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ 1974.

FOR THE MARIANA ISLANDS DISTRICT:

FOR THE UNITED STATES OF AMERICA:

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