

POSITION PAPER
OF
MARIANAS POLITICAL STATUS COMMISSION
REGARDING DRAFT STATUS AGREEMENT

The Marianas Political Status Commission hereby submits to the U. S. Delegation the Commission's draft status agreement, entitled "Agreement to Establish a Self-Governing Commonwealth of the Mariana Islands in Political Union with the United States of America" (Commonwealth Agreement). This Commonwealth Agreement is the result of the Commission's careful review of the draft status agreement (or Covenant) prepared by the U. S. Delegation, which was made available to the Commission at the last session of negotiations and was resubmitted, in slightly revised form, on May 14, 1974. Although recognizing that technical changes will have to be made and that further editing and improvement are required, the Commission strongly endorses the general approach and substance of this Commonwealth Agreement.

In order to facilitate discussion of the Commonwealth Agreement, the Commission also has decided to provide the U. S. Delegation with an Explanatory Memorandum dated May 16, 1974. Although prepared originally by Counsel for the Commission, this Explanatory Memorandum has been substantially edited and supplemented to reflect the decisions made by the Commission during its meetings before the opening of these negotiations. To the extent possible within the time available, this memorandum explains the differences between the U. S. Delegation's Covenant and the Commission's Commonwealth Agreement. It also provides supporting material for most of the provisions of the Commonwealth Agreement which have no counterpart in the U. S. draft agreement.

In addition, the Commission is supplying the U. S. Delegation with three memorandums prepared by counsel in order to assist the U. S. Delegation's review of the Commonwealth Agreement. These are:

1. Memorandum on Self-Government and a Binding Agreement Prior to Termination of the Trusteeship Agreement;
2. Memorandum on U. S. District Court for the District of the Mariana Islands; and
3. Memorandum on Applicability of Existing Federal Laws in the Marianas Under a General Formula Approach.

Other supporting material can be developed if necessary to clarify provisions of the Commonwealth Agreement or to expedite consideration of the two drafts.

The Commission suggests the following approach in discussing the Commonwealth Agreement during this session of negotiations:

First, the Commission believes that identification and general discussion of the important procedural differences between the two drafts would be useful. An effort to identify some of these issues is reflected at pages 112 of the Explanatory Memorandum.

Second, the Commission believes that the parties could usefully discuss, at least preliminarily, some of the major substantive differences between the two drafts. This might be especially useful in those areas where essentially new positions are being advanced by the parties, such as the provisions relating ^{to} maritime laws in the Commonwealth Agreement and the provisions relating to taxation in the Covenant.

Third, the Commission recommends that the parties establish procedures for continuing work on these draft agreements after this session is concluded. Even if substantive

agreement is reached on most major issues at this session,
it is the Commissions view that several months of difficult
technical effort and meaningful collaboration are required
in order to produce a status agreement acceptable to both
parties.

May 16, 1974

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