

TITLE III

Constitution of the Northern Mariana Islands

Section 301. The people of the Northern Mariana Islands shall frame and approve a Constitution in accordance with this Agreement. The people of the Northern Mariana Islands shall retain the right to initiate and to approve amendments to their Constitution in accordance with the procedures to be provided therein.

Section 302. The United States shall approve the original provisions of the Constitution as provided in Section 1102(d) of this Agreement. Thereafter the United States shall have no authority to approve or disapprove the original provisions of the Constitution or amendments to the Constitution, except that the federal courts shall be competent to determine whether the Constitution and the amendments thereto are consistent with this Agreement and with those provisions of the Constitution of the United States and federal laws applicable within the Northern Mariana Islands.

Section 303. (a) The Constitution shall establish the manner in which the people of the Northern Mariana Island will govern themselves with respect to local affairs. The Constitution shall provide for a republican form of

government with separate executive, legislative, and judicial branches, and shall contain a bill of rights.

(b) The executive power of the Northern Mariana Islands shall be vested in a popularly elected governor and such other officials as the Constitution or laws of the Northern Mariana Islands may provide.

(c) The legislative power of the Northern Mariana Islands shall be vested in a popularly elected legislature, and shall extend to all rightful subjects of legislation.

[Nothing in this Agreement or in the provisions of the United States Constitution or federal laws applicable within the Northern Mariana Islands shall prevent the Constitution from providing for a distribution of the membership of the legislature on a basis which takes into account matters such as geographical or historical interests as well as population, provided such distribution is ratified by the people of the Northern Mariana Islands by their approval of the Constitution or amendments thereto.]

(d) The judicial power of the Northern Mariana Islands shall be vested in such courts as the Constitution or laws of the Northern Mariana Islands may provide. The operation of the courts of the Northern Mariana Islands shall be compatible with the federal judicial system of the United States.

NOTES

1. There is no Title comparable to this one in the MPSC draft, which dealt with the local Constitution in Title I along with other aspects of the political relationship. Article III of the U.S. draft is concerned with the local Constitution. However, Article III of the U.S. draft also contains provisions dealing with the approval of the Constitution, Cov. §§ 302-304, comparable to CA § 1202. Provisions relating to approval of the Constitution have tentatively been moved to Title XI (Approvals, Effective Dates and Definitions).

2. The portion of Cov. § 308 providing that the local legislative power "may not be exercised in a manner inconsistent" with the Agreement and applicable federal law has been eliminated because it is unnecessary in light of the general supremacy clause to be placed in Title I (Political Relationship).

3. Provisions have been added to Title XI to provide for the coming into effect of all portions of the local Constitution not inconsistent with the Trusteeship Agreement after the approval of the Constitution and this Agreement.

4. Provisions in both drafts relating to the control of the local government over the jurisdiction and operation of the local courts, CA § 507, Cov. § 309 (first sentence) have been superceded by Section 303(d) above.

5. The provision in Cov. § 507 requiring the local executive branch to execute the laws of the United States has been dropped.

6. The sentence in brackets in Section 303(c) above is an attempt to deal with an issue with respect to which there are substantive differences between the principals.

7. The provision in Section 303(c) above describing the legislative power of the Commonwealth is based on the phrase in the Virgin Islands Organic Act and replaces different phrases in CA § 205(a) and Cov. § 308.