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Summary of Transitional Provisions

The term "transition" encompasses the series of steps between the present time and the final establishment of the fullfledged Commonwealth of the Marianas under the sovereignty of the United States. The process is gradual and the sequence of those steps is not necessarily immutable. Changes in circumstances and unforeseen contingencies may modify the order we are now envisaging.

It is anticipated that there will be four principal events each of which will herald a stage during which a number of transitional steps will become operational. Those events are: the Signing of the Agreement; the Approval of the Agreement; the Approval of the Constitution of the Commonwealth of the Marianas, and the Termination of the Trusteeship Agreement. That a specific fact is expected to become effective during a certain stage does not preclude the taking of measures preliminary or preparatory to that step during an earlier stage. Indeed, such procedure may be highly desirable to assure a smooth transition.

I. The Signing of the Agreement

After the signing of the Agreement, the following steps may be taken:

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1. The approval process which involves submission (a) to Congress, and (b) to the District Legislature of the Mariana Islands, and to a plebiscite.

2. The beginning of Phase I and the funding thereof by Congress. Some preliminary steps of Phase I (such as the establishment of the Ad Hoc Committee and preliminary work of funding Phase I) may even antedate the signing of the Agreement.

II. The Approval of the Agreement by the United States and the People of the Marianas.

Several of the provisions of the Agreement will become effective immediately upon its approval. The most important ones are the ones relating to the Constitutional Convention to the Constitution of the Marianas and the use rights of the United States in the areas required for military purposes and the compensation to be paid for it. Other provisions of the Agreement can be put into effect at that time; it is, however, now anticipated that this power will be sparingly exercised during this stage.

The steps to be taken up after the approval are expected to be:

1. The processes of calling a Constitutional Convention, of drafting a Constitution, and securing its approval. (This, however, does not preclude the institution of preliminary studies and of political education prior to the approval of the Agreement.)

2. Giving the United States use rights to its military land requirements and payment therefor.

3. Activating further steps of Phase I.

III. The Approval of the Constitution by the People of the Marianas.

At this time the President presumably will put into effect all those provisions of the Agreement which are consistent with the continuation of the Trusteeship Agreement. Clearly inconsistent with the continuation of the Trusteeship Agreement would be the extension of the U.S. sovereignty over the Marianas; grant of U.S. citizenship to the people of the Marianas, and acquisition of title to real estate by the United States. Of doubtful consistency would be the general extension to the Marianas of the provisions of the Constitution and of the laws of the United States as envisaged in Article IV of the Covenant and the establishment of a U.S. court. A decision on this category will have to be deferred to later

times. The establishment of a U.S. court would also depend on the volume of expected litigation. This again would be contingent on the amount of U.S. legislation made applicable to the Marianas.

The steps to be taken after the approval of the Constitution therefore are expected to be:

1. The establishment of an Interim Government for the Marianas.
2. The establishment of a separate administration for the Marianas within the Trust Territory of the Pacific Islands. This step may have to be taken at an earlier date if the Congress of Micronesia attempts to interfere with the United States-Marianas relationship.
3. The coming into effect of virtually all of the Financial Provisions of the Agreement, including direct assistance, federal programs, and rebating of taxes.
4. Activating the Joint Committee on Laws. (This could be done at any time after the approval of the Agreement and would not necessarily have to await the approval of the Constitution or the establishment of the Interim Government.)
5. As indicated above, further study is required whether provisions corresponding to Article IV of the Covenant