

07
5

DRAFT
October 4, 1974

ARTICLE X

Approval, Effective Dates and Definitions

Section 1001.

(a) The Agreement will be promptly submitted to the Mariana Islands District Legislature for its approval. Within [120] days after its approval by the Mariana Islands District Legislature it will be submitted to the people of the Mariana Islands District for approval in a plebiscite to be called by the United States Secretary of the Interior. Approval must be by a majority of those voting in the plebiscite. All residents of the Mariana Islands who would be eligible to vote in elections in the Mariana Islands District if such elections were held on the day of the plebiscite shall be eligible to vote in the plebiscite. The results of the plebiscite shall be certified by the Secretary to the President of the United States.

(b) The Agreement will be approved by the United States in accordance with its Constitutional processes.

(c) The President of the United States will issue a proclamation announcing a date upon which the Commonwealth will be established, when he finds:

(1) That the Agreement has been approved as set forth in subsections (a) and (b); and

(2) That the people of the Mariana Islands District have adopted a Constitution pursuant to the Agreement; and

03-028866

(3) That the Trusteeship Agreement has been terminated or will terminate on the date on which the Commonwealth will be established.

Section 1002. The provisions of this Agreement shall become effective as follows, unless otherwise specifically provided:

(a) Article II, Sections 201-203 [Local Constitution], Article V, Section 505 [Commission on Federal Laws]; and Article X [Approval, Effective Dates and Definitions] will become effective upon approval of this Agreement by the United States and the people of the Northern Mariana Islands.

(b) Article I, Section 102, 103 and 105 [Supremacy clause, self-government, mutual consent]; Article IV [U.S. Judicial Authority]; Article V, Sections 501-504 [Applicability of U.S. Constitution and Laws] and Section 506 [TT Laws]; Articles VI [Taxes] and VII [Finance]; Article VIII, Section 802 and Section 805 [U.S. Land; Alienation]; and Article IX, Sections 901 and 902 [Resident Commissioner and Consultation] will become effective 180 days after this Agreement has been approved and the Constitution of the Northern Mariana Islands has been approved as determined and declared by the President.

(c) The remainder of this Agreement shall become effective upon the establishment of the Commonwealth of the Northern Mariana Islands.

Section 1003.

(a) The application of any law of the United States or provision of the United States Constitution which would other-

wise apply within the Northern Mariana Islands may be suspended until termination of the Trusteeship Agreement if the President finds and declares that the application of such law or provision of the United States Constitution prior to termination of the Trusteeship Agreement would be inconsistent with the Trusteeship Agreement.

(b) Any determination of the President that the Trusteeship Agreement is or will be terminated on a certain day will be final and will not be subject to review by any authority of [the Trust Territory of the Pacific Islands,] the Northern Mariana Islands or the United States, including the courts thereof.

Section 1004. The Constitution of the Commonwealth of the Northern Mariana Islands will become effective in accordance with its terms on the same day that the provisions of this Agreement specified in subsection (b) of Section 1002 become effective, provided that if the President finds and declares that the effectiveness of any provision of the Constitution prior to termination of the Trusteeship Agreement would be inconsistent with the Trusteeship Agreement such provision shall be ineffective until establishment of the Commonwealth. Upon the establishment of the Commonwealth as provided in Section 1001, the Constitution will become effective in its entirety in accordance with its terms, as the Constitution of the Commonwealth of the Northern Mariana Islands.

Section 1005. As used in this Agreement:

(a) "Trusteeship Agreement" means the Trusteeship Agreement entered into between the Security Council of the United Nations and the United States of America;

(b) "Northern Mariana Islands" means the area now known as the Mariana Islands District of the Trust Territory of the Pacific Islands, which lies within the area north or 14° north latitude, south of 21° north latitude, west of 150° east longitude and east of 144° east longitude;

(c) "Government of the Northern Mariana Islands" includes, as appropriate, the Government of the Mariana Islands District of the Trust Territory of the Pacific Islands at the time this Agreement is signed, its agencies and instrumentalities, and its successors, including the Government of the Commonwealth of the Northern Mariana Islands.

(d) "Territory or possession" with respect to the United States includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa and the Panama Canal Zone.