

Draft
October 10, 1974

REPORT OF THE JOINT DRAFTING COMMITTEE

Pursuant to the directions of the Marianas Political Status Commission and the President's Personal Representative for Marianas Status Negotiations, the Joint Marianas - United States Drafting Committee has met in Washington, D. C. and considered various matters referred to it in the Joint Communique of May 31, 1974. The results of our meetings are reflected in the attached working draft of the status agreement.

While the attached working draft records our suggested resolution of a number of substantive issues, and represents a recommended format in many respects, we must state that it is only a working, not a final, draft. Particularly difficult substantive problems with respect to which the Joint Drafting Committee has been unable to reach a recommendation are indicated by the bracketed matter in the attached working draft. But even with respect to matter not in brackets further technical examination by the members of the Joint Drafting Committee is required before the wording of these provisions can be recommended to the principals.

Two issues of form are presently unresolved. The first is the name to be attached to the status agreement. The United States has suggested it be referred to as a "Covenant"

The MPSC has suggested "Commonwealth Agreement". The second issue concerns the desirability of a list of general principles to be inserted between the preamble and the articles. The United States favors inclusion of such a list to set out in broad terms the major points of agreement between the United States and the Marianas. The MPSC believes that there is no necessity for such a list and that its inclusion could create technical difficulties.

The Joint Drafting Committee recommends that the principals direct it to continue its deliberations in an attempt to refine the text of the status agreement further prior to the next formal negotiating session.

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Joint Drafting Committee

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ARTICLE I
Political Relationship

Section 101. The relations between the Northern Mariana Islands and the United States will be governed by this agreement which, together with the provisions of the Constitution, treaties or laws of the United States applicable within or with respect to the Northern Mariana Islands will be the supreme law of the Northern Mariana Islands.

Section 102. The people of the Northern Mariana Islands will have the right of local self-government and will govern themselves with respect to local affairs in accordance with a constitution of their own adoption.

Section 103. The United States will have complete responsibility for and authority with respect to foreign affairs and defense affecting the [Northern Mariana Islands.]

Section 104. [U.S.: The United States may enact legislation in accordance with its constitutional processes which will be effective within the Northern Mariana Islands, being guided by its traditional respect for local self-government; but the fundamental provisions of this agreement, listed as follows, may be modified only with the consent of the government of the United States and the government of the Northern Mariana Islands: [List].]

[MPSC: (a). The United States, in accordance with Article IV, Section 3, Clause 2 of the Constitution of the United States, may, except as otherwise provided in this agreement, make legislation applicable ~~within or with respect~~ to the Northern Mariana Islands, provided that legislation which the United States could not make applicable ~~within or with respect~~ to a state of the Union may be made applicable ~~within or with respect~~ to the Northern Mariana Islands only if such legislation specifically provides that it shall be applicable ~~within or with respect~~ to the Northern Mariana Islands and if, taking into account the right of local self-government of the people of the Northern Mariana Islands, there is a compelling national interest in the application of such legislation ^{to} ~~within~~ the Northern Mariana Islands.

(b). Notwithstanding any other provision of this agreement, or of the Constitution or laws of the United States, or of the constitution or laws of the Northern Mariana Islands, the fundamental provisions of this agreement, listed as follows, may be modified only with the consent of the government of the United States and the government of the ^{NMI} ~~Commonwealth~~: [List].]

Section 105. The Northern Mariana Islands on termination of the trusteeship agreement will become a self-governing commonwealth to be known as the "Commonwealth of the Northern Mariana Islands", in political union with and under the sovereignty of the United States of America.