

JOINT DRAFTING COMMITTEE WORKING DRAFT

October 21, 1974

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~~1973~~ AGREEMENT TO ESTABLISH A  
COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS IN  
POLITICAL UNION WITH THE UNITED STATES OF AMERICA

Whereas, the Charter of the United Nations and the Trusteeship Agreement between the Security Council of the United Nations and the United States of America guarantee to the people of the Northern Mariana Islands the right freely to express their wishes for self-government or independence; and

Whereas, the United States supports the desire of the people of the Northern Mariana Islands to exercise their inalienable right of self-determination; and

Whereas, the people of the Northern Mariana Islands and the people of the United States share the goals and values found in the American system of government based upon the principles of government by consent, individual freedom, and democracy; and

Whereas, for over twenty years, the people of the Northern Mariana Islands, through public petition and referendum have clearly expressed their desire for political union with the United States:

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Now, therefore, the Marianas Political Status Commission, being the duly appointed representatives of the people of the Northern Mariana Islands, and the Personal Representative of the President of the United States have entered into this Agreement in order to establish a self-governing commonwealth for the Northern Mariana Islands within the American political system and define the future relationship between the Northern Mariana Islands and the United States. This Agreement shall be mutually binding when it is approved by the United States, by the Marianas District Legislature, and the people of the Northern Mariana Islands, in a plebiscite, constituting on their part a sovereign act of self-determination.

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ARTICLE I

Political Relationship

Section 101. The Northern Mariana Islands [MPSC: as defined herein] 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.

Section 102. 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 to the Northern Mariana Islands will be the supreme law of the Northern Mariana Islands.

Section 103. 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.

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Section 104. The United States will have complete responsibility and authority with respect to matters relating to foreign affairs and defense affecting the Northern Mariana Islands.

Section 105. The United States may enact legislation, in accordance with its constitutional processes, which will be applicable to the Northern Mariana Islands. But in order to respect the right of the people of the Northern Mariana Islands to self-government guaranteed by this agreement the United States agrees to limit the exercise of that authority with respect to the following fundamental provisions of this agreement to the extent that they may be modified only with the consent of the Government of the United States and the Government of the Northern Mariana Islands:

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ARTICLE II

Constitution of the Northern Mariana Islands

Section 201. The people of the Northern Mariana Islands will formulate and approve a Constitution in accordance with this Agreement and may amend their Constitution pursuant to the procedures provided therein.

Section 202. [US: The Constitution will be submitted to the Government of the United States for approval on the basis of its consistency with this Agreement and the applicable provisions of the Constitution and laws of the United States.] [MPSC: The United States shall approve the original provisions of the Constitution as provided in Section \_\_\_ of this Agreement.] Subsequent amendments to the Constitution of the Northern Mariana Islands may be made by the people of the Northern Mariana Islands without further approval of the Government of the United States but the courts established by the Constitution or laws of the United States will be competent to determine whether the Constitution and subsequent amendments thereto are consistent with this Agreement and with those provisions of the Constitution of the United States and federal laws applicable to the Northern Mariana Islands.