

JOINT DRAFTING COMMITTEE WORKING DRAFT

October 23, 1974

ARTICLE I

Political Relationship

Section 101. The Northern Mariana Islands ~~as defined herein~~ ^{MPSC.} 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 internal affairs in accordance with a Constitution of their own adoption.

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

Northern Mariana Islands.

Section 105. [US: 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 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: [List].]

[MPSC: (a) The United States, accordance with Article IV, Section 3, Clause 2 of the Constitution of the United States, may, except as otherwise provided in this Agreement, enact legislation applicable to the Northern Mariana Islands, provided that legislation which the United States could not make applicable to a State of the Union may be made applicable to the Northern Mariana Islands only if such legislation specifically provides that it shall be applicable 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 the

Northern Mariana Islands.]

[MPSC: ^b(a) Notwithstanding any other provision of this Agreement or of the Constitution or laws of the United States, or of the Constitution or laws of 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 Northern Mariana Islands: [List].]

[MPSC: (c) Consent by the United States or the Northern Mariana Islands will be given in a manner to be determined by their Constitution or laws, provided however that prior to the termination of the Trusteeship Agreement consent by the Northern Mariana Islands may not be given without the approval of the legislature thereof.]

respective

~~NOTE: The Committee recommends that the following provisions be subject to mutual consent: Article I, Article II, Article III, and Section 501. The MPSC representatives have proposed that the following provisions be subject to mutual consent as well: Section 503, 601, 702, 80[3] [acquisition of property by the United States], 80[4] [restraints on land alienation], 901, 100[3] [effective dates], 100[4(b)] [effective date of local constitution], 100[6(b)] [definition of Northern Mariana Islands].~~

Present Status of Mutual Consent List

US and MPSC:

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:]

[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, enact legislation applicable to the Northern Mariana Islands, provided that legislation which the United States could not make applicable to a State of the Union may be made applicable to the Northern Mariana Islands only if such legislation specifically provides that it shall be applicable 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 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 Northern Mariana Islands:]

(a) The Commonwealth relationship between the United States and the Northern Mariana Islands, as defined in this Agreement, established under Article I.

(b) The right of the people of the Northern Mariana Islands to adopt and amend their own Constitution under Article II.

(c) The conditions under which citizens of the Northern Mariana Islands may become United States citizens or nationals under Article III.

(d) The application to the Northern Mariana Islands of specified provisions of the United States Constitution under Article V, Section 501.

~~MPSU~~ (e) Section 503^{MPSU only}, dealing with the applicability of certain important laws.

(f) Section 601³, dealing with the applicability of the Internal Revenue Code as to territorial tax.

(g) Section 702, dealing with ~~Phase II funding~~ ^{financial assistance}

(i) Section 803⁵, dealing with the acquisition of land by the United States.

(h) Section 805⁴; dealing with restraints on land alienation.

(j) Section 901, dealing with the ^{Delegate and} Resident Commissioner.

(k) Section 1002 ~~(to be revised)~~⁹, dealing with the establishment of the Commonwealth.

(l) Section 1004, dealing with effective dates.

(m) Section 1005^{5(b)}, dealing with the effective date of the Constitution of the Northern Mariana Islands, and

(n) Section 1006⁷(b), defining the term "Northern Mariana Islands".²