

DRAFT
October 23, 1974

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;

Now, therefore, the Marianas Political Status Commission, being the duly appointed representative 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 will be

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mutually binding when it is approved by the United States, by the Marianas District Legislature and by 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 upon 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 ~~within~~ 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 ~~internal~~ self-government and will govern themselves with respect to ~~local~~ affairs in accordance with a Constitution of their own adoption.

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. [U.S.: 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

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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.

[MPSC: (e) Section 503; dealing with the applicability of certain important laws.

(f) Section 601; dealing with the applicability of the Internal Revenue Code as to territorial tax.

(g) Section 702, dealing with Phase II funding.

(h) Section 803, dealing with the acquisition of land by the United States.

(i) Section 805; dealing with restraints on land alienation.

(j) Section 901, dealing with the Resident Commissioner.

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

(l) Section 1003, dealing with effective dates.

(m) Section 1005, dealing with the effective date of the Constitution of the Northern Mariana Islands, and

(n) Section 1006(b), defining the term "Northern Mariana Islands".]

Section 1006. The United States will, for purposes of administration, separate the Northern Mariana Islands from the remainder of the Trust Territory of the Pacific Islands in accordance with the request of the Mariana Islands District Legislature as promptly as possible after the approval of this Agreement by the people of the Northern Mariana Islands.

Section 1007. [definitions; see U.S. 10/11/74 Section 1006.].