

7
5,643

JOINT DRAFTING COMMITTEE

WORKING DRAFT

November 20, 1974

USG comments

JOINT DRAFTING COMMITTEE WORKING DRAFT

November 15, 1974

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 and 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 fundamental provisions of this Agreement contained in Articles I, II and III, and Section 501, 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 will 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

November 20, 1974

[MPSC: (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, found in Articles I, II and III and Sections 501, 503, 702, 805 and 806 may be modified only with the consent of the Government of the United States and the Government of the Northern Mariana Islands.

[MPSC: (c) Consent by the United States or the Northern Mariana Islands will be given in a manner to be determined by their respective Constitutions 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.]

029536