

JOINT DRAFTING COMMITTEE WORKING DRAFT
December 16, 1974

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COVENANT 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 Covenant in order to establish a self-governing commonwealth for the Northern Mariana Islands within the American political system and to define the future relationship between the Northern Mariana Islands and the United States. This Covenant will be mutually binding when it is approved by the United States, by the Mariana Islands District Legislature,

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and by the people of the Northern Mariana Islands in a plebiscite, continuing on their part a sovereign act of self-determination.

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 Covenant 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. The United States may enact legislation in accordance with its constitutional processes which will be applicable to the Northern Mariana Islands so long as the Northern Mariana Islands is specifically named in any legislation which could not also be made applicable to the states* U.S.:

*The clause beginning with "so long" is subject to a U.S. reservation.

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In order to respect the right of self-government by the Covenant the United States agrees to limit the exercise of that authority MPSC: The United States will respect the right of self-government in carrying out this legislative authority and agrees to limit the exercise so that the fundamental provisions of this Covenant, namely Articles I, II and III and Sections 501 U.S.: and 805 MPSC: , 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.

ARTICLE II

Constitution of the Northern Mariana Islands

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

Section 202. The Constitution will be submitted to the Government of the United States for approval on the basis of its consistency with this Covenant and those provisions of the Constitution, treaties and laws of the United States to be applicable to the Northern Mariana Islands. The Constitution will be deemed to have been approved four months after its submission to the President on behalf of the Government of the United States unless earlier disapproved. If disapproved the Constitution will be returned and will be resubmitted in accordance with this section.* Amendments to the Constitution of the Northern Mariana Islands may be made by the people of the Northern Mariana Islands without approval by 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 Covenant and with those provisions of the Constitution, treaties and laws of the United States applicable to the Northern Mariana Islands.

Section 203.

(a) The Constitution will provide for a republican form of government with separate executive, legislative, and judicial branches, and will contain a bill of rights.

(b) The executive power of the Northern Mariana Islands will be vested in a popularly elected Governor and such other officials as the Constitution or laws of the Northern Mariana Islands may provide.

(c) The legislative power of the Northern Mariana Islands will be vested in a popularly elected legislature, and will extend to all rightful subjects of legislation. The Constitution of the Northern Mariana Islands may provide for a distribution of the legislature's membership on the basis of appropriate considerations in addition to population; notwithstanding other provisions of this Covenant or the provisions of the Constitution or laws of the United States applicable to the Northern Mariana Islands, provided such distribution is ratified by the people of the Northern Mariana Islands by their approval of the Constitution or amendments thereto.

(d) The judicial power of the Northern Mariana Islands will be vested in such courts as the Constitution or laws of the Northern Mariana Islands may provide. The Constitution and laws of the Northern Mariana Islands may vest in such courts jurisdiction over all causes in the Northern Mariana Islands over which the District Court established pursuant to Section 401 of this Covenant does not have exclusive jurisdiction.

Section 204. All members of the legislature of the Northern Mariana Islands and all officers and employees of the Government of the Northern Mariana Islands will take an oath or affirmation to support this Covenant, the provisions of the Constitution, treaties and laws of the United States applicable to the Northern Mariana Islands, and the Constitution and laws of the Northern Mariana Islands.

*The preceding two sentences are subject to U.S. reservation

ARTICLE III

Citizenship and Nationality

Section 301. The following persons and their children under the age of 18 years on the effective date of this Section, who are not citizens or nationals of the United States under any other provision of law, and who have taken no affirmative steps to preserve or acquire foreign nationality, are declared to be citizens of the United States, except as otherwise provided in Section 302:

(a) All persons born in the Northern Mariana Islands who are citizens of the Trust Territory of the Pacific Islands on the day preceding the effective date of this Section, and who on that date are domiciled in the Northern Mariana Islands or in the United States or any territory or possession thereof;

(b) All persons who are citizens of the Trust Territory of the Pacific Islands on the day preceding the effective date of this Section, who have been domiciled continuously in the Northern Mariana Islands for at least five years immediately prior to that date, and who, unless under age registered to vote in elections for the Mariana Islands District Legislature or for any municipal election in the Northern Mariana Islands prior to January 1, 1975;

(c) All persons domiciled in the Northern Mariana Islands on the day preceding the effective date of this Section, who, although not citizens of the Trust Territory of the Pacific Islands, do not on that day owe allegiance to any foreign state, and who on that date have been domiciled continuously in the Northern Mariana Islands since at least January 1, 1974;

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Section 302. Any person who becomes a citizen of the United States solely by virtue of the provisions of Section 301 may within six months after the effective date of that Section or within six months after reaching the age of 18 years, whichever date is the later, become a national but not a citizen of the United States by making a declaration under oath before any court established by the United States or any court of record in the Commonwealth in the form as follows:

"I.....being duly sworn, hereby declare my intention to be a national but not a citizen of the United States."

Section 303. All persons born in the Commonwealth on or after the effective date of this Section and subject to the jurisdiction of the United States, will be citizens of the United States at birth.

Section 304. Citizens of the Northern Mariana Islands shall be entitled to all privileges and immunities of citizens in the several States of the United States.

NOTE: Brackets in Section 301(b) and (c) indicate an issue reserved for later determination.

ARTICLE IV

Judicial Authority

Section 401. The United States will establish for and within the Northern Mariana Islands a court of record to be known as the "District Court for the Northern Mariana Islands". The Northern Mariana Islands will constitute a part of the same judicial circuit of the United States as Guam.

Section 402

(a) The District Court for the Northern Mariana Islands will have the jurisdiction of a district court of the United States, except that in all causes arising under the Constitution, treaties or laws of the United States it will have jurisdiction regardless of the sum or value of the matter in controversy.

(b) The District Court will have original jurisdiction in all causes in the Northern Mariana Islands not described in Subsection (a) jurisdiction over which is not vested by the Constitution or laws of the Northern Mariana Islands in a court or courts of the Northern Mariana Islands. In causes brought in the District Court solely on the basis of this Subsection, the District Court shall be considered a court of the Northern Marianas for the purposes of determining the requirements of indictment by grand jury or trial by jury.

(c) The District Court will have such appellate jurisdiction as the Constitution and laws of the Northern Mariana Islands may provide. When it sits as an appellate court, the District Court will consist of three judges, at least one of whom will be a judge of a court of record of the Northern Mariana Islands.

Section 403.

(a) The relations between the courts established by the Constitution or laws of the United States and the courts of the Northern Mariana Islands with respect to appeals, certiorari, removal of causes, the issuance of writs of habeas corpus, and other matters or proceedings will be governed by the laws of the United States pertaining to the relations between the courts of the United States and the courts of the several States in such matters and proceedings, except as otherwise provided in this Article; provided that for the first fifteen years following the establishment of an appellate court of the Northern Mariana Islands, the United States Court of Appeals for the judicial circuit which includes the Northern Mariana Islands will have jurisdiction of appeals from all final decisions of the highest court of the Northern Mariana Islands from which a decision could be had in all cases involving the Constitution, treaties or laws of the United States, or any authority exercised thereunder, unless those decisions are reviewable in the District Court for the Northern Mariana Islands pursuant to Section 402(c).

(b) Those portions of Title 28 of the United States Code which apply to Guam or the District Court of Guam will be applicable to the Northern Mariana Islands or the District Court for the Northern Mariana Islands, respectively, except as otherwise provided in this Article.

ARTICLE V

Applicability of Laws

Section 501. The following provisions of the Constitution of the United States will be applicable within the Northern Mariana Islands as if the Northern Mariana Islands were a State of the Union: Article I, Section 9, Clauses 2, 3 and 8; Article I, Section 10, Clauses 1 and 3; Article IV, Section 1 and Section 2, Clauses 1 and 2; Amendments 1 through 9, inclusive; Amendment 13; Amendment 14, Section 1; Amendment 15; Amendment 19; and Amendment 26; provided however, that neither trial by jury or indictment by grand jury shall be required in any civil action or criminal prosecution and based on local law, except where required by local law. Other provisions of or amendments to the Constitution of the United States, which do not apply of their own force within the Northern Mariana Islands, will become applicable within the Northern Mariana Islands only with the approval of the Government of the Northern Mariana Islands and the Government of the United States.

MPSC: Nothing in this Section shall be deemed or operate to prohibit the Government of the Northern Mariana Islands to undertake any activity permitted or required by Sections 203(c) and 805 of this Covenant.7

Section 502. The following laws of the United States in existence on the effective date of this Section, and subsequent amendments to such laws, will apply to the Northern Mariana Islands as follows, except as otherwise provided in this Covenant:

(a) Those laws which provide federal services and financial assistance programs, Titles I, X, XIV and XVI of the Social Security Act, and the federal banking laws will apply as they apply to Guam; the Public Health Service Act

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will apply as it applies to the Virgin Islands; and the Micronesian Claims Act as it applies to the Trust Territory of the Pacific Islands;

(b) those laws not described in subsection (a) which are applicable to Guam and which are of general application to the several States will apply as they are applicable to the several States;

(c) those laws not described in Subsections (a) or (b) which are applicable to the Trust Territory of the Pacific Islands, but not their subsequent amendments unless specifically made applicable to the Northern Mariana Islands, will apply to the Northern Mariana Islands as they apply to the Trust Territory until termination of the Trusteeship Agreement, and will thereafter be inapplicable.

Section 503

(a) The following laws of the United States, presently inapplicable to the Trust Territory of the Pacific Islands, will not apply to the Northern Mariana Islands except in the manner and to the extent made applicable by the United States Congress by law after termination of the Trusteeship Agreement:

(1) The immigration and naturalization laws of the United States, except as otherwise provided in Section 506;

(2) the coastwise laws of the United States, and any prohibition in the laws of the United States against foreign vessels landing fish or unfinished fish products in the United States; and

(3) The minimum wage provisions of the Fair Labor Standards Act, as amended.

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(b) Nothing in this Section shall be deemed to prevent the application to the Northern Mariana Islands of laws of the United States to the extent that they affect United States Government shipments or impose minimum wage requirements with respect to employees or contractors of the United States Government.

Section 504. The President will appoint a Commission on Federal Laws to survey the laws of the United States and to make recommendations to the United States Congress as to which laws of the United States not applicable to the Northern Mariana Islands should be made applicable and to what extent and in what manner, and which applicable laws should be made inapplicable and to what extent and in what manner. The Commission will consist of seven persons (at least four of whom will be citizens of the Trust Territory of the Pacific Islands who are and have been for at least five years domiciled continuously in the Northern Mariana Islands at the time of their appointments) who will be representative of the federal, local, private, and public interests in the applicability of laws of the United States to the Northern Mariana Islands. The Commission will make its final report and recommendations to the Congress as it considers appropriate to facilitate the transition of the Mariana Islands to its new political status. In formulating its recommendations, the Commission will take into consideration the potential effect of each law on local conditions within the Northern Mariana Islands, the policies embodied in the law, and the provisions and purposes of this Covenant. The United States will bear the cost of the work of the Commission.

Section 505. The laws of the Trust Territory of the Pacific Islands, of the Mariana Islands District and its local municipalities, and all other Executive

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and District orders of a local nature applicable to the Northern Mariana Islands on the effective date of this Section and not inconsistent with this Agreement or with the provisions of the Constitution, treaties or laws of the United States applicable to the Northern Mariana Islands will remain in force and effect until and unless altered by the Government of the Northern Mariana Islands.

MPSC: Section 506

(a) Notwithstanding Section 503(a)(1), the immediate relatives of persons who acquire United States citizenship or nationality pursuant to Article III (of persons who are United States citizens or nationals domiciled in the Northern Mariana Islands) may, after termination of the Trusteeship Agreement, become citizens or nationals of the United States in accordance with the Immigration and Nationality Act, as amended; and for purposes of that Act with respect to such immediate relatives, the Northern Mariana Islands will be deemed to be a State and part of the United States. The courts of record of the Northern Mariana Islands and the District Court for the Northern Mariana Islands will have jurisdiction to naturalize persons who are eligible to be naturalized and who reside within their respective jurisdictions.

(b) The class of persons who may become citizens or nationals of the United States by residence or physical presence in the Northern Mariana Islands under Subsection (a) will not be modified without the agreement of the Government of the United States and the Government of the Northern Mariana Islands.

U.S.: Section 506

(a) Notwithstanding the provisions of Section 503(a)(1), the provisions

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of the Immigration and Nationality Act of the United States will apply, beginning with the establishment of the Commonwealth, with respect to the immigration and naturalization of immediate relatives, as defined in Section 201(b) of the Act as amended, of persons who acquired United States citizenship pursuant to Article III of this Covenant.

(b) The term "United States" as defined in Section 101(a)(38) of the Act shall be deemed to include the Northern Mariana Islands for the purpose of satisfying the residence requirements contained:

(1) in the provisions of the Immigration and Nationality Act rendered applicable to the Northern Mariana Islands by Subsection (a) of this section, and

(2) in sections 301 and 308 of the Immigration and Nationality Act relating to the acquisition of citizenship or nationality at birth of children born abroad to citizens or nationals of the United States, respectively.

(c) The courts of record of the Commonwealth and the District Court for the Northern Mariana Islands shall have jurisdiction to naturalize persons to whom the Immigration and Nationality Act has been made applicable pursuant to Subsection (a) of this Section, and who reside within their respective jurisdictions.7

ARTICLE VI

Revenue and Taxation Provisions

Section 601. /U.S.: The income tax laws in force in the United States shall be in force in the Northern Mariana Islands as a local territorial tax in the same manner as those laws are in force in Guam under the provisions of Title 48 United States Code, Section 1421i. In determining the income tax liability of any person subject to the Northern Mariana Islands territorial income tax, the legislature of the Northern Mariana Islands may authorize rebates of tax collections to be paid to any persons and in the amounts that it may deem proper.]

/MPSC: (a) The income tax laws in force in the United States will be in force in the Northern Mariana Islands as a local territorial income tax in the same manner as those laws are in force in Guam (under the provisions of Section 1421i of Title 48, United States Code).

(b) Any individual who is a citizen or a resident of the United States, of Guam or of the Northern Mariana Islands (including a national of the United States and is not a citizen), will file only one income tax return with respect to his income, in a manner similar to the provisions of Section 935 of Title 26, United States Code.

(c) References in the Internal Revenue Code to Guam will be deemed also to refer to the Northern Mariana Islands, where not otherwise distinctly expressed or manifestly incompatible with the intent thereof or of this Covenant.]

Section 602. /U.S.: Any individual who is a citizen or a resident of the United States, of Guam, or of the Northern Mariana Islands (including a

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national of the United States who is not a citizen), will file only one income tax return with respect to income from sources within the United States, Guam, the Northern Mariana Islands, and elsewhere, in a manner similar to the provisions of Title 26, United States Code, Section 935.⁷

MPSC: The Constitution or laws of the Northern Mariana Islands may provide for the rebates of any tax collections received by the Government of the Northern Mariana Islands under this Covenant or under the internal revenue laws of the Northern Mariana Islands to any person and in any amount deemed proper.⁷

Section 603

(a) The Northern Mariana Islands will not be included within the customs territory of the United States.

(b) The Government of the Northern Mariana Islands may, in a manner consistent with the international obligations of the United States, levy duties on goods imported into its territory from any area outside the customs territory of the United States, and impose duties on exports from its territory.

(c) Imports from the Northern Mariana Islands into the customs territory of the United States will be subject to the same treatment as imports from Guam into the customs territory of the United States.

(d) The United States will seek to obtain from foreign countries favorable treatment for exports from the Northern Mariana Islands, and will encourage other countries to consider the Northern Mariana Islands a developing territory.

(e) Articles going into the Northern Mariana Islands from the United States, its territories and possessions, will be subject to the same treatment for purposes of the internal revenue laws of the United States as like articles

going into Guam from such places.7

Section 604

(a) The United States may levy excise taxes on goods manufactured, sold or used or services rendered in the Northern Mariana Islands in the same manner and to the same extent as such are applicable within Guam /MPSC: provided, that any such tax must also be applicable within the several States.7

(b) The Northern Mariana Islands will have the authority to impose excise taxes upon goods manufactured, sold or used or services rendered within its territory or upon goods imported into its territory, provided that such excise taxes imposed on goods imported into its territory will be consistent with the international obligations of the United States.

Section 605

(a) Not later than at the time this Covenant is approved, that portion of the Trust Territory Social Security Fund attributable to the Northern Mariana Islands will be transferred to the Treasury of the United States, to be held in trust as a separate fund to be known as the "Northern Mariana Islands Social Security Retirement Fund". This Fund will be administered by the Social Security Administration of the United States in accordance with the social security legislation of the Trust Territory of the Pacific Islands in effect at the time of such transfer, which may be modified by the Government of the Northern Mariana Islands only in a manner which does not create any additional differences between such legislation and the laws described in Subsection (b). The United States will supplement such Fund if necessary to assure that persons receive benefits therefrom comparable to those they would

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have received from the Trust Territory Social Security Retirement Fund under the laws applicable thereto on the day preceding the establishment of the Northern Mariana Islands Social Security Retirement Fund, so long as the rate of contributions thereto also remain comparable.

(b) Those laws of the United States which impose taxes to support, or which provide benefits from Title II, of the Social Security Act of 1935, as amended, and those regulations promulgated under the authority provided therein will not be applicable to the Northern Mariana Islands until termination of the Trusteeship Agreement or such earlier date as may be agreed to by the Government of the Northern Mariana Islands and the Government of the United States except that Section 228 of Title II referred to herein will not be extended.

(c) At such time as the laws described in Subsection (b) become applicable to the Northern Mariana Islands:

(1) the Northern Mariana Islands Social Security Retirement Fund will be transferred or appropriated in proportion to the taxes levied as appropriate into the Federal Old Age and Survivors Trust Funds, the Federal Disability Trust Fund, the Federal Hospital Insurance Trust Fund, and the Federal Supplementary Medical Insurance Trust Fund; and

(2) contributions to the Trust Territory Social Security Retirement Fund or the Northern Mariana Islands Social Security Retirement Fund will be considered to have been made to the Federal Old Age and Survivors, Disability and Hospital Insurance Trust Funds for the purposes of determining eligibility of persons in the Northern Mariana Islands for benefits from such Funds; and

(3) persons who are entitled to social security benefits under the laws of the Trust Territory of the Pacific Islands or of the Northern Mariana

Islands will not lose their entitlement and will be entitled to benefits under the laws described in Subsection (b).

Section 606

(a) All bonds issued by the Government of the Northern Mariana Islands or by its authority will be exempt, as to principal and interest, from taxation by the United States, or by any State, territory or possession of the United States, or any political subdivision of any of them.

(b) During the initial seven year period of financial assistance provided for in Section 702, and during such subsequent periods of financial assistance as may be agreed, the Government of the Northern Mariana Islands will authorize no public indebtedness (other than bonds or other obligations of the Government payable solely from revenues derived from any public improvement or undertaking) in excess of ten percentum of the aggregate assessed valuation of the property within the Northern Mariana Islands.

ARTICLE VII

United States Financial Assistance

Section 701. The Government of the United States will assist the Government of the Northern Mariana Islands in its efforts to achieve a progressively higher standard of living for its people as part of the American economic community and to develop the economic resources needed to meet the financial responsibilities of local self-government. To this end, the United States will provide direct multi-year financial support to the Government of the Northern Mariana Islands for local government operations, for capital improvement programs and for economic development. The initial period of such support will be seven years, as provided in Section 702.

Section 702. Approval of this Covenant by the United States will constitute a commitment and pledge of the full faith and credit of the United States for the payment, as well as an authorization for the appropriation, of the following guaranteed annual levels of direct grant assistance to the Government of the Northern Mariana Islands for each of the seven years following the effective date of this Section:

- (a) \$8 million for budgetary support for government operations; and
- (b) \$4 million for capital improvement projects, of which \$500,000 each year shall be reserved for such projects on the Islands of Tinian and \$500,000 each year shall be reserved for such projects on the Islands of Rota; and
- (c) \$1.5 million for an economic development loan fund, of which \$500,000 each year shall be reserved for small loans to farmers and fishermen and to agricultural and marine cooperatives.

Section 703

(a) The United States will make available to the Northern Mariana Islands the full range of federal programs and services available to the territories of the United States. Funds provided under Section 702 will be considered to be local revenues of the Government of the Northern Mariana Islands when used as the local share required to obtain federal programs and services.

(b) There will be paid into the Treasury of the Government of the Northern Mariana Islands, to be expended to the benefit of the people thereof as the Government may by law prescribe, the proceeds of all customs duties and federal income taxes derived from the Northern Mariana Islands, the proceeds of all taxes collected under the internal revenue laws of the United States on articles produced in the Northern Mariana Islands, and transported to the United States, its territories or possessions, or consumed in the Northern Mariana Islands, and the proceeds of any other taxes which may be levied by the Congress on the inhabitants of the Northern Mariana Islands, and all quarantine, passport, immigration and nationalization fees collected in the Northern Mariana Islands, except that nothing in this Section shall be construed to apply to any tax imposed by Chapters 2 or 21 of Title 26, United States Code.

Section 704.

(a) Funds provided under Section 702 not obligated or expended by the Government of the Northern Mariana Islands during any fiscal year shall remain available for obligation or expenditure by the Government in subsequent fiscal years for the purpose for which the funds were appropriated.

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(b) Approval of this Covenant by the United States will constitute an authorization for an appropriation of a pro-rata share of the funds provided under Section 702 for the period between the effective date of this Section and the beginning of the next succeeding fiscal year.

(c) The amounts stated in Section 702 will be adjusted for each fiscal year by a percentage which will be the same as the percentage change in the Guam Consumer Price Index using the beginning of Fiscal Year 1975 as the base.

(d) Upon expiration of the seven year period of guaranteed annual direct grant assistance provided by Section 702 the annual level of payments in each category listed in Section 702 will continue until Congress appropriates a different amount or otherwise provides by law.

ARTICLE VIII

Property

Section 801. All right, title and interest in and to real property in the Northern Mariana Islands of the Government of the Trust Territory of the Pacific Islands on the date of the signing of this Covenant or thereafter acquired in any manner whatsoever, will, no later than upon the termination of the Trusteeship Agreement, be transferred to the Government of the Northern Mariana Islands. All right, title and interest in and to all personal property of the Government of the Trust Territory of the Pacific Islands on the date of the signing of this Covenant, or thereafter acquired in any manner whatsoever, will, no later than upon the termination of the Trusteeship Agreement, be distributed equitably in a manner to be determined by the Government of the Trust Territory in consultation with those concerned, including the Government of the Northern Mariana Islands.

Section 802.

(a) The following property will be made available to the United States /MPSC: by lease/ in accordance with this Covenant to enable it to carry out its defense responsibilities:

- (1) On Tinian Island, approximately 17,808 acres (7,207 hectares) and the waters immediately adjacent thereto;
- (2) On Saipan Island, approximately 485 acres (196 hectares) adjacent to Isely Field, and approximately 177 acres (72 hectares) at Tanapag Harbor;
- (3) On Farallon de Medinilla Island, approximately 206 acres (83 hectares) encompassing the entire island, and the waters immediately adjacent thereto.

(b) The United States affirms that it has no present need for or present intention to acquire any additional property, or any greater interest in property than that which is granted to it in accordance with this Covenant, in order to carry out its defense responsibilities

Section 803.

Left Open

Section 804(a)/U.S.: The Government of the United States will cause all agreements between it and the Government of the Trust Territory which grant to the Government of the United States use or other rights in real property located within the Northern Mariana Islands, other than real property required for active use by the United States for civilian governmental purposes to be terminated upon or before the effective date of this Section.

/MPSC: The Government of the United States will cause all agreements between it and the Government of the Trust Territory of the Pacific Islands which grant to the Government of the United States use or other rights in real property located within the Northern Mariana Islands to be terminated upon or before the effective date of this Section. The Government of the Northern Mariana Islands will assure the Government of the United States continued use of the real property now actively used by it for civilian and governmental purposes, until such time as present United States rights with respect to such property terminate in accordance with their terms or until such time as may be otherwise agreed.

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(b) All facilities at Isely Field developed with Federal aid and all facilities at that field usable for the landing and take-off of aircraft will be available to the United States for use by military and naval aircraft in common with other aircraft at all times without charge, except, if the use by military and naval aircraft shall be substantial, a reasonable share, proportional to such use, of the cost of operating and maintaining the facilities so used may be charged.

Section 805. Except as otherwise provided in this Article, and notwithstanding the provisions of the Constitution or laws of the United States applicable to the Northern Mariana Islands, the Government of the Northern Mariana Islands, in view of the importance of the ownership of land for the culture and traditions of the people of the Northern Mariana Islands, and in order to protect them against exploitation and to promote their economic advancement and to promote their economic advancement and self-sufficiency, U.S.: will (will make provision in the Constitution or laws of the Northern Mariana Islands during at least the first twenty-five years of the Commonwealth and may thereafter) MPSC: may; or will be empowered to regulate the alienation of permanent and long term interests in real property so as to restrict the acquisition of such interests to persons of Northern Mariana Islands descent U.S.: , and will (may) regulate the extent to which land which is now public land can be owned or held by individuals.

Section 806

(a) The United States will continue to recognize and respect the scarcity and special importance of land in the Northern Mariana Islands. MPSC: If the United States must acquire any interest in real property not transferred to it under this Covenant, it will seek to acquire only the minimum area

necessary to accomplish the public purpose for which the real property is sought; seek only that minimum interest in the real property necessary to support such public purpose, acquiring title only if the public purpose cannot be accomplished if a lesser interest is obtained; and seek first to satisfy the requirement by acquiring an interest in public rather than private real property. 7/U.S.: If the United States must acquire any interest in real property not transferred to it under this Covenant, it will follow the policy of seeking to acquire only the minimum area necessary to accomplish the public purpose for which the real property is sought; of seeking only the minimum interest in real property necessary to support such public purpose, acquiring title only if the public purpose cannot be accomplished if a lesser interest is obtained; and of seeking first to satisfy the requirement by acquiring an interest in public rather than private real property. 7

(b) The United States may, upon prior written notice to the Government of the Northern Mariana Islands, acquire for public purposes in accordance with established federal laws and procedures any interest in real property in the Northern Mariana Islands whether owned or controlled by private parties or by the Government of the Northern Mariana Islands by purchase, lease, exchange, gift or otherwise under such terms and conditions as may be negotiated by the parties. The United States Government will in all cases attempt to acquire any interest in real property for public purposes by voluntary means under this Subsection before exercising the power of eminent domain.

7/MPSC: (c)(1) In the event it is not possible for the United States to obtain an interest in the real property for public purposes by voluntary means, it will have and may exercise within the Commonwealth the power of eminent domain to the same extent and in the same manner as it has and can exercise

the power of eminent domain in a State of the Union; provided however, that the United States will not exercise the power of eminent domain to acquire any interest in real property within the Commonwealth until the Congress of the United States has by law explicitly approved the exercise of the power of eminent domain to obtain a particular interest in particular real property in the Commonwealth.

[(2) Notwithstanding the provisions of Subsection (c)(1) of this Section, upon a determination by the President that an interest in real property in the Commonwealth is needed for national defense purposes, the United States may take such an interest by eminent domain to the same extent and in the same manner as it can take such an interest by eminent domain in a State of the Union. No interest in real property taken pursuant to the preceding sentence will extend beyond nine months, and at the end of such period, the interest will revert to the original owner thereof, unless the United States shall have obtained an interest in such real property in accordance with Subsections (b) or (c)(1). The authority of the United States under the first sentence of this Subsection (c)(2) will not be exercised with respect to the particular real property unless six months or more have elapsed since the most recent exercise of this authority with respect to such real property.]

(c) [U.S.: Except as provided in Subsection (d) of this Section the United States will not negotiate for the acquisition of any interest in real property unless duly authorized by the Congress of the United States and appropriations are available therefor. Any interest in real property acquired pursuant to such Congressional action will be by voluntary means where possible. The power of eminent domain will be exercised within the Commonwealth only when

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voluntary means fail, only to the extent necessary, in compliance with applicable United States laws, and with full recognition of the due process procedures required by the United States Constitution.]

[U.S.: (d) The minor land-acquisition authority of Title 10, United States Code, may be exercised within the Commonwealth to the same extent as it is available within any State of the Union.]

ARTICLE IX

MPSC: Delegate/U.S.: Northern Marianas Representative and
Consultation

Section 901. MPSC: (a) Until such time as a Delegate is selected pursuant to Subsection (b)/U.S.: The/MPSC: the/ Constitution or laws of the Northern Mariana Islands may provide for the appointment or election of a MPSC: Resident Commissioner/U.S.: Resident Representative/ to the United States, whose term of office will be two years and who will be entitled to receive official recognition as such MPSC: Representative/ by all of the departments and agencies of the Government of the United States upon presentation through the Department of State of a certificate of selection from the Governor. The Representative must be a citizen and resident of the Northern Mariana Islands, at least twenty-five years of age, and, after termination of the Trusteeship Agreement, a citizen of the United States. MPSC: The United States will provide the Representative with the same compensation, allowances and benefits as are provided to the Delegate from Guam./

MPSC: (b) At such time as the population of the Northern Mariana Islands exceeds 50,000 persons, or sooner as determined by the House of Representatives of the Congress of the United States, the qualified electors of the Northern Mariana Islands will choose a Delegate from the Northern Mariana Islands to the House of Representatives of the Congress of the United States. After termination of the Trusteeship Agreement, the Delegate from the Northern Mariana Islands must be a citizen of the United States. Those provisions of law applicable to the Delegate from Guam will apply in like manner to the Delegate from the Northern Mariana Islands, except that Section 3(b) of Public Law 92-271, as amended, shall not apply until the election following the seventh year after

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termination of the Trusteeship.⁷

Section 902. The Government of the United States and the Government of the Northern Mariana Islands will consult regularly on all matters affecting the relationship between them. At the request of either Government, and not less frequently than every ten years, the President of the United States and the Governor of the Northern Mariana Islands will designate special representatives to meet and to consider in good faith such issues affecting the relationship between the Northern Mariana Islands and the United States as may be designated by either Government and to make a report and recommendations with respect thereto. Special representatives will be appointed in any event to consider and to make recommendations regarding future multi-year financial assistance to the Northern Mariana Islands pursuant to Section 701, to meet at least one year prior to the expiration of every period of such financial assistance.

Section 903. Nothing herein shall prevent the presentation of cases or controversies arising under this Covenant to courts established by the Constitution or laws of the United States. It is intended that any such cases or controversies will be justiciable in such courts, and that the undertakings by the Government of the United States and the Government of the Northern Mariana Islands provided for in this Covenant would be enforceable in such courts.

Section 904.

(a) The Government of the United States will give sympathetic consideration to the views of the Government of the Northern Mariana Islands on international matters directly affecting the Northern Mariana Islands, and will

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provide opportunities for the effective presentation of such views to no less an extent than such opportunities are provided to any other territory or possession under comparable circumstances.

(b) The United States will assist and facilitate the establishment by the Northern Mariana Islands of offices in the United States and abroad to promote local tourism and other economic or cultural interests of the Northern Mariana Islands.

(c) The Northern Mariana Islands may participate in regional and other international organizations concerned with social, economic, educational, scientific, technical and cultural matters /U.S.: to the same extent that may be authorized for any other U.S. territory or possession./
/MPSC: to no less an extent than that which may be authorized for any other territory or possession under comparable circumstances./

ARTICLE X

Approval, Effective Dates, and Definitions

Section 1001

(a) This Covenant will be submitted to the Mariana Islands District Legislature for its approval. After its approval by the Mariana Islands District Legislature, this Covenant will be submitted to the people of the Mariana Islands District for approval in a plebiscite to be called by the United States. No person who is not both domiciled in the Northern Mariana Islands and eligible to vote in an election for the Northern Mariana Islands District Legislature if such elections were held on the day of the plebiscite will be eligible to vote in the plebiscite. Approval must be by a majority of the valid votes cast in the plebiscite. The results of the plebiscite will be certified to the President of the United States.

(b) This Covenant will be approved by the United States in accordance with its constitutional processes and will thereupon become law.

Section 1002. The President of the United States will issue a proclamation announcing the termination of the Trusteeship Agreement, or the date on which the Trusteeship Agreement will terminate, and the establishment of the Commonwealth in accordance with this Covenant. Any determination by the President that the Trusteeship Agreement has been terminated or will be terminated on a day certain will be final, and will not be subject to review by any authority, judicial or otherwise, of the Trust Territory of the Pacific Islands, the Northern Mariana Islands or the United States. MPSC: The United States will make all good faith efforts to terminate the Trusteeship Agreement at the earliest practicable date, in its entirety or insofar as it affects the

Northern Mariana Islands.]

Section 1003. The provisions of this Covenant will become effective as follows, unless otherwise specifically provided:

(a) Sections 105, 201-203, 503, 504, 605, 801, 903 and Article X will become effective on approval of this Covenant;

(b) Sections 102, 103, 204, 304, Article IV, Sections 501, 502, 505, 601, 603, 604, 606, Article VII, Sections 802-805, and 901 and 903 will become effective on a date to be determined and proclaimed by the President of the United States which will be not more than 180 days after this Covenant and the Constitution of the Northern Mariana Islands have both been approved; and

(c) the remainder of this Covenant will become effective upon the termination of the Trusteeship Agreement and the establishment of the Commonwealth of the Northern Mariana Islands.

Section 1004.

(a) The application of any provision of the Constitution or laws of the United States which would otherwise apply to the Northern Mariana Islands may be suspended until termination of the Trusteeship Agreement if the President finds and declares that the application of such provision prior to termination of the Trusteeship Agreement would be inconsistent with the Trusteeship Agreement, such provision will be ineffective until termination of the Trusteeship Agreement. Upon the establishment of the Commonwealth of the Northern Mariana Islands, the Constitution will become effective in its entirety in accordance with its terms, as the Constitution of the Commonwealth of the Northern Mariana Islands.

Section 1005. As used in this Covenant:

(a) "Trusteeship Agreement" means the Trusteeship Agreement for the former Japanese Mandated Islands entered into between the Security Council of the United Nations and the United States of America, entered into force on July 18, 1947;

(b) "Northern Mariana Islands" means the area now known as the Mariana Islands District of the Trust Territory of the Pacific Islands, which lies within the area north of 14° north latitude, south of 21° north latitude, west of 150° east longitude and east of 144° east longitude.;

(c) "Government of the Northern Mariana Islands" includes, as appropriate, the Government of the Mariana Islands District of the Trust Territory of the Pacific Islands at the time this Covenant is signed, its agencies and instrumentalities, and its successors, including the Government of the Commonwealth of the Northern Mariana Islands.

(d) "Territory or possession" with respect to the United States includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam and American Samoa.

/MPSC: Section 100/6/. 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 Covenant by the people of the Northern Mariana Islands.]

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SIGNATURES

Signed at Saipan, Mariana Islands on the day of , 197 .

FOR THE PEOPLE OF THE NORTHERN
MARIANA ISLANDS

FOR THE UNITED STATES OF AMERICA

Chairman, Marianas Political
Status Commission

Personal Representative of the
President of the United States

Vice-Chairman, Marianas Political
Status Commission

Member, Marianas Political Status
Commission

/ETC./