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LYLE C. FITCH, PRESIDENT

April 5, 1974

Howard A. Willens, Esq.
Wilmer, Cutler and Pickering
1616 K Street, N. W.
Washington, D. C.

Dear Mr. Willens:

I enclose two additional copies of the preliminary report delivered to your office on 3rd April 1974 with Dr. Fitch's covering letter of that date.

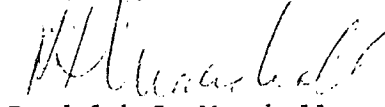
The attached copies incorporate corrections of several typographical errors that we did not catch before delivering the copy of 3rd April. You may wish to replace that copy with the attachments for that reason. The most significant error was at line 16 of page 7 of the 3rd April copy, where the word "not" (be fully covered by economic and physical planners) was inadvertently omitted.

We would also like to improve the layout of the report, but will defer doing so until we hear from you whether further alterations would make the document more useful to your client and to you.

We also return herewith materials relating to Micronesia loaned to us by Mr. Helfer and Ms. Schuh.

We regret any inconvenience caused by these errors.

Sincerely,



Randolph L. Marshall
Director
International Programs

RLM/vb
Encls.

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PLANNING AND PREPARING FOR SELF-GOVERNING STATUS FOR THE MARIANAS

DISTRICT, TRUST TERRITORY OF THE PACIFIC ISLANDS

1. Introduction

1.1 This paper offers a preliminary estimate of the nature and magnitude of planning and preparatory efforts in the field of government organization that will be required to assure orderly transition from U. N. Trust Territory to self-governing status within the U.S. political family for the peoples of the present Marianas District, Trust Territory of the Pacific Islands (TTPI).

1.2 The historical, legal, social, political and economic backgrounds of the present and prospective negotiations leading to self-governing status for the Mariana Islands have been frequently and clearly presented to the parties at interest. They are not repeated here, but are of course an essential backdrop for this discussion [previous background presentations are, in effect, incorporated herein by reference].

1.3 IPA has not had the advantage of direct contact with the peoples and institutions of the Trust Territory or the Marianas District. Our suggestions are accordingly subject to modification, being based very largely on documentation and limited consultation available to us in Washington, D.C. We do, however, draw on the extensive experience of the Institute of Public Administration in counseling and research on governmental policy and operations, both within the United States and overseas. We have also had the advantage of the unusually lucid written presentations of the Marianas Political Status Commission (MPSC), and the legal and economic analyses provided to the Commission by consultants, as well as

numerous official reports and communiques, scholarly and popular writings on the areas and similar materials.

1.4 The time frame for this discussion begins upon ratification of a Status Agreement between the U.S. Government and the Marianas by the Marianas District Legislature and the people of the Marianas. We assume that U.S. Congressional approval will be forthcoming once the Marianas people have approved the Agreement, or even possibly in advance of such approval. In any event, we conclude that all parties will agree to commencement of serious planning and preparatory efforts as soon as it is clearly established that the Marianians desire self-governing status. We do not in this paper address the problems of securing such ratification. Our discussion ends with the assumed start-up of the new Marianas government, signalled by its first legislative meeting and executive-judicial inaugurations. This period of time is variously estimated, in documents to which we have had access, as 12 to 24 months following ratification. Our preliminary research and past experience² indicate that 24 months is a more realistic estimate of the minimum time required for the planning and preparatory effort envisioned by the parties, and we are accordingly adopting that as the time frame for this paper. This will hereafter be called the "interim period".

1.5 Our discussion centers on the quality, quantity and scheduling of professional manpower, ^{from} ~~from~~ whatever sources, required to plan and prepare for orderly transition from Trust Territory to self-governing status. Our cost estimates for these inputs are subject to adjustment as variables relating thereto are resolved in the light of experience or factors now

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unknown to us. The tasks and activities listed hereafter as requiring such professional support, however, appear to us from our own experience and from our reading of background materials from the U.S. Government, and representatives of the Marianas, the United Nations, and elsewhere, to be expressly or impliedly agreed as essential work remaining to be done during the interim period. Our analysis and conclusions accordingly follow from consideration of those tasks and activities. While manpower requirements for each of these tasks or activities will first be presented as discrete, separable units of input, the final sections of the paper will reassemble these units into a "package" of long- and short-term technical assistance requirements for the interim period. Our manpower estimates are further based on the assumption that Marianian or foreign specialists assigned to this work will not have day-to-day operational responsibilities outside the framework of this planning activity while they are so employed.

1.6 We have, of course, considered seemingly analogous situations in arriving at our conclusions. While this study has been useful and provocative, it has also served to underscore the fact that the case of the Marianas is unique; in general, differences are more significant than similarities. In evaluating requirements for and estimated cost of professional assistance to the people of the Marianas in achieving self-government, it is important to avoid being misled by the nature and magnitude of apparently comparable efforts in other developing or developed societies.

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2. Expectations of the Marianians

2.1 The organization of government for the self-governing Marianas should be heavily influenced by the functions that the peoples of the Marianas expect that government to perform for them. Much of the planning and preparatory activity of the interim period is directed toward articulating and responding to those expectations. It will none the less be important for professionals engaged in that activity to have at least tentative ideas of what the people want their government to do for them from the outset, with the understanding that these ideas will be modified in the light of subsequent experience. Planning and preparation without goals is even more unproductive than planning with inadequate data.

2.2 Some important indicators of these expectations are already available in documents from the MPSC and other sources. There appear to be political parties and interest groups functioning in the Marianas through which verification of these indicators and additional insights on this subject can be obtained. Members of the District Legislature and other official and unofficial institutions can probably be identified and consulted fairly quickly.

2.3 The most important objectives of this initial survey will be:

2.3.1 To identify as closely as possible what the Marianians conceive as areas of priority importance and special concern for governmental action;

2.3.2 To anticipate probable additions to or modifications of these concepts in view of foreseeable events and trends, known economic, social and political realities affecting the society, etc.;

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2.3.3 To determine the "styles" of governmental action and organization that will be credible and acceptable to the Marianians;

2.3.4 To translate these identified or anticipated expectations into the foundations for planning governmental organization.

2.3.5 For example, it is clear from papers that we have reviewed that land use is an area of special concern to Marianians. This means that problems, attitudes and traditions relating to land will have to be closely investigated in order that systems, institutions and procedures that will deliver the kind of services desired by Marianians in this connection can be designed and established. If these are not responsive to Marianian wishes, an important element of instability will confront future governments. In the same way, questions of citizenship and immigration, import of capital, effective Marianian control of economic development, and liability for U. S. and Marianian taxes and customs, are all areas of special concern.

2.4 The above-described task clearly must be done in the Mariana Islands themselves. We recommend that it should be undertaken by a qualified social scientist with experience in surveying popular political beliefs, opinions, institutions and traditions in a developing society. The individual selected for this task should preferably be non-Marianian. If he has been associated in the past with Trust Territory administration, he should have had sufficient intervening experience in other areas to permit objectivity and to avoid "fixing" on TTPI institutions, procedures and attitudes. As previously stated, this task will be of significance throughout the interim period. To facilitate planning and preparatory

activities, however, we believe it should be allocated 30 man-days of professional time during the first three months of technical assistance; as indicated hereafter, this same individual or one with similar qualification is proposed as a principal resource for political education and related activities for the entire interim period. This period is suggested as minimal in view of the relatively large number of politically aware Marianians and interest groups; the complexity of the subject and consequent problems of communication; and the importance of insights gained from this activity to further technical assistance in the area of government organization and operations.

3. Inventory of Resources

3.1 It is imperative to know with a fair degree of accuracy the quality and quantity of resources -- particularly human resources -- that will be available to the future government of the Marianas. A comparison of resources with financial and staffing implications of expectations is the foundation for realistic short-run planning for outside assistance and long-range planning and action for resource development leading to eventual Marianian selfsufficiency. This last appears to be accepted by all parties as an undisputed highest priority objective.

3.2 Trust Territory reports, including a forthcoming census report, are of course important sources of information in this regard. Economic and physical planning activities, as described in companion papers, will no doubt yield the bulk of additional information required, especially regarding financial, natural and physical resources and productive human resources. Those responsible for planning and preparation of government

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operations, however, should work closely with other planners during the interim period to ensure that physical and human resources required for those operations are realistically defined, evaluated, and measured.

3.3 The physical infrastructure required to support immediate and projected government activity should be relatively easy to define, once the institutional and staffing patterns of the future government become clear. The inventory and development planning for this, as for financial support for government, are included as essential elements of economic and physical planning, and are not addressed in this paper other than to note the necessity for close coordination and collaboration of all planning and preparatory activity during the interim period.

3.4 Evaluating the quality and quantity of human resources available to and required for government operations, however, is a clear responsibility of specialists engaged in planning government organization. This task can only be performed on the ground, through interviews, testing, and observation of performance. It is a specialized manpower survey that will ^{not} be fully covered by economic and physical planners. It is apparent from documents we have reviewed that a significant gap exists between available Marianian resources and anticipated manpower requirements for a self-sufficient government. It will accordingly be essential during the interim period to:

3.4.1 Determine minimum manpower requirements for alternative government organizational plans, by numbers, types and levels of skills for self-government start-up date, and estimated projections of start-up plus five years and ten years;

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- 3.4.2 Make a detailed inventory, by numbers and skills, of Marianians probably available to staff the new government organization on start-up date, and an estimate of Marianians probably available on start-up date plus five years as affected by existing educational/training facilities, growth patterns, etc. (to include, for example, Marianians now employed by Trust Territory administration);
- 3.4.3 Design a staff development program, including recommended training systems and institutions, incentives and career programs, etc., to close the gap between requirements and available Marianians within alternative time frames;
- 3.4.4 Identify and commence negotiations for outside assistance required to staff alternative organizational plans until the gap is closed.

3.4.5 It is immediately apparent that the above represents a major fact-finding and planning task, even for a community as small as the Marianas District. We estimate that over 300 personal contacts (interviews, tests, consultations, etc.) of more than one hour each will have to be designed and conducted to provide a realistic data base for planning and negotiation. Collaboration with economic and physical planners will also demand substantial professional time. A specialist with training and relevant experience in developing countries in the fields of personnel management and staff development will be required for about 75 man-days at the beginning of the interim period, for data collection and analysis, and for an additional period of 150 man-days for planning, institutional and systems development, and direct assistance to the executive branch of the interim government. before and up to the start-up of self-government.

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4. Political Education

4.1 This task should receive priority attention throughout the interim period. It should focus on the major political events that will be occurring during that period:

- 4.1.1 The legislative and popular vote on the Status Agreement (not envisioned as part of the planning and preparation addressed in this paper);
- 4.1.2 Preparation for a constitutional convention (including election or selection of delegates);
- 4.1.3 Consideration and approval of the draft constitution resulting from the convention;
- 4.1.4 Preparation for the first legislative meeting (including election of legislators);
- 4.1.5 Consideration of the alternatives for immediate legislative action, with special reference to future governmental institutions and procedures;
- 4.1.6 Future U.S.-Marianas relationships;
- 4.1.7 The start-up of self-government;
- 4.1.8 Each of these events or processes requires, under assumptions regarding the general outlines of future government apparently shared by all parties, the effective participation of an informed and intelligent electorate to assure the stability, viability and responsiveness of the new government and its institutions. This is particularly true in view of the ambitious development goals, demanding significant popular participation

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approval and self discipline, toward which all parties appear to be moving. Again, the importance of the task is further magnified by the small and apparently closely-knit nature of the Marianian community.

4.2 The magnitude of this task is difficult to assess without more knowledge of the Marianas peoples, their institutions and traditions, than we now have. From information available to us, the Marianians appear to be the most politically sophisticated group in the Trust Territory. There exist at least two active political parties. We understand that there have been at least three general referenda on future political status and four legislative elections since 1961, all involving universal suffrage. We interpret figures from Trust Territory reports and other sources as indicating that over 50% of eligible voters participated in most of these referenda or elections. The fact that earlier votes in favour of reintegration with Guam have been overtaken by an unquestioned swing in favour of a separate, self-governing status for the Marianas District would tend to support the conclusion that the electorate is responsive to stimuli and has achieved a fair degree of understanding of basic political issues.

4.3 Other factors bearing on the complexity and magnitude of the political education task - e.g., rates of adult literacy with particular reference to political, economic and social issues, capabilities of political leaders for effective communication with voters, effectiveness and availability of media, transportation problems -- need to be evaluated on the ground in the Marianas at the earliest possible time. Only in this way can a valid plan and effective assistance for political education programs be delivered at the crucial points during the interim period.

4.4 We propose that a social scientist with qualifications similar to those described at Section 2.4, above, should devote one-half or more of his time to this task for the entire interim period, in close collaboration with Marianian officials and leaders of opinion, and with other specialists assisting the planning effort. The work will involve translation of the fundamental issues involved in these major political events and proposals into language understandable to the average Marianian voter; enlistment of and assistance to Marianians capable of communicating this information to the voters; exploitation of existing media and development of new or improved means for achieving that communication; and testing to determine the effectiveness of the programs. The degree of maturity and experience required for successful accomplishment of this task rules out most young graduates as candidates. Many of the decisions and evaluations required must be based on judgments whose validity, in turn, rest on intensive and extensive exposure to political activity in developing societies. Again, acceptance as a collaborator by Marianian leaders tends to underscore maturity and experience as important qualifying factors.

5. Marianian Ratification of Status Agreement

We assume that planning for and implementation of this task will be an integral part of the Status Agreement. We accordingly are not at this time addressing the task as part of the interim government organization planning effort.

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6. The Constitutional Convention

6.1 We assume that basic guidelines for the Constitutional Convention, will be spelled out in the final Status Agreement. These should include timing, manner of selecting delegates, areas of governmental activity that must be included in or excluded from the eventual draft constitution, and the method of securing its ratification.

6.2 The parties to the status negotiations clearly regard the Constitution as the basic and enduring source of guidance to the future governors of the Marianas in relation to the role of government in Marianan society, and the role of the self-governing Marianas in the U. S. political family. While the Status Agreement will undoubtedly fix limits at each end of the spectrum of governmental activity (e.g., essential individual liberties, division of functional responsibility in certain areas between the U.S. Government and the Marianas), a very wide and significant group of systems, institutions and functions remains to be articulated and legitimated by the Constitution. So fundamental are these to the future quality of life for the peoples of the Marianas that the Constitution must be an accurate reflection of their values. The stability and responsiveness of the new government will be determined to a very large degree by the success of the Constitutional Convention in translating these values into an effective document for future guidance.

6.3 Reaching a genuine and lasting consensus on matters of such fundamental importance is a complex and challenging task, even for a community as small as the Mariana Islands. The classic means of achieving this in a peaceful and orderly manner is through effective exchange of ideas, discussion, persuasion, and compromises made with full understanding of the implications

thereof. Exchange of ideas and acceptable compromises are effective only if they reflect accurately the value judgments of all significant interest groups and nuclei of political and economic power in the community.

6.4 We suggest that the situation of the Marianas at this time offers unique opportunities for innovative approaches to constitution-making that could come closer to establishing such a genuine and lasting consensus than has generally been possible in other communities in recent years. If the final draft of the Status Agreement is properly worded, it could permit a linking of the political education task outlined in Section 4, above, with preparations for the Constitutional Convention, that would result in a systematic series of consultations with the voters, evaluation of feedbacks from such consultations, and rephrasing and reiteration to the voters of options and alternatives, all as a part of the convention process. If, again, the final draft of the Status Agreement ties in selection of delegates to the Convention with this systematic consultation with the voters, the chances of emerging from the Convention with an acceptable and valid constitutional document are greatly enhanced. We strongly recommend that the Status Agreement and advance planning for the interim period be directed toward permitting such an approach.

6.5 If this general recommendation is acceptable to all parties to the present negotiations, then the following possible scenario for the constitution-making process might be kept in mind as one of several options to be prescribed, permitted or encouraged by the Status Agreement and advance planning for the interim period:

6.5.1 There will be two or more plenary meetings of the Convention during the interim period. The first plenary meeting will be organizational in

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nature, to map out a work plan to be carried out by individual delegates and groups of delegates. This first meeting will be convened as early during the interim period as proper selection of delegates (see below) permits. The first meeting would settle on a tentative schedule for subsequent plenary meetings.

6.5.2 Delegates will be selected on the basis of their capability to communicate effectively and authoritatively with and for significant economic and political interest groups. The total membership of the Convention should represent a balanced and articulate representation of all significant interest groups. We are not sufficiently well informed at this point to make specific suggestions about how such a selection can best be achieved; we assume that this will be a matter of major concern for the parties to the Status Agreement negotiations. Obviously, ordinary citizens constitute a major interest group.

6.5.3. Following the first plenary session of the Convention, delegates, individually and in groups, will commence the dialogue with the voters described at 6.4, above, on a systematic, planned basis.

6.5.4 The results of these dialogues will be analyzed, rephrased, and presented for discussion at subsequent plenary sessions of the Convention until consensus is reached on a final draft Constitution;

6.5.5 The final draft will be disseminated and discussed with the voters by the delegates, leading to a general referendum within a period of time prescribed by the Convention.

6.6 The contribution of outside professional assistance in designing and developing such a valid Constitution is strongly influenced by the overwhelming importance of the Marianian inputs to this task. Experience in a wide variety of somewhat analogous situations indicates that the sub-tasks

listed below are essential to successful accomplishment of the objectives of the Convention; the nature and timing of recommended outside assistance will be noted in connection with appropriate sub-tasks:

6.6.1 The preliminary and continuing consultative process described in section 2, above, should be helpful to Marianians as well as outside professionals in determining the range and kinds of options for governmental roles, institutions, functions and procedures that need to be discussed with the voters. Such questions as legislative organization and apportionment, election districts and methods, (e.g., proportional, vs. unit voting), the applications of customary or traditional law beside statute and common law, the powers and organizational framework of the executive and its accountability to the legislature, are illustrative of the kinds of issues which can be defined and prepared for discussion. The specialist(s) described at 2.4 and 4.4 above, can be a major supporting resource to the Convention and the delegates in assisting them, through study papers and consultations based on comparative examples and local economic, political and social realities, in identifying, understanding and articulating these options. This is an integral part of the political education task described in section 4, above.

6.6.2 Organizing and carrying out a series of systematic and effective dialogues between the Convention and the electorate is to a very great extent a task for the leaders of the Marianas people, and will be the major concern of the first plenary meeting of the Convention. Outside assistance in the form of more effective use of existing media and introduction or development of new techniques for communication and exchange of ideas (e.g., adaptation of audio-visual aids and devices, innovative arrangements for conduct of forums,

seminars, and other exchange mechanisms) can, however, greatly improve the dialogue. Again, this can be regarded as an integral part of the political education process described at section 4, above.

6.6.3 Recording and analysis of these dialogues, feed-back into the formulation of revised proposals, and cross-feeding between the on-going dialogues is an important area for specialized assistance. For one thing, this exploitation of the results of voter-delegate exchanges can be greatly assisted by planned and sensible application of modern data processing systems, with the related analytical and programming activity implicit in their employment. If use of such modern techniques of data collection and analysis is built into this assistance program from the beginning, the consultations with delegates and voters can be designed for processing by these methods. This can greatly simplify and expedite the feedback, crossfeed and rephrasing/reiteration process in the delegate-voter dialogues. This activity goes beyond the political education task in that it takes the results of the educational process and begins shaping them into the constitutional document itself. We recommend that a specialist in data processing techniques with relevant experience in analyzing and programming survey results, preferably in developing countries, should be available to provide this support during the period between the first and final plenary sessions of the Convention. We estimate that this task would require one fourth of his time during that period (we understand that economic and physical planners will be able to utilize the balance of time available) and that he might require the support of a data processing technician, depending upon the type of equipment used. This specialist will work in close collaboration with the social scientist(s) described at 2.4 and 4.4 above. He (they) will be devoting almost full

time to these tasks of analysis and reformulation during this period.

6.6.4 The organizers of the Convention will benefit from outside specialist assistance, drawing upon experience from other comparable exercises, in organizing the work and procedures of the Convention. This would take the form of consultation and study papers on alternative methods of operation, after selection of delegates and before the first plenary session. Possibly further consultation of this type would be desirable thereafter, depending on developments at the first session and in subsequent meetings. A specialist with practical, operational, "hands-on" experience in organizing and staffing such meetings, preferably in developing countries, should be made available to the Convention delegates as soon as they have been selected, for at least two weeks prior to the initial plenary session, and on an as-needed basis thereafter. This specialist is described at greater length at 7.2.3 below.

6.6.5 Specialized assistance in legal drafting will be required intermittently throughout the interim period. With reference to the Constitution, we recommend at least one week of counselling of delegates on basic requirements of draftsmanship at the time surrounding the first plenary session, to provide the Convention with general guidelines for preparation of the eventual final draft, and again for three to six weeks at the time of preparing the final drafts. A lawyer with good experience in drafting legislation will be required for this task. He should preferably be a non-academic lawyer who has assisted legislatures or constitution-makers in societies where English is a second language, in order to ensure the simplicity and increase popular understanding of the final draft.

6.6.6 Once a final draft Constitution is achieved by the Convention, it will need to be widely disseminated to the voters and explained to them by the Delegates in dialogues similar to those described above at 6.6.1 and 6.6.2. The same outside specialist assistance prescribed in those sections will be valuable in this instance, again as an integral part of the political education task described at section 4, above.

6.6.7 Finally, the general referendum that (hopefully) will result in popular approval and acceptance of the final draft Constitution will need to be conducted at a time prescribed by the final plenary session of the Convention.

We assume that outside specialist assistance, probably from TTPI administration, has been made available to the Marianas District government in organizing and conducting the several general elections held in the District during the last 13 years. Similar outside assistance, buttressed by the oversight of the specialist(s) described at 2.4 and 4.4 above, should be provided if the Marianians still require such assistance. We have no information to support an estimate of the types and quantity of such assistance that has been furnished in the past. We accordingly propose that the negotiators of the Status Agreement should reach an accord on the level and amount of such assistance, and budget for it accordingly in arrangements for support to the interim government.

7. Planning the Organization of Government

7.1 This is a continuing task which has already begun, impliedly or explicitly, in the present negotiations for a Status Agreement. It will continue through the first meeting of the new legislature and inauguration of the new Chief of Government and other executive and judicial officials. If the planning effort is successful, responsibility for this function will be institutionalized in the

new government and carried forward indefinitely as an essential task for a dynamic modern society.

7.2 The Constitution will be the key guidance document for planners during the interim period and thereafter. The choices made by the Mariana Islanders among the numerous options that will be considered by them in the process of drafting and ratifying the Constitution will greatly influence the nature of the task to be performed between ratification and start-up of the new government. Among these options, the two following are particularly critical for the planning activity:

7.2.1 Separation of powers (legislative, judicial, executive) vs. parliamentary government or some variant thereof. Documents we have reviewed tend to indicate a strong bias in favour of separation of powers by all parties to the present negotiations. This is understandable in view of the political history of the Marianas and familiarity of its citizens with U. S.-model governmental institutions. We are not able to say at this point whether this option should or can be further studied and reviewed by the Constitutional Convention. If the opportunity is not foreclosed, we suggest that further consideration of parliamentary forms by the Convention and voters would be a valuable element of political education, contributing to a greater future stability. We anticipate (and so assume hereafter) that the eventual choice will be for separation of powers.

7.2.2 A relatively short, generalized written constitution vs. a more detailed, specific and longer document. If the former alternative is chosen, the bulk of detailed planning effort will take place after the Convention and ratification; if the latter, a very significant planning effort should precede those events. This option should be considered and decided,

tentatively at least, by the first plenary session of the Convention.

Our recommendation, which appears to be supported by U. S. experience and a substantial majority of professional opinion, is strongly in favor of the former alternative.

7.2.3 Regardless whether a general or detailed form of Constitution is selected, that document will have to make several important choices regarding alternative forms of government and allocation of authority and responsibility that will guide those undertaking this task. Particularly in the case of the legislature the Constitution will have to spell out basic organizational patterns, roles in relation to the executive and local government, constituencies and voting methods, etc. This means that the major legislative planning efforts should precede and overlap the convention and ratification processes. In addition to the social

scientist(s) described at 2.4 and 4.4 above, we recommend that an outside specialist with good experience in working with legislatures in small, English-speaking developing societies should be made available to the Convention throughout its work leading to ratification (as recommended at 6.6.4, above), and thereafter to planners assisting in preparations for the legislature's first session up to and including start-up. This person should be capable of presenting to the delegates, and through them to the voters, the practical long- and short-term implications of choices for unicameral vs bi-cameral legislatures, alternative staffing patterns for various types of legislative roles and activities, unit vs proportional representation, apportionment and reapportionment, the form, authority and role of local government agencies, etc. Such a specialist is most likely to be found on the political science faculty of an American university, with a background of field research in this area in Micronesia, the Carribean or Africa, plus some applications of research results in technical assistance activity.

7.2.4 The judicial function must also be defined in some detail in a written constitution, although this may be limited to broad guidelines for future legislation and judicial regulations. Specifically, the Constitution should describe the hierarchical structure of the judicial system; selection, qualifications, powers, removal, rights and immunities of judicial officials; the bases for establishing jurisdiction of various levels of the hierarchy; the applicability of customary traditional, statute and common law in settling disputes, etc. It is apparently already agreed that a "bill of rights" will be included in the constitution to establish certain basic, individual personal, political and property rights, and minimum rights of criminal defendants, which the courts will be charged with protecting. The question of review by U. S. courts outside the Marianas will, we understand, be answered in the Status Agreement, as well as questions regarding

procedures for establishing applicability of Trust Territory and U. S. statutes, laws and regulations. It seems probable that specialists already described at 2.4, 4.4, 6.6.5 and 7.2.3, above, will jointly be able to provide the necessary assistance for this planning sub-task, which will be needed throughout the Convention - ratification process and at least to the start-up of self-government. Qualified Marianians - lawyers, judges, and administrative staff - should be involved directly and continuously in this task from the beginning, to the greatest extent compatible with orderly conduct of judicial business during the interim period.

7.2.5 Regarding the executive functions of government, the Constitution must as a minimum outline the method of selection and powers of the chief of government, and his relationship to the legislature and judiciary. His manner of selection and removal, qualifications, appointive and regulatory powers, financial and operational accountability, areas of specific primary responsibility, and powers of initiative need to be considered and specified by the Constitutional Convention and the voters in sufficient detail to insure that informed and authoritative choices are made among the numerous options available. On these broader issues of organization of the executive, the specialist assistance described at 2.4, 4.4, 6.6.5 and 7.2.3 should be made available to the Convention throughout the Convention and ratification processes. This sub-task, again, can be regarded as an integral part of the political education task outlined at 4, above; it will consist largely of consultation with delegates, preparation of study papers based on comparative experience, and assistance in phrasing the options, and implications thereof for the future quality of life, in the self-governing Marianas in terms the voters can comprehend.

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7.3 As suggested before, different parts of the task of detailed planning for government organization may commence at different times, depending on choices made by the Convention and the voters. More highly specialized outside assistance than that described in preceding paragraphs will probably be required, particularly with relation to planning and preparation for the executive functions of government. The following list of functions for which institutionalized capabilities must be authorized by legislation or regulation and created in the form of new or modified operational agencies on the ground in the Marianas by start up date is suggestive only -- information available to us does not permit a complete or authoritative estimate of essential functions and requirements.

7.3.1 The Legislature:

- internal organization - committees, subcommittees, committee staff, reference resources;
- internal procedures - leadership, debating, voting, schedules, records and documents;
- physical plant;
- elections;
- funds, accounting, accountability.

7.3.2 The Judiciary:

- organization of the courts - schedules, venues, administrative staff, records and forms, etc.
- internal procedures - leadership responsibility, panels and conferences, regulatory powers, appellate procedures, relationship with the Bar, etc.
- physical plant
- records, funds, accounting.

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7.3.3 The Executive:

- The Chief of Government - election/selection, rule making powers, appointive powers, accountability to the Legislature, official offices and staff;
- The departments of government and their Heads - as above;
- Basic government services:
 - Social services - health, education, welfare;
 - Security and police power; immigration and naturalization;
 - Finance - taxing, loan, budget, banking;
 - Planning and implementing resource development and use;
 - Land control, land use;
 - Commerce, industry, tourism;
 - Transportation, communication, public works;
 - Legal services.

7.3.4 Local Government

- Form and organization of local Government;
- Areas of jurisdiction;
- Selection, qualification, accountability, removal of local government officials, assemblies, etc.;
- Local government finance and accounting;
- Services and powers delegated to local government;
- Interaction of local and state government agencies.

7.4 We have previously (3.3, above) mentioned the types of outside assistance appropriate to physical planning and staffing of these and related services. The

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planning of government structures, systems and procedures requires a different type of input than those previously described, although this input will have to be closely coordinated with political education, physical, financial and human resource development, and legislative drafting. The small scale of the Marianian community, on the one hand, and the variety of systems and organizational structures to be established, on the other, suggest that a specialist with professional city management or management counselling experience to small to medium sized public sector units, plus significant experience in technical assistance to developing societies at the sub-national or national level, would be an optimum choice for this assignment. Professional and work background should include practical experience in establishment of effective but simple personnel, financial and information systems; in the initial staffing, orientation and start-up of such systems and the agencies operating them. Familiarity with the special problems of judicial, police and local government administration will be an important additional asset. We estimate that the services of this specialist will be required at least from the first session of the Constitutional Convention to the start-up of self-government.

7.4.1 We anticipate that the bulk of this specialist's work, once broader organizational options have been chosen, will be on-the-job counselling and training with other specialists and Marianian staff designated for this purpose by the Marianian interim government. If time permits, new or revised systems and procedures should be tested in actual operational situations, and necessary adjustments made, before the start-up date. This requirement for close and continuing interaction with Marianian and outside professional staff should be considered in assessing the personal qualifications of candidates for this position.

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7.5 A major legislative drafting task and plans for the first session of the new Legislature need to be completed before start-up. The entire team of Marianians and outside specialists and officials involved in the planning operation should work closely with legislative draftsmen, assisted by the specialists described at 6.6.5 and 7.2.3., above, in preparing studies and alternative legislative "packages" for consideration of the new Legislature and its staff. These studies and draft legislation should spell out the implications of organizational and procedural options permitted by the Constitution, and be effective to support essential government activities once the Legislature has made its choices in the form of valid legislative enactments.

7.6 Finally, the first general elections for a self-governing state, as specified by the Constitution, must be organized and conducted, and optional operating plans for the first session of the Legislature drafted and considered before start-up date. As in the case of the selection of convention delegates, we are unable to estimate the types and quantity of outside assistance that may be required to conduct the elections. The tasks at 7.5 above, and guidance for legislative operations, are the final elements of the political education task, and perhaps the most important. The specialists previously described should, in our view, be adequate to assist the Marianians in successful execution of these tasks.

8. Summary and Conclusions

8.1 This preliminary paper has outlined in very general and tentative terms the major tasks, and specialist inputs in support thereof, that we estimate will be required for a successful start-up of a new government for the Mariana Islanders within 24 months of the Islanders' ratification of the final Status Agreement with the U. S. Government.

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8.2 The major tasks of governmental organization that appear to require outside specialist assistance are:

8.2.1 A preliminary survey of expectations.

8.2.2 A survey of available human resources, design of staff development systems and institutions;

8.2.3 Political education of officials and voters in regard to:

- Constitutional convention
- Constitution
- Government organization
 - Legislature
 - Judiciary
 - Executive
 - Local Government
- Initial Legislative program

8.2.4 Organization of Convention and Legislature

8.2.5 Legal drafting - constitution and initial legislative program

8.2.6 Design and installation of governmental institutions, systems and procedures

8.3 We are aware that companion recommendations are being submitted for outside specialist assistance to the interim government in the fields of physical, economic and social planning and development. We also understand that tentative agreement has been reached on a full-time Technical Secretariat, serving under a part-time Commission, to coordinate, oversee and assist in interim period planning and preparation for self-government. To the extent that the specialists involved in these parallel activities will be qualified and available to assist in governmental organization planning, the final estimates of manpower and costs for the interim period should be modified. Our estimate in this

paper is an effort to measure the probable cost of the governmental planning effort only. In this connection, we suggest that it is essential to include the real cost of U. S. Government staff specialists possibly to be assigned to this activity, since only in this way can a realistic estimate of costs and benefits of employing such specialists, as opposed to non-U.S. -Government professionals, be reached.

8.4 For purposes of estimating manpower requirements and costs, we have assumed the following:

8.4.1 A period of 24 months will be required for planning and preparation between ratification of the Status Agreement by the Mariana Islanders and the start-up of self-government;

8.4.2 Delegates to the Constitutional Convention will be selected, and the first session of the Convention will meet, about six months after ratification;

8.4.3 The Convention process, from first session to ratification of the draft Constitution by the voters, will require six months;

8.4.4 Thereafter, 12 months will be required to translate the ratified Constitution into the initial legislative package and functioning government institutions, systems and procedures.

8.5 At Attachment A we have summarized in tabular form the specialized manpower inputs and scheduling recommended in the preceding text. This amounts to 83 man-months of specialist time. Our total cost estimate is based upon a range of base salaries required to attract and hold these specialists between \$18,000 and \$35,000 per annum. Using present travel and allowance figures applicable to U. S. residents assigned to Trust Territory

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administration in Saipan (current Department of State Standard Regulations), and our own extensive experience in the cost of supporting professional personnel in overseas assignments, we estimate the average cost per man-month for this team, operating on the time schedule outlined below and in Attachment A, as \$ 5,000.00, or a total estimated cost of \$ 415,000. The composition and scheduling of the team are summarized below:

8.5.1 A highly qualified (Ph.D.) social scientist with relevant field experience (3 to 5 years) whose primary responsibility will be in the field of political education of Marianian officials and voters. We recommend that this specialist should be present in the Marianas throughout the interim period, and including observation of the ratification of the Status Agreement, i.e., 25 man-months.

8.5.2 A qualified specialist with relevant overseas experience in personnel management and staff development, to assist in surveying existing resources, and in designing and installing essential personnel and staff development systems and institutions. We propose an input of three months immediately following ratification of the Status Agreement, and ten months preceding start-up of self-government, for a total of 13 man-months.

8.5.3 An electronic data processing specialist, to provide part-time assistance during the last four months of the Convention process, one man-month.

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8.5.4 A qualified legal draftsman, to assist the Constitutional Convention in preparing the Constitution, and organizational planners in preparing draft legislation for the start-up of government. We propose that this assistance be made available for two weeks each, at the beginning and the end of the Convention process, and for 5 months prior to and through the initial session of the new legislature.

8.5.5 A qualified and field-experienced parliamentarian, to assist the Convention and the new Legislature in designing and implementing suitable systems and procedures to enable those bodies to accomplish their tasks. We propose that these services be made available from the commencement of the Convention process through the first legislative session of the new government, for a total of 20 man-months.

8.5.6 A field experienced specialist in organizing and managing medium-sized governmental agencies, to assist in designing and starting up the essential agencies of the new Government. We propose that this specialist be available from the beginning of the Convention process until the start-up of the new Government, for a total of 18 man-months.

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3rd April, 1974

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ATTACHMENT A

MONTHS AFTER RATIFICATION OF STATUS AGREEMENT

| Text Ref. | Specialty and Tasks | STATUS | CONVENTION PROCESS | | | | | | | | | | | | | | | | | | | | | | | Start Up | Total M/M |
|--------------------|--|--------|--------------------|---|---|---|---|---|---|---|---|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----------|-----------|
| | | AGREEM | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | | |
| 2.4/4.4 Seriati | <u>Social Scientist</u> - political education | RATIF. | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | 25 |
| 3.5 | <u>Personnel Management</u> - resource inventory and staffing/staff development | | X | X | X | | | | | | | | | | | X | X | X | X | X | X | X | X | X | X | 13 | |
| 6.6.3 | <u>EDP</u> - support to political education (convention) | | | | | | | | | | | | | | | | | | | | | | | | | 1 | |
| | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 6.6.4/7/2/3 | <u>Parliamentarian</u> - convention and legislative organization | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 6.6.5/7.3 | <u>Legal Draftsman</u> - convention and legislative start-up | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 7.4 | <u>Government organization/procedures</u> - detailed organization planning and preparation | | | | | | | | | | | | | | | | | | | | | | | | | | |
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