

November 8, 1976

REPORT TO THE CONVENTION
BY THE COMMITTEE ON PERSONAL
RIGHTS AND NATURAL RESOURCES

Subject: Committee Recommendation No. 7:
Natural Resources

The Committee on Personal Rights and Natural Resources recommends that the Convention adopt in principle the attached constitutional provision with respect to natural resources.

The Committee's recommended constitutional provision contains three sections. The first section provides that the fish and other marine resources located in the waters off any Commonwealth coast belong to the Commonwealth to the maximum distance from the coast permitted by international law or United States law. These natural resources are to be controlled, protected and preserved for the benefit of the people and no interest in these resources may be transferred except as provided by the legislature. The second section requires the preservation of certain islands as uninhabited places for recreational purposes and for use as bird and wildlife sanctuaries. The third section provides for the preservation of sites of historical, cultural and traditional significance to the people of the Northern Mariana Islands.

The Committee has the following reasons for its recommendations:

Section 1: Marine Resources. This section lays claim to the marine resources, including fisheries, present in the water off any Commonwealth coast to the maximum distance from the coast that is permitted by international law and United States law. The provision does not specify any mile limit on the Commonwealth's jurisdiction because the extent of the jurisdiction of the Commonwealth is unclear at the present time and may be made specific and extended in the future. If the Constitution claimed more than was permitted under current United States law, the provision would be unconstitutional under the United States Constitution. If the Constitution claimed less than is made available in the future, a constitutional amendment might be necessary. The flexible language recommended by the Committee permits the Commonwealth to claim and exercise jurisdiction to the maximum extent permitted as circumstances change in the future.

The Committee's recommended provision requires the legislature to control, protect and preserve these resources. This requirement is included because of the importance that these resources may have for the economy of the Commonwealth in the future. The provision also prohibits the transfer of any interest in marine resources within the jurisdiction of the Commonwealth except as

provided by law. This requires that there be no leases or sales of fisheries or other marine resources except in accordance with a statute passed by the legislature. The Committee believes this control is important because of the possibility that, without control, these resources may be exhausted.

Section 2: Uninhabited Islands. This section requires that the island of Managaha be maintained in an uninhabited condition and that it be used for recreational purposes. It is the Committee's intention that no permanent structures such as houses, hotels or other facilities be constructed on the island in order that the island can be preserved in its present condition and used by the people of the Commonwealth for recreational purposes.

This section also requires that the island of Sarigan be maintained in an uninhabited condition and that it be used as a sanctuary for bird and wildlife species indigenous to the Commonwealth. This use could include ecological and other scientific studies. This section does not preclude stationing caretakers or scientific personnel on these islands or construction of buildings for those purposes.

The Committee is concerned with the rapid rate at which native wildlife is being depleted in the Northern Mariana Islands. The Committee recognizes the need to

preserve certain areas as natural habitats where fish, coconut crabs, fruit bats and other native species can be maintained and preserved. The Committee considered the advantages and disadvantages of each island available for this purpose. The Committee believes that Sarigan is best suited for this purpose by reason of its location, present use, economic value and possible future development. However, the Committee recognizes that a feasibility study or further consideration may lead to the conclusion that another island is equally or better suited for these purposes. For this reason the Committee's proposed draft language permits the legislature to substitute another island for Sarigan as the bird and wildlife sanctuary if the legislature finds that the other island is equally or better suited for this purpose. If the legislature does not act, then Sarigan will continue to be used for this purpose.

The Committee believes that at least one island should be preserved for this purpose and believes that this provision should be included in the Constitution to ensure an adequate safeguard. The Committee finds that legislative efforts in the past have been inadequate.

Section 3: Cultural and Historical Sites. The Northern Mariana Islands have many places of historical, cultural and traditional significance to the people of the Northern Mariana Islands. These sites are on public land and, under the Committee's recommended article

on Public Lands, will be subject to the control of the Public Land Corporation for at least ten years after the effective date of the Constitution. Thereafter the control of public lands may pass to the executive branch. The Committee believes that this section should be included in order to provide the basic guidelines on preservation of these sites regardless of the authority that manages them. This section directs the legislature to protect and preserve these sites and to maintain public access to them. It leaves to the legislature the determination of the best means of so doing.

The Committee is also concerned with artifacts and other things of cultural or historical significance such as the latte stones, cannons and other objects that might be dismantled and moved outside the Commonwealth. These objects are an important part of the heritage of the people of the Commonwealth and should be preserved. The Committee's recommended provision requires that these objects be protected and preserved in a manner to be defined by the legislature. It also contains a prohibition on the export of such objects.

Delegate Proposals. The Committee considered delegate proposals numbered 21, 89, 99, 115, 116, 117 and 146 that pertain to the article on natural resources.

With respect to proposal number 21, the Committee decided to refer the proposal to the Committee on Governmental Institutions because the proposal deals basically with how the votes of people who move to Agiguan island in the future should be counted. The uses of the public lands on Agiguan island are already covered by this Committee's recommended provision on public lands.

Proposal number 89 is covered by section 1 of this recommendation.

The Committee believes that proposal number 99 is a statutory and not a constitutional matter.

Proposals numbered 115, 116 and 117 are covered by sections 2 and 3 of this recommendation.

The Committee opposes proposal number 146 because it does not believe the Constitution should name specific boards and commissions. The legislature has full authority to create boards and commissions as it deems them necessary or appropriate.

Respectfully submitted by the
Committee,

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