



Proposal would require court to decide labor cases

By DAN PHILLIPS

Any workers with labor complaints would have to file them with the Commonwealth Superior Court if legislation proposed in the House of Representatives is approved.

The Saipan Chamber of Commerce, and other CNMI businesses and government agencies, are currently reviewing the contents and implica-

tions of House Bill 9-419, which was introduced on May 30.

The bill would abolish the existing administrative hearing process for labor complaints and require that all such complaints be filed in Superior Court.

Under the existing system, a worker with a complaint usually files it with the Division of Labor, which falls under the Department of Labor and Immigration.



Each complaint is subject to a process that usually begins with an informal hearing aimed at resolving differences be-

tween employers and employees. If the parties cannot resolve their differences, then the complaint is then handled with an investigation and further proceedings, which often mean hearings.

If there is no settlement, after the Division of Labor reaches a determination, the losing party can appeal the decision to the Superior Court and even to the CNMI Supreme Court.

The administrative procedure was created in an effort to avoid burdening the court system and to minimize costs for both employers and employees.

According to the bill, the new proposal would be better because the "administrative hearing process is failing to adjudicate on a timely basis the labor complaints filed at the Department of Labor and Immigration."

"Justice delayed is justice denied," the bill states.

Requiring the handling of complaints in court would certainly increase the costs of handling complaints, a concern that earlier this year led to the non-passage of a proposal to substantially increase the fee charged for filing a labor complaint.

Convention passes nuclear resolutions

By DAN PHILLIPS



Delegates to the Third Northern Mariana Islands Constitutional Convention recently approved two resolutions recognizing the disastrous potential of nuclear bombs.

On July 20, the delegates approved a resolution to "recognize the occasion of the fiftieth anniversary of the Hiroshima and Nagasaki nuclear bombings, and to mourn the hardship and loss of life suffered by all people affected by the Second World War."

The resolution noted that the dropping of the nuclear bombs killed more than 78,000 people in Hiroshima and more than 40,000 in Nagasaki, while destroying both cities.

Noting that the Cold War and subsequent events continued the threat of nuclear weapons, and that areas like the Marshall Islands and Australia have been victimized by nuclear testing, the delegates stated their support for nuclear disarmament and peace.

The resolution also stated that the people of the Northern Mariana Islands "endured suffering and death during World War II as the battleground of a war to whose politics and genesis we were completely innocent bystanders."

In the other resolution,

which was approved on July 13, the delegates joined in the regional and world protest against France's plans to conduct nuclear testing in the South Pacific.

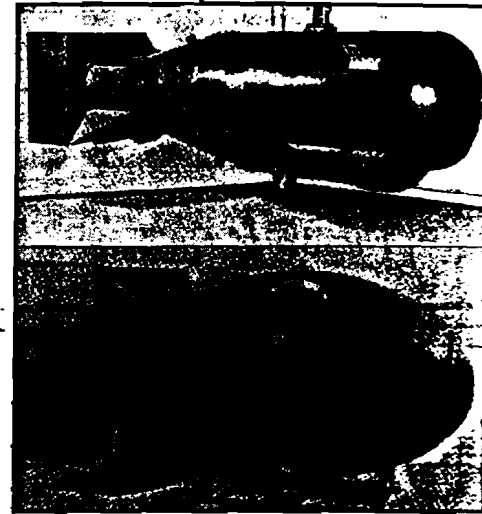
"The majority of the nations of the world have come to realize that the only viable solution for the future of human civilizations is the achievement of a stable world wherein all nations can pursue self-determination without detriment to world peace," the resolution stated.

It went on to say, "The necessary first step to a stable world order is the containment of the proliferation of nuclear weapons and eventual nuclear disarmament," and, "To this end, 170 nations have agreed to indefinitely extend the Nuclear Non Proliferation Treaty."

In addition, the delegates noted that the "major nuclear powers," including the United States, Britain, France and Russia, are scheduled to sign the Comprehensive Test Ban Treaty.

Despite the impending agreement, as the resolution stated, France "has recently announced that it plans to conduct a series of eight nuclear tests at Moruroa, French Polynesia between September 1995 and May 1996."

The resolution called these testing plans "a blatant disregard and disrespect for the sentiments, health and welfare of the peoples of the region," and said that the testing will "place the lands and waters common to all Pacific peoples at risk for renewed radioactive contamination."



"Little Boy" (top), and "Fat Man" (bottom), devastated Hiroshima and Nagasaki

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Activist: Convention last chance for public land

By Dan Phillips

Delegates to the Third Northern Marianas Constitutional Convention may hold in their hands the future of public land in the Northern Mariana Islands.

Ken Govendo, a Saipan lawyer who has for several years been one of the leading advocates of protecting public land for recreation and homesteads, said, "After what the Marianas Public Land Corporation and this governor have done with public land, the Convention is the last chance."

Saipan Delegate Jack

Villagomez agreed, saying, "Public land rapidly disappearing to development will leave nothing to our children unless we act now."

On Saturday, July 22, with less than 10 people from the general public in attendance at the Convention session held in the House of Representatives chamber on Capitol Hill, the delegates gave preliminary approval to proposed changes in CNMI public land policy.

The new Article 11 of the CNMI Constitution would create a new Marianas Land Bureau, require the new MLB to resolve pending land exchange

disputes before approving any public land leases for commercial purposes, and establish public land "permanent preserves."

Section 5(b) of the proposed Article 11 would restrict the transfer of public land within the first two years of the MLB's existence only to transfers "to a government agency for use for a public purpose after reasonable notice and public hearing."

Saipan Delegate Carlos S. Camacho, who was the CNMI's first governor, asked that the two-year period be extended to five years, noting the "backlog of land problems that dates back 50 years to the end of the war."

Convention legal counsel Deanne Siemer said that delays in resolving land exchange problems have usually come over a failure of parties to reach an agreeable exchange, with many cases involving landowners who ask too much. She said that most of the disputes could be easy to resolve if the parties could agree on values.

Camacho said that it "would be a superman effort to resolve all of the pending land

problems within two years."

Delegate Marian Aldan-Pierce said that in cases where the parties can't agree at all, "five years won't make any more difference than two years."

Camacho's request to extend the period to five years was defeated by the delegates in a voice vote.

According to the report provided by the Convention's Committee on Land and Personal Rights, the two-year provision would require that land exchange requests be deemed denied if not cleared up within two years of their initiation. After that, government agencies could use their eminent domain power to acquire land and to compensate landowners fairly.

The permanent preserves proposal would, in the words of Tinian Delegate Joey San Nicolas, represent the "concept of setting aside land for future generations, so they can enjoy the open spaces of our islands, just as we have."

Govendo said that he thought the preserves are a good

idea, but that the proposal is not enough.

He noted that the proposal provides that beachfront land will be considered permanent preserves, "unless exempted by the Bureau before Dec. 31, 1997."

"They can do a lot of damage in two years," Govendo said.

The only areas specifically named as permanent preserves in the current proposal are Managaha Island, Bird Island and Forbidden Island on Saipan, and Anyota Island on Rota. The CNMI's sandy beaches would remain under constitutional protection.

"It does not include land already leased out, like the Garapan fishing base, the Coast Guard land in San Antonio, the Samoan housing land in Garapan, the Marpi point area and Pau Pau Beach in San Roque," he said.

"The delegates could declare these areas off limits forever if they wanted to, even if there are current leaseholders. Even if the CNMI has to pay some money back, it would be more than worth it. Beachfront land should be reserved for public recreational purposes," Govendo said.

He also said that creating the MLB will be like "re-creating the Marianas Public Land Corp. and going back to the way that public land was leased out by the MPLC in the 1980s, with leases going to politicians and the connected people at the expense of the people."

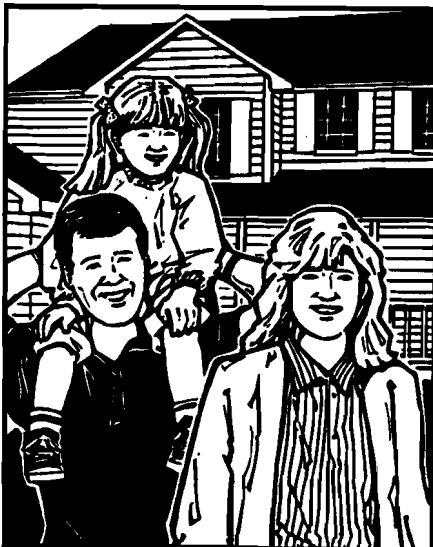
The MPLC was closed when Gov. Froilan C. Tenorio's executive order on government reorganization took effect, with the management of public land being placed under the Department of Lands and Natural Resources' Division of Public Land.

Villagomez said the preserves concept is a way to protect beautiful natural areas, wildlife habitat and medicinal plant areas.

He also said that it is important to put together a public land master plan, "a grand design to protect us."

The Convention is expected to approve its final proposed Article 11 either today or tomorrow.

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