

Means of Resolving Legal and Political ProblemsAssociated with Acquisition of Land in the MarianaIslands District

Section IV E of this study discusses land acquisition problems in the Marianas which we face in attempting to negotiate and implement our land requirements. Of particular concern are those of a legal/political character. Three possible courses for resolving these problems are briefly outlined in that section. The following discussion elaborates more fully on each of the proposed courses and also touches on the issue of acquisition of private land.

(1) Transfer of Title of Public Lands in the Marianas to the Marianas District. Elsewhere in this study, it is proposed that the Mariana Islands be administratively separated from the balance of the Trust Territory as a transitional measure leading to that district's ultimate permanent and close association with the United States. This administrative separation would logically include a provision for transfer of title of TTPI public lands in that district to the Mariana Islands District Government or some other receiving government entity. Since there presently is no corporate entity within the district legally capable of accepting title to TTPI public lands, the transfer can be effected only when the Marianas District Government is chartered (subsequent to a constitutional convention), or when the present district legislature establishes another but appropriate body to accept and administer the public lands (e.g., a "Marianas District Public Lands Trust Board"). The corporate entity accepting title to the public lands would have to have full authority to negotiate leases of public lands for U.S. land requirements.

However, the above course of action may take one or two years to implement with consequent considerable delay in negotiation of leases, and implementation of operational plans for Tinian. A variant on the above, which would permit earlier negotiation of leases, would be to urge the present Marianas District Legislature to establish a receiving corporate entity, and transfer title to public lands immediately to that entity by Department of the Interior Secretarial Order.

(2) Temporary acquisition through TTPI Administration Lease. Pending an ultimate transfer of public lands to the

SECRET

Marianas District, the U.S. could negotiate temporary leases through the TTPI Administration. To avoid charges of bad faith, this course could be taken only with the full consent of the Marianas leadership, and with the leadership's participation in the negotiations. In effect, the TTPI Administration would act as an agent for the Marianas. The U.S. negotiating goal would be early satisfaction of its land requirements in the form of leases which could subsequently be transferred from the TTPI Administration to the Marianas District.

One serious problem could arise from this course. Any U.S. rental payments for TTPI Administration leases would, by law, go to the Congress of Micronesia pending transfer of public lands and leases to the Marianas. This would be deeply resented by the Marianas and could cause them to refuse to go along with this course. As a practical matter, probably no more than one or two years' rental monies would be involved. A solution possibly acceptable to all concerned parties would be to earmark all rental monies, paid while the leases are with the TTPI Administration, for the future relocation and establishment of a Micronesian Capital. Separation of the Marianas from the Trust Territory will ultimately require the transfer of the Micronesian capital from Saipan to some other district. This will be a major project costing tens of millions of dollars, and one which all concerned parties (the U.S., the Marianas, and the other five districts of Micronesia) share a responsibility for.

(3) Memorandum of Understanding with the Marianas Leadership. Pending transfer to the Marianas of TTPI public lands, the terms of leases could be negotiated with representatives of the Marianas and agreed to by a memorandum of understanding. The Marianas leadership would agree to effect such leases upon transfer to the Marianas of the public lands. To the extent that it may be necessary to proceed in the interim with development of some facilities on Tinian Island, this could be accomplished under a short-term lease with the TTPI Administration, with nominal rental payments, and with the consent of the Marianas leadership.

Private Lands -- The above discussion relates to overcoming legal and political obstacles concerning U.S. requirements in areas which are presently TTPI public domain. The need for the whole of Tinian Island also requires leases of

SECRET

SECRET

something over 1,000 acres of many parcels of private land. However, these land negotiations should be conducted jointly with those for the public lands, with the Marianas Political Status Commission representing the landowners. The private lands on Tinian ultimately may have to be acquired through condemnation proceedings instituted by either the TTPI Administration or the Marianas Government (the latter assuming administrative separation and establishment of a Marianas Government with eminent domain authority -- in addition to that of the TTPI Administration -- prior to termination of the Trusteeship Agreement).

SECRET