

Public Control  
THE WHITE HOUSE  
WASHINGTON

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MEMORANDUM

For : The Chairman Joint Committee on Future Status May 9, 1973  
From : The President's Personal Representative for Micronesian  
Status Negotiations  
Subject: Public Lands and the Future Political Status  
of Micronesia

Your letter to me of March 27, 1973 states that it is the position of the Joint Committee on Future Status and the Congress of Micronesia that the current political status negotiations cannot go forward unless and until all public land in Palau is returned to the traditional chiefs in that district in trust for the people.

The U.S. Government's position on Micronesian public land is clear. We stated at Hana that all Micronesian land belongs to the Micronesians, that its control should rest in the hands of Micronesians, that it is our intention that all public land will be returned to Micronesians and that ultimate responsibility for the disposition of public land should rest with micronesians.

We had assumed that the wishes of the people of Micronesia regarding control and disposition of land would be reflected in a Micronesian Constitution and in the subsequent decisions taken by duly constituted authorities and traditional constituencies at the central and district levels. You are now asking my government to take an action which we had assumed would be reserved for later Micronesian decision. Moreover, you are requesting that one District be singled out for immediate action indicating that the question of the return of public land to the other districts is to be decided later by reference to the Congress of Micronesia and to those districts themselves.

The U.S. Government for its part is prepared to be both open minded and flexible on the subject of the return of public land to the Districts. We have no difficulty in principle with considering now how we might best proceed in this matter. But it is not a simple matter. It has many facets involving a number of inter-related questions. It cannot be solved by simple fiat. It will require detailed study.

The U.S. Government will move forward without delay to examine the new timing issue raised by the JCFS. Conscious of its responsibilities as administering authority for the TTPI, the U.S. will, of course pay particular attention to the broader legal and jurisdictional issues involved. Its examination will also wish to take into full consideration Micronesian land

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traditions and customs. We intend to seek information from and the advice of interested parties in the districts and at the TTPI headquarters. We would also like to request that the Joint Committee provide us with its views and answers to the following questions:

1. What action does the Joint Committee on Future Status recommend with regard to the return of public land in districts other than Palau? If public land is to be returned in all districts, would you recommend that the turnover be simultaneous for all districts or at the option of the individual district with respect to timing and procedures?

2. What are the views of the Joint Committee on Future Status on who would take title of the land when it is returned? Should some type of corporate entity (such as special land commissions or public lands trust boards) be established and, if so, by whom? What should the composition of those bodies be? How can the differing requirements of the various districts be taken into account?

3. What procedures would you recommend for adjudicating rival land claims at the district level?

4. Since public lands make up over 60 percent of the land of Micronesia, should the land management function and legislative authority be transferred to the districts along with public land? In particular: (a) should legislative authority over land be transferred from the Congress to the district legislatures? (b) should separate land courts be established for each district? (c) should the land cadaster program be continued and, if so, should control be transferred to the districts? (d) should district governments have eminent domain authority -- in addition to that possessed by the TTPI administration - and the future central government of Micronesia; (e) should the land management function be transferred to the districts, do the latter have sufficient human and monetary resources to undertake it? If not, will the COM make grants to the districts for this purpose?

5. In any public lands transfer, how should tidal lands and lagoons be treated?

6. How can the rights of homesteaders be protected following any transfer of public lands to the districts?

7. How can current leases of public lands for public purposes in the districts -- e.g., roads, sites of schools, hospitals, and administration buildings, etc. -- best be protected, and law will additional leases be handled as further such public needs arise?

There may be additional relevant questions which will arise in the course of our study of the public lands issue on which the U.S. will welcome the benefit of the thinking of the Joint Committee on future status. If so, I

shall transmit them to you. In the meantime, the U.S. Government hopes that the Joint Committee can provide it with its views and answers to the questions posed in this memorandum at an early date. Pursuant to our discussion on May 4, I would like to propose that the informal meeting of the heads of delegation in June be devoted to an exchange of views on the general subject of this memorandum.

Franklin Hayden Williams