

Fight Truk Land Grab

SAIPAN — Twenty-three landowners from Dublon Island in Truk District have filed an action in the Trust Territory High Court to quiet title to 25 parcels of land claimed by the Trust Territory government. The defendants named in the suit are the government and Richard I. Miyamoto, as alien property custodian for the Trust Territory. Miyamoto is the attorney general of the TT.

According to the complaint, the landowners have always been in possession of the lands in question. Despite this possession, the complaint asserts, the TT government has claimed ownership of the lands in a 1971 "Certification of Titles to Real Property." The government has also marked the lands on official maps as "public land."

One of the counsel for plaintiffs, Hans Willander of Indonesian Legal Services Group, explained that the question in the case will involve at least three important factual issues.

One of these is whether the lands were below the high tide mark. The Trust Territory claims ownership of all lands below the high tide mark, including lands created by the TT.

A second issue turns on whether the Japanese government, which occupied the area, compensated the landowners for their property.

Third, he stated, is whether the landowners were ever given the opportunity to assert their claims under the Trust Territory's Land Management Regulation No. 1, a 1953 directive establishing procedures for contesting government claims of ownership.

noted that because the government had never used or occupied the lands in question, the landowners were never aware that it claimed ownership.

Dublon was a center of Japanese military activity in World War II. Many of the lands

used by the Japanese at that time are now claimed by the Trust Territory government under its alien property laws. These claims were the subject of a petition presented by Truk legislator Hayashi Naka to the U.N. visiting Mission in Feb.