



United States Department of the Interior

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To: Ambassador Franklin Hayden Williams

**From: J.M. Wilson, Jr., Deputy Representative for
Micronesian Status Negotiations**

**Subj: Consultations on the Transfer of Micronesian Public
Lands to the Districts**

In response to your directive to pursue consultations on how a transfer of Micronesian public lands to the districts might best be accomplished, I led a fact-finding mission to the districts of Pohn, Yap, and the Mariana Islands between 31 July and 9 August, 1973. Attached is a final summary of consultation that were held with the local traditional and elective leaders and with the Trust Territory land staff in these districts. A separate report for the eastern districts of the Trust Territory on this matter will be forthcoming upon completion of their trip.

The views expressed in the summary are those expressed to the mission by individuals in most cases rather than the positions of the organization concerned. It was often difficult, however, to know fully whether the views given were to be taken as those of a group represented by the spokesman or the views of the individual alone. Nevertheless, the summary does reflect a wide, cross-spectrum of approaches and recommendations regarding the desires of the people for a return of control over public lands.

I believe that the summary will serve to illustrate the difficult and complex nature of the proposal. As reflected in the summary, local perspectives on how best to accomplish the transfer differ within and between districts and will require further careful consideration.

MARIANA ISLANDS

- .I. Marianas District Legislature Meeting (Aug 8, 1973) -
Members expressed the view that:

- A. The public lands that are returned should be held "in trust" by the local government that is to be formed or by a public corporation.
 - 1. A return of public lands to the municipal governments would weaken the power of the central government that it to be formed.
 - 2. Consultation could be held with the municipal governments as to how they want public land handled on their islands.
- B. It might be best to return all the public land matters in Mariana Islands, not just the Marianas Status Commission.
- C. The USG should consult with the Marianas District Legislature on all land matters in Mariana Islands, not just with the Marianas Status Commission.
- D. The Land Management Office should be reorganized to improve its functions and operations.
- E. The Land Commissioner for the Marianas should be replaced.
- F. The USG should give a grant for a Land Commission to enable it to go outside the TTPI for technical staffing and expertise.
 - 1. Current members do not do adequate research, but instead rely too much on hearsay.
 - 2. Micronesians cannot be trusted to act impartially on decisions involving Micronesian land.
- G. The U.S. should consider granting additional funds to assist survey and registration efforts to help people resolve their titles to lands; too many have received homestead compliance certificates without receiving final title due to lack of survey teams.
- H. Consideration should be given to establishing a separate court to handle only land matters; this would alleviate current court backlog of land cases and avoid the reluctance of the court to make a decision when the land commission has failed to exercise its responsibility to resolve a land title dispute with the consequence that no decision ever is reached.

- I. Local government should have control over Isley Field, especially the revenues that come from the use of this area.
 - J. There should be no long moratorium on the lease of private lands on Tinian for outside investments and businesses, although these may be located on lands proposed as needed by the U.S. military; in this context, the U.S. should permit more village homestead permits for Tinian although this area is designated as within the area proposed to be set aside as a safety zone.
 - K. Many areas on Saipan have been designated as homestead sites, but no permits have been issued for reasons that do not seem justifiable.
 - L. There are many residents on Saipan who have received land in an exchange agreement with the U.S. during the Navy Administration that is less in size than that which was actually promised them (some areas range from 1 to 1 1/2 hactares less than that promised).
 - M. Many of the old boundaries established by the military administration were erroneous and have caused hardship to many of the residents by reducing their land holdings and bringing them into direct dispute with adjacent land owners over the precise boundaries and extent of their individual land holdings.
 - N. The U.S. should permit local applicants to lease lands now classified as military retention land; military retention areas should be treated no differently from other public lands and should also be returned along with the unused public land areas.
- II. Saipan Municipal Council and Marianas COM Delegation Meeting (Aug 8, 1973) - Members expressed the view that:
- A. All lands used by the municipal governments and all beach areas should be returned to the municipal legislature for their control;
 - 1. The municipalities now use these areas, but have no deed to establish the power and rights of the municipalities to control them.
 - 2. The municipal government would hold title until a new Commonwealth government was created.

- B. A public corporation or legal entity could receive title to the land for all the people of the Mariana Islands as "trustee".
 - 1. The immediate problem is the power of the High Commissioner over public lands.
 - a. These powers should be revested with the public entity.
 - b. The entity should have the power to establish its own laws with the courts having final power to resolve land disputes.
 - 2. The USG should create the entity and fund its operation (\$5 million).
 - a. The USG should also correct all existing disputes and problems and establish a clear set policy for the operation of the entity to avoid future problems.
 - b. All problems should be resolved before lands are returned, including prior illegal Japanese takings.
- C. More money should be forthcoming to increase land personnel and for speeding up the land surveys, hearings, and registration of titles. (There are too few survey crews already with most of these being used for CIP projects with the consequence that there are no survey crews available for resolving private titles and homestead areas.)
- D. The Land Commission should be retained; the Land Management Office functions should be decentralized and simplified because there are too many duplicative efforts both in the district and at headquarters.
- E. All existing commercial leases of public lands should be renegotiated despite current Micronesian bill of rights against ex post facto laws.
- F. There should be local consultation on all future leases of public lands to non-Micronesian citizens.

III. Mariana Islands District Land Administration Staff
(Aug 7, 1973) - Staff members noted:

- A. As to the control of public land Saipan and Rota each desire that control and management responsibility vest with the individual municipalities; however, this proposal raises several problems:
1. Funding and personnel available at the municipal level might be inadequate;
 2. There might be conflicting jurisdictional problems between municipalities and district governments;
- B. FY 73 Budget for the Mariana Islands Land Management was reduced for FY 73 which will result in personnel cuts and in a reduction of the number of projects to be undertaken by Land Management.
- C. Land speculation has increased the number of claims to areas under ownership dispute and under boundary dispute.
- D. Regarding homestead areas:
1. Under the USN administration, there was some error in the survey and monumenting of tracts of land with the consequence that former occupants found themselves with less acreage or with acreage that did not conform to original boundary descriptions.
 2. Generally, there is a need to resurvey and to remonument many areas.
 3. As a consequence of the confusion and in accurate description of boundaries, the district has stopped its registration efforts so as to permit accurate boundaries to be determined and to permit a final resolution of the boundaries by the Land Commission.
 4. At the present time, there are two surveys conducted: one at the time the homestead permit is issued and the other at the time the title is issued.
 - a. It might be possible to issue the permit without the initial survey and describe the boundaries as is done in the U.S. as "5 acres more or less";

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- b. The survey of the tract might come at the time of final title registration so as to permit the Land Commission to resolve any boundary dispute, to speed up the issuance of homestead permits, and to reduce the survey costs and economize the use of the survey teams.
5. An accelerated survey and registration program could be implemented, but it would require some \$1.5 million for surveys and some \$300,000 to conduct the registration hearings and issuance of titles over a period of three years.
6. There are over 300 homesteads on Saipan awaiting survey, to permit the residents who have complied with the homestead requirements to receive final title to their land. There are only three survey crews at present, however, with absenteeism and use on CIP reducing their effectiveness to alleviate the homestead registration problem.
7. On Saipan:
 - a. There is a major technical problem arising from the lack of monumenting and from the USN homesteading promotion absent this technical requisite.
 - b. There are some 735 village homestead applicants (some 350 of whom are married)
 - c. There are some 636 agricultural homestead applicants.
 - d. Most village homesteads require roads, water, electricity, etc. before opening these areas up for settlement, but this would require additional funds.
 - e. Some homesteaders were given oral permission to settle on their sites pending a survey.
8. On Tinian:
 - a. There are so few homesteads that there is no justification for a separate land office.
 - b. Homesteads are not granted to non-Tinianese applicants.

- c. There are 84 agricultural homestead applicants.
 - d. There are some 16 village homestead applicants.
 - e. There is no influx in the number of applicants for homesteads.
 - f. The reception of applicants continues, but there is a moratorium on the issuance of homestead permits.
 - g. The land office is continuing to process deeds for those who have complied with the homestead requirements.
9. On Rota:
- a. There are some 136 agricultural homestead applicants.
 - b. There are some 69 village homestead applicants.
10. Most of the applicants are of college age and have little or no marital responsibility; homestead applicants need only be 18 years of age. There does consequently appear to be some basis for belief that many of these applicants are for purposes of land speculation only to take advantage of the status proposals.
- E. Regarding existing rights of way and private claims to ownership:
- 1. The problem is that original lost obtained under the Japanese administration must be reconstructed in relation to the roads, power lines, etc. constructed by the USN after World War II; because old Japanese records were destroyed and because the USN changed many existing Japanese roads and altered power lines, etc. this is difficult to establish.
 - 2. The district staff has recommended that private claimants file a claim with the War Claims Commission as the controversy really involves action by the U.S. administration after the

war and which is covered under the U.S. legislation as permissible for compensation. The claim would be one for a "post-war" U.S. action that caused injury or damage to a local land owner. Policy guidelines on this matter were requested by the district land staff to the War Claim Commission, but no response has yet been received.

F. As to disputes of ownership to public land areas:

1. Major areas of controversy are those involving rights of way and lands exchanged by the military.
2. Only about 1/10 of public land in the Mariana Islands District is claimed privately.
3. There will be a court case involving lands exchanged by the military that will try to return the original land, seek compensation for damages, and remove the Land Management Officer as "Trustee" of the public lands in the Mariana Islands.

G. Regarding lands exchanged by the military:

1. Many land owners received a smaller area of land than that originally promised them, although the value of the land exchanged did exceed that which was given the military and that price existing on the open land market.
2. Some land officers provided by the military did not have authority to execute the transactions.
3. Some lands were obtained by implied threat or coercion according to local land owners, especially in light of the military battle that raged on the Marianas and the seeming collusial presence of the military here.
4. Some lands originally owned or received by local residents had no accurate survey and lacked definite boundaries.
5. Some lands that were originally in private ownership and placed into the area to be used by the military have since been released to the TTPI for homesteading programs or for

lease as public lands; some former private owners to these areas claim that the lands should have been released to them or that the lands should have been re-exchanged.

- H. The Carolinian community holds land values and views that differ from the Mariana Islands, especially as to inheritance and communal ownership and use rights.
 - 1. There is little possibility of conflict between the two views; rather it is a private ownership problem and the difficulty in determining the chain of heris because agreement within a clan is difficult.
 - 2. The old Japanese records outlining the original clan and title lines were destroyed during the war.
- I. Revenues collected from the use of public lands located in the Marianas is done by both the district administration and headquarters; there is a need to coordinate these two to better outline the total financial picture of the use of public lands in the district.
- J. The Land Commission noted that only Land Management has survey teams available and that before any titles could be issued to any individual, the land must be surveyed, platted (described), and disputes to ownership adjudicated and the title then registered.
 - 1. It has been some 5 months since the last survey was made available for registering private titles to land.
 - 2. Most of the problem in land registration involves "pre-war" private lands because the old Japanese records were destroyed; the TTPI recently spent \$.5 million to translate the old NBK records, many of which had been destroyed by World War II and Typhoon Jean.
 - 3. There is a need to increase funding for more survey teams and platting; could use aerial surveys but would need to establish control points and still monument areas for issuance of deeds.
 - 4. Tinian registration has been completed, Rota and Saipan need work.