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FOR MARY VANCE TRENT, STATUS LNO

E.O. 11652: N/A
TAGS: PBOR, TQ, XP
SUBJECT: PUBLIC LAND POLICY

1. FOLLOWING IS TEXT OF BACKGROUND STATEMENT ELABORATING CERTAIN
FEATURES OF PUBLIC LAND POLICY PAPER:

"BACKGROUND PAPER ON U.S. DECISION TO RETURN MICRONESIAN
PUBLIC LANDS TO DISTRICT CONTROL
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DEPARTMENT OF STATE A/C/C/MR	
REVIEWED BY <u>Wes</u>	DATE <u>Nov 5 1987</u>
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ENDORSE EXISTING MARKINGS <input type="checkbox"/>	DECLASSIFIED <input type="checkbox"/> RELEASABLE <input checked="" type="checkbox"/>
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--INTRODUCTION

THE UNITED STATES HAS ALWAYS CONSIDERED THE PUBLIC LANDS WHICH THE TTPI GOVERNMENT IS HOLDING IN TRUST FOR THE PEOPLE OF MICRONESIA TO BE MICRONESIAN PROPERTY, WHICH WOULD ULTIMATELY BE RETURNED TO MICRONESIAN CONTROL. WHEN THE U.S. WAS INFORMED EARLIER THIS YEAR THAT MANY MICRONESIANS FAVORED AN EARLY TRANSFER OF CONTROL OVER THE LAND TO DISTRICT AUTHORITY, AMBASSADOR F. HAYDN WILLIAMS SAID THAT THE U.S. HAD NO OBJECTION IN PRINCIPLE, AND THAT THE U.S. WOULD IMMEDIATELY UNDERTAKE IN EACH DISTRICT A PRIORITY STUDY OF LOCAL VIEWS ON PUBLIC LANDS, INCLUDING THE QUESTION OF HOW THE TRANSFER TO LOCAL CONTROL COULD BEST BE MANAGED, GIVEN THE MANY DIFFERENT LAND PATTERNS AND TRADITIONS THROUGHOUT THE TTPI.

THE COMPREHENSIVE STUDY WHICH FOLLOWED INCLUDED EXTENSIVE DISCUSSIONS IN ALL THE DISTRICTS OF MICRONESIA AS WELL AS WITH LAND EXPERTS AT ALL LEVELS WITHIN THE TRUST TERRITORY GOVERNMENT. THE STUDY ALSO CONSIDERED THE VIEWS OF THE CONGRESS OF MICRONESIA'S JOINT COMMITTEE ON FUTURE STATUS WHICH WERE SUBMITTED IN RESPONSE TO A SERIES OF QUESTIONS POSED BY AMBASSADOR WILLIAMS. SINCE THERE APPEARS TO BE GENERAL AGREEMENT IN MICRONESIA THAT THERE SHOULD BE AN EARLY SOLUTION TO THE PUBLIC LANDS PROBLEM AND STRONG SENTIMENT FOR DISTRICT CONTROL OVER PUBLIC LANDS, THE UNITED STATES IS WILLING TO TRANSFER TITLE AND CONTROL OVER MICRONESIAN PUBLIC LANDS TO THE DISTRICT IN WHICH THOSE LANDS ARE LOCATED IF THAT IS THE DESIRE OF THE PEOPLE OF THE DISTRICT CONCERNED. THE U.S. APPROACH TO ACCOMPLISHING THE TRANSFER IS BEING RELEASED TODAY TO SENATOR SALII, CHAIRMAN OF THE JOINT COMMITTEE ON FUTURE STATUS AND WILL BE DISCUSSED WITH HIM AND THE JOINT COMMITTEE ON FUTURE STATUS WHEN THEY MEET WITH AMBASSADOR WILLIAMS IN WASHINGTON BEGINNING NOVEMBER 13.

--THE DEFINITION OF PUBLIC LAND AND ITS EXTENT

ACCORDING TO CURRENT CALCULATIONS, OVER SIXTY PERCENT OF MICRONESIA'S TOTAL LAND AREA IS INCLUDED IN THE WORKING DEFINITION OF "PUBLIC LAND" USED BY THE TTPI GOVERNMENT. THE PROPORTION OF PUBLIC LAND TO THE TOTAL LAND AREA IN EACH OF MICRONESIA'S SIX DISTRICTS IS: PALAU 68 PERCENT; YAP 4 PERCENT; TRUK 17 PERCENT; PONAPE 66 PERCENT; MARSHALL ISLANDS 13 PERCENT; AND MARIANA

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ISLANDS 90 PERCENT.

THE TRUST TERRITORY CODE AND VARIOUS TRUST TERRITORY COURT DECISIONS DEFINE PUBLIC LANDS AS ALL LANDS ACQUIRED BY THE PRIOR SPANISH, GERMAN, AND JAPANESE ADMINISTRATIONS FOR GOVERNMENTAL OR OTHER PUBLIC PURPOSES, AS WELL AS THOSE LANDS WHICH THE TTPI GOVERNMENT MAY ITSELF HAVE ACQUIRED FOR PUBLIC USE. AS IN U.S. TERRITORIES, TIDELANDS AND MARINE LANDS ARE ALSO CONSIDERED TO BE IN THE PUBLIC DOMAIN. MOREOVER, FORMER PRIVATE JAPANESE PROPERTIES, INCLUDING THOSE BELONGING TO AGENCIES AND CORPORATIONS CONTROLLED BY THE JAPANESE GOVERNMENT, WHICH WERE SEIZED AT THE END OF WORLD WAR II AND PLACED UNDER THE CONTROL OF AN "ALIEN PROPERTY CUSTODIAN", ARE ADMINISTRATIVELY HANDLED AS PUBLIC LANDS, ALTHOUGH THEY ARE NOT TECHNICALLY A PART OF THE PUBLIC DOMAIN.

ONLY A VERY SMALL PROPORTION OF THE TRUST TERRITORY'S PUBLIC LANDS IS CURRENTLY BEING USED FOR SUCH PUBLIC PURPOSES AS SCHOOLS, HOSPITALS, AIRPORTS, ROADS, POST OFFICES. ADDITIONAL SMALL PARCELS HAVE BEEN LEASED FOR COMMERCIAL UNDERTAKINGS, OR HAVE BEEN MADE AVAILABLE TO INDIVIDUALS FOR HOMESTEADING. HOWEVER, THE GREAT BULK OF PUBLIC LANDS IS NOT IN USE, AND WILL THUS BE AVAILABLE FOR THE MICRONESIANS TO DISPOSE OF THEMSELVES IN ACCORDANCE WITH WHATEVER APPROPRIATE LEGAL PROCEDURES THEY CHOOSE TO ESTABLISH.

--THE U.S. APPROACH TO RETURNING CONTROL TO THE DISTRICTS

UNDER THE NEW U.S. POLICY THERE WILL BE AN EARLY TRANSFER OF PUBLIC LAND TO THE DISTRICTS IF THE PEOPLE OF THESE DISTRICTS SO DESIRE, SUBJECT ONLY TO SOME MINIMUM SAFEGUARDS AND LIMITATIONS. SINCE THE DISPOSITION OF THE PUBLIC LANDS IS RECOGNIZED TO BE A MICRONESIAN ISSUE TO BE HANDLED BY THE MICRONESIANS, ACCORDING TO THEIR LAWS, CUSTOMS AND TRADITIONS, ONLY A LIMITED NUMBER OF SAFEGUARDS APPEAR NECESSARY. THESE ARE DESIGNED TO ENABLE THE TRUST TERRITORY TO CONTINUE TO MEET ITS RESPONSIBILITIES FOR SERVING PUBLIC NEEDS DURING THE REMAINDER OF THE TRUSTEESHIP AND TO PROTECT PRIVATE MICRONESIAN CITIZENS WHO HAVE ACQUIRED PROPERTY INTERESTS IN PUBLIC LANDS, HAVE LEASED PUBLIC LANDS, OR ARE NOW LIVING ON PUBLIC LANDS BY AGREEMENT WITH T

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