

APPENDIX A

Minutes of the Meeting between the Micronesian Delegation on Future Status and the American Delegation held in the Secretary's Conference Room, Interior Department, Washington, D.C., at 10:15 A.M., Tuesday, November 13, 1973.

Attending:

For Micronesia:

- Chairman Lazarus E. Salii
- Senator Andon Amaraich
- Senator Edward DLG Pangelinan
- Senator Ambilos Iehsi
- Senator Tosiwo Nakayama
- Senator Roman Tmetuchl
- Senator John Mangefel
- Senator Petrus Tun
- Representative Resio Moses
- Representative Herman Q. Guerrero
- Representative Ataji Balos

Staff:

- Paul Warnke, Esq., Consultant
- Kaleb Udui, Legislative Counsel
- Janet Craley, Secretary

For the United States:

- Ambassador Franklin Haydn Williams
- Mr. James M. Wilson, Jr., U.S. Deputy Representative
- Captain Richard Y. Soctt, USN, Director, OMSN
- Colonel Athol M. Smith, U.S. Army, OMSN
- Colonel William R. Kenty, USAF, JCS
- Captain Edward C. Whelan, USN OSD/ISA
- Mr. Harmon Kirby, Special Assistant, OMSN
- Mr. James Berg, DOTA
- Mr. Adrian deGraffenried, Legal Advisor, OMSN
- Mr. Stephen A. Loftus, OMSN

AMBASSADOR WILLIAMS: Senator Salii, I would like to open with a word of very warm welcome to all of you on this cold morning as we open this special pre-seventh round meeting on land. In addition to the members of the Joint Committee on Future Status, we are honored by the presence of so many distinguished Micronesians, including a delegation from Palau headed by High Chief Ibedul, High Chief Reklai and the Speaker of the Palau District Legislature, Mr. Luii. I would also like to acknowledge the presence of other representatives and officials from other districts and from Trust Territory Headquarters in Saipan. I know that all of you have come a long way to talk about a subject of very great individual and collective importance, namely, your own land. I know that you are all anxious to see this matter finally resolved after so many years. I note too that warmer climes call and I would suspect that you are not only interested in the return of your lands, but that you are also interested in returning to your own land and the warmth of your own homes. Therefore, I am going to move on rather quickly to our agenda this morning. I will be making a brief opening statement to be followed by a statement from Senator Salii and that will be followed by responses and discussion from any of you here who would like to speak.

Gentlemen, we welcome this opportunity to review informally an important subject of interest to you and, I believe, to every Micronesian -- that is, the recently announced U.S. policy decision to transfer to district control title to the public lands in Micronesia. Hopefully, this meeting, preliminary to the formal opening of the seventh round of future political status negotiations, will serve to clarify the new U.S. policy and to answer any questions you may have about it.

I think it probable that it is the actual implementation of this public lands transfer policy that is of most interests and concern to you. Although the policy's implementation will be basically the responsibility of the United States Department of the Interior and the Trust Territory Government, the Congress of Micronesia will be asked to exercise important responsibilities in discretionary areas of implementation.

I would like to review briefly the background to the U.S. policy statement on transferring public land to the districts. Since late last spring, the United States Government has been actively studying this very complex question. This study has included the work of fact-finding teams which spent the entire month of August travelling throughout Micronesia and compiling insights from public, government and traditional and private leadership elements in each of the districts. I have already made the findings of those study teams available to you through your chairman. In addition and significantly, we have given careful consideration and weight to the views which the Joint Committee submitted on October 9 in response to my May 9 series of questions on public land. We thank you for your response.

Secretary of the Interior Morton, on our recommendation, has approved a new United States policy on public lands in the Trust Territory of the Pacific Islands, which calls for the early return of those lands to the districts if the people of the districts so desire. The document you have before you sets forth specifically the new policy and is, we think from our extensive study of the problem this year, fully reflective of and responsive to Micronesian opinion.

You will note that the United States policy contains certain safeguards and qualifications. These are minimal and are included to insure that the U.S. will continue to be able to fulfill its responsibilities as administering authority for Micronesia until the termination of the Trusteeship Agreement.

I emphasize the character and intention of these safeguards and limitations: they are at once minimal and necessary for the orderly conduct of government in the public interest. It might be helpful for us to recall in this context how rarely the power of eminent domain has been exercised during the period of the trusteeship. You may be sure that from now until the end of the trusteeship it would be used, if at all, only with the greatest circumspection, to meet presently unforeseen contingencies demonstrably related to public needs urgently requiring satisfaction. In any case, the safeguards we are discussing here are but temporary since they will remain in force only during the remaining years of the trusteeship.

The central significance of the U.S. decision to return control over public land to those districts requesting it is that the people of Micronesia, acting through their elected and territorial government and other types of leadership, are being asked to assume responsibility for managing matters pertaining to land, culturally the most prized, and socially and economically the most significant commodity in Micronesia. This constitutes an enormous step in the transition toward full self-government. At Hana, and again at Koror, the Joint Committee on Future Status emphasized that to reach an acceptable future status agreement it would be necessary for the Micronesian people to be assured that following the end of the trusteeship they would have control of their own laws and of their land. As you know, in previous negotiating sessions on the draft compact of free association our two delegations

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have readily agreed on language in the agreement stipulating that the Micronesians themselves will be wholly responsible for enacting the laws by which they will manage their internal affairs. And now, by this decision of the U.S. Government to return public lands to local control, the Micronesian people are ensured that they will have control of their land just as soon as they, through their representative bodies, request it. We are not talking about transferring land to local control at the end of the trusteeship. We are talking about doing it now.

To ensure that the policy on the transfer of public lands does indeed foster self-government -- i.e., does in fact encourage the Micronesian people to make some of the important timing and other decisions relating to the transfer -- the policy is so designed that it can be flexibly implemented. The people and the leadership groups of each district are being asked to determine for themselves and express through their local legislature, how and when the public land transfer will be effected for their district. The U.S. is not laying down a timetable, uniformly applicable for all the districts, as to when this transfer is to be made. Nor are we telling the people of Micronesia to which body or bodies in the districts we would expect to make the title transfer. To repeat, questions relating to timing and to arrangements for receiving land within the districts will be essentially Micronesian decisions. The new U.S. policy affords the Department of the Interior and the Trust Territory Administration, acting in conjunction with the Congress of Micronesia, the ability to respond appropriately to the desires regarding implementation that will be expressed by the districts.

I think it probably would be useful for me to comment specifically on one aspect of our definition of public lands being returned to district control which has perhaps inadvertently given rise to some misinterpretation and confusion. This relates to the public lands in which the U.S. has expressed an interest for possible military use. I wish to emphasize that all of the lands in the Palau District on which, during previous negotiations, the U.S. has asked options for military use, are in fact included in the lands we are prepared to transfer to district control. In the Marianas, most of the land in which the U.S. has expressed an interest falls within our definition of public lands which will, upon request, be transferred to the district. The rest of the land in the Marianas which the U.S. would like to use if currently military retention land, but even that land, of course, is now under negotiation between the U.S. and the Marianas Political Status Commission.

I perhaps need make no further comment here regarding the new policy's implementation except to repeat that I view implementation to be the responsibility of the TT Administration acting in cooperation with the Congress of Micronesia and the District Legislatures and under the guidance of the responsible Washington Agency - The Department of the Interior.

We would hope, and indeed we understand that you share our expectation, that both the Joint Committee on Future Status and the Office for Micronesian Status Negotiations should in effect now be able to bow out, leaving the actual implementation of the policy for transfer of title to public lands in Micronesia to others, as we turn our attention to our principal task -- future political status.

Having said this, we would be happy to examine with you if you so desire what is going to be necessary in the way of implementation. On implementation

the U.S. is flexible. However, in any detailed discussion of this matter we feel that it would be fruitful to involve the High Commissioner and Mr. Carpenter, the Director of the Office of Territorial Affairs -- and I am sure that such a meeting can be arranged at your convenience.

As you are aware, I am sure, the Trust Territory Administration and the Department of the Interior have already taken the first major implementing step in line with the new land policy by requesting a supplemental appropriation for Fiscal Year 1974 for mounting an accelerated public land cadaster survey and its related adjudicatory functions. We have been informed by Trust Territory Headquarters and district officials that a greatly increased cadaster effort is a necessary step in the transfer of public lands to local control and ownership.

Furthermore the Trust Territory Administration has been and will continue to study actively the need for legislation and for amending and revising as necessary the Trust Territory Code in order to facilitate the implementation of the new public land policy outlined in the U.S. statement of November 2, 1973.

In conclusion let me say that to the extent that we have been able to, consistent with protecting public and individual interests in land in Micronesia, our plan for transferring control over public lands to the districts has incorporated virtually all of the elements of the Joint Committee on Future Status telegram to me of a month ago in response to my request for its views. Responsible Washington Departments and Agencies also firmly believe that the new policy is eminently fair -- in that it meets the desires which the Micronesian people have expressed to date; permits them to reaffirm their interest in having the lands returned to district control, and invites them to establish the mechanisms for accomplishing same. In our view, this new policy should permit the Congress of Micronesia and the District Legislatures great latitude in accommodating the major and sometimes diverse desires and concerns of each district relating to public land. Finally, in addition -- it reserves sufficient authority to the Trust Territory Administration for the execution of the trusteeship until the trusteeship is dissolved.

That concludes my statement, Senator Salii.

SENATOR SALII: Thank you, Ambassador Williams. I would like now to read the response of our Delegation to the United States Policy statement on the Return of Public Land.

The Micronesian Delegation has read and considered carefully all of the matters raised in the United States Delegation's position paper on the question of the return of public lands to the people of Micronesia. While we note that neither this paper nor our previously expressed position contemplates all of the many details and specific situations which are involved in the return of public lands, the terms and conditions set forth in the United States Delegation's position will be generally acceptable to the Micronesian Delegation upon satisfactory resolution of the following points:

1. Eminent Domain. We recognize that, by virtue of its trusteeship responsibilities, the United States will continue to have the power of eminent domain. We believe, however, that given our desire to see the return of all

public land to the districts, this power should be severely curtailed in its exercise. The Trust Territory Government's power of eminent domain should have restrictions placed upon it far greater than those which are presently in force in order to assure that the process will, in the words of the United States Delegation, "be used only as a last resort", and to assure that the process is responsive to the needs of the people of Micronesia. It is therefore our position that any necessary exercise of the eminent domain power ought to be done pursuant to district law, and not by act of the Trust Territory Government itself.

2. Military Land. The United States Delegation has proposed that title to lands which the United States Delegation has requested for future military purposes would be returned to the people of the districts only "with the prospective titleholders' formal commitment to accommodate those needs in good faith on terms to be mutually agreed with the United States authorities". We have already told the United States Delegation that we have no objection in principle to United States military land requirements in Micronesia, or to making land available to the United States for that purpose. We are additionally prepared to make a formal commitment to negotiate these matters in good faith with the United States after title to the lands is returned. However, we must hold firm to our previously expressed position that agreement to the lease of lands to the United States military cannot be a precondition to the return of title to public lands.

3. Military Retention Lands.

At the present time, there are approximately 18,000 acres of land in Micronesia that are leased to military agencies of the United States Government. These lands are commonly referred to as military retention lands.

A substantial portion of these lands is so-called public land. The length of the leases with regard to these lands is frequently so great as to amount to virtual ownership and would effectively deprive the transferee of title to these lands of the use and enjoyment thereof. Accordingly, it is the position of our Delegation that all leases of public land to the United States military, which land is not presently used by the military, should be terminated immediately.

The remaining portion of these military retention lands is land which belongs to individuals and is leased through the Trust Territory Government to the United States military. In this case also, it is our Delegation's position that, if such lands are unused, the leases should be terminated in order that the owner of the land might enjoy his full rights of ownership.

Of the lands which are used at the present time by the United States military, it is our Delegation's position, as previously expressed, that all leases of land to the United States military should be subject to renegotiation before the termination of the Trusteeship Agreement. This is consistent with our position as expressed above relating to the nature of the commitment of owners of land desired by the United States for future military use.

4. Leases of Land to the Trust Territory Government. Our Delegation has no objection to the continuance of leases of land which are presently used by the Trust Territory Government for public purposes such as schools, roads,

and hospitals. There is a substantial amount of land, however, which is leased by individuals to the Trust Territory Government and which is not presently used or planned to be used by the Government for any public purpose. It is our Delegation's position that such leases ought to be treated in a manner similar to that in which we have agreed to treat public land, and that therefore such leases ought to be terminated, at the request of the landowner.

5. Manner of Negotiation. As our Delegation has previously expressed, all future negotiations for military land requirements of the United States must be conducted and concluded only with the approval of the Congress of Micronesia, and additionally of a district legislature, if it so desires, and may not be concluded by the United States solely with a landowner. The people of Micronesia have an interest in whether there is to be a United States military presence in Micronesia which far transcends a mere landlord and tenant relationship between the landowners and a prospective lessee.

That concludes our response to the position paper on land.

AMBASSADOR WILLIAMS: Thank you Senator Salii. We would like a very short break now in the meeting so we can consider our response to the statement that you have just presented to us. So, if it is agreeable to you, we would like to ask for a ten to fifteen minute break.

RECESS

AMBASSADOR WILLIAMS: Senator Salii and gentlemen, thank you for giving us this time to consider your very thoughtful response to the policy paper which we have been referring to on the transfer of public lands from the Trust Territory Government to the districts. We have used the time to study and to discuss within the time limits we have had the various points you have made.

I would like to begin my response by making a few general observations, noting at the outset that your statement refers to the U.S. policy statement as a United States Delegation position paper. I would like to make it clear that the paper is not a position paper of the American Delegation. It has been approved by the Secretary of the Interior, under his authority. It is an executive administrative decision based upon our recommendations and, of course, upon your requirements. So, it is not a U.S. position paper; it is a U.S. policy paper. As I have also said, it is a policy designed to accommodate your expressed desires. It has only a limited number of safeguards. These would apply only during the time until the termination of the trusteeship. After that the people in the islands of Micronesia would be free to do as they please with respect to administering their own laws and lands.

Also, as I said, we are very flexible with respect to implementation; flexibility is built into the paper deliberately. We do not have the same degree of flexibility when it comes to the substance of the policy decision taken by the Secretary of the Interior.

Aside from the foregoing clarification, the United States does not have any real problems with the Micronesian response as we understand it. We suggest that the points raised by the statement we were given this morning orally by Senator Salii be considered one by one. We will proceed to comment on specific items raised in the order in which they were presented.

First, eminent domain. Eminent domain, in our view, can be shared with the districts but cannot be given up entirely so long as the U.S. Government continues to have its responsibilities under the U.N. Trusteeship. The exercise of eminent domain, both in U.S. practice and under the Trust Territory Code is strictly limited by the rigid requirements of due process of law. These are designed to protect the rights of the original individual property holder and to assure fair compensation for any taking of land. Also it is a power that I understand has rarely been used. In the 25 years of the trusteeship, the central government has used it only a couple of times without the consent of the landowners and only in cases of extreme urgency. The power of eminent domain will remain with the administering authority until termination of the trusteeship. There is little or nothing that can really be changed in the Code on this score. Eminent domain authority will, on the other hand, be exercised very sparingly. The central government will move first to the districts and ask them to acquire any land needed in the future for public purposes. If the districts have their own power of eminent domain, this would be relied on first; the central government's authority thus would probably never be used, so we may be talking about an academic question. However, in our view, the ultimate authority, so long as the trusteeship remains in effect, must remain with the Trust Territory Government, circumscribed by law, by the Trust Territory Code and by rigid requirements of due process of law.

Turning to numbered paragraph two in your presentation, military land. It would appear to us that our two delegations are basically in agreement on this matter. I have only one or two questions to clarify in your position. First, you state, "We are additionally prepared to make a formal commitment to negotiate these matters in good faith with the United States after title to the lands is returned". Am I correct in understanding that it is your intention that those receiving title to the land would give the United States, prior to transfer of title, a commitment to negotiate regarding United States land needs after the title transfer has actually been effected? Secondly, when you say you are prepared to make a formal commitment, who, specifically, do you think would give that commitment, the Congress of Micronesia, the Joint Committee, the prospective recipients of land titles in the districts, or who? The United States would, I think want to involve the prospective recipients in such a commitment.

Let me turn now to military retention land. The new U.S. policy doesn't, as a matter of fact, address the problem of military retention land one way or the other. I did comment a bit on it in my opening remarks, but the U.S. policy on transfer of land titles to the districts does not touch on this. The United States is already on record that military retention land in the Marianas will be returned with the exception of those lands presently under negotiation. Incidentally, before I leave this subject, I would like to say there may be some difference in our respective figures on the total amount of retention land. I think you are using 18,000 acres, and it is our understanding that today there are 14,000 acres in military retention land. You might also be interested to note that close to 23,000 acres of military retention land have already been returned to the public domain.

Turning now to the next point, leases of land to the Trust Territory Government, to the very best of our knowledge, there are no lands leased by the Trust Territory Government which are unused or not planned to be improved in the near future. As you are aware, the Trust Territory Government makes a

practice of issuing leases with the conditional clause that if improvements are not commenced within a certain period of time, the land lease will be reopened for it while an investigation takes place, and the control would be vested in the landowner until such investigation might be completed. Additionally, if negotiations have been completed and a lease comes into effect and the plan for use is not realized, the lease returns to the lessor. We would again stress that no lease lands are presently unused. If, contrary to our information, there are unused pieces of land leased to private owners, this situation should be and will be corrected immediately. It is therefore our conclusion that under the item, "Leases of Land to the Trust Territory Government" we do not have an issue.

Finally, turning to the manner of negotiation, we have no difficulty with the idea of leasing military land from or through the Congress of Micronesia or its agent or through the districts so long as that lease is legally sufficient to bind the actual owner and any future Government of Micronesia in accordance with the terms of the lease. We cannot, as we agreed earlier, finally sign off on a Compact -- and your Chairman has repeated this statement -- until there is agreement on those provisions dealing with United States requirements to carry out the defense provisions of the Compact.

Gentlemen, this concludes our quick response to your statement.

SENATOR SALII: Thank you, Mr. Ambassador. You have raised some questions with respect to our response to the policy statement of the United States Government on land which would require some response on our part. I would like to have a brief recess for our delegation to convene and then respond to the points you have raised and any additional comments we might have to make on this matter.

AMBASSADOR WILLIAMS: Are you suggesting we remain in the vicinity then?

SENATOR SALII: Yes sir.

AMBASSADOR WILLIAMS: I think since we are a smaller group, we can leave this room so you can use the conference room for your discussion.

RECESS

SENATOR SALII: We are pleased at the willingness of the United States Delegation to accept our basic position on the issues we have raised with regard to the United States paper on the return of lands. We are happy to have the explanation that this constitutes an official policy of the United States Government.

It is our view that the clarifications we have received are consistent with this United States policy.

You have raised a few points and questions that require some response. With regard to eminent domain, we recognize that the ultimate authority will continue to reside with the Administering Authority until termination of the trusteeship. We understand, however, that it is your intention that this power would only be exercised in coordination with the District Legislature in which the land is located.

With regard to the negotiation of land leases for military use, when we refer to the fact that "We are prepared to make a formal commitment to negotiate", we refer to this Delegation. We understand that the United States will want to obtain a commitment to negotiate from the landowner to whom the title is returned. Obtaining such a commitment is the responsibility of the United States. This Delegation will be willing to assist in this connection.

The Palau Delegation, by which I mean the Ibedul, the Reklai and the Speaker and members of the Legislature who are here, including Senator Tmetuchl and myself, has already made a formal commitment to negotiate after the land is returned.

Mr. Ambassador you have raised the question of the desirability of our Delegation, and possibly in conjunction with yours, reviewing with officials of the Trust Territory Government and from the Interior Department the implementation of this policy. It is the view of our Delegation that it is not necessary at this time to go into such a review of details, but we would like to keep the door open for such a review at some time in the future when we find the time.

Thank you, sir.

AMBASSADOR WILLIAMS: Thank you, Senator Salii. We would like to have the opportunity to review your response to the question of commitment with respect to negotiations for land for military requirements. At the same time, let me say we are very pleased with the overall statement you have just made. If we could have time to study your most recent statement, we could then be back in touch with you directly -- I am sure by this afternoon -- so we could proceed tomorrow morning as scheduled with the opening of the seventh round, if that is agreeable.

SENATOR SALII: Just one point of clarification; you say you will be in touch with us. Would you like us to leave this room?

AMBASSADOR WILLIAMS: We could, or we could come back after lunch. I don't know how long it will take us. It might not take very long if you can be patient. I thought possibly you would prefer to break and we would be in touch with you this afternoon.

SENATOR SALII: Why don't we specify a time this afternoon and then break and come back?

AMBASSADOR WILLIAMS: We could do that, but I don't know if our problems will be great enough to require everyone to come back. Why don't you give us a few minutes, and we can wind this up this morning.

RECESS

AMBASSADOR WILLIAMS: Mr. Chairman and members of the Joint Committee: I sought a clarification from your Chairman and Counsel. Mr. Wilson and I are now perfectly satisfied on the issue of timing since we now understand that the Joint Committee was talking about making a commitment in advance of the transfer of title to the public lands. We also understand that the representatives of the Palau Delegation have prepared a written statement they would like to give to us [Attachment 1] along the lines of the earlier informal

statements that have been made in our meetings with them. With this clarification, I want to thank all of you for the consideration you have given our policy paper and the spirit of your replies. As far as I am concerned, we have reached the understanding we had hoped for, Mr. Chairman. I would only ask that perhaps, as the last order of business, you and I consider a short joint release to the press because, as you know, they are outside. Perhaps we could work on that after the adjournment of this meeting.

SENATOR SALII: We thank you. I think it would be a good idea for both of us to give a short statement to the press, especially in view of the agreement reached between us at this point.

AMBASSADOR WILLIAMS: Thank you very much. Our first meeting is concluded and we look forward to the opening tomorrow morning of the seventh round of talks. What time would you like to start tomorrow?

SENATOR SALII: 10:00 A.M.

AMBASSADOR WILLIAMS: That will be satisfactory. The meeting is adjourned.

PALAU LEGISLATURE

The undersigned members of the Palau District Delegation, after examining in detail the United States Statement of Policy on the transfer of public lands from the Trust Territory Administration to the Districts, and being cognizant of the interests and wishes of the people of the Palau District expressed from time to time through the Palau Legislature, approves of and hereby accepts the United States' proposals and recommendations contained in said United States Statement of Policy, subject, however, to the following specific terms or conditions:

A. Role of the Congress of Micronesia.

The Palau District Delegation does not deem it necessary nor proper for the Congress of Micronesia to become involved and entangled in the procedural process of returning title of public lands from the Trust Territory of the Pacific Islands Administration to the Districts. First of all, it is felt that the Congress of Micronesia is a legal entity which came into existence as recently as 1965 and has no political nor historical involvement or connection whatsoever with the question of public lands in the Trust Territory. The controversy and problems arising out of the concept of public lands in the Trust Territory of the Pacific Islands are rooted in the colonial history of Micronesia, particularly Palau. Therefore, it is the strong feeling of this Delegation that inasmuch as the lands in Palau now constituting the so-called public lands were taken or claimed to be such by the executive and not legislative acts of various administrations, especially the United States, they should be returned to each district, and, in the case of Palau, by some sort of executive order, i.e., quitclaim deed, on the part of the Administering Authority or agents thereof without the necessity of passing

the enabling legislation by the Congress of Micronesia. This course of action seems to be more expedient. However, noting the procedural nature of the role of the Congress of Micronesia in effecting the return of public lands to the Districts and as a gesture of great respect and support for the Congress of Micronesia and the political unity of the Trust Territory of the Pacific Islands, this Delegation has decided to accept said role of the Congress of Micronesia provided that it makes provision for the enabling legislation in their forthcoming regular session. In the event that the Congress of Micronesia fails to pass appropriate enabling legislation in the forthcoming regular session, it is the position of this Delegation that, in view of the importance of this matter to the people of Palau, the enabling act take the form of an executive order as hereinabove explained.

B. Standing of the Traditional Leaders of Palau to Receive and Accept Title to Public Lands in Trust for the People.

The Palau District Delegation hereby reaffirms the position of its legislature that the public lands in the Palau District be returned to its traditional leaders in trust for the people of Palau. As the United States Statement of Policy concerning the return of public lands stated in part:

" . . . the requested transfer of public land to the traditional leaders in Palau in trust for the people of Palau seems feasible." It should be pointed out that the traditional leaders of Palau constitute the most stable and most permanent body politic in the Palau District which is intrinsically responsive to the needs and desires of the majority and which enjoys wide public support. The traditional leaders, therefore, are in all respects legally qualified to receive and accept title to public lands in trust for the people of Palau. This Delegation believes that in view of the unequivocal position of the Palau Legislature that the traditional leaders be public land trustees in the Palau

District, the Congress of Micronesia in passing the enabling legislation should make a mention of this fact, thus relieving the Palau Legislature from having to restate as a matter of procedure an already well-known and publicized position.

C. Limitations and Safeguards.

The Palau District Delegation is of the opinion that "limitation" numbered "2" in the United States Statement of Policy regarding the power of eminent domain should be amended so that the power of eminent domain shall be exercised only through the District Legislature of the district wherein the land being condemned is located.

D. Formal Commitment to Accommodate the Defense Needs of the United States

The Palau District Delegation does not dispute the thrust of "limitation" number "5" in the United States Statement of Policy; but, because of the broad implications of this subject, it would like to emphasize this Delegation's position that the Palau Legislature shall represent all titleholders whose land shall be needed by the United States for defense purposes, and the United States shall have to negotiate with such titleholders through the Palau Legislature. Furthermore, it should be pointed out in this connection that this Delegation cannot and will not accept the suggestion that title will be passed to the new titleholders when they have formally committed themselves to accommodate the land requirements of the United States for defense purposes; this Delegation believes that the subject of return of public lands should be separated from and not be conditioned upon the making of such formal commitments. However, this Delegation, on behalf of the Legislature and the people of Palau, does hereby make a formal commitment to negotiate in good faith with the United States in order to accommodate the United States' defense requirements in the Palau District.