

OPENING STATEMENT FOR AMBASSADOR WILLIAMS FOR PUBLIC LANDS DISCUSSION
Senator Salii, Congressman Silk, Members of the Joint Committee, and
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 interest 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 intentions 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 relating to public needs urgently requiring satisfaction. In any case, eminent domain authority and 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 governments and other types of leadership, are being asked to assume responsibility for managing matters pertaining to public land, culturally the most prized, and socially and economically the most significant, commodity in Micronesia. This policy 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 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 and once the COM and the Districts act in accordance thereto and within the framework of the U.S. policy as enunciated. 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 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 tile 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 is currently military retention land, but even that land, of course, is now under negotiation.

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 COM 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 JCFS and the OMSN 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 them - 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 HICOM 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 TT 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 FY 1974 for mounting an accelerated public land cadaster survey and its related adjudicatory functions. We have been informed by TTPI 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 TTPI Administration has been and will continue to study actively the need for legislation and for amending and revising as necessary the TT 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 be 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 JCFS 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 COM and the District Legislatures great latitude in accomodating the major and sometimes diverse desires and concerns of each district relating to public land. Finally in addition - it reserves sufficient authority to the TTPI Administration for the execution of the Trusteeship until the Trusteeship is dissolved.