

Wilson 12/15/73

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Preliminary Comments on MPSC Paper on the Return of Public Lands

I. Introduction

- Grateful for views expressed in MPSC paper which U. S. delegation has found helpful in many respects.
- Need to study paper at greater length, particularly those parts that impinge upon or articulate forthcoming military land discussions on the agenda.
- Meanwhile, however, prepared to make a very few preliminary remarks based on rather hurried look at the paper.

II. Nature of U. S. Land Policy Statement

- Perhaps useful in first instance to say to MPSC what has already been told to representatives of the Congress of Micronesia in discussions last month regarding new U. S. land policy. (Copies of minutes of land discussions will be available in a week or so as soon as printed.)
- Policy is not a position announced by U. S. delegation. Rather it is a formal statement of U. S. Government policy approved by the Secretary of the Interior and promulgated/ as an official act of the administering authority.
two weeks before status talks
- It is not, in other words, a subject for negotiation, though members of U. S. delegation only too happy to answer questions about its interpretation.
- Implementation of that policy as stated therein is responsibility of Interior and Trust Territory Administration, not U. S. delegation; but we are, of course, willing to be as helpful as possible in getting information for MPSC from implementing authorities. No reason, however, why MPSC can't go directly to those authorities, as we have noted they are already doing.
- Implementation of policy will go forward regardless of course of these negotiations, though we as always happy to hear views of MPSC on the subject.

- Many items remain open or flexible by definition, on the other hand, and where they involve or impinge on subjects covered in these discussions, they will of course be subject for consideration here.

III. Preliminary Comments on Individual Items

A - P. 3 - Reference to military retention land, would prefer to defer entire discussion of military retention land until we get to military land item on agenda.

- Meanwhile should say for record, however, that military retention land is not included in the definition of public land included in the policy statement. Military retention land peculiar to Marianas situation, was under discussion with MPSC last May-June and is still very much an item for further discussion between the two delegations.

B - P. 3 - Return of public land used by TT Administration

- Policy on this is clear and unequivocal.
- Matter is not subject to negotiation.
- Anticipate of course that new government of Marianas will fall heir to property of TT Administration with change in Marianas status, but modalities of this need to be discussed under transition.

C - P. 4 - Approval of future CIP on public land by Marianas people.

- Assume "Marianas people" means MPSC for all practical purposes.
- Policy Statement seems clear on/future CIP. However, U. S. delegation members willing to consider this along with other proposals re use of public land in interim period and will advise after study of MPSC paper.
- Note meanwhile new statement by HICOM on leases.

D - P. 4 - Return of public land as "hostage to final agreement on military land"

- Will consider further under military land discussion item.
- Meanwhile can say no "hostage" involved. Public land will be returned promptly so long as safeguard #5 is observed, as you surmised.

E.-P. 5 Cadastral survey and private land

- Will have paper on this for MPSC this afternoon.
- Surveys will not delay return of public land.

F.-P. 5 - Non-profit corporation

- Matter which is in most respects up to Marianas as stated in policy
- Will be prepared discuss particular aspects of corporation organization and function after reviewing long MPSC paper.

G - P. 8 - Eminent Domain

- To be discussed under this item in agenda
- Note that Eminent Domain in policy refers to time between now and time new status becomes effective, but timing here in the Marianas needs careful consideration since there may be some special problems.

H - p. 9 - Assistance Support

- For later discussion after study of corporation paper - thanks for paper which was helpful.

Berg

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AMBASSADOR WILLIAMS' RESPONSE REGARDING PRIVATE LAND
SITUATION IN THE MARIANAS

During our discussions of Phase I transition of a few days ago, several members of your Commission questioned the American delegation concerning the progress of the private land survey and adjudication work here in the Marianas. Your main point at that time was that you did not desire your new government to be burdened from its beginning with extensive work in the areas of survey and adjudication of private land. I fully agree with you on this point.

You also asked what, if anything, could be done to expedite this work before the termination of the Trusteeship and you mentioned several problems regarding public land which your constituents are facing. I responded that although this question of land survey and adjudication is an administrative matter of the Trust Territory Government and does not fall into the purview of this delegation or these negotiations, I would attempt to be as responsive as possible to the questions on private land that you raised. With your permission, Mr. Chairman, I am now prepared to do just that.

Let me begin by saying that the information contained in my statement has always been available at both the headquarters and Marianas district lands and surveys offices.

Survey and adjudication work, under the general heading of land cadaster work, has been going on in the Trust Territory now for a number of years; the work has not been consistently successful in every area. At the Headquarters level, administrative responsibility for this work lies with the chief of lands and surveys who reports to the Director of Resources and Development. At the district level, survey, adjudication and registration responsibility lies with the Land Commission which in turn seconds survey capability from the district land management office.

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For FY 1975, the operating budget for the Marianas District Land Management and Land Commission offices will be approximately \$330,000. This figure represents the approximate size of the budget for these two district operations for the past few fiscal years. Yet for FY 1975 and FY 1976, this figure of \$330,000 is not truly reflective of the budgetary assistance which will be made available to the land survey and adjudication program generally, for, as you know, the United States Government and the Trust Territory Government are committed to completing the survey and adjudication work for the so-called public land areas of Micronesia within three years. As I mentioned a few days ago, this accelerated public land effort will provide approximately \$1.6 million to the Marianas District. I would note here that the FY 1975 Marianas District land management and land commission budget has not been reduced in connection with the accelerated public land program. What this means is the present survey and adjudication capabilities of the Marianas District government will remain intact but will have a substantially smaller area of land to concentrate on. This is so because the accelerated public land survey effort will be contracted out by the Trust Territory government and will not, except for initial coordination on work of a minor nature, involve the district land survey personnel. In addition, concerning the adjudication side of the picture, approximately \$230,000 of the \$1.6 million is presently earmarked for purposes of increasing the manpower and efficiency level of the Marianas Land Commission administrative adjudication function. While most of this new manpower will be working with the accelerated public land program, this \$230,000 represents direct assistance to the same body which makes administrative title determinations as to private land.

I would like to speak now to the point of the mechanics of the accelerated public land survey effort and how private land claimants can benefit from it. This survey work, which will be contracted out from the Trust Territory Government, will involve the mapping process of photogrammetry. Small film sensitive panels will be placed throughout the island marking off the alleged boundaries of public land. The master map will then be studied by experts of the survey firm and the Trust Territory adjudicatory authorities to determine the exact meets and bounds of the so-called public land. The Trust Territory Government informs us that, if the private land claimants so desire, they too can obtain these special panels free of charge & put them at the corners of what they claim to be their private land. When the airplane passes over the islands, its camera will then record private land claims also. With this essential survey work done, the private claimants may go before the land commission and present their best evidence for their claims for administrative adjudication. In that the adjudication capability of the Marianas Government will be substantially increased over the course of the next two to four years as I have mentioned previously, the Trust Territory Government feels that a good deal of this adjudication work can be completed. Of course, if such an effort were to be effective, a public information effort explaining the mechanics to the private claimants would have to be mounted, including radio announcements and pamphlets. The Trust Territory Government informs us that it stands ready to make its facilities and personnel available for this public information work. I would therefore suggest that you, the members of the Marianas Political Status Commission, who have expressed your concern with the private land problem, take a lead role in informing your people how they can benefit from this accelerated survey effort. I would also suggest

that you establish a continuing dialogue with the Trust Territory Government and Marianas District Government personnel and the private survey contract experts so that you can inform your people fully and correctly.

Of course, another way to solve the private land claim problem is to employ the method used in Guam and the United States. That is, for a private land claimant simply to pay for his own survey work and designate and pay his agent to present his evidence before the title adjudication authorities.

The United States delegation strongly feels that if you gentlemen, responsible leaders of the Marianas, will work with the Trust Territory and the Marianas District Government and will take a lead role in a public information program as was mentioned, that substantial progress in this fully administrative matter can be made.