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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

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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

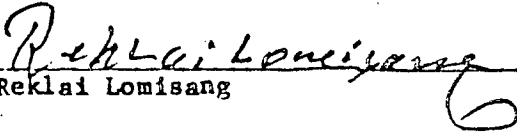
The Palau District Delegation does not dispute the thrust of "limitation" number "5" in the United States Statement of Policy; but, because of the broad implications of this subject, it would like to emphasize this Delegation's position that the Palau Legislature shall represent all titleholders whose 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.

Called: November 17, 1940

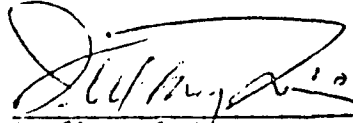
By direction of Palau Legislature

Traditional Leaders:


  
Ibedul Gibbon

  
Reklai Lomisang

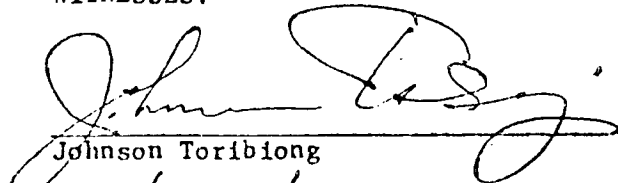
Elected members:


  
Itebang Luit

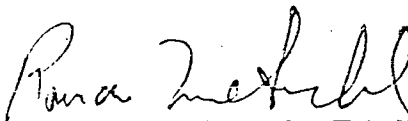
  
George Ngirarsaol

  
Joshua Koshiba

WITNESSES:

  
Johnson Toribiong

  
Lazarus Salii

  
Roman Tmetuchi