

## LAND CLAIMS IN KWAJALEIN ATOLL

Issue

Settlement of claims of Marshall Islanders for land in use, or reserved, by the military in Kwajalein Atoll, Trust Territory of the Pacific Islands.

Background

Prior to transfer of the Trust Territory to Interior, Navy obtained an appropriation of \$2,722,000 for "acquisition of land" in the Trust Territory. In November 1955, Interior concluded an agreement with Navy under which the Trust Territory Government was to obtain "use and occupancy" agreements for lands which the Defense Department desired to use or reserve for future use. For each land area, a lump sum payment was to be made in the satisfaction of any and all claims. If the Government's need for the land should terminate, the land would revert to the owner without any refund of money. The Navy turned over to the Trust Territory the sum of \$1,245,000 with which to negotiate the desired use and occupancy agreements. Settlements were accordingly negotiated for the lands desired in the Trust Atoll and for the Atolls of Bikini and Eniwetok.

The necessary surveys were then begun within the Kwajalein

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April 21, 1959

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## LAND CLAIMS IN KWAJALEIN ATOLL (Cont'd)

Background (cont'd)

Atoll for the settlement of lands on the Islands of Kwajalein, Ebeye, North Loi and South Loi. During this period, the claimants contacted a lawyer in Hawaii who associated himself with two additional lawyers in Washington. After completion of the necessary surveys, the Government of the Trust Territory made a settlement offer to the claimants at meetings held on April 17-18, 1957. The offer was \$500 per acre for the indefinite use and occupancy of the lands desired. The four Marshallese leaders, in whom title to the lands technically rests, rejected the offer because no termination date for the use and occupancy of the land was established. 592 acres and a total sum of \$296,000 were involved on the four islands.

In the course of these negotiations, the claimants' lawyers contacted the High Commissioner and the Department and an agreement was concluded recognizing their representation of the claimants.

Action Taken

By letter of May 13, 1959, the claimants' lawyers were informed that the Department could not agree to annual or periodic rental payments as requested by them in negotiations. Prior to this, the House Committee on Appropriations, in reporting on the

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November 5, 1959

## LAND CLAIMS IN KWAJALEIN ATOLL (Cont'd)

Action Taken (cont'd)

1960 appropriation request, had stated its belief that the offer of a single payment of \$500 per acre is very adequate and that additional compensation would not be justified.

The problem has been raised in the Trusteeship Council through two petitions from the Marshallese. High Commissioner Bucker commented orally on the first of these and the Council decided to take up the question at its meeting in May - June 1960.

Status

In reply to the letter of May 13 mentioned above, the lawyers for the claimants accused the Department, in effect, of not acting in good faith and asked for the return of all land not being used for the direct benefit of the Marshallese. It is proposed, in reply to this letter, to refute the charges of the lawyers and to state that the Trust Territory Government is prepared to settle with any claimants willing to accept the \$500 offer.