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PUBLIC LAND - POSITION PAPER

1. Problem:

- a. To turn over public land to each TTPI district that wants it, while providing for following during remaining period of trusteeship:
 - Retention by central government of land presently used by TT Administration and U.S. Government.
 - Guaranteed recognition and confirmation of leases and other uses of public land arranged by TT Administration in the past and still in effect.
 - Arrangements for acquisition of land from new owners to meet future central government requirements as they become firm, with eminent domain authority remaining with central government.
- b. To secure agreement as result of foregoing which will assure realization of basic U.S. military requirements in Palau, Marshalls and Marianas.
- c. To provide continuing services for people in each district covering land management functions and means for equitable settlement of outstanding claims.

Proposed Solutions - General

- a. Agree in principle to turn over all public land to any district that wants it - subject to the following:
 - (1) Would not turn over land presently used by TT Administration or U.S. Government (including land for which CDP projects had been approved for



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BY HRC
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construction over next 5 years but not necessarily funded), but would agree that when it was no longer needed land would be turned over to district in whatever manner they desired.

(2) Existing leases and other arrangements made by TT Administration involving current use and occupancy of what is now classed as public lands must be acknowledged and recognized by entities or individuals receiving title to public lands for present period of leases or a fixed number of years (say 5) in the case of less formal use arrangements, at end of which time occupiers would have to make own new arrangements with titleholders. Homesteads granted by the TT Administration must be fully recognized and protected.

(3) TT Administration to be free to acquire land for public purposes from owners in the future and would retain right of eminent domain (which might also be enjoyed by districts if they so desired).

(4) Title to submerged land to remain with central government, unless districts insist it be returned to them, in which case central government would still retain power to regulate

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uses to which submerged lands are put.

- b. JCFS to reconfirm U.S. military requirements set forth in Annex B of draft compact and to agree to negotiate in good faith with U.S. and with districts as follows:

(1) Renewal as necessary of Marshall Islands leases by private owners.

(2) Satisfaction of U.S. requirements in Palau by titleholders, with long postponed U.S. military land survey in Palau to take place immediately.

(Marianas requirements covered under separate Marianas negotiations).

- c. Central government to maintain limited land management functions (related to remaining TT Administration land holdings and central management advisory services) with remaining functions turned over to districts as desired by district legislatures.

(1) Cadastral programs to be administered and funded at district level with any U.S. financial support provided directly to districts outside of regular COM budget processes.

(2) Claims to be administered at district level

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in accordance with rules and procedures laid down by district legislatures, retaining land commissions as desired.

(3) Unsettled claims to be subject to regular referral to court system as at present

d. Role of TT Administration, COM and District Legislatures:

(1) TT Administration to accomplish land title transfers as required and reorganize land management and claims functions at central and district levels as indicated.

(2) COM to enact legislation as necessary to accomplish foregoing (See Rice report).

(3) District legislatures to take action as appropriate as indicated in following sections.

B. Proposed Solutions - District by District

a. Palau

(1) Assume views of District Legislature and traditional leaders coincide on return of public lands to traditional leaders.

(2) Subject to general qualifications in paragraph 2, above, TT Administration to execute title transfers on unused public lands to traditional leaders in name of respective municipal councils.

(3) Municipal councils to execute simultaneously binding documents acknowledging and confirming validity of TT Administration leases and other arrangements referred to in paragraph 2(a)(2), above.

(4) Traditional leaders to agree to meet immediately with representatives of U.S. and JCFS to negotiate terms under which U.S. military requirements to be met.

(5) District Legislature to establish and fund accelerated land cadaster program as necessary to augment U.S. funded assistance.

(6) District Legislature to determine whether or not it wants concurrent eminent domain authority and whether or not it wishes title to submerged lands to be returned to traditional owners (in which case TT Administration to execute necessary title transfer).

b. YAP

(1) Assume views of District Legislature favoring return of unused public lands to district prevails.

(2) Subject to general qualifications in paragraph 2, above, TT Administration to execute title transfers on unused public lands to appropriate municipalities.

(3) District Legislature to establish and fund land cadaster program as appropriate to local needs.

(4) District legislature to determine whether or not it wants concurrent eminent domain authority and whether or not it wishes title to submerged lands either in the district or returned to traditional leaders (in which case TT Administration to execute necessary title transfer).

C. Marianas

(1) Assume views of MPSC prevail favoring early return of public land to district.

(2) District Legislature to create legal corporate entity to receive and hold title to public lands in trust for people of Marianas.

(3) Subject to general qualifications in paragraph 2, above, TT Administration to execute title transfer on unused public lands to special legal entity once created by act of District Legislature.

(4) USG to release *military retention land* to TT Administration as public lands except those to be used by U.S. military and those required for contingency purposes. TTPI to execute necessary title transfer to Marianas legal entity. (Post-trusteeship handling of contingency areas to be included in U.S.- Marianas Commonwealth agreement).

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(5) Marianas legal entity simultaneously to execute binding document acknowledging and confirming validity of TT Administration leases and other arrangements on both public and military retention lands referred to in paragraphs 2(a)(2), above.

(6) Marianas District Legislature to establish and organize separate land management function and accelerated cadastral program and provide funds as necessary to augment special U.S. assistance.

- d. Truk (to be provided)
- e. Ponape (to be provided)
- f. Marshalls (to be provided)