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DRAFT:JMW:mw: 9/17/73

Memorandum

To: The Secretary of the Interior  
From: The PPRFMSN  
Subject: Return of Public Land to the Districts of the  
TTPI

You will recall that I was advised officially early this year by Senator Salii, Chairman of the Micronesian Joint Committee on Future Status, that before our military requirements in Palau could be discussed further, public land in that district would have to be turned over to its traditional leaders. Defense almost immediately took the position that the land should be returned at once as a means of guaranteeing its land needs.

I told Salii in May that we had never considered public in Micronesia as anything other than a trust held by us for the Micronesian people but had always thought the question of the ultimate disposition of those lands would be decided by the Micronesians themselves in their new Constitution adopted for the post trusteeship period. We did not feel this was a matter in which we could act for one district alone and it was a complicated question. But were willing to study the question for all districts as a matter of priority and would do so just as soon as possible.

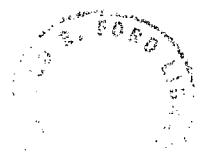
Salii said each district could decide for itself and the Joint Committee would get reactions when it toured the districts in July. In addition, two groups from this office

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BY *ATC* NLF Date *9/21/99*



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accompanied by representatives of DOTA and the TT Headquarters toured the eastern and western districts of the TTPI in July and August gathering more information. A summary of their findings is attached.

There appears to be a general sentiment favoring the immediate return of public land to the districts, though this varies in strength between districts, Truk being the least enthusiastic and each has different ideas as to whom the land should be turned over in each district. There are also serious difficulties in several districts which will need to be solved before the land can be turned back.

The problem essentially as we see it, is to turnover the public land to the districts as much as possible in the manner each district wants this done, subject however, to certain limitations stemming from our continued responsibilities as administering authority. This should be done in a manner which will involve the Congress of Micronesia in the decision making process, rather than by unilateral U.S. action. It should also be accomplished, in a manner that will hopefully assure the realization of U.S. military needs in the pre and post trusteeship period.

The limitations involve the imposition of various safeguards which to varying degrees can be negotiated out with authorities in the districts and with the Joint Committee. They would apply only during the remaining period of the Trusteeship. Thereafter the Micronesians can decide for themselves how these things are to be handled.

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The first of these involves the retention of land now used by the Trust Territory Central Government. Some suggestions were made that these too be turned over to the districts who would in turn make them available to the Central Government on their own terms. This appears unduly cumbersome and fraught with possible future arguments. It seems better just to hold on to it.

Additionally means must be found to meet future needs of the Central Government. In some cases projects are already on the books for realization on presently owned public land, under currently five-year economic development plans. It would be unconceivable to return the land involved now only to have to buy it back in a couple of years. It seems necessary therefore to hold on to the land now identified as being needed under future development plans which have been officially approved by the Administration. Should these plans not be realized in five years, however, the land would go over to the districts. To meet other requirements where non-public land was involved, the TT Administration would need to retain a power of eminent domain, although this might also be shared with the districts if they so desire.

Another major problem centers around the need to assure that leases of public land and other public land use arrangements with individuals or private concerns are respected by the new title holders. In Koror, for example, some 600-700 families, from outside Koror are living on public land

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claimed by the traditional leaders of Koror. Some are there under leases granted by the TT Administration. Others were put there by the Administration in the immediate war period to solve the pressing housing shortage and have stayed on as tenants at will without leases. Many have built substantial houses. Ninety five percent of these householders work for the Government. The traditional leaders say that when the public land is returned, these people must make new arrangements. This hardly seems equitable.

Here the answer seems to lie in a renegotiated arrangement whereby the new titleholder in return for receiving the title and the rents will agree to respect outstanding TT Administration leases for the period they have yet to run and in the case of tenants at will agree to let the tenant remain for a decent period (hopefully ten years, minimally five) at the end of which time the tenant would be obliged to make new arrangements with the land owner.

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