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## **LAND CLAIMS REORGANIZATION ACT OF 1996     35 PNC ' 1323**

### **REPUBLIC OF PALAU**

#### **TITLE 35 PUBLIC LANDS**

##### **Chapter 1 General Provisions**

§ 101. "Public lands" defined.

§ 102. National government as owner of areas below high watermark; exceptions.

§ 103. Grant of public lands in exchange for use of privately-owned lands.

#### **§ 101. "Public lands" defined.**

Public lands are defined as being those lands situated within the Republic which were owned or maintained by the Japanese administration or the Trust Territory Government as government or public lands, and such other lands as the national government has acquired or may hereafter acquire for public purposes.

#### **Source**

(Code 1966, § 925.) 67 TTC § 1.

#### **§ 102. National government as owner of areas below high watermark; exceptions.**

The portion of the law established during the Japanese administration of the area which is now the Republic which provided that all marine areas below the ordinary high watermark belong to the government, is hereby confirmed as part of the law of the Republic, with the following exceptions:

(a) Such rights in fish weirs or traps (including both types erected in shallow water and those sunk in deep water) and such rights to erect, maintain and control the use of these weirs or traps as were recognized by local customary law at the time the Japanese administration abolished them, are hereby reestablished; provided that no weirs or traps or other obstruction shall be erected in such locations as to interfere with established routes of water travel or those routes which may hereafter be established.

(b) The right of the owner of abutting land to claim ownership of all materials, coconuts, or other small objects deposited on the shore or beach by action of the water or falling from trees located on the abutting land, and such fishing rights on, and in waters over reefs where the general depth of water does not exceed four feet at mean low water as were recognized by local customary law at the time the Japanese administration abolished them,

are hereby reestablished where such rights are not in conflict with the inherent rights of the national government as the owner of all marine areas below the ordinary high watermark; provided that this subsection shall not be construed to apply to any vessel wrecked or stranded on any part of the reefs or shores of the Republic.

(c) The owner of land abutting the ocean or a lagoon shall have the right to fill in, erect, construct and maintain piers, buildings, or other construction on or over the water or reef abutting his land and shall have the ownership and control of such construction; provided that said owner first obtain written permission of the President before beginning such construction.

(d) Each of the rights described in subsections (a), (b) and (c) of this section is hereby granted to the person or group of persons who held the right at the time it was abolished by the Japanese administration, or to his or their successor or successors in interest. The extent of each right shall be governed by the local customary law in effect at the time it was abolished.

(e) Nothing in the foregoing subsections of this section shall withdraw or disturb the traditional and customary right of the individual land owner, clan, family or state to control the use of, or material in, marine areas below the ordinary high watermark, subject only to, and limited by, the inherent rights of the national government as the owner of such marine areas. The foregoing subsections of this section shall create no right in the general public to misuse, abuse, destroy or carry away mangrove trees or the land abutting the ocean or a lagoon, or to commit any act causing damage to such mangrove trees or abutting land.

(f) Any legal interest or title in marine areas below the ordinary high watermark specifically granted to an individual or group of individuals by the Trust Territory or any previous administering authority, or recognized as a legal right or rights, shall not be affected by this section.

**Source**

(Code 1966, § 32.) 67 TTC § 2(1), modified.

**§ 103. Grant of public lands in exchange for use of privately-owned lands.**

Public lands not reserved for other purposes may be granted by the President in payment or exchange for the use and occupation of privately-owned lands within the Republic by the national government. The President is authorized to designate areas of public lands within the Republic subject to disposal under the provisions of this section.

**Source**

(Code 1966, § 990.) 67 TTC § 3, modified.

**Chapter 2**  
**Palau Public Lands Authority**

- § 201. Purpose.
- § 202. Definitions.
- § 203. Public Lands Authority; created.
- § 204. Board of trustees.
- § 205. Vacancies.
- § 206. Officers.
- § 207. Meetings.
- § 208. Compensation.
- § 209. Travel and per diem.
- § 210. Powers and duties of the Authority.
- § 211. Authority's reserved powers; eminent domain, future status agreement and dispute resolution.
- § 212. Authority to request the conveyance of public lands.
- § 213. Authority bound by existing leases and agreements.
- § 214. Continuation of occupancy by tenants.
- § 215. State authorities.
- § 216. Budget.
- § 217. Control of funds.
- § 218. Statement of activities; audits.
- § 219. United States and Trust Territory governments held harmless.

**§ 201. Purpose.**

The purpose of this chapter is to create a public lands authority as the legal entity to receive certain public lands in the Republic pursuant to the provisions of Secretarial Order No. 2969, dated December 26, 1974, and as the entity to administer the public lands of the Republic.

**Source**

PL 5-8-10 § 1, modified.

**§ 202. Definitions.**

Unless it is otherwise provided or the context requires a different construction, application or meaning, in this chapter:

- (a) "Authority" means the Palau Public Lands Authority as created by section 203 of this

title.

(b) "Board" means the board of trustees of the Authority established in section 204 of this title.

(c) "Order" means Secretarial Order No. 2969, promulgated by the Secretary of the Interior on December 26, 1974.

(d) "State authority" means a state public lands authority created by a state government pursuant to section 215 of this title.

**Source**

PL 5-8-10 § 2, terms put in alphabetical order and section modified.

**§ 203. Public Lands Authority; created.**

There is hereby created a legal entity for the Republic to be called the Palau Public Lands Authority. The Authority shall have such rights, powers, duties and obligations as provided for and prescribed in this chapter.

**Source**

PL 5-8-10 § 3, modified.

**§ 204. Board of trustees.**

The Authority shall be governed by a board of trustees consisting of seven (7) members to be appointed by the President with the advice and consent of the Senate. Initial appointments, which will start with the appointments after the effective date of this amendment, shall be as follows: three (3) for a term of two (2) years; and four (4) for a term of three (3) years. Each subsequent appointment shall be for a term of three (3) years. Prior membership on the Board shall not constitute disqualification for reappointment.

**Source**

PL 5-8-10 § 4, as amended by PL 7-3-9 § 1. Amended by RPPL 3-39 § 2(2)(c) as amended by RPPL 3-42 § 2(2)(c). Amended by RPPL 5-12 § 1. Amended by RPPL 7-30 § 1.

**§ 205. Vacancies.**

A member may be removed from the Board for inability to serve, neglect, misconduct or gross inefficiency in office, by a two-thirds (2/3) majority of the Board. In the event of a vacancy on the Board by reason of death, resignation, removal or any other reason, such vacancy shall be filled for the remainder of the unexpired term of the predecessor in the same manner as the original

appointment.

**Source**

PL 5-8-10 § 5.

**§ 206. Officers.**

The Board shall elect, from among its members, a chairman, vice-chairman, secretary, treasurer and such other officers as the Board may desire, by majority vote, to serve for such term as determined by the Board. The Board shall define the duties and powers of each officer.

**Source**

PL 5-8-10 § 6, first and second sentences, modified.

**§ 207. Meetings.**

(a) The Board may hold meetings regularly as scheduled in advance by the Board. Meetings may be called by the chairman or by any three (3) members upon three (3) days' notice to all members. A written record shall be kept and maintained of all official actions taken by the Board.

(b) Two-thirds (2/3) of the membership of the Board shall constitute a quorum to conduct the business of the Authority at meetings duly called for that purpose. A majority vote of those present shall prevail on any question presented, provided a quorum is present at that time.

**Source**

Subsection (a) -- PL 5-8-10 § 7, modified. Subsection (b) -- PL 5-8-10 § 6, third and fourth sentences.

**§ 208. Compensation.**

(a) The compensation of each Board member shall be established by the Authority. The amount of compensation shall not exceed the sum of fifty dollars (\$50) for each day of attendance at an official Board meeting, not to exceed ten (10) working days in one (1) month.

(b) Members of the Board who are employed by the national government or any agency or subdivision thereof, may request and, upon approval, be afforded administrative leave to attend official Board meetings. In the event such a member earns less than the amount of compensation per working day, the Authority shall pay such member the difference between his daily wage rate and such amount of compensation.

**Source**

PL 5-8-10 § 8, as amended by PL 5-3S-1 § 1, modified. Subsection (a) amended by RPPL 7-30 § 2.

**§ 209. Travel and per diem.**

Members of the Board and staff employees shall receive travel expenses and per diem at established national government rates when required to travel for official Authority purposes. They shall utilize standard national government travel authorizations, with travel vouchers to be approved by the chairman of the Board according to applicable rules and regulations.

**Source**

PL 5-8-10 § 9, modified.

**§ 210. Powers and duties of the Authority.**

The Authority shall have the following powers and duties:

- (a) to have perpetual juridical existence.
- (b) to receive and hold title to public lands in the Republic and national government land/public land situated in other jurisdictions, i.e. Guam and Hawaii.
- (c) to administer, manage, and regulate the use of lands and income arising therefrom in trust for the people of the Republic.
- (d) to establish a program for homesteading on public lands and to administer such program; provided that the Authority obtain advance approval from the government of the state within whose geographical boundaries the subject lands are situated.
- (e) to sell, lease, exchange, use, dedicate for public purposes, or make other disposition of public lands with the approval of the government of the state within whose geographical boundaries the subject lands are situated and pursuant to the laws of the Republic and that state, provided the state's laws are not inconsistent with the Republic's laws.
- (f) to exercise the power of eminent domain to acquire land for appropriate public purposes.
- (g) to acquire such lands by negotiation as are necessary and required to fill the public needs of the Republic.
- (h) to propose legislation to the Olbiil Era Kelulau and state legislatures pertaining to its programs, powers and duties.

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(i) to establish rules and regulations, in accordance with applicable law and procedure, for the conduct of its business and programs.

(j) to transfer and convey, upon the formal request of the government of any state, to that state's authority, as may be established pursuant to section 215 of this title, such public lands within the geographical boundaries of that state, either in whole or in part or by particular parcels, and to delegate and assign to the state authority at the time of said transfer certain or all of its rights, interests, powers, responsibilities, duties and obligations provided for and prescribed in this chapter, except those powers reserved to the Authority by section 211 hereof.

(k) to establish the basic guidelines and procedures for the operation of each state authority and to provide technical assistance thereto whenever necessary or appropriate.

(l) to enter into contracts, sue and be sued, and have other powers and duties as may be necessary or appropriate to further the purposes of the Order and this chapter.

(m) to employ staff as may be required, to manage the normal operational and administrative affairs of the Authority and to perform such other duties as may from time to time be directed by the Board.

**Source**

PL 5-8-10 § 10, subsections rearranged and section modified. Subsection (a) amended by RPPL 3-19 § 6 (13). Subsection (b) amended by RPPL 7-30 § 3.

**§ 211. Authority's reserved powers; eminent domain, future status agreement and dispute resolution.**

Pursuant to the Order, the Authority is hereby empowered:

(a) to exercise the power of eminent domain for appropriate public purposes pursuant to all applicable laws now in force or which may subsequently be enacted;

(b) in consultation with any or all state authorities involved, to negotiate in good faith, and to execute binding formal agreements, on behalf of any and all state authorities and the people of the Republic, to meet the land requirements of the United States Government as designated under the terms of a future status agreement; and

(c) to propose legislation dealing with the establishment of an adjudicatory body to resolve

claims and disputes as to titles or rights in land transferred to the Authority and the establishment of rules and regulations for such body. Until such time that such an adjudicatory body is established, the Palau Land Commission shall continue to have full authority to adjudicate all claims and disputes in the Republic.

**Source**

PL 5-8-10 § 12, modified.

**§ 212. Authority to request the conveyance of public lands.**

The Authority is hereby empowered to formally request the High Commissioner to convey to the Authority such public lands in the Republic eligible in accordance with the Order, either in whole or in part or by particular parcels, as the Authority deems is in the best interests of the people of the Republic.

**Source**

PL 5-8-10 § 20, modified.

**§ 213. Authority bound by existing leases and agreements.**

On receiving public lands, the Authority, including state authorities, shall be bound by and comply with all provisions of existing leases and land use and occupancy agreements previously entered into by the Trust Territory Government, the Palau District Government, or any of those governments' agencies, instrumentalities, or political subdivisions pertaining to the land so returned.

**Source**

PL 5-8-10 § 14, modified.

**§ 214. Continuation of occupancy by tenants.**

The Authority shall permit the continued possession of public lands being occupied and used on December 26, 1974, with the concurrence of the Trust Territory Government, by tenants at will and tenants by sufferance, for a reasonable period of additional years to be agreed upon by the Authority and the High Commissioner.

**Source**

PL 5-8-10 § 15, modified.

**§ 215. State authorities.**

(a) The government of any state in the Republic is hereby empowered to create its own legal entity



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to receive from the Authority such public lands within its geographical boundaries, either in whole or in part or by particular parcels, as it deems is in the best interests of the people of that state. Such an entity shall be called the "State Public Lands Authority", such name to be preceded by the name of the state.

(b) Each state authority shall be governed by a board of trustees established by state law.

(c) Each state authority shall have such rights, interests, powers, responsibilities, duties and obligations as may be granted to it by the Authority; provided that said grant and delegation by the Authority is limited only to those rights, interests, powers, responsibilities, duties and obligations inherent in the Authority by virtue of this chapter and of the Secretarial Order No. 2969 of the United States Department of the Interior.

**Source**

PL 5-8-10 § 13 (subsection (c) as amended by PL 5-3S-1 § 3), modified. Subsection (b) amended by RPPL 5-7 § 67.

**§ 216. Budget.**

(a) Each year, the Authority will submit to the Olbiil Era Kelulau, within the first ten (10) days of the first regular session, its proposed budget for its complete operation for the coming fiscal year, with complete justifications therefor. The proposed budget will be in such form as the Olbiil Era Kelulau may, from time to time, prescribe.

(b) The Authority is hereby prohibited from making any disbursements of funds which exceed those permitted by the current authorized budget.

**Source**

PL 5-8-10 § 16, modified.

**§ 217. Control of funds.**

All revenue realized and received by the Authority generated from the administration and management of public lands shall be transmitted to the Director of the Bureau of the National Treasury for inclusion in the National Treasury; provided that whenever a state authority is created pursuant to section 215 of this title, then three-fourths of all revenue generated from the state authority's administration and management of public lands shall inure to the treasury of that state government.

**Source**

PL 5-8-10 § 17, modified. The last clause of § 217 that reads "with the balance of one-fourth inuring to the National Treasury" is repealed by RPPL 8-18 § 15 retroactive to January 1, 2009.

**§ 218. Statement of activities; audits.**

(a) Each year, the Authority shall submit to the Olbiil Era Kelulau, within the first ten (10) days of the first regular session, a statement of the activities of the Authority for the past year.

(b) The Authority will cause to be made an annual audit of all funds received and disbursed during the preceding calendar year. The results of the audit will be submitted to the Olbiil Era Kelulau each year with the statement of activities described in subsection (a) of this section.

(c) The extent and content of the statements and audits will be as prescribed, from time to time, by the Olbiil Era Kelulau.

**Source**

PL 5-8-10 § 19, modified.

**§ 219. United States and Trust Territory governments held harmless.**

The national government and the Authority, including state authorities, hereby hold the United States Government, the Trust Territory Government and their agencies or political subdivisions, harmless from any and all claims arising after the conveyance of public lands, other than those claims resulting directly from actions of those governments or their duly authorized agents.

**Source**

PL 5-8-10 § 21, modified.

**Chapter 3  
Eminent Domain****Subchapter I  
General Provisions**

§ 301. Purpose.

§ 302. Private corporations not to have right of eminent domain.

§ 303. Definitions.

**§ 301. Purpose.**

It is the purpose of this chapter to set up procedures to be followed by the national government in the exercise of its inherent power to acquire real property by eminent domain.

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### **Source**

(Code 1966, § 1301; Code 1970, tit. 10, § 1.) 10 TTC § 1, modified.

### **§ 302. Private corporations not to have right of eminent domain.**

No private corporation except as may be authorized by the Olbiil Era Kelulau shall have the right of eminent domain in the Republic.

### **Source**

(Code 1966, § 1303; Code 1970, title 10, § 2; Department of Interior Order No. 2969, § 8(a).) 10 TTC § 2, modified.

### **§ 303. Definitions.**

In this chapter:

(a) "Eminent domain" means the right of the national government to condemn property for public use or purposes and to appropriate the ownership and possession of such property for such public use upon paying the owner a just compensation to be ascertained according to the law.

(b) "Public use" shall be construed to cover any use determined by the President to be a public use.

### **Source**

(Code 1966, § 1302; Code 1970, title 10, § 3; Department of Interior Order No. 2969, § 8(b).) 10 TTC § 3, modified.

## **Subchapter II Procedure**

§ 311. Complaint.

§ 312. Failure of parties to appear at proceedings.

§ 313. Issuance of summons; contents.

§ 314. Service of summons and complaint; posting.

§ 315. Establishment of value of land; assessors.

§ 316. Determination of ownership in event of dispute.

§ 317. Final judgment; certificate of title.

§ 318. Immediate possession; procedure generally.

§ 319. Same; possession after proceedings commenced.

§ 320. Costs of proceedings.

**§ 311. Complaint.**

A complaint must be brought in the Trial Division of the Supreme Court in the name of and on behalf of the national government as plaintiff by the Attorney General. The complaint must contain:

- (a) the names of all owners and claimants of the property, if known, or a statement that they are unknown, who must be called defendants.
- (b) a statement of the right or authority of the plaintiff.
- (c) a description of each parcel of land to be acquired and a statement of what interest in the land is desired by the plaintiff.
- (d) a general statement of the purpose of the taking.

**Source**

(Code 1966, § 1304; Code 1970, title 10, § 51.) 10 TTC § 51, modified.

**§ 312. Failure of parties to appear at proceedings.**

In the event of the failure of any of the parties specified in section 311 of this title to appear in the proceedings, the court shall, nevertheless, proceed to fix the amount of compensation and order that the amount be paid by the national government, without interest, to the rightful claimants on demand at any time within seven years from the date of the final judgment.

**Source**

(Code 1966, § 1311; Code 1970, title 10, § 52.) 10 TTC § 52, modified.

**§ 313. Issuance of summons; contents.**

The Clerk of Courts shall issue a summons which shall contain:

- (a) the names of the parties;
- (b) a general description of the whole property, or a reference to the complaint for the description of the land; and
- (c) a notice to the defendants to appear in the proceedings.

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**Source**

(Code 1966, § 1305.) 10 TTC § 53(1), first sentence, modified.

**§ 314. Service of summons and complaint; posting.**

(a) When the defendants are known the summons shall be served by delivering to them a copy thereof along with a copy of the complaint.

(b) If the defendants, whether known or unknown, cannot be found, then a copy of the summons and complaint shall be posted as follows:

(1) on the property;

(2) at the courthouse;

(3) at a public place in a village located near the property; and

(4) by delivering one copy of the summons and complaint to the chief executive officer of the state in which the property is situated.

(c) The service of the summons and the complaint or the posting thereof as provided herein shall be sufficient to give the Trial Division of the Supreme Court jurisdiction to proceed with and finally determine the case.

**Source**

(Code 1966, § 1305.) 10 TTC § 53(1) (except first sentence) and (2), modified.

**§ 315. Establishment of value of land; assessors.**

(a) Upon a prima facie showing by the Attorney General that the property desired to be purchased by the national government is for public use, the court must hear the parties, and establish a fair value for the land.

(b) The court may appoint three assessors to assist in the proceedings and perform such functions as the court may direct.

(c) In the event assessors are appointed by the court, they shall take and subscribe an oath before the judge or justice that they will faithfully perform their duties as assessors.

**Source**

(Code 1966, § 1306.) 10 TTC § 54, modified.

**§ 316. Determination of ownership in event of dispute.**

In the event there is a dispute over the ownership of the property which is the subject of an eminent domain proceeding, the court shall adjudicate and determine the ownership of the property as part of the proceedings.

**Source**

(Code 1966, § 1307.) 10 TTC § 55.

**§ 317. Final judgment; certificate of title.**

(a) The record of the final judgment in the proceedings shall state the particular land or interest in land which the national government has acquired and the compensation to be paid to the defendants.

(b) The Clerk of Courts shall issue a certificate of title in accordance with the judgment.

**Source**

(Code 1966, § 1308.) 10 TTC § 56, modified.

**§ 318. Immediate possession; procedure generally.**

(a) In the event the national government desires to enter into immediate possession of the property, it shall file a declaration of taking and pay a sum of money which is considered to be the fair value of the property to the Clerk of Courts.

(b) In addition to the requirements set out in section 313 of this title, the summons shall state the following:

(1) that the plaintiff requires immediate possession of the property;

(2) that a sum of money which is considered to be the fair value of the property has been paid to the Clerk of Courts, which sum shall draw interest at the rate of three percent per annum from the date of the summons until claimed by the defendant or ordered paid to the defendant by the court;

(3) that the defendant may at any time claim and receive the money which has been deposited with the Clerk of Courts upon the execution of a quitclaim deed in favor of the plaintiff.

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(c) Payment to the Clerk of Courts in accordance with this section shall entitle the national government to take immediate possession of the land.

**Source**

(Code 1966, § 1309.) 10 TTC § 57, modified.

**§ 319. Same; possession after proceedings commenced.**

(a) In the event the national government determines that it requires immediate possession of the property after eminent domain proceedings have been commenced, but before the rights of the parties and the amount of compensation are determined, a declaration of taking shall be filed in the court and a sum of money which is considered to be the fair value of the land shall be paid to the Clerk of Courts.

(b) A summons shall be issued and served in the same manner as the summons in sections 313 and 314 of this title. The summons shall refer to the original summons already served on the defendants, and shall otherwise conform to the requirements set out in section 318 of this title.

**Source**

(Code 1966, § 1310.) 10 TTC § 58, modified.

**§ 320. Costs of proceedings.**

The costs in all cases brought under this chapter shall be paid by the plaintiff.

**Source**

(Code 1966, § 1312.) 10 TTC § 59.

**Chapter 4  
Land Acquisition**

§ 401. Application of chapter.

§ 402. "Government" defined.

§ 403. Procedure generally; government conduct encouraged or required.

§ 404. Same; government conduct discouraged.

§ 405. Unauthorized or inverse condemnation; litigation expenses to owner.

§ 406. Donation by owner allowed.

§ 407. Interest in improvements.

§ 408. Payments for improvements by tenants.

§ 409. Expenses incidental to transfer of title.

§ 410. Authority of President to promulgate regulations.

**§ 401. Application of chapter.**

This chapter shall be applicable to the acquisition of real property under the laws of the Republic for use in any project or program of the national government, a state government, or any agency of such government.

**Source**

(P.L. No. 6-71, § 1.) 67 TTC § 451, modified.

**§ 402. "Government" defined.**

In this chapter, "government" means the national government, a state government, or any agency of such government.

**Source**

35 PNC § 402.

**§ 403. Procedure generally; government conduct encouraged or required.**

(a) In acquiring real property the government will, to the greatest extent practicable:

(1) make every reasonable effort to acquire real property expeditiously through negotiation.

(2) before the initiation of negotiations, have the real property appraised and give the owner or his representative an opportunity to accompany the appraiser during the inspection of the property.

(3) before the initiation of negotiations, establish an amount which is believed to be just compensation for the real property, and make a prompt written offer to acquire the property for that amount.

(A) In no event will the just compensation offered be less than the government's approved appraisal of the fair market value of such property.

(B) At the time the government makes an offer to purchase real property, the owner of that property will be provided with a written statement of the basis for the amount estimated to be just compensation.



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(C) In determining just compensation for the property, any increase or decrease of the fair market value caused by the public improvement for which the property is acquired prior to the date of valuation will be disregarded (other than that caused by physical deterioration).

(4) if interest in the real property is to be acquired by exercise of the power of eminent domain, institute formal condemnation proceedings and not intentionally make it necessary for the owner to institute legal proceedings to prove the fact of the taking of the real property.

(5) if the acquisition of only part of the property will leave its owner with an uneconomic remnant, offer to acquire that remnant.

(b) Before requiring any owner to surrender possession of any real property, the government will:

(1) pay the agreed purchase price; or

(2) deposit with the court, for the benefit of the owner, an amount not less than the government's approved appraisal of the fair market value of the property; or

(3) pay the amount of the award of compensation in condemnation proceedings for the property.

**Source**

67 TTC § 452(1), modified.

**§ 404. Same; government conduct discouraged.**

In acquiring real property, to the greatest extent practicable the government will not:

(a) schedule construction or development of a public improvement that will require any person lawfully occupying real property to move from a dwelling, or move his business or farm operation, without giving that person at least 90 days' written notice of the date he is required to move.

(b) if acquired property is rented to the former owner or tenant for a short term or subject to termination by the government on short notice, charge a rent that is more than the fair rental value of the property to a short term occupant.

(c) advance the time of condemnation.

(d) defer negotiations, condemnation or deposit of funds in court for use of the owner.

(e) take any course of action to compel an owner to agree to a price for his property.

**Source**

67 TTC § 452(2), modified.

**§ 405. Unauthorized or inverse condemnation; litigation expenses to owner.**

Should a court determine condemnation was unauthorized or should the property owner obtain a judgment in the nature of inverse condemnation, then the owner shall be reimbursed for reasonable expenses of litigation, in line with section 304 of the United States' Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.

**Source**

67 TTC § 452(3), modified.

**§ 406. Donation by owner allowed.**

Nothing in sections 403 through 405 should be construed to preclude a donation by an owner after his property has been appraised and the full amount of the estimated just compensation has been tendered to him.

**Source**

67 TTC § 452(4), modified.

**§ 407. Interest in improvements.**

In acquiring any interest in real property the government will acquire at least an equal interest in all building structures or other improvements located on that real property which will be removed or which will be adversely affected by the completed project.

**Source**

(P.L. No. 6-71, § 1.) 67 TTC § 453.

**§ 408. Payments for improvements by tenants.**

(a) In the case of a building structure or other improvements owned by the tenant on real property acquired for a project to which this chapter applies, the government will, subject to subsection (c) of this section, pay the tenant the larger of:

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(1) the fair market value of the improvement (as established by the government's appraiser), assuming its removal from the property; or

(2) the enhancement to the fair market value of the real property.

(b) Payments will also be made for improvements that are damaged as well as those which must be removed.

(c) A payment may not be made to a tenant under subsection (a) of this section unless:

(1) the tenant, in consideration for the payment, assigns, transfers and releases to the government all his rights, title and interest in the improvements;

(2) the owner of the land involved disclaims any interest in the improvements; or

(3) the payment is not duplicated by any payment otherwise authorized by law or regulation.

**Source**

(P.L. No. 6-71, § 1.) 67 TTC § 454, modified.

**§ 409. Expenses incidental to transfer of title.**

As soon as possible after real property has been acquired, the government shall reimburse the owner for:

(a) recording fees, taxes and similar expenses incidental to conveying the real property to the agency; and

(b) the penalty cost for prepayment of any pre-existing recorded mortgage entered into in good faith and encumbering the real property.

**Source**

(P.L. No. 6-71, § 1.) 67 TTC § 455.

**§ 410. Authority of President to promulgate regulations.**

The President shall have authority to issue regulations to implement this chapter.

**Source**

(P.L. No. 6-71, § 1.) 67 TTC § 456, modified.

**Chapter 5**  
**Relocation Assistance**

- § 501. Declaration of policy.
- § 502. Definitions.
- § 503. Relocation payments for actual moving and related expenses.
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**§ 501. Declaration of policy.**

The purpose of this chapter is to establish a uniform policy for the fair and equitable treatment of persons displaced by the acquisition of real property by the national government land acquisition programs, or by programs of rehabilitation of buildings or other improvements conducted pursuant to governmental supervision. The policy shall be uniform as to:

- (a) relocation payments;
- (b) advisory assistance; and
- (c) assurance of availability of standard housing.

**Source**

(P.L. No. 6-71, § 2.) 67 TTC § 501, modified.

**§ 502. Definitions.**

In this chapter:

- (a) "Agency" means any department, agency or instrumentality of the national government

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or of a political subdivision of the national government, or any department, agency or instrumentality of two (2) or more political subdivisions of the national government.

(b) "Business" means any lawful activity, excepting a farm operation, conducted primarily:

(1) for the purchase, sale, lease and rental of personal and real property, and for the manufacture, processing or marketing of products, commodities, or any other personal property;

(2) for the sale of services to the public; or

(3) by a nonprofit organization.

(c) "Displaced person" means any person who, on or after the effective date of this chapter, moves from real property or moves his personal property from real property, as a result of the acquisition of such real property in whole or in part, or as the result of the written order of the acquiring agency to vacate real property, for a program or project undertaken by an agency, and, solely for the purpose of sections 503, 504 and 508 of this title, as a result of the acquisition of or as the result of the written order of the acquiring agency to vacate other real property, on which such person conducts a business or farm operation, for such program or project.

(d) "Farm operation" means any activity conducted solely or primarily for the production of one or more agricultural products or commodities, including copra, for sale or home use, and customarily producing such products or commodities in sufficient quantity to be capable of contributing materially to the operator's support.

(e) "Person" means any individual, partnership, corporation or association.

**Source**

(P.L. No. 6-71, § 2.) 67 TTC § 502, terms put in alphabetical order and section modified.

**§ 503. Relocation payments for actual moving and related expenses.**

If an agency acquires real property for public use, it shall make fair and reasonable relocation payments to displaced persons and businesses as required by this chapter for:

(a) actual reasonable expenses in moving himself, his family, business, farm operation or other personal property;

(b) actual direct losses of tangible personal property as a result of moving or discontinuing a business or farm operation, but not to exceed an amount equal to the reasonable expenses that would have been required to relocate such property, as determined by the agency; and

(c) actual reasonable expenses in searching for a replacement business or farm.

**Source**

(P.L. No. 6-71, § 2.) 67 TTC § 503(1), modified.

**§ 504. Displaced person's option to receive moving and dislocation allowances.**

Any displaced person eligible for payments under section 503 who is displaced from a dwelling and who elects to accept the payments authorized by this section in lieu of the payments authorized by that section may receive a moving expense allowance, determined according to a schedule established by the agency, not to exceed three hundred dollars (\$300), and a dislocation allowance of two hundred dollars (\$200).

**Source**

(P.L. No. 6-71, § 2.) 67 TTC § 503(2), modified.

**§ 505. Displaced person's option to receive payment based on business or farm earnings.**

(a) Any displaced person eligible for payment under section 503, who is displaced from his place of business or from his farm operation and who elects to accept the payment authorized by this section in lieu of the payment authorized by that section, may receive a fixed payment in an amount equal to the average annual net earnings of the business or farm operation, except that such payment shall not be less than two thousand five hundred dollars (\$2,500) nor more than ten thousand dollars (\$10,000).

(b) In the case of a business, no payment shall be made under this section unless the agency is satisfied that the business:

(1) cannot be relocated without a substantial loss of its existing patronage; and

(2) is not a part of a commercial enterprise having at least one other establishment which is not being acquired by the agency and which is engaged in the same or similar business.

(c) For purposes of this section, the term "average annual net earnings" means one-half of any net earnings of the business or farm operation before national, state and local income taxes during the two taxable years immediately preceding the taxable year in which the business or farm operation moves from the real property acquired for such project, or during such other period as the agency determines to be more equitable for establishing such earnings, and includes any compensation

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paid by the business or farm operation to the owner, his spouse or his dependents during such period.

**Source**

(P.L. No. 6-71, § 2.) 67 TTC § 503 (3), modified.

**§ 506. Payment for replacement housing for homeowners.**

(a) In addition to payments otherwise authorized by this chapter, the agency shall make an additional payment not in excess of fifteen thousand dollars (\$15,000) to any displaced person who is displaced from a dwelling actually owned and occupied by the displaced person for not less than one hundred eighty (180) days prior to the initiation of negotiations for the acquisition of the property.

(b) The additional payment shall include the following elements:

(1) the amount, if any, which when added to the acquisition cost of the dwelling acquired, equals the reasonable cost of a comparable replacement dwelling which is a decent, safe and sanitary dwelling according to contemporary community standards, adequate to accommodate such displaced person, reasonably accessible to public services and places of employment, and available on the private market. All determinations required to carry out this paragraph shall be determined by regulations issued pursuant to section 510 of this title;

(2) the amount, if any, which will compensate the displaced person for any increased interest costs which the person is required to pay for financing the acquisition of a comparable replacement dwelling.

(A) The amount shall be paid only if the dwelling acquired was encumbered by a bona fide mortgage which was a valid lien on the dwelling for not less than one hundred eighty (180) days prior to the initiation of negotiations for the acquisition of the dwelling.

(B) The amount shall be equal to the excess in the aggregate interest and other debt service costs of that amount of the principal of the mortgage on the replacement dwelling which is equal to the unpaid balance of the mortgage on the acquired dwelling over the remainder term of the mortgage on the acquired dwelling reduced to discounted present value. The discount rate shall be determined by regulations issued pursuant to section 510 of this title; and

(3) reasonable expenses incurred by the displaced person for evidence of title, recording fees, and other closing costs incident to the purchase of the replacement dwelling, but not including prepaid expenses.

(c) The additional payment authorized by this section shall be made only to a displaced person who purchases and occupies a replacement dwelling which is decent, safe and sanitary according to contemporary community standards not later than the end of the one-year period beginning on the date on which he receives final payment of all costs of the acquired dwelling, or on the date on which he moves from the acquired dwelling, whichever is the later date.

**Source**

(P.L. No. 6-71, § 2.) 67 TTC § 504, modified.

**§ 507. Payment for replacement housing for tenants and certain others.**

(a) In addition to amounts otherwise authorized by this chapter, an agency shall make a payment to or for any displaced person displaced from any dwelling not eligible to receive a payment under section 506, which dwelling was actually and lawfully occupied by the displaced person for not less than ninety (90) days prior to the initiation of negotiations for acquisition of such dwelling.

(b) The payment shall be either:

(1) the amount necessary to enable the displaced person to lease or rent, for a period not to exceed four (4) years, a dwelling that is decent, safe and sanitary according to contemporary community standards, adequate to accommodate the person in areas not generally less desirable in regard to public utilities and public and commercial facilities, and reasonably accessible to his place of employment, but not to exceed four thousand dollars (\$4,000), or

(2) the amount necessary to enable the person to make a down payment (including incidental expenses described in section 506(b)(3)) on the purchase of a dwelling that is decent, safe and sanitary according to contemporary community standards and adequate to accommodate such person in areas not generally less desirable in regard to public utilities and public and commercial facilities, but not to exceed four thousand dollars (\$4,000); provided that if the amount exceeds two thousand dollars (\$2,000), the person must equally match any amount in excess of two thousand dollars (\$2,000) in making the down payment.

**Source**

(P.L. No. 6-71, § 2.) 67 TTC § 505, modified.

**§ 508. Relocation assistance advisory programs.**



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(a) Whenever the acquisition of real property for a program or project undertaken by an agency will result in the displacement of any person on or after the effective date of this chapter, the agency shall provide a relocation assistance advisory program for displaced persons which shall offer the services prescribed in subsection (b) of this section. If the agency determines that any person occupying property immediately adjacent to the real property acquired is caused substantial economic injury because of the acquisition, it may offer the person relocation advisory services under the program.

(b) Each relocation assistance program required by subsection (a) shall include such measures, facilities, or services as may be necessary or appropriate in order to:

- (1) determine the needs of displaced persons, business concerns and nonprofit organizations for relocation assistance;
- (2) assist owners of displaced businesses and farm operations in obtaining and becoming established in suitable business locations or replacement farms;
- (3) supply information concerning programs of the national, state and local governments offering assistance to displaced persons and business concerns;
- (4) assist in minimizing hardships to displaced persons in adjusting to relocation; and
- (5) secure, to the greatest extent practicable, the coordination of relocation activities with other project activities and other planned or proposed governmental actions in the community or nearby areas which may affect the carrying out of the relocation program.

**Source**

(P.L. No. 6-71, § 2.) 67 TTC § 506, modified.

**§ 509. Assurance of availability of standard housing.**

(a) Whenever the acquisition of real property for a program or project undertaken by an agency will result in the displacement of any person on or after the effective date of this chapter, the agency shall assure that, within a reasonable period of time prior to displacement, there will be available, in areas not generally less suitable in regard to public utilities and public and commercial facilities, and at rents or prices within the financial means of the families and individuals displaced, dwellings which are:

- (1) decent, safe and sanitary according to contemporary community standards;

(2) equal in number to the number of and available to displaced persons who require dwellings; and

(3) reasonably accessible to the places of employment of said persons.

(b) Regulations issued pursuant to section 510 of this title may prescribe situations when these assurances may be waived.

**Source**

(P.L. No. 6-71, § 2.) 67 TTC § 507, modified.

**§ 510. Authority of Board of Trustees of the Palau Public Land Authority to promulgate regulations regarding payments and eligibility.**

(a) The Board of Trustees of the Palau Public Land Authority shall adopt rules and regulations necessary to assure that:

(1) the payments and assistance authorized by this chapter shall be administered in a manner which is fair and reasonable, and as uniform as practicable;

(2) a displaced person who makes proper application for a payment authorized by this chapter shall be paid promptly after a move or, in hardship cases, be paid in advance; and

(3) any person aggrieved by a determination as to eligibility for a payment authorized by this chapter, or the amount of payment, may have his application reviewed by the Board of Trustees of the Palau Public Land Authority.

(b) The Board of Trustees of the Palau Public Land Authority may prescribe other regulations and procedures consistent with the provisions of this chapter.

**Source**

(P.L. No. 6-71, § 2.) 67 TTC § 508, modified. Amended by RPPL 7-30 § 4, modified.

**§ 511. Administration; contracts for program services.**

In order to prevent unnecessary expense and duplication of functions, and to promote uniform and effective administration of relocation assistance programs for displaced persons, the agency, with the approval of the Board of Trustees of the Palau Public Land Authority, may enter into contracts with any individual, firm, association or corporation for services in connection with those programs, or may carry out its functions under this chapter through any department or instrumentality of the national government or its political subdivisions having an established

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organization for conducting relocation assistance programs.

**Source**

67 TTC § 509, modified. Amended by RPPL 7-30 § 4.

**§ 512. Availability of funds.**

Funds appropriated or otherwise available to any agency for the acquisition of real property or any interest therein for a particular program or project shall be available also for obligation and expenditure to carry out the provisions of this chapter as applied to that purpose or project.

**Source**

(P.L. No. 6-71, § 2.) 67 TTC § 510.

**§ 513. Payments not to be considered as income or resources.**

No payment received by a displaced person under this chapter shall be considered as income or resources for the purpose of determining the eligibility or extent of eligibility of any person for assistance under any law of the Republic, or for the purposes of any tax laws of the Republic. These payments shall not be considered as income or resources of any recipient of public assistance and the payments shall not be deducted from the amount of aid to which the recipient would otherwise be entitled.

**Source**

(P.L. No. 6-71, § 2.) 67 TTC § 511, modified.

**§ 514. Appeal to Supreme Court.**

Any person or business concern aggrieved by a final administrative determination pursuant to section 510(a)(3) of this title concerning eligibility for relocation payments authorized by this chapter may appeal that determination to the Trial Division of the Supreme Court.

**Source**

(P.L. No. 6-71, § 2.) 67 TTC § 512, modified.

**Chapter 6  
Subdivision of Public Lands**

§ 601. Public access prerequisite; generally.

§ 602. Public access prerequisite; lands abutting sea or tidal areas.

§ 603. Chief to promulgate rules and regulations.

**§ 601. Public access prerequisite; generally.**

No parcel of public land shall be subdivided into smaller parcels, tracts or lots for sale, lease, homestead, exchange or allocated for any other purposes, unless the Chief of the Division of Lands and Surveys shall first lay out and establish, or shall cause to be laid out and established, over and across such public lands, a reasonable number of public roads and paths from established or existing public roads to insure public access to each new parcel, tract, or lot created by the subdivision.

**Source**

(Code 1970, Title 67 § 151.) 67 TTC § 151, modified.

**§ 602. Public access prerequisite; lands abutting sea or tidal areas.**

Before offering for sale, lease, homestead, exchange or allocation for any other purpose any parcel of public land abutting the sea or tidal areas, the Chief of the Division of Lands and Surveys shall first lay out and establish, or cause to be laid out and established, over and across such public lands, a reasonable number of public roads and paths from existing or established public roads to insure public access to the sea and tidal areas.

**Source**

(Code 1970, Title 67 § 152.) 67 TTC § 152, modified.

**§ 603. Chief to promulgate rules and regulations.**

The Chief of the Division of Lands and Surveys shall have the power to promulgate rules and regulations, subject to approval by the President, to implement the provisions of this chapter. Such rules and regulations will have the force and effect of law.

**Source**

(Code 1970, Title 67 § 153.) 67 TTC § 153, modified.

**Chapter 7**

**Lease of Public Lands to Citizens**

§ 701. Authority to lease; maximum term.

§ 702. Lease forms; criteria.

**§ 701. Authority to lease; maximum term.**

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The President is hereby empowered and authorized to execute leases and other use agreements of public land to citizens of the Republic or to corporations or other business associations wholly owned by citizens of the Republic for periods of not more than 25 years, including renewals.

**Source**

67 TTC § 301, first sentence, modified.

**§ 702. Lease forms; criteria.**

(a) Leases and other use agreements shall be on forms approved by the Attorney General.

(b) Leases and other use agreements shall be granted in accordance with the policies established by law or by regulations issued by the Palau Public Lands Authority and approved by the President; provided that such regulations are consistent with the provisions of this chapter and other laws of the Republic.

**Source**

67 TTC § 301, second sentence, modified.

**Chapter 8  
Homesteads**

§ 801. Designation of homestead areas.

§ 802. Establishment of area and requirements for use of homestead tracts.

§ 803. Persons eligible to homestead.

§ 804. Application for homestead land; contents.

§ 805. Application for homestead land; approval.

§ 806. Issuance of homestead permit.

§ 807. Conditions of occupancy.

§ 808. Transfer of homestead permit; death of homesteader.

§ 809. Revocation of homestead permit.

§ 810. Deed of conveyance.

§ 811. Certificate of compliance.

§ 812. Cessation of rights in homestead permit on issuance of certificate of compliance.

§ 813. Board of Trustees of the Palau Public Land Authority's discretion to waive requirements.

**§ 801. Designation of homestead areas.**

Such areas of public lands within the Republic as may be suitable for agricultural or grazing purposes or for the establishment of community sites, and which are not required for government

use or reserved for other purposes by any other provision of law, may be designated by the President on behalf of the national government for homesteading purposes. Such areas may, in accordance with the provisions of this chapter, be allotted to qualified persons for the purpose of farming or developing village lots with the right to acquire title upon the fulfillment of the conditions prescribed herein.

**Source**

(Code 1966, § 950.) 67 TTC § 201, modified.

**§ 802. Establishment of area and requirements for use of homestead tracts.**

(a) The Board of Trustees of the Palau Public Land Authority, upon advice of the Palau Public Lands Authority Executive Director, shall determine and establish:

- (1) the maximum area of land allowable for each agricultural, grazing, or village lot homestead tract within the Republic;
- (2) standards and requirements for the use, occupation and development of the homestead tracts within the Republic; and
- (3) that amount of land which a person, clan, lineage, family or group of persons may own within the Republic, the excess of which shall prevent the acquisition of land for homesteading.

(b) The President shall file a copy of each of his determinations under this section with the Clerk of Courts.

**Source**

(Code 1966, § 951; P.L. No. 4C-76, § 12(b).) 67 TTC § 202, modified. Subsection (a) amended by RPPL 7-30 § 5.

**§ 803. Persons eligible to homestead.**

(a) Subject to the provisions of this chapter and the rules and regulations issued pursuant thereto, the following persons or groups of persons may be authorized to enter upon, occupy and improve a tract or tracts of public land for the purpose of homesteading:

- (1) any person who is eighteen (18) years of age or over, and who is a citizen of the Republic; provided that:

(A) no person shall be authorized to enter upon or acquire any right in any tract of public land which exceeds the maximum area of a homestead established by the

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Board of Trustees of the Palau Public Land Authority in accordance with section 802 of this title;

(B) no person shall be permitted to enter and acquire more than one homestead, except that a qualified person may enter one village lot in addition to a farm tract;

(C) no person who is the owner of lands within the Republic, the amount of which equals or exceeds the maximum area which shall have been established in accordance with section 802 of this title, shall be permitted to enter and acquire any homestead tract.

(2) any clan, lineage, family or group of persons who collectively possess land rights established by local custom as recognized by the Board of Trustees of the Palau Public Land Authority; provided that:

(A) the Palau Public Lands Authority Executive Director, taking cognizance of the local customs concerning land tenure, shall recommend to the Board of Trustees of the Palau Public Land Authority the clans, lineages, families or groups of persons who are eligible for homestead privileges;

(B) no clan, lineage, family or group of persons shall be authorized to enter upon or acquire any rights in any tracts of public land which exceeds the maximum area of a homestead established by the Board of Trustees of the Palau Public Land Authority in accordance with section 802 of this title.

(b) homesteads shall not be granted to an individual person if clan, lineage, family or group ownership of land is the custom of the specific area in question.

**Source**

(Code 1966, § 952.) 67 TTC § 203, modified. Subsections (a)(1)(A), (a)(2), (a)(2)(A) and (a)(2)(B) amended by RPPL 7-30 § 5, modified.

**§ 804. Application for homestead land; contents.**

Application for permits to homestead land shall be made to the Palau Public Lands Authority. The application shall be in the form of an affidavit and shall contain:

(a) all statements of fact upon which the applicant relies to establish his right to homestead;

(b) a description by metes and bounds of the property sought to be homesteaded; and,

(c) such other data as may by rules and regulations be required.

**Source**

(Code 1966, § 953.) 67 TTC § 204, modified.

**§ 805. Application for homestead land; approval.**

The Palau Public Lands Authority Executive Director shall verify the eligibility of the applicant and all essential facts set forth by the applicant. The Authority's Executive Director shall thereupon recommend approval or disapproval of the application to the Board of Trustees of the Palau Public Land Authority.

**Source**

(Code 1966, § 954.) 67 TTC § 205, modified. Amended by RPPL 7-30 § 5.

**§ 806. Issuance of homestead permit.**

(a) Upon approval of the application, the Board of Trustees of the Palau Public Land Authority shall issue a permit to enter upon, use and improve the land in accordance with standards as established under the provisions of section 802 of this title.

(b) The permit shall describe the land and shall contain a reservation of any and all public roads, rights of way, easements, mineral rights and uses essential to the public welfare.

**Source**

(Code 1966, § 955.) 67 TTC § 206, modified. Subsection (a) amended by RPPL 7-30 § 5.

**§ 807. Conditions of occupancy.**

(a) Within one hundred twenty (120) days of receipt of the permit, the homesteader shall enter upon and commence the use and improvement of the land in accordance with the requirements established under section 802(a)(2) of this title. Upon noncompliance with the foregoing, the permit shall expire and be null and void and the homesteader shall be construed to have waived all rights in, and to said land.

(b) Within six (6) months of entry, the homesteader shall place, at all corners of the land, markers which shall be obtained from the Palau Public Lands Authority. The homesteader shall at all times maintain all boundaries clear of any and all weeds, trash and underbrush.

(c) During the period of occupancy, the homesteader shall comply with all rules, regulations and requirements concerning the use, occupation and development of the land as established under



section 802(a)(2) of this title.

**Source**

(Code 1966, § 956.) 67 TTC § 207, modified.

**§ 808. Transfer of homestead permit; death of homesteader.**

(a) Except as provided in subsection (b) of this section, no rights in or to a homestead permit granted under the provisions of this chapter shall be sold, assigned, leased, transferred or encumbered.

(b) In the event of the death of a homesteader prior to the issuance of a deed of conveyance, all rights under the permit shall inure to the benefit of such person or persons, if any, as the homesteader shall last designate in a writing filed with the Palau Public Lands Authority. In the event no designation has been made by the homesteader as provided in this subsection, then the permit shall be revoked, and the land, together with all appurtenances thereto entered thereunder, shall revert to the national government.

**Source**

(Code 1966, § 958.) 67 TTC § 209, modified.

**§ 809. Revocation of homestead permit.**

If at any time after the issuance of a permit to enter a homestead tract and before the expiration of the period prescribed by section 810 of this title, it is proved, after due notice to the homesteader, to the satisfaction of the Board of Trustees of the Palau Public Land Authority that the homesteader has abandoned the land or has failed to comply with the laws, rules and regulations appertaining to homesteads, then said permit shall be revoked and the land so entered shall revert to the national government; provided that where there may be unavoidable cause, the Board of Trustees of the Palau Public Land Authority may, in their discretion, allow the homesteader an extension of the period prescribed in section 810.

**Source**

(Code 1966, § 959.) 67 TTC § 210, modified. Amended by RPPL 7-30 § 5.

**§ 810. Deed of conveyance.**

(a) The Board of Trustees of the Palau Public Land Authority shall issue the deed of conveyance within two (2) years of the time the homesteader becomes eligible to receive the deed of conveyance under the provisions of this chapter.

(b) The President shall issue the deed of conveyance within two (2) years of the time the homesteader becomes eligible to receive the deed of conveyance under the provisions of this chapter.

(c) Such deed of conveyance shall convey to the homesteader any and all rights of the national government to the property, excepting such rights as are reserved by law or by permit.

**Source**

(Code 1966, § 957.) 67 TTC § 208, modified. Subsection (a) amended by RPPL 7-30 § 5.

**§ 811. Certificate of compliance.**

(a) A certificate of compliance issued under the provisions of section 810(a) of this title creates a right to the issuance of the deed of conveyance of any and all right, title and interest of the national government in the property in the holder of the certificate.

(b) A certificate of compliance, as such, is an instrument evidencing an interest in real property, and such interest may be sold, leased, or in any other way alienated by the holder thereof, whereupon the transferee shall succeed to all the rights of the transferor, to the extent that the transferor has transferred the same to him.

**Source**

(P.L. No. 5-71, § 1.) 67 TTC § 212, modified.

**§ 812. Cessation of rights in homestead permit on issuance of certificate of compliance.**

Any and all rights arising from any homestead shall cease upon the issuance of a certificate evidencing compliance with the term of such permit to the holder thereof, and upon such issuance the provisions of sections 808 and 809 of this title shall no longer apply. Nothing in this section, however, shall deprive the holder of the certificate of the full and complete right of possession and use of the land which is the subject of the permit and certificate, or of the rights in the certificate as set forth in section 811 of this title.

**Source**

(P.L. No. 5-71, § 2.) 67 TTC § 213, modified.

**§ 813. Board of Trustees of the Palau Public Land Authority's discretion to waive requirements.**

The Board of Trustees of the Palau Public Land Authority may in their discretion waive any requirement, limitation or regulation relating to homesteading when the public interest requires

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such waiver.

**Source**

(Code 1966, § 960.) 67 TTC § 211, modified. Amended by RPPL 7-30 § 5.

**Chapter 9  
Land Registration  
[Repealed]**

**Commission Comment**

The following chapter 9, "Land Registration" shall be repealed by the "Palau Lands Registration Act" (codified in chapter 11 of Title 35) upon the certification by the Chief Justice that the new Land Claims Hearing Office and Land Registration Offices are functioning and ready to conduct business. For statutory provision regarding repeal, see section 1128 of Title 35.

**Subchapter I  
Palau Land Commission  
[Repealed]**

§§ 901 - 907. [Repealed]

§§ 901, 902, 905, 906. [Repealed]

**Subchapter II  
Land Registration and Claims  
[Repealed]**

§§ 921- 934. [Repealed]

§ 925. [Repealed]

**Subchapter III  
Certificates of Title  
[Repealed]**

§§ 941- 945. [Repealed]

**Chapter 10  
Alien Property**

§ 1001. "Alien property" defined.

§ 1002. Alien property custodian; powers and duties.

§ 1003. Prohibited acts.

§ 1004. Power of custodian to void transactions.

**§ 1001. "Alien property" defined.**

Alien property, as used in this chapter, includes property situated in the Republic which was formerly owned by private Japanese nationals, by private Japanese organizations, by the Japanese Government, or by Japanese government organizations, agencies, quasi-corporations or government-subsidized corporations. Such property shall be deemed to include tangible and intangible assets, as well as any right, title or interest therein.

**Source**

(Code 1966, § 532.) 27 TTC § 1, modified.

**§ 1002. Alien property custodian; powers and duties.**

(a) The Attorney General shall act as alien property custodian, and as such is authorized and empowered to vest title of all alien property as defined in this chapter in the alien property custodian and to take immediate possession of all alien property in the Republic. Under such vesting order, the alien property custodian is empowered to hold, use, minister, liquidate, sell or otherwise deal with alien property in the interest and for the benefit of the indigenous inhabitants of the Republic, and is further empowered to direct, manage, supervise and control any business enterprises connected with such property.

(b) The alien property custodian is empowered to assume custody, as distinguished from title, of all property in the Republic owned by allied governments or nationals sequestered by the Japanese Government, and of all other property owned by non-Japanese persons who are absent from the Republic, who are making no attempt to assert possession thereover and who have no agent present in the area. With reference to such property, the alien property custodian shall:

(1) provide protection and security for the property;

(2) assume full authority for the direction, management and operation of the property;

(3) utilize the property to the best interests of the national government and of the indigenous inhabitants of the Republic; and

(4) in the management of such property, act in accordance with the principle of usufruct for the benefit of the indigenous inhabitants of the Republic.

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(c) The alien property custodian is authorized and empowered to take such action as he deems necessary in the interest of all persons concerned to direct, manage, supervise and control all properties which come within the purview of this chapter. He is further empowered to issue all such orders, rules, regulations or other instructions as may be requisite for executing or carrying out the provisions of this chapter, subject to the approval of the President.

(d) The alien property custodian shall be responsible for the control and administration of all alien property in the Republic, including responsibility for conducting investigations to locate alien property, and representing the Republic in all legal actions involving alien or suspected alien property.

**Source**

Subsections (a) through (c) -- 27 TTC § 2; subsection (d) -- 27 TTC § 3(2); section modified.

**§ 1003. Prohibited acts.**

Any person who knowingly and without lawful authority:

(a) interferes with or obstructs the alien property custodian or his assistants in the exercise of any of the functions prescribed by this chapter; or

(b) interferes with, removes, damages, conceals or makes away with any property which the alien property custodian has vested in or is authorized to take into his control; or

(c) interferes with, removes, damages, conceals or makes away with any alien property with intent to defeat, evade or avoid any responsibility, fine or punishment; or

(d) withholds any information or document which the alien property custodian is entitled to receive, or makes any false statements, or uses or refers to any false document in order to mislead the alien property custodian as to any of the purposes of this chapter; or

(e) violates any other provisions, orders, rules or regulations issued pursuant to this chapter;

shall, upon conviction, be imprisoned for a period of not more than one year, or fined not more than \$1,000.00, or both.

**Source**

(Code 1966, § 535.) 27 TTC § 4, modified.

**§ 1004. Power of custodian to void transactions.**

The alien property custodian may, upon approval of the President, by order, direct that any transaction or commitment made at any time with regard to property under his jurisdiction be set aside and held null and void, if, in his opinion, the transaction was made to defeat, evade or avoid any provision of this chapter, or any lawful responsibility, fine or punishment imposed or to be imposed on any person.

**Source**

(Code 1966, § 536.) 27 TTC § 5, modified.

**Chapter 11****Palau Lands Registration Act****[Repealed]**

§ 1101. - § 1129. [Repealed]

**§ 1101. [Repealed]****Source**

RPPL 2-18 § 1, as amended by RPPL 2-24 § 1, modified. Repealed by RPPL 4-43 § 22(b).

**§ 1102. [Repealed]****Source**

RPPL 2-18 § 2, as amended by RPPL 2-24 § 2, modified. Repealed by RPPL 4-43 § 22(b).

**§ 1103. [Repealed]****Source**

RPPL 2-18 § 3, as amended by RPPL 2-24 § 3, modified. Subsection (d) amended by RPPL 4-33 § 1(1). Amended by RPPL 4-41 § 1(a). Repealed by RPPL 4-43 § 22(b).

**§ 1104. [Repealed]****Source**

RPPL 2-18 § 4, as amended by RPPL 2-24 § 4 and RPPL 3-42 § 66, modified. Subsections (a) and (b) Amended by RPPL 4-33 § 1(2). Amended by RPPL 4-41 § 1(b). Repealed by RPPL 4-43 § 22(b).

**§ 1105. [Repealed]**

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**Source**

RPPL 2-18 § 5, as amended by RPPL 2-24 § 5, modified. Repealed by RPPL 4-43 § 22(b).

**§ 1106. [Repealed]**

**Source**

RPPL 2-18 § 6, as amended by RPPL 2-24 § 6, modified. Repealed by RPPL 4-43 § 22(b).

**§ 1107. [Repealed]**

**Source**

RPPL 2-18 § 7, as amended by RPPL 2-24 § 7, modified. Repealed by RPPL 4-43 § 22(b).

**§ 1108. [Repealed]**

**Source**

RPPL 2-18 § 8, as amended by RPPL 2-24 § 8, modified. Repealed by RPPL 4-43 § 22(b).

**§ 1109. [Repealed]**

**Source**

RPPL 2-18 § 9, as amended by RPPL 2-24 § 9, modified. Repealed by RPPL 4-43 § 22(b).

**§ 1110. [Repealed]**

**Source**

RPPL 2-18 § 10, as amended by RPPL 2-24 § 10, modified. Repealed by RPPL 4-43 § 22(b).

**§ 1111. [Repealed]**

**Source**

RPPL 2-18 § 11, as amended by RPPL 2-24 § 11, modified. Repealed by RPPL 4-43 § 22(b).

**§ 1112. [Repealed]**

**Source**

RPPL 2-18 § 12, as amended by RPPL 2-24 § 12, modified. Repealed by RPPL 4-43 § 22(b).

**§ 1113. [Repealed]**

**Source**

RPPL 2-18 § 13, as amended by RPPL 2-24 § 13, modified. Repealed by RPPL 4-43 § 22(b).

**§ 1114. [Repealed]**

**Source**

RPPL 2-18 § 14, as amended by RPPL 2-24 § 14, modified. Repealed by RPPL 4-43 § 22(b).

**§ 1115. [Repealed]**

**Source**

RPPL 2-18 § 15, as amended by RPPL 2-24 § 15, modified. Repealed by RPPL 4-43 § 22(b).

**§ 1116. [Repealed]**

**Source**

RPPL 2-18 § 16, as amended by RPPL 2-24 § 16, modified. Repealed by RPPL 4-43 § 22(b).

**§ 1117. [Repealed]**

**Source**

RPPL 2-18 § 17, as amended by RPPL 2-24 § 17, modified. Repealed by RPPL 4-43 § 22(b).

**§ 1118. [Repealed]**

**Source**

RPPL 2-18 § 18, as amended by RPPL 2-24 § 18, modified. Repealed by RPPL 4-43 § 22(b).

**§ 1119. [Repealed]**

**Source**

RPPL 2-18 § 19, as amended by RPPL 2-24 § 19, modified. Repealed by RPPL 4-43 § 22(b).

**§ 1120. [Repealed]**

**Source**

RPPL 2-18 § 20, as amended by RPPL 2-24 § 20. modified. Repealed by RPPL 4-43 § 22(b).

**§ 1121. [Repealed]**

**Source**

RPPL 2-18 § 21, as amended by RPPL 2-24 § 21, modified. Repealed by RPPL 4-43 § 22(b).



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**§ 1122. [Repealed]**

**Source**

RPPL 2-18 § 22, as amended by RPPL 2-24 § 22, modified. Repealed by RPPL 4-43 § 22(b).

**§ 1123. [Repealed]**

**Source**

RPPL 2-18 § 23, as amended by RPPL 2-24 § 23, modified. Repealed by RPPL 4-43 § 22(b).

**§ 1124. [Repealed]**

**Source**

RPPL 2-18 § 24, as amended by RPPL 2-24 § 24, modified. Repealed by RPPL 4-43 § 22(b).

**§ 1125. [Repealed]**

**Source**

RPPL 2-18 § 25, as amended by RPPL 2-24 § 25, modified. Repealed by RPPL 4-43 § 22(b).

**§ 1126. [Repealed]**

**Source**

RPPL 2-18 § 26, as amended by RPPL 2-24 § 26, modified. Repealed by RPPL 4-43 § 22(b).

**§ 1127. [Repealed]**

**Source**

RPPL 2-18 § 27, as amended by RPPL 2-24 § 27, modified. Repealed by RPPL 4-43 § 22(b).

**§ 1128. [Repealed]**

**Source**

RPPL 2-18 § 28, as amended by RPPL 2-24 § 28, modified. Repealed by RPPL 4-43 § 22(b).

**§ 1129. [Repealed]**

**Source**

RPPL 2-18 § 29, modified. Repealed by RPPL 4-43 § 22(b).

**Chapter 12**  
**Aerial Cadastral Parcel Index**

§ 1201. Legislative findings and purposes.

§ 1202. Grant of authority.

**§ 1201. Legislative findings and purposes.**

(a) The Government of the Trust Territory of the Pacific Islands and the Hawaii Architects and Engineers, Inc. entered into Contract TT 174-80, dated June 25, 1974, for the purpose of developing aerial photography, surveying, and mapping services for Palau.

(b) Certain cadastral plats were not prepared by the contractor for approval by the Chief of Lands and Surveys and the Territorial Surveyor of the Trust Territory Government. These plats were not prepared and signed before the offices of the said government officials ceased to exist.

(c) The Hawaii Architects and Engineers, Inc. has declined to formally certify and approve the said cadastral parcel index on the grounds that it is not responsible for the validity of corner points used, inasmuch as these corner points were investigated and marked by government land registration teams, and on the further asserted grounds that the said cadastral parcel index did not require such approval.

(d) The Chief of Lands and Surveys and the National Surveyor of the Republic of Palau, in their professional opinions, have found that the aerial photogrammetry survey method is within acceptable standards of accuracy and can be utilized for land registration purposes, but they are not presently authorized to utilize this survey information in preparing cadastral plats under their supervision.

(e) In the interest of economy and in the furtherance of the goal of the land registration program in the Republic of Palau, it is the intention of the Olbiil Era Kelulau that this legislation grants to the Chief of Lands and Surveys and the National Surveyor all necessary authority to prepare and certify all the cadastral plats that can be prepared on the basis of aerial photography, orthophotos, and analytical aerotriangulation notwithstanding any provision of 11 PNC Chapter 6 that is inconsistent herewith.

**Source**

RPPL 3-18 § 1, modified.

**§ 1202. Grant of authority.**

(a) The Chief of Lands and Surveys and the National Surveyor are hereby authorized to prepare

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and certify all the Palau Cadastral Parcel Index, Sheet No. 1 through 302, that were initiated by the Hawaii Architects and Engineers, Inc.

(b) Upon approval of such cadastral plats, the Land Claims Hearing Office is authorized to issue certificates of title based upon the plats and such certificates of title shall not be controverted on the basis of the use of the plats in any proceedings of the Land Claims Hearing Office or the courts.

(c) If deemed necessary, the Chief of Lands and Surveys is authorized to withhold his certification and approval of said cadastral plats on a case by case basis until verification by conventional ground surveying methods is completed.

**Source**

RPPL 3-18 § 2, modified.

**Chapter 13**

**Land Claims Reorganization Act of 1996**

§ 1301. Title.

§ 1302. Purpose.

§ 1303. Definitions.

§ 1304. Land Court responsibilities; Supreme Court.

§ 1305. Bureau of Lands and Surveys responsibilities; land registration employees.

§ 1306. Survey and establishment of boundaries in designated registration areas.

§ 1307. Mandatory monumentation.

§ 1308. Mandatory mediation sessions.

§ 1309. Notice of hearing and Mandatory Monumentation and Mediation Sessions, filing of claims.

§ 1310. Conduct of Land Court hearings.

§ 1311. Matters involving minors or incompetents.

§ 1312. Notice of determination of ownership.

§ 1313. Appeal from determination of the Land Court.

§ 1314. Issuance of certificate of title.

§ 1315. Cadastral mapping.

§ 1316. Register of title determinations of ownership and judgments affecting land; mandatory recording of interests in land.

§ 1317. Transfers and encumbrances of interests in lands registered; probate matters transferring or affecting land to be determined by Trial Division.

§ 1318. Rules and regulations.

§ 1319. Oath of office.

§ 1320. Ethics.

§ 1321. Compensation.

§ 1322. Prohibitions on outside activities.

§ 1323. Pending cases and matters.

**§ 1301. Title.**

This chapter shall be known and may be cited as the "Land Claims Reorganization Act of 1996."

**Source**

RPPL 4-43 § 1, modified.

**§ 1302. Purpose.**

The primary purpose of this chapter is to proceed on a systematic basis to accomplish, within a reasonable period of time from the effective date of this section, the determination of ownership of all land in the Republic, and to provide for the return, to the original owners or their heirs or assigns, of land which became public land as a result of the acquisition by the previous occupying powers or their nationals through force, coercion, fraud or without just compensation or adequate consideration.

**Source**

RPPL 4-43 § 2, modified. Amended by RPPL 6-31 § 2, modified. Amended by RPPL 7-3 § 2.

**§ 1303. Definitions.**

(a) "Bureau" means Bureau of Lands and Surveys in the Ministry of Public Infrastructure, Industries and Commerce;

(b) "Registration Officer" means a Registration Officer with the Bureau of Lands and Surveys; and

(c) "Senior Judge" means the Senior Judge of the Land Court.

**Source**

RPPL 4-43 § 3, modified. Amended by RPPL 5-22 § 2. Amended by RPPL 6-31 § 2.

**§ 1304. Land Court responsibilities; Supreme Court.**

(a) The Land Court, within a reasonable period of time not to extend beyond February 11, 2016, shall proceed on a systematic basis to hold hearings and make determinations with respect to the ownership of all land within the Republic.

(b) The Land Court shall award ownership of public land, or land claimed as public land, to any

citizen or citizens of the Republic who prove:

(1) that the land became part of the public land, or became claimed as part of the public land, as a result of the acquisition by previous occupying powers or their nationals prior to January 1, 1981, through force, coercion, fraud, or without just compensation or adequate consideration, and

(2) that prior to that acquisition the land was owned by the citizen or citizens or that the citizen or citizens are the proper heirs to the land. Except in cases where claims of Palauan citizens, clans or lineages prevailed over the claim of the Trust Territory Government, its Land Title Officer and all of its political subdivisions, the statute of limitations, laches or stale demand, waiver, res judicata or collateral estoppel as to matters decided before January 1, 1981, and adverse possession, may not be asserted against and shall not apply to claims for public land by citizens of the Republic. The record of proceedings of the District Land Title Officer or the Palau Land Commission may be introduced as evidence in land ownership proceedings before the Land Court. The record shall be given such weight as the Land Court or Trial Division, in the exercise of its discretion, deems appropriate. All claims for public land by citizens of the Republic must have been filed on or before January 1, 1989. All determinations of ownership pursuant to this section shall be made by February 11, 2016.

(c) Where the Bureau has issued the proper notice to the parties regarding monumentation, the thirty (30) days to make a claim on the land has lapsed, the monumentation has been completed, and the only claimants to the land have resolved between themselves their claims, or where there is only one claimant to the land, the Land Court shall issue a determination of ownership, within thirty (30) days of receipt of the monumentation documents from the Bureau, to those claimants in accordance with the agreement(s) between them, as the case may be. The Land Court shall give priority to matters in which the claimants have resolved their claims between themselves or in which the remaining claim is undisputed.

(d) If the Land Court deems that consideration of a disputed claim will seriously interfere with accomplishment of the purposes of this chapter, it may directly refer the claim to the Trial Division of the Supreme Court without making any determination thereon. The Trial Division shall then proceed to make a determination on the claim. The Trial Division, after the time for appeal from its decision has expired without any notice of appeal having been filed or after an appeal duly taken has been determined, shall certify its decision, as modified by the Appellate Division if that has happened, to the Land Court. The Land Court shall then issue a certificate of title based on the Trial Division's certified decision as if based on a determination of the Land Court as provided in this chapter.

(e) All employees hired by the Land Court shall be subject to the employment rules of the National Judiciary.

**Source**

RPPL 4-43 § 4, modified. Amended by RPPL 5-22 § 2. Subsections (a), (b)(2), and (c) were amended and subsection (e) was enacted by RPPL 6-31 § 2. Subsections (a) and (b) amended by RPPL 7-3 § 2. Subsection (a) and (b)(2) amended by RPPL 7-26 § 2. Subsections (a), (b)(2) and (c) amended by RPPL 7-54 § 2.

**§ 1305. Bureau of Lands and Surveys responsibilities; land registration employees.**

(a) The Bureau of Lands and Surveys within a reasonable time period not to extend beyond October 30, 2011, shall proceed on a systematic basis to ensure the designation of areas and survey of all lands and the monumentation of all land within the Republic. The Bureau's duties include, but are not limited to the registration of land claims, issuing the required notices under this chapter, providing monumentation, providing Land Court with the required information for Land Court hearings and providing temporary and permanent mapping of land parcels and boundaries with respect to the ownership of all land within the Republic. If the Bureau fails to provide proof of service of the required notices, monumentation, or other information required for Land Court hearings, the Land Court may, upon receiving an incomplete file from the Bureau, return such file with instructions identifying the deficiencies and ordering the Bureau to complete the file and resubmit the file to the Land Court within thirty (30) days.

(b) Those land registration officers and civil service employees, who worked for the Land Claims Hearing Office on February 14, 1996, and subsequently employed by the Land Court pursuant to RPPL 5-22, shall be transferred to and employed by the Bureau on the same terms and conditions as they had with the Land Claims Hearing Office and the Land Court; these officers and employees shall, for the purpose of receiving uninterrupted compensation, be deemed employed by the Bureau effective February 15, 1996 or their hiring date, if these officers' and employees' date of hire is after February 15, 1996. All land registration employees who are transferred from the Land Court to the Bureau pursuant to this subsection shall continue to be paid on the judicial pay scale.

(c) The appointment of each Land Claims Hearing Officer is hereby vacated effective ninety (90) days after the effective date of this chapter, or upon appointment by the President of Land Court Judges as provided by Title 4 of the Palau National Code Annotated, as amended by this chapter, whichever occurs first. The Judicial Nominating Commission shall submit a list of potential Land Court Judge appointees within sixty (60) days of the effective date of this chapter.

(d) The Bureau shall complete the surveying required under this section within a reasonable time period not to extend beyond October 30, 2011. The Ministry of Public Infrastructure, Industries and Commerce may utilize private surveyors for the surveying work, through bidding pursuant to law. Land owners may hire private surveyors to complete a private monumentation of the land.

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Should a party utilize a private surveyor, that surveyor must be registered with the Board of Land Surveyor Examiners and must follow all of the notice provisions in this chapter. A map of a private monumentation is not official until it is certified and registered with the Bureau.

(e) Each survey team shall prepare a monthly report detailing its work for that month, which shall include the number of lots surveyed within the monthly reporting period. The Director of the Bureau shall prepare a monthly report detailing the lands scheduled to be monumented and surveyed each month, and the actual work performed on these tasks. The Director of the Bureau shall transmit these reports to the President of the Republic, the Minister of Public Infrastructure, Industries and Commerce, the Chairmen of the Senate and House Committees on Judiciary and Governmental Affairs, and the President of the Senate and the Speaker of the House of Delegates.

**Source**

RPPL 4-43 § 5, modified. Subsection (a) was amended by RPPL 5-22 § 2. The previously codified subsections (a) and (b) were effectively repealed and new subsections (a) and (b) were enacted by RPPL 6-31 § 2. Subsection (d) enacted by RPPL 6-31 § 6, modified. Subsection (a) amended by RPPL 7-3 § 2. Subsection (d) was amended by RPPL 7-43 § 2. Subsection (a) amended by RPPL 7-52 § 3. Subsections (a), (d) and (e) amended by RPPL 7-54 § 2. Subsections (a) and (d) are amended by RPPL 8-10 § 2.

**§ 1306. Survey and establishment of boundaries in designated registration areas.**

(a) The Bureau may designate registration areas and may coordinate the resolution of claims within those areas.

(b) The Director of Lands and Surveys shall assign a team or teams of land surveyors to perform surveys.

**Source**

RPPL 4-43 § 6. Amended by RPPL 4-53 § 1(a). Subsections (b) & (c) were amended by RPPL 5-22 § 2. All previously codified subsections were effectively repealed, and subsections (a) and (b) were enacted by RPPL 6-31 § 2.

**§ 1307. Mandatory monumentation.**

(a) The Bureau shall schedule a monumentation to occur not less than fifteen (15) working days after the thirty (30) day period for filing claims has ended, unless the boundaries of the property at issue have already been resolved and monumented. For the monumentation, all claimants shall meet at a location near or at the site of the property, as determined by the Director of Lands and

Surveys or his designee. The Director of Lands and Surveys shall appoint a surveyor and Registration Officer to coordinate and attend the monumentation. The surveyor and Registration Officer shall attempt to clarify any issues as they relate to land boundaries at the monumentation. Should a claimant at the monumentation not have an opinion on the boundaries of the land, the surveyor and Registration Officer shall monument the lot, not to exceed that which is in the Tochi Daicho. The Registration Officers shall record the results. Within ten (10) working days after the monumentation, the Bureau will forward to the Land Court all documentation relating to the monumented parcel and the claims filed.

(b) Registration Officers shall use their best efforts to consult with the traditional leaders from the area where land to be monumented is located. Registration Officers shall encourage these traditional leaders to attend monumentation and to assist claimants in resolving their claims.

(c) Registration Officers shall encourage claimants to discuss their claims among themselves and to attempt to resolve their disputes informally. At each monumentation, the Registration Officer shall distribute copies of the following announcement in English and Palauan to all persons present and shall read it aloud:

"ONE OF THE PURPOSES OF THIS MONUMENTATION SESSION AND SUBSEQUENT MEDIATION SESSION AT THE LAND COURT IS TO ASSIST EACH OF YOU IN RESOLVING YOUR DISPUTES. IF YOU ARE UNABLE TO RESOLVE YOUR DISPUTES THROUGH THIS SESSION, A HEARING WILL TAKE PLACE TO DETERMINE OWNERSHIP OF THIS PROPERTY. THERE ARE SEVERAL DISADVANTAGES TO A HEARING PROCESS:

1. FIRST, THE HEARING PROCESS CAN BE TIME-CONSUMING. EACH OF THE CLAIMANTS WILL NEED TO SPEND TIME PREPARING FOR AND ATTENDING THE HEARING. ORDINARILY, WITNESSES WILL BE REQUIRED, AND THEY WILL ALSO HAVE TO SPEND THEIR TIME PREPARING FOR AND ATTENDING THE HEARING.

2. SECOND, THE HEARING PROCESS CAN BE EXPENSIVE. YOU ARE NOT REQUIRED TO HAVE AN ATTORNEY, BUT IF YOU HIRE ONE, YOU WILL MOST LIKELY HAVE TO PAY THE ATTORNEY. YOU WILL ALSO VERY LIKELY BE RESPONSIBLE FOR PAYING COURT COSTS.

3. THIRD, THERE IS NO GUARANTEE YOU WILL WIN AT THE HEARING. EVEN THOUGH YOU MAY BELIEVE STRONGLY THAT YOU OWN THIS LAND, BY GOING TO COURT YOU RISK THAT THE COURT WILL RULE AGAINST YOU. YOU MAY END UP WITH NOTHING.

4. FOURTH, HEARINGS CAN INVOLVE VERY HEATED ARGUMENTS



THAT CAN DAMAGE FRIENDSHIPS AND OTHER RELATIONSHIPS."

The Director of Lands and Surveys may modify the content of this message as he deems appropriate.

(d) A Claimant who fails to personally attend or send an authorized representative to a scheduled monumentation may not contest the boundary determinations and monumentation resulting from the session.

#### **Source**

RPPL 4-43 § 7. All subsections were amended except subsection (b) by RPPL 5-22 § 2, modified.

Amended by RPPL 6-31 § 2 which: 1) amended the wording of subsection (a) and effectively repealed all of its subsections; 2) added the last sentence to subsection (b); 3) amended the wording in the opening sentence and final sentence of subsection (c); 4) effectively enacted a new subsection (d); and repealed all remaining subsections of § 1307. Subsection (a) amended by RPPL 7-3 § 2. Subsection (a) amended by RPPL 7-54 § 2, modified.

#### **§ 1308. Mandatory mediation sessions.**

(a) The Land Court shall, for all claims in which there remains a dispute regarding title or boundaries after the monumentation, schedule a mediation session within twenty five (25) days of receiving the file from the Bureau. However, where there is reason to believe that claims may no likely be resolved in mediation or where mediation is apparently unnecessary, the Land Court may bypass mediation and schedule a hearing for disputed cases or enter a determination of ownership for undisputed cases.

Mediators shall:

- (1) be Palauan;
- (2) be at least thirty (30) years old;
- (3) have lived in Palau for not less than seven (7) years;
- (4) have some legal training or expertise in customary matters; and
- (5) be recognized in the community for either leadership capability or intelligence.

The Senior Judge shall compile a list of mediators and shall allow claimants to agree on a mediator from that list. The Senior Judge shall also prepare a brochure which explains in English and

Palauan the procedures of the Land Court, with an emphasis on the procedures of the mediation session. The brochure shall be made available to the public.

(b) The mediator shall implement the following procedures:

(1) Each claimant shall be allowed not less than twenty (20) minutes to explain his position to all of the other claimants, provided that the mediator may, in his discretion, allow claimants additional time to explain;

(2) Each claimant shall be allowed not less than ten (10) minutes to respond to the explanations of the other claimants, provided that the mediator may, in his discretion, allow claimants additional time to respond;

(3) Each claimant shall have an opportunity to ask questions of any other claimant, provided that the mediator shall control both the amount and type of questions asked;

(4) After each claimant has been given the opportunity to speak, respond, and ask questions, the mediator shall meet privately with each of the claimants to discuss the matter and to encourage settlement of all claims; and

(5) Within ten (10) days after the session, the mediator shall prepare a written summary of the positions of the claimants, and a final recommendation as to determination of ownership. This summary and recommendation shall be served promptly on each claimant together with a statement explaining that if the claimant would like to settle, he or she should contact the mediator. The mediator shall continue to work with all claimants until the hearing date to settle their claims.

(c) Within fifteen (15) days after his appointment, the Senior Judge shall prepare a Settlement Form that may be used by claimants who wish to settle their disputes.

(d) Within sixty (60) days after his appointment, the Senior Judge shall prepare a mediation training seminar for each Registration Officer and mediator. The Senior Judge may hire a consultant to conduct the training seminar. Each Registration Officer and mediator shall complete no less than twenty (20) hours of mediation training within one hundred twenty (120) days after the Senior Judge's appointment. All training shall take place in Palau. The Senior Judge may waive the mediation training requirement for mediators who provide satisfactory proof of expertise in and familiarity with the mediation process.

(e) Claimants may be represented by an attorney at the monumentation and mediation session.

(f) All Land Court proceedings scheduled prior to the effective date of this section shall proceed according to existing law. All other Land Court proceedings shall proceed in accordance with 35

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PNC Chapter 13 as amended by RPPL 6-31; provided, that until a Senior Judge has been appointed under the requirements of this chapter, all such proceedings shall be administered by the Acting Senior Judge.

(g) Statements made by any claimant or the mediator during a monumentation and mediation session shall be treated as settlement negotiations and may not be introduced into evidence in subsequent Land Court or Supreme Court proceedings except as authorized by the Rules of Civil Procedure.

(h) The Supreme Court shall promulgate rules and procedures governing the conduct of mediation sessions, the selection and compensation of mediators, the form and content of the summary and recommendations of the mediator, and such other matters as may be necessary for the fair, efficient and effective use of monumentation and mediation sessions to resolve ownership of disputed lands.

**Source**

RPPL 4-43 § 8 as amended by RPPL 5-22 § 2. RPPL 6-31 § 2, modified. Subsection (a) amended by RPPL 7-3 § 3. Subsection (a) amended by RPPL 7-54 § 2, modified.

**§ 1309. Notice of hearing and mandatory monumentation and mediation sessions; filing of claims.**

(a) The Bureau shall, within thirty (30) days of the effective date of this section, create a schedule for monumenting all parcels of unmonumented land within the Republic. The Bureau shall inform Land Court of this schedule and Land Court shall set a date for a Land Court hearing for all claims regarding that parcel. The Bureau shall not schedule the monumentation of, and no person shall file a claim to determine ownership of, lands that have been previously monumented and surveyed, although claimants may be permitted to claim up to the boundaries of such registered lands. All claims shall be filed with the Bureau no later than thirty (30) days after the mailing of the notice. Any claim not timely filed shall be forfeited; however, persons listed on the Land Acquisition Records, who have not filed a claim, shall be deemed to have filed a claim for all parcels for which the Bureau has commenced a monumentation, but which have not been finally adjudicated, as of the effective date of [this law]. The Bureau of Lands and Surveys shall not accept untimely claims or transmit the same to the Land Court.

(b) Before the Bureau commences a monumentation with respect to any claim, notice containing a description of the claim and the date, time, and place of the monumentation shall be given by the Bureau at least forty five (45) days in advance of the monumentation as follows:

(1) by posting notice at the same office and principal meeting place in the village in which

or nearest to which the land is situated in both English and the principal local language of the state in which the land is situated.

(2) by posting notice, in the languages specified in subsection (b)(1), at the state office and the principal meeting place in the village in which or nearest to which the land is situated;

(3) by serving notice upon all persons personally known to the Registration Officer to claim an interest in the land, and to all persons listed on the Land Acquisition Records by:

(A) service in the same manner as a civil summons; or

(B) registered air mail, postage prepaid, to the last known address, if outside the Republic; or

(C) in the case of a clan or lineage, by hand delivery to the senior male title holder, if any, and the senior female title holder, if any; however, if the Registration Officer cannot with reasonable diligence locate the senior male or female title holder, then to such representative or representatives of the clan or lineage as the Registration Officer shall designate;

(4) by posting notice at the Post Office and the Office of the Clerk of the Supreme Court in Koror;

(5) by placing an advertisement on a local Koror radio station;

(6) [Repealed]

(7) by delivering notice to the Association of State Governors of Palau; and

(8) by public notice by other means as the Bureau may deem advisable.

(c) The notice provided for in subsection (b) shall clearly explain the following in both Palauan and English:

(1) the date, time and place of the monumentation, the mediation session and the Land Court hearing; and that all claimants must file their claims with the Bureau not later than thirty (30) days prior to the date of the monumentation, and that if a claimant fails to file a claim, he or she will forfeit that claim;

(2) the date of the monumentation, that attendance by claimants or their representatives is mandatory, and the penalties for failure to attend;

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- (3) the procedure for filing a claim;
  - (4) the location and telephone number (if any) of the nearest Registration Officer and the Land Court; and
  - (5) that the Registration Officers will provide assistance in preparing a written claim without charge to any interested person.
- (d) The governor of each state shall work closely with the Bureau and the Land Court to facilitate the giving of notice to interested parties.
- (e) In the event that the monumentation or hearing cannot be conducted as originally scheduled, the Bureau or the Land Court may postpone the monumentation or hearing for a reasonable period of time and shall provide written notification of the postponement to all persons who timely filed a written claim. The postponement of the monumentation will not extend the time for the filing of written claims for the parcel at issue.

**Source**

RPPL 4-43 § 8. RPPL 6-31 § 2[1309], modified. Subsection (a) amended by RPPL 7-3 § 4, modified. Subsection (b)(6) repealed by RPPL 7-26 § 3. Subsections (a), (b)(1) and (b)(3) amended by RPPL 7-54 § 2, modified.

**§ 1310. Conduct of Land Court hearings.**

- (a) Within thirty (30) days of the effective date of this chapter, the Land Court, in consultation with the Chief Justice of the Supreme Court, shall promulgate special procedural and evidentiary rules designed to allow claimants to represent themselves without the aid of legal counsel, and so that proceedings may be conducted in Palauan.
- (b) Except for claims and disputes still pending to public lands, the Land Court shall not hear claims or disputes as to right or title to land between parties or their successors or assigns where such claim or dispute was finally determined by the Land Claims Hearing Office, the former Land Commission, or by a court of competent jurisdiction. The Land Court shall, for purposes of this chapter, accept such prior determinations as binding on such parties and their successors and assigns without further evidence than the judgment or determination of ownership.
- (c) All Land Court hearings shall be public. All claims shall be heard by one judge of the Land Court; however, at the discretion of the Senior Judge, claims may be heard by a three-judge panel. To the extent practicable, Land Court matters shall be heard, in whole or in part, in the state in which the land involved lies and in the village in which, or near which, the land lies. Land Court

proceedings shall be taken down by a stenographic reporter or recorded by suitable sound recording equipment. Hearings may be conducted in either Palauan or English, at the discretion of the Land Court judge(s) hearing the matter. The Land Court may order that an interpreter be provided for non-English or non-Palauan speaking persons. Records shall be kept in both Palauan and English.

**Source**

RPPL 4-43 § 9. Amended by RPPL 6-31 § 2, modified.

**§ 1311. Matters involving minors or incompetents.**

If the Land Court or the Supreme Court, on application or on its own motion, finds that any party in interest is a minor or incompetent, the Land Court or the Supreme Court, as the case may be, shall appoint one person to act as guardian at law for the minor or incompetent for the matter, unless the minor or incompetent is already represented by a person appointed by competent authority. A properly appointed guardian at law shall have full authority and power to act for the minor or incompetent in all matters in connection with his or her interest in the land; however, a guardian may not encumber or in any way alienate any land under his guardianship except by an order of the Trial Division of the Supreme Court.

**Source**

RPPL 4-43 § 10. Amended by RPPL 6-31 § 2, modified.

**§ 1312. Notice of determination of ownership.**

Within twenty (20) business days following the conclusion of a hearing, the Land Court shall issue a determination of ownership or shall issue a written statement explaining why the determination cannot be made within such time. The Land Court shall promptly serve a copy of the findings of fact, conclusions of law, and determination(s) made on all parties of record at such address within the Republic as each party shall register at the hearing.

**Source**

RPPL 4-43 § 11. Amended by RPPL 6-31 § 2, modified. Amended by RPPL 7-3 § 5, modified.

**§ 1313. Appeal from determination of the Land Court.**

A determination of ownership by the Land Court shall be subject to appeal by any party aggrieved thereby directly to the Appellate Division of the Supreme Court in the manner provided in the Rules of Appellate Procedure.

**Source**

RPPL 4-43 § 12. Amended by RPPL 6-31 § 2, modified.

**§ 1314. Issuance of certificate of title.**

(a) Immediately upon the expiration of the time for appeal from a determination of ownership by the Land Court without any notice of appeal having been filed or after the determination of an appeal, the Land Court shall order the Bureau to issue a final cadastral map of the area within fifteen (15) days of the order.

(b) Within five (5) days of receipt of the final cadastral map, the Land Court shall issue a certificate of title setting forth the names of all persons or groups of persons holding interest in the land pursuant to the determination either originally made or as modified by the Appellate Division of the Supreme Court, as the case may be. Such certificate of title shall be conclusive upon all persons so long as notice was given as provided in section 1309, and shall be prima facie evidence of ownership subject to any leases or use rights of less than one (1) year, which need not be stated in the certificate.

(c) Any easements or other rights appurtenant to the land in question which are over unregistered land shall remain so appurtenant even if not mentioned in the certificate, and shall pass with the land until cut off or extinguished in some lawful manner independent of the determination covered by the certificate. For the purposes of this chapter, the term "registered," when referring to land, means recorded in the permanent register referred to in section 1316.

**Source**

RPPL 4-43 § 13. Amended by RPPL 6-31 § 2, modified.

**§ 1315. Cadastral mapping.**

The Bureau shall compile uniform mapping of Palau. Each cadastral map shall document an area between fifty thousand (50,000) meters square and two hundred fifty thousand (250,000) meters square except that smaller areas may be mapped in order to meet the requirements contained in 35 PNC § 1314(a).

**Source**

RPPL 6-31 § 2, modified.

**§ 1316. Register of title; determinations of ownership and judgments affecting land; mandatory recording of interests in land.**

The original determination of ownership or other judgment affecting title to the real property, and certificate of title, shall be bound in a permanent register. This register shall remain in the custody

and under the supervision of the Clerk of Courts. A duplicate certificate shall be issued, marked "Owner's Duplicate Certificate," and delivered to the owner or his or its authorized representative. All security interests in land, and releases or satisfactions thereof, leases of one year or more, deeds of transfer, judgments affecting rights or interests in land, and documents evidencing easements or use rights of more than one (1) year, or abstracts of the above, shall be recorded in the permanent register or an appendix thereto, and shall be indexed and cross-referenced in a manner calculated to give persons inspecting the register notice of the security interest, release or satisfaction, lease, deed of transfer, judgment, easement or use right, or abstract thereof. Abstracts shall, at a minimum, identify the property affected, identify the nature of the interest in the property, and shall identify the name, telephone number and address of the person(s) or entity(ies) claiming the interest, and the name, telephone number and address of the person(s) from whom additional information may be received. The effect of failure to record shall be governed by Chapter 4 of Title 39 of the Palau National Code Annotated.

**Source**

RPPL 4-43 § 14. Amended by RPPL 6-31 § 2, modified.

**§ 1317. Transfers and encumbrances of interests in lands registered; probate matters transferring or affecting land to be determined by Trial Division.**

(a) An owner requesting a transfer, or upon notice that an involuntary transfer has occurred, shall submit his or her owner's duplicate certificate for proper endorsement or cancellation if it is physically practicable to do so. If the owner's duplicate certificate has been lost, destroyed or is otherwise unavailable, the new owner may, by petition under oath, request the Land Court to issue a replacement duplicate certificate. The Land Court, after such notice and hearing, if any, as it may order, may issue a replacement duplicate certificate which shall contain a statement that it is issued in place of a lost certificate. Before accepting and noting on the certificate of title any transfer of any interest in the land, the Senior Judge shall be responsible for seeing that the document of transfer is properly executed and properly describes the land. If the certificate holder's entire interest is transferred, the certificate shall be canceled and a new certificate of title issued to the transferee(s). If only a part of the land is transferred, the certificate holder may be required, at his own expense, to have the area to be transferred surveyed and a map thereof submitted, in form satisfactory to the Senior Judge, and a new certificate of title shall then be issued for each part of the land covered by the former certificate.

(b) When an owner of any interest in land dies and that land has been registered in accordance with law, and that interest in land is devised by will, the person(s) entitled to the interest may submit to the Trial Division the owner's duplicate certificate issued to the testator, and the Trial Division, once satisfied with the validity of the will, shall direct the Land Court to cancel the testator's duplicate certificate and to issue a new certificate(s) to the devisee(s) entitled thereto. When an owner of any interest in land dies without having devised the land by will, the person(s) claiming to be heir(s) entitled thereto may submit the owner's duplicate certificate, issued to the intestate, to



the Trial Division. Upon determination by the Trial Division of the proper intestate succession, the Trial Division shall direct the Land Court to cancel the intestate's duplicate certificate and the original certificate bound in the permanent register, and to issue a new original certificate(s) and duplicate certificate(s) in favor of the proper heir(s). Where land is to be divided, the devisees or heirs, at their own expense, shall be required, before the issuance of new certificates of title, to have the area devised or inherited surveyed and a map submitted, in form satisfactory to the Senior Judge, and a new certificate of title for each part of the land covered by the former certificate shall then be issued.

(c) The Trial Division of the Supreme Court shall make a determination of the devisee(s) or heir(s), and the interest or respective interests to which each is entitled.

(d) Trial Division determinations regarding transfers of interests in land by will or by intestate succession may be appealed to the Appellate Division as provided by the Rules of Appellate Procedure.

**Source**

RPPL 4-43 § 15. Amended by RPPL 6-31 § 2, modified.

**§ 1318. Rules and regulations.**

(a) The Supreme Court, in consultation with the Land Court, shall promulgate such rules and regulations as it deems necessary to implement the provisions of this chapter. These rules and regulations shall be exempt from the provisions of Chapter 1 of Title 6 of the Palau National Code Annotated.

(b) The Ministry of Public Infrastructure, Industries and Commerce shall promulgate such rules and regulations as it deems necessary to implement the provisions of this chapter. These rules and regulations shall be exempt from the provision of Chapter 1 of Title 6 of the Palau National Code Annotated.

**Source**

RPPL 4-43 § 16. Amended by RPPL 6-31 § 2, modified. Amended by RPPL 7-54 § 2.

**§ 1319. Oath of office.**

Each individual hired as a Registration Officer, before performing the duties of his office, shall take and subscribe to an oath of office required of all public officers of the Republic as prescribed by law.

**Source**

RPPL 4-43 § 17. Amended by RPPL 6-31 § 2, modified.

**§ 1320. Ethics.**

Land Claims Registration Officers shall adhere to the standards of the Code of Conduct promulgated by the Supreme Court.

**Source**

RPPL 4-43 § 18. Amended by RPPL 6-31 § 2, modified.

**§ 1321. Compensation.**

The Chief Justice shall prescribe the salary schedule for all employees of the Land Court, other than the Land Court Judges.

**Source**

RPPL 4-43 § 19. Amended by RPPL 6-31 § 2, modified.

**§ 1322. Prohibitions on outside activities.**

(a) No employee of the Land Court may practice law in the Republic.

(b) Registration Officers may not engage in any other business, occupation, or employment inconsistent with the expeditious, proper, and impartial performance of their duties under this chapter.

**Source**

RPPL 4-43 § 20. Amended by RPPL 6-31 § 2, modified.

**§ 1323. Pending cases and matters.**

(a) All cases and matters in the Land Court which have not been monumented as of the effective date of this section, shall be transferred to the Bureau.

(b) The Land Court shall, within thirty (30) days of the effective date of this section, inventory all cases for which the expiration of the time for appeal from a determination of ownership by the Land Court without any notice of appeal having been filed or after the determination of an appeal has passed but there has been no issuance of a certificate of title, as of the effective date of this section.

(c) For all cases inventoried in subsection (b), the Bureau shall complete the necessary surveying

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and/or monumentation within six (6) months of the effective date of this section:

- (1) the Bureau shall issue a final cadastral map of the area within thirty (30) days of completion of the monumentation; and
- (2) the Land Court shall issue certificates of title within thirty (30) days of the completion of a final cadastral map.

**Source**

RPPL 4-43 § 21. Amended by RPPL 6-31 § 2, modified.