

Executive Order No. 329

To Establish a Land and Survey Task Force to evaluate the current status of the responsibilities of the Bureau of Land and Survey and the Palau Automated Land Resource Information System, as set forth in 35 PNC § 1305 and Executive Order No. 271, and make recommendations as to the best way forward for the Republic.

WHEREAS, the Bureau of Land and Survey is, pursuant to 35 PNC § 1305, required to ensure the designation of areas and survey of all lands and the monumentation of all land within the Republic; register land claims; issue the required notices, provide the Land Court with the required information for Land Court hearings; and provide temporary and permanent mapping of land parcels and boundaries with respect to the ownership of all land within the Republic; and

WHEREAS, the mandate of the Bureau of Land and Survey was created by RPPL No. 4-43, the Land Claims Reorganization Act, which created the Land Court and authorized the Land Court to hire employees to assist with the registration of land ownership, hold hearings, and reach determinations with respect to land ownership of all land in the Republic not later than December 31, 2000; and

WHEREAS, in RPPL No. 5-22, the Olbiil Era Kelulau extended the time to reach determinations on all land in the Republic to February 15, 2003; and

WHEREAS, in RPPL No. 6-31, the Olbiil Era Kelulau initiated a comprehensive amendment to the Land Claims Reorganization Act that included removing the land registration officers of the Land Court from the authority of the Land Court and placing them under the authority Bureau of Land and Survey on the theory that it would speed up the land registration process, designation of areas, survey of all lands, and the monumentation of all land within the Republic before Feb. 13, 2003 by “clearly delineat[ing] between judicial and monumentation functions by moving monumentation from Land Court to the Bureau of Lands and Survey”; and

WHEREAS, in RPPL No. 7-3, the Olbiil Era Kelulau extended time for the Bureau of Land and Survey to ensure the designation of areas and survey of all lands and the monumentation of all land within the Republic to February 11, 2007; and

WHEREAS, in RPPL No. 7-52, the Olbiil Era Kelulau extended time for the Bureau of Land and Survey to ensure the designation of areas and survey of all lands and the monumentation of all land within the Republic to October 30, 2008; and

WHEREAS, in RPPL No. 7-54, the Olbiil Era Kelulau extended time for the Bureau of Land and Survey to ensure the designation of areas and survey of all lands and the monumentation of all land within the Republic to October 30, 2009; and

WHEREAS, in RPPL No. 8-10, the Olbiil Era Kelulau extended time for the Bureau of Land and Survey to ensure the designation of areas and survey of all lands and the monumentation of all land within the Republic to October 30, 2011; and

WHEREAS, in RPPL No. 8-51, the Olbiil Era Kelulau extended time for the Bureau of Land and Survey to ensure the designation of areas and survey of all lands and the monumentation of all land within the Republic to March 31, 2013; and

WHEREAS, whenever the Republic enacts a law extending the time to survey all the land in the Republic, the leadership of the Republic invariably comments that the Land Court and the Bureau of Land and Survey are just a few years away from accomplishing their goal of surveying all the land, clearing title, and registering the proper land owners; and

WHEREAS, even following these extensions of time to do their job, the Bureau of Land and Survey has never managed to fulfill their mandate within the required time period; and

WHEREAS, RPPL No. 7-43 split the former Ministry of Resources and Development into two distinct ministries, the Ministry of Public Infrastructure, Industries and Commerce and the Ministry of Natural Resources, Environment, and Tourism, and dissolved the Ministry of Commerce and Trade; and

WHEREAS, Executive Order No. 203 (issued Nov. 18, 2001) organized the Executive Branch such that the Office of Palau Automated Land and Resources Information System (PALARIS) and the Bureau of Land and Survey were under the jurisdiction of the Ministry of Resources and Development; and

WHEREAS, Executive Order No. 271 (issued Sept. 16, 2009) repealed portions of Executive Order No. 203 and transferred certain Executive Branch agencies, including PALARIS and Bureau of Land and Survey, to the Ministry of Public Infrastructure, Industries and Commerce; and

WHEREAS, there is some dispute between the Bureau of Land and Survey and the Public Land Authorities as to whether it is appropriate for the Bureau to provide any services for any land that has competing claims to it, despite the fact that a particular land owner may have current title, such as by virtue of a quitclaim deed; and

WHEREAS, the Office of the President has received complaints from state governments, state public land authorities, and the general public that these two agencies are not providing the basic surveying, mapping, and other technical services as required by law and Executive Order; and

WHEREAS, due to the neglect, or arguably outright refusal, of the Bureau of Land and Survey and PALARIS to perform the duties required of them by law state governments and state public lands authorities are facing significant issues with regard to their state owned public land; and

NOW THEREFORE, pursuant to the authority of the President to execute the law of the land, including the laws set forth in 35 PNC 1300 et. seq., and Executive Order No. 271, which vests the responsibilities of the Bureau of Lands and Survey within the Executive Branch, the President hereby orders as follows:

1. That a Land and Survey Task Force be formed that shall be comprised of the following members:
 - (a) Fritz Koshiha, as representative of the Executive Branch who shall serve as Chairman of the Task Force.
 - (b) Temmy Shmull, Governor of Peleliu.
 - (c) Leilani Reklai, Governor of Aimeliik.
 - (d) One member of the Senate, to be appointed by the Senate President.
 - (e) One member of the House of Delegates to be appointed by the Speaker of the House of Delegates.

2. That the Land and Survey Task Force shall have the following responsibilities:
 - (a) Evaluate the Bureau of Land and Survey as a whole, particularly with regard to whether the Bureau is accomplishing its mandate by law to “ensure the designation of areas and survey of all lands and the monumentation of all land within the Republic.”
 - (b) Evaluate the efficiency of the Bureau of Land and Survey and the time frame in which the Bureau may be able to accomplish its task to “ensure the designation of areas and survey of all lands and the monumentation of all land within the Republic” if the Bureau continues at its current pace.

- (c) Evaluate the relationship of the Bureau of Land and Survey and PALARIS, and its relationship with the Land Court, including answers to the following questions:
 - (1) Is the current relationship efficiently accomplishing the overall goal of the Land Court system to provide clear title to all the land in the Republic?
 - (2) If the answer to (1) is no, then opine as to what must change about the relationship in order to accomplish the overall goal of clear title to all land in the Republic in a timely manner?
 - (3) If a particular parcel of land has competing claims to it, should all services that the Bureau of Land and Survey and PALARIS provides be suspended until proper adjudication by the Land Court is reached, despite a particular land owner possessing good current title to a particular parcel of land?
- (d) Evaluate the managerial relationship between the Minister of Public Infrastructure, Industries and Commerce, the Bureau of Land and Survey, and PALARIS, and whether that relationship is optimizing the efficiency potential of the Bureau of Land and Survey and PALARIS to “ensure the designation of areas and survey of all lands and the monumentation of all land within the Republic.”
- (e) Evaluate the performance of individual employees within the Bureau of Land and Survey as may be necessary in the course of the overall evaluation of the Bureau of Land and Survey and PALARIS.
- (f) Evaluate the services provided by the Bureau of Land and Survey and PALARIS to the national government (Land Court), state governments, and private landowners as to whether each are treated equally and fairly.
- (g) Provide a report on its findings and any recommendations, including any suggested amendments to the law, to the President not later than April 15th so that the President is informed on the issues in a timely manner. Before finalizing the report, the Task Force shall provide the Palau Supreme Court, specifically the Land Court, an opportunity to comment on the services that the Bureau of Land and Survey and PALARIS provides to the Land Court.

- (3) That all employees of the Ministry of Public Infrastructure, Industries, and Commerce, particularly the Bureau of Land and Survey and PALARIS, shall provide any assistance and access to documents that is requested of them from the Land and Survey Task Force.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal this
March 14, 2013:

/s/

Tommy E. Remengesau, Jr.
President
Republic of Palau