

Ngiraingas v. KSPLA, 7 ROP Intrm. 206 (1999)
**JACKSON NGIRAINGAS, LOUCH MALCHIYANGED RIDEF,
ISAO SINGEO, and PELELIU STATE,
Appellants,**

v.

**KOROR STATE PUBLIC LANDS AUTHORITY,
Appellee.**

CIVIL APPEAL NO. 98-55
Land Court Hearing Nos. LC/R 06-98 & LC/R 07-98

Supreme Court, Appellate Division
Republic of Palau

Decided: May 28, 1999

Counsel for Appellants: Douglas Cushnie

Counsel for Appellee: Christine Daleiden

BEFORE: ARTHUR NGIRAKLSONG, Chief Justice; JEFFREY L. BEATTIE, Associate Justice; LARRY W. MILLER, Associate Justice

PER CURIAM:

This appeal arises from the Land Court's *sua sponte* dismissal of ownership claims to two Rock Islands, currently held as public lands.¹ In addition to several claims filed by individuals, a claim for the islands was filed by "Peleliu State, rep. by Governor Timarong Sisor."² A hearing was scheduled, **1207** but prior to the hearing date, the Land Court observed that since Peleliu State was a claimant, the Land Court lacked jurisdiction as a result of Article X, Section 5 of the Palau Constitution, which states that the Trial Division has exclusive jurisdiction over "those matters in which the national government or a state government is a party." We agree with the Land Court's ruling, but find that its jurisdictional problem may be easily resolved, and accordingly remand for further proceedings.

The crux of this case concerns the presence of Peleliu State as a claimant to public lands. Appellant Peleliu's counsel acknowledges that Peleliu's claim - which is based not on the Constitutional provision for the return of public lands, but rather on its desire that public lands now held by the national government should be transferred to it - does not belong before the

¹ Having reviewed the parties' submissions, we believe that, pursuant to ROP. R. App. Pro. 34(a), the facts and legal positions of the parties are clear and no oral argument is necessary.

² Appellants' Opening Brief contends that Peleliu State claimed the islands "through its land authority." However, both the claim form submitted by Peleliu and the Land Court hearing calendar indicate that Peleliu claimed the land in its own name through its governor.

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Land Court and should now be dismissed. We agree. The Land Claims Reorganization Act of 1996, which anticipates claims for public lands by “any citizen or citizens of the Republic,” was intended to provide a mechanism for carrying out the Constitutional mandate for the return of wrongfully-taken public lands to their original owners; it was not intended to resolve whether public lands should be held by the Palau Public Lands Authority or by the appropriate state lands authority. *See* 35 PNC § 215 (procedure to be used by states to obtain public lands). With the dismissal of Peleliu’s claim, the jurisdictional problem noted by the Land Court will be resolved.

For reasons that are not entirely clear, Peleliu’s proposed resolution of this matter is opposed by Koror State Public Lands Authority. KSPLA is perhaps concerned that the dismissal of Peleliu will bar it from appearing at the Land Court hearing regarding Ngchelobel Island, which KSPLA claims falls within the boundaries of Koror State. That is not so. We have already held that the jurisdictional limitation regarding claims by and against states does not apply with respect to state public lands authorities. *KSPLA v. Diberdii Lineage*, 3 ROP Intrm. 305 (1993). To that extent, there is no reason why a state authority, although not properly a claimant as against the Palau Public Lands Authority, may appear to defend against claims by private parties for public lands located within its boundaries.³

For the reasons set forth above, this matter is remanded to the Land Court with instructions that it dismiss the claim of Peleliu State and proceed with a hearing on the remaining claims.

³ Perhaps adding to the confusion here is the fact that both Koror and Peleliu appear to claim an interest in Ngchelobel Island. We assume that their conflicting claims predate our decision resolving the boundary dispute between them, and may be resolved by reference thereto. *See State of Peleliu v. State of Koror*, 6 ROP Intrm. 91 (1997). It is in any event clear that the land claims process is not the proper forum for the resolution of state boundary disputes.