

Executive Order No. 243

Creation of the Extended Continental Shelf Task Force

WHEREAS, in 1990, Executive Order No. 94 established an Interagency Committee on Palau Maritime Zone Determination and boundary Delimitation charged with responsibility for the formulation, computation and determination of the maritime zones and boundary delimitation of the Republic of Palau; and

WHEREAS, the United Nations Convention on the Law of the Seas came into force in 1994 and established exclusive economic zones of participating member nations, which, to date includes 154 nations and the European Community, including the Republic of Palau, and stated, in Article 57 that "The exclusive economic zone shall not extend beyond 200 nautical miles from the baselines from which the breadth of the territorial sea is measured.."; and

WHEREAS, Article 1, Section 1 of the constitution of the Republic of Palau extends the jurisdiction and sovereignty of the Republic of Palau "two hundred (200) nautical miles from a straight archipelagic baseline, the seabed, subsoil, water column, insular shelves, and airspace over land and water, unless otherwise limited by international treaty obligations assumed by Palau"; and

WHEREAS, on November 28, 2001, President Tommy E. Remengesau, Jr. promulgated Executive Order No. 204, which established the Palau Fisheries Advisory Committee to advise the nation on appropriate fisheries policies within Palau's Exclusive Economic Zone; and

WHEREAS, the United Nations Commission on the Limits of the Continental Shelf (CLCS) under Article 76 of the United Nations Convention on the Law of the Sea (UNCLOS) has established a deadline of May 13, 2009, for countries to make submission for a claim to its extended continental shelf (eCS); and

WHEREAS, a Desk Top Study (DTS) was commissioned on behalf of the Republic of Palau by the South Pacific Applied Geoscience Commission (SOPAC) regarding the publicly available geological and geophysical data supporting a submission by the Republic for a continental shelf territory beyond Palau's current 200 mile

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Exclusive Economic Zone suggests the Republic of Palau has a credible claim to approximately 87,000 square kilometers of territory to the north of Palau along the Kyushu-Palau Ridge; and

WHEREAS, it is the interest of the Republic of Palau to make an official claim to the United Nations under Article 76 of UNCLOS to this territory for both economic and environmental reasons; and

WHEREAS, the preparation of this submission will require extensive scientific and legal research, investigation and preparation,

NOW, THEREFORE, by virtue of the authority vested in me by the Constitution and the laws of the Republic of Palau, it is hereby ordered as follows:

1. **Creation of the Extended Continental Shelf Task Force.** There is hereby established an Extended Continental Shelf Task Force (ECSTF).

(a) Composition: The ECSTF shall be composed of the following members:

- One member appointed by the President;
- The Minister of Resources and Development or his Designee;
- The Minister of State or his designee;
- The Minister of Finance or his designee;
- The Attorney General or his designee;
- The National Environment Planner or her designee;
- The Program Manager, Palau Automated Land and Resource Information System (PALARIS), or his designee; and
- Other members as determined necessary by the Task Force.

The initial Chair of the Task Force shall be the Minister of Resources and Development. The Task Force shall elect a permanent Chair, Vice-Chair and Secretary/Treasurer for the Task Force at its initial meeting.

(b) Powers and Duties of the ECSTF. The powers and duties of the ECSTF are as follows :

- i. To provide supervisory authority, guidelines, instructions and support to its Study Team in the performance of its assigned tasks duly prescribed hereunder:

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ii. To review, evaluate, approve, and submit, for final approval to the President, proposal(s) designed to source technical assistance and project financing from Palau's bilateral development partners or from regional or international donor agencies or organizations needed for the development of an Extended Continental Shelf Study, including the development, formulation and completion of a hydrographic and geoscientific surveying and mapping of Palau's extended continental shelf margin, as required by Article 76 of the United Nations Convention on the Law of the Sea (UNCLOS);

iii. To investigate and pursue the possibility of jointly working with Japan in the development of the Extended Continental Shelf Study, for submission to the United Nations;

[sic] iii. To review and evaluate the final product of the requisite study described above and, upon finding that the document conforms to and satisfactorily meets the guidelines and criteria set forth by the UN Continental Shelf Commission (CLCS/11, 1999, as amended), recommend the same to the President for its formal submission to the United Nations Continental Shelf Commission prior to the submission deadline of May 13, 2009;

v. To approve the proposed budget of the Study Team subject to the identification of adequate and committed funding sources; and

vi. To hire or contract, with the permission of the President, and within budgetary constraints, the required personnel and consultants necessary to support the Study Team and the Task Force and to prepare the Extended Continental Shelf submission.

(c) Meetings. The initial Chair of the Task Force shall call a meeting of the Task Force within two weeks after the effective date of this Executive Order.

(d) Administrative Support. Administrative support for the Task Force shall be provided through grant funding and, where appropriate and approved by the Task Force, from PALARIS and other appropriate agencies of the National Government.

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(e) Reporting. The Task Force shall issue quarterly reports to the President delineating the progress of the Task Force in pursuing the duties of the Committee as set forth herein. The Task Force shall also provide a final report of its findings and recommendations.

(f) Duration of Task Force. The Task Force shall remain in existence until terminated by the President or upon acceptance by the CLCS of the Republic of Palau's claim to the extended continental shelf.

2. **Creation of Study Team.** There is hereby established an Extended Continental Shelf Study Team (Study Team).

(a) Composition: The Study Team shall be appointed by the Task Force and shall include appropriate management, administrative, technical and legal members, to include professional advisers and technical consultants. Initially, the Study Team shall be composed of the following members:

- One member appointed by the President
- The Program Manager, Palau Automated Land and Resource Information System (PALARIS), or his designee;
- One member appointed by the Minister of Resources and Development;
- One member appointed by the Attorney General;
- One member appointed by the National Environment Planner;
- One member appointed by the Minister of State; and
- Other members as determined necessary by the Task Force.

Additional members shall be added to the Study Team as funding for management, administrative, technical and legal positions become available. Membership may be on an as-needed basis. Initially, the Program Manager of PALARIS shall serve as the Chair of the Study Team. The Study team shall elect a Vice-Chair and Secretary/Treasurer.

(b) Duties, Responsibilities and Powers. The duties, responsibilities and powers of the Study Team shall include, but shall not be limited to the following:

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i. To review and analyze locally available background materials, research studies, or project proposals on Palau's extended continental shelf and make recommendations as to their utilization;

ii. To identify all potential bilateral, regional or international funding sources and to make recommendations to the Task Force to pursue such funding sources;

iii. Under the direction of the Task Force and in conjunction with appropriate agencies within the National Government, to prepare project documentation and grants for accessing technical assistance and project financing from Palau's bilateral development partners, or from regional or international donor agencies or organizations to help underwrite the cost of hydrographic and geoscientific surveying and mapping of Palau's extended continental shelf margin;

iv. Subject to, and in conjunction with efforts to identify potential donors and prepare project grants and documentation, develop a proposed budget for approval by the Task Force, with funding sources identified;

v. When deemed appropriate, and in consultation with Palau's Ambassador to the United Nations, solicit applications from international legal experts and geoscientists with experience and expertise in the UN Convention on the Law of the Sea (UNCLOS), particularly on issues involving coastal claims for extended continental shelves and make recommendations to the Task Force for recruiting and contracting the same;

vi. Where deemed appropriate, and through the Office of Palau's Ambassador to the United Nations, seek advice from the Division for Ocean Affairs and the Law of the Sea, Office of Legal Affairs, concerning application for Trust Fund benefits established for the purpose of facilitating the preparation of submission to the Commission on the Limits of the Continental Shelf for small island developing states;

vii. As authorized under Article 3, paragraph 1 (b) of Annex II to UNCLOS, prepare Republic of Palau's request to the Commission on the Limits of Continental Shelf for scientific and technical advice during

