

## **EXECUTIVE ORDER NO. 327**

### ***Repealing Executive Order 252, Appointing a Chief Representative and Creating the Presidential Compact Advisory Group to Assist in the Review of the Compact of Free Association and the Proposed Amendment Thereto***

**WHEREAS**, Section 432 of Article III of the Compact of Free Association calls for periodic review of the Compact, as follows:

“Upon the fifteenth and thirtieth and fortieth anniversaries of the effective date of this Compact, the Government of the United States and the Government of Palau shall formally review the terms of this Compact and its related agreements and shall consider the overall nature and development of their relationship. In these formal reviews, the governments shall consider the operating requirements of the Government of Palau and its progress in meeting the development objectives set forth in the plan referred to in Section 231(a). The governments commit themselves to take specific measures in relation to the findings of conclusions resulting from the review. Any alteration to the terms of this Compact or its related agreements shall be made by mutual agreement, the terms of this Compact and its related agreements shall remain in force until otherwise amended or terminated pursuant to Title Four of this Compact.” and

**WHEREAS**, on December 21, 2007, President Tommy E. Remengesau, Jr. issued Executive Order No. 244 to create a Chief Representative and Presidential Compact Advisory Group for the Compact Review required by Section 432 of the Compact of Free Association with the United States of America; and

**WHEREAS**, Chief Representative Kuartei and the Advisory Group initiated a review of the Compact and began talks with the United States regarding the extension of the Compact of Free Association; and

**WHEREAS**, on February 20, 2009, President Johnson Toribiong issued Executive Order No. 252, which repealed Executive Order No. 244 and created a new Title of “Ambassador and Chief Representative for Compact 432 Review” for Joshua Koshiba and created a “Compact Review Advisory Group”; and

**WHEREAS**, the Executive Branches of the Republic of Palau and the United States signed an amended Compact agreement in September, 2010 (hereinafter “2010 Amendment”). Since that time, the 2010 Amendment has not been approved in the legislative bodies of either nation and it is not currently in effect; and

**WHEREAS**, after more than two years of stagnation, the 2010 Amendment needs to be reviewed, as many of its provisions -- and the assumptions underlying them — may be outdated; and

**WHEREAS**, the prolonged failure to conclude a final agreement with the United States may also signal the need for a change in strategy to secure the support needed to pass a mutually-beneficial agreement;

**NOW THEREFORE**, by virtue of the authority vested in me as President of the Republic of Palau, pursuant to the Constitution and applicable laws of the Republic, it is hereby ordered that Executive Order No. 252 is hereby **REPEALED** in its entirety, a Chief Representative for Compact Section 432 Review is hereby appointed, and that the following mechanisms and staffing support are hereby established.

**Section 1. Appointment of Chief Representative for Compact Negotiations.** Mr. Billy G. Kuartei is hereby appointed as the Chief Representative for Compact Review.

**Section 2. Duties and Function of the Chief Representative for Compact Review.** The Chief Representative for Compact Review shall represent the interests of the Republic of Palau, and shall lead any discussions, under the direction and oversight of the President, with representatives of the United States regarding the review of the Compact of Free Association and the 2010 Amendment. In this effort, the Chief Representative shall undertake the following:

- a) To review and analyze all documentation, reports, recommendations and communications relating to the Compact review and negotiations for the 2010 Amendment;
- b) To serve as the lead representative of the Republic of Palau in discussions with the United States regarding the Compact review, the 2010 Amendment, and any proposed modifications thereto;
- c) To recommend necessary staff support to the President, from within and without the government, both in Palau and in the United States, and to effect the appointment/hiring of such support staff under the President’s direction, to effectively conclude talks with the United States; and

- d) To recommend and hire necessary legal, lobbying and public relations firms, under the direction and at the approval of the President, to effectively conclude talks with the United States; and
- e) To regularly report to the President, as set forth in Section 5, and seek advice and direction from the President, on the issues related to the Compact review, the 2010 Amendment, and any proposed modifications thereto;
- f) To come to direct agreement with representatives of the United States Government, under the guidance of and within parameters established by the President, on specific issues related to the Compact review, the 2010 Amendment, and any proposed modifications thereto;
- g) To direct the approval, monitoring, review and payment, with the approval of the President, of all payments made to staff, contractors, and all other expenses and obligations undertaken pursuant to the Compact review, the 2010 Amendment, and any proposed modifications thereto;
- h) To report to the Presidential Compact Advisory Group on the status of the Compact review, the 2010 Amendment, and any proposed modifications thereto, when directed to do so by the President; and
- i) To undertake all necessary actions, under the Direction of the President, to effect a successful conclusion of talks with the United States.

**Section 3. Administrative Support.** All Ministries and Agencies of the Executive Branch of the National Government shall make available staffing and other resources to the Chief Representative, as requested by the Chief Representative and as approved by the President, regarding the Compact review.

**Section 4. Presidential Compact Advisory Group.** There is hereby established a Presidential Compact Advisory Group that shall advise the President on issues related to the Compact review, the 2010 Amendment, and any proposed modifications thereto.

**a. Composition.** The Presidential Compact Advisory Group shall consist of the following individuals:

- A representative from the Council of Chiefs;
- Two representatives from the Senate;

- Two representative from the House of Delegates;
- A representative from the Compact Review Commission;
- A representative from the Governors' Association; and
- A representative from the Chamber of Commerce.

**b. Responsibilities.** The Compact Advisory Group shall advise the President on issues related to the Compact review, the 2010 Amendment, and any proposed modifications thereto.

**c. Meetings.** The Presidential Compact Advisory Group shall meet on a monthly basis. The President may call a meeting of the Group on a more frequent basis, or as deemed necessary. The President shall call the first meeting of the Group.

**d. Staffing.** The Chief Representative shall, under the guidance of the President, ensure the adequate staffing of the meetings held by the Compact Advisory Group.

**Section 5. Reporting.** The Chief Representative shall report to the President, on an on-going basis, on all of his activities, and activities of staff and contractors related to the Compact review, the 2010 Amendment, and proposed modifications thereto.

**Section 6. Duration.** The Chief Representative shall continue to undertake the responsibilities as set forth herein, and the Presidential Compact Advisory Group shall remain in existence until the conclusion of the Compact negotiation or until otherwise terminated by the President.

**IN WITNESS WHEREOF** I have hereunto set my hand and affixed my official seal this 5<sup>th</sup> day of March, 2013, at the State of Koror, Republic of Palau.

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/s/  
Tommy E. Remengesau, Jr.  
President of the Republic of Palau