

Executive Order No. 340

To establish a Territory and Boundary Task Force.

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

WHEREAS, Republic of Palau's Extended Continental Shelf Task Force (eCSTF), together with its subsidiary body known as the Extended Continental Shelf Study Team (eCSTT), was formally established on October 4, 2007, by Executive Order No. 243, which was subsequently amended by Executive Order No. 261; and

WHEREAS, the eCSTF, together with the eCSTT, has made great strides in developing Palau's Claim to its Continental Shelf as submitted to the United Nations Commission on the Limits of the Continental Shelf (UNCLCS) at the 26th Plenary Session of the United Nations on August 20, 2010; and

WHEREAS, the submission to the UNCLCS is a strong first step in developing Palau's Continental Shelf claim; however, according to GeoLimits Consulting, minor technical issues remain with the submission that would enhance the submission if the issues were remedied; and

WHEREAS, the only maritime boundary of the Republic that has been delimited is the boundary between the Republic of Palau and the Federated States of Micronesia, which was agreed to in 2006 and subsequently ratified by the Congress of each country; and

WHEREAS, the Republic needs a centralized location within the government to specialize in understanding the technical aspects of delimitation and the legal aspects of delimitation in order to develop the expertise necessary to engage in negotiations with countries that are generally very well prepared for negotiations in maritime disputes and are armed with significantly more expertise at their disposal; and

NOW THEREFORE, pursuant to the authority and power set forth in the Constitution in the President, the President hereby orders as follows:

- (1) Repeal. That Executive Order Nos. 94, 243, and 261 are hereby repealed.
- (2) Consolidation of Responsibilities. That the responsibilities of the entities created by Executive Order Nos. 94, 243, and 261, the Interagency Committee on Palau Maritime Zone Determination and Boundary Delimitation, and the Extended Continental Shelf Task Force, are to be consolidated into the entity created by Section (4) of this Executive Order.
- (3) Information and Document Transfer. That all individuals who were once a member of the Interagency Committee on Palau Maritime Zone Determination and Boundary Delimitation, the Extended Continental Shelf Task Force, or the Extended continental Shelf Study Team, are hereby ordered to turn over all information or documents related to their work to the Chairman of the Task Force created in Section (4) of this Executive Order.
- (4) Task Force Created. That there is hereby created the Territory and Boundary Task Force that shall consist of the following initial members:
 - (A) Chairman: Fritz Koshiba, Senior Advisor to the President, who shall focus on the development of technical expertise for the Task Force.
 - (B) Ryan D. Zinchefsky, Legal Counsel to the President, who shall focus on the development of legal expertise for the Task Force.
 - (C) Gustav Aitaro, Director of International Trade and Technical Assistance, who shall focus on the negotiation and diplomacy aspects of the Task Force.
- (5) Assignment Authority. As may be appropriate to provide assistance to the Task Force, subject to the approval of the President and the employee in question, the Task Force may request the temporary reassignment or permanent reassignment of any, employee of the national government to provide assistance to the Task Force.
- (6) Secretariat of the Task Force. That the Office of the President shall serve as the Secretariat for the Task Force and provide administrative support to the Task Force until the Task Force identifies a government entity that is suited to handle the duties of a permanent office dedicated to the final delimitation of Palau's Continental Shelf Claim and the final delimitation of Palau's maritime boundaries.

- (7) Duties and Responsibilities of the Task Force. The Territory and Boundary Task Force shall have the following duties and responsibilities:
- (A) Development. The Task Force shall focus upon developing its expertise on all boundary related matters, both its continental shelf claim and the maritime boundaries, from a technical standpoint and from a legal standpoint.
 - (B) Continental Shelf Submission. The Task Force shall take appropriate steps to improve upon Palau's submission to the United Nations Commission on the Limits of the Continental Shelf, including –
 - (I) the removal of the objection of the Republic of the Philippines to the submission (Republic of the Philippines 04 August 2009 Note Verbal No. 0008020 to the UN Secretary-General); and
 - (II) addressing the minor technical issues in the submission identified by GeoLimits Consulting in order to enhance the submission of the Republic.
 - (C) Maritime Boundary. The Task Force shall lead any negotiations that take place on Palau's maritime boundaries that have not been delimited: the boundary with Japan, the boundary with the Republic of the Philippines, and the boundary with the Republic of Indonesia. The Task Force is ordered to make the delimitation of the boundary with the Republic of the Philippines a priority due to the objection lodged by the Republic of the Philippines with the United Nations on Palau's submission to the United Nations Commission on the Limits of the Continental Shelf.
 - (D) Transition. The Task Force shall take all reasonable and necessary steps to effectuate the transfer of its duties and responsibilities as set forth in Section 5 of this Executive Order.

- (8) Transition from a Task Force to a Permanent Government Entity. That, because the analysis provided by GeoLimits Consulting on the Republic's submission to the United Nations Commission on the Limits of the Continental Shelf suggested that it may be ten (10) years or more before the Republic may appear before the Subcommittee and because it may take many years or even decades of negotiations to enter into final delimited maritime boundaries with the Republic's neighbors, the Task Force is ordered to take the following steps in support of the development of a permanent government entity that is dedicated to resolving all of the territory and boundary disputes of the Republic:
- (A) Identify a Government Entity. The Task Force shall identify the best option for the development of a government entity to handle all boundary related issues, the solutions to be considered are as follows:
- (I) An office within the Office of the President because the President is the ultimate authority on all foreign policy issues.
 - (II) An office within the Ministry of State because of its role in international diplomacy and negotiation.
 - (III) An office within the Ministry of Public Infrastructure, Industries, and Commerce because its technical expertise with developing land boundaries may prove helpful to developing expertise with maritime boundaries.
 - (IV) A quasi-independent government entity with powers, duties, and responsibilities similar to other "Boards, Commissions, and Authorities" in the Republic, such as, for example, the Foreign Investment Board, or the Palau Election Commission.
- (B) Transition Plan. The Task Force shall adopt a transition plan to transfer its duties and responsibilities to a permanent standing government entity so that the transition of the duties and responsibilities of the Task Force is moved into a government entity not less than three (3) years from the effective date of this Executive Order.

- (C) Development Plan. As a part of its duty to transfer its duties and responsibilities to a permanent government entity, the Task Force shall adopt a development plan for the new government entity that focuses on the cultivation and acquirement of technical and legal expertise so that the Republic may move away from its current dependence upon outside expertise. The cultivation and acquirement of technical and legal expertise may include requesting the assistance of international organizations or other assistance from outside the Republic. As apart of its duties under this section, notwithstanding Section 2 of this Executive Order that specifies the initial membership of the Task Force, the initial members of the Task Force may add additional members to the Task Force who are identified as individuals who would serve to contribute to Palau's goal to develop its own expertise.
- (D) Succession Plan. As a part of the development of a permanent government entity dedicated to resolving the Republic's territory and boundary issues, the Task Force shall identify young talented individuals who either possess expertise in the technical and legal aspects of the work of territory and boundary issues, or who express a desire to obtain expertise in the technical and legal aspects of territory and boundary issues. As a part of its duties under this section, notwithstanding Section 2 of this Executive Order that specifies the initial membership of the Task Force, the initial members of the Task Force may add additional members to the Task Force who are identified as a person who may either join the permanent government entity or who are identified as a person who may qualify under the succession plan.
- (E) Three (3) Year Limit. Unless otherwise directed, the Task Force shall plan for the transfer of its duties and responsibilities under this executive order to a government entity within not less than three (3) years of the effective date of this executive order.
- (9) Meetings. That the Task Force shall meet at least once a month at the call of the Chair and provide quarterly reports to the President that may include recommended action for the President to take that would further the objectives of the Task Force.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal this
June 17, 2013

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