

STANDING COMMITTEE REPORT NO. 19-109

RE: C.R. No. 19-66/EX AFF

SUBJECT: TO RATIFY THE MARITIME BOUNDARY  
DELIMITATION TREATY BETWEEN THE FSM AND  
PALAU

FEBRUARY 09, 2016

The Honorable Wesley W. Simina  
Speaker, Nineteenth Congress  
Federated States of Micronesia  
Third Regular Session, 2016

Dear Mr. Speaker:

Your Committee on External Affairs, to which was jointly  
referred C.R. No. 19-66, entitled:

"A RESOLUTION TO RATIFY THE TREATY BETWEEN THE  
GOVERNMENT OF THE FEDERATED STATES OF MICRONESIA  
AND THE REPUBLIC OF PALAU CONCERNING MARITIME  
BOUNDARIES AND COOPERATION ON RELATED MATTERS,  
WHICH WAS SIGNED BY BOTH STATE PARTIES IN 2006.",

begs leave to report as follows:

The intent and purpose of the resolution are expressed in  
its title.

Congressional Resolution No. 19-66 is a resolution to  
ratify a Maritime Boundary Delimitation treaty between the  
Government of the Federated States of Micronesia and the  
Republic of Palau. The two nations signed the Treaty in  
2006.

Your Committees on External Affairs conducted a public hearing  
jointly with the Committee on Resources and Development on the

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said resolution on February 1, 2016, at 8:30 a.m. at the Congressional Hearing Room. Witnesses appeared at the hearing included Mr. Lorin Robert, the Secretary of the Department of Foreign Affairs; Mr. Eugene Pangelinan, the Executive Director of the National Oceanic Resource Management Authority (NORMA) along with two of his staff, Mr. Glenn Joseph and Mrs. Susan Lowe Gallen; Mr. Marion Henry, the Secretary of the Department of Resources and Development; Mr. Jun Bacalando, Assistant Attorney General; and Mr. Pelsesar Petrus, Special Assistant to the President on Legislative Matters.

Chairman Paliknoa K. Welly chaired the hearing and welcome the witnesses. He explained that Congressional Resolution No. 19-66 was transmitted by the President to Congress on July 15, 2015, and enclosed with the communication is the actual text of the Treaty.

Chairman Welly opened the discussion and allowed the witnesses to brief the Members of the Committees on the Treaty. Mr. Pangelinan thanked the Chairman and members for the opportunity to appear in front of them and stated the FSM is required under international law to negotiate with our neighboring countries on our maritime boundaries. He further informed the Committees that SOPAC offered the technical work on the delimitation of the maritime boundaries between the Government of the Federated States of Micronesia and the Republic of Palau.

At the hearing, the Committees were informed that the Treaty was signed by former President Joseph J. Urusemal who was present at the hearing and President Tommy E. Remengesau, Jr. According to the witnesses, the Treaty was signed in Majuro, but the date of signing might be during the first day of the Presidents' Summit or the last day of the summit. Mr. Bacalando stated that the exchange of diplomatic notes attest to it that the Treaty was in fact signed. The same question on who has the authority to sign the Treaty was raised, and Mr. Bacalando informed your Committees that the Secretary or the President has the authority to sign the Treaty on behalf of the FSM Government. Mr. Bacalando also shared with the Committees

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that at first the Republic of Palau raised a constitutional issue when this matter was considered during the 18<sup>th</sup> Congress. During the new Palau administration, the constitutional amendment was subsequently abandoned and was not materialized. Therefore, there remains no impediment for the final ratification of this treaty.

The Committees were informed that the Republic of Palau has ratified the Treaty and deposited the necessary instrument of ratification at the United Nations. According to Mr. Pangelinan, the Treaty follows the equidistant principal and for the purpose of enforcement in the fisheries sector, the FSM needs to expedite the ratification of this treaty so that boundaries between the two nations can be marked.

The ratification of this Treaty will allow the FSM to finally lodge with the United Nations our Nation's official maritime boundary recognized pursuant to the Law of the Sea Convention.

Your Committee on External Affairs wishes to offer an amendment to the resolution as follows:

1. Page 2, line 10, delete "First Special Session, 2015", and insert "Third Regular Session, 2016" in lieu thereof.

#### CONCLUSION

Your Committee on External Affairs is in accord with the intent and purpose of C.R. No. 19-66, and upon concurrence with the Committee on Resources and Development, recommends its adoption in the form attached hereto as C.R. No. 19-66,C.D.1.

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Respectfully submitted,

/s/ Paliknoa K. Welly  
Paliknoa K. Welly, chairman

/s/ Robson U. Romolow  
Robson U. Romolow, vice chairman

/s/ Isaac V. Figir  
Isaac V. Figir, member

/s/ Victor V. Gouland  
Victor V. Gouland, member

/s/ Berney Martin  
Berney Martin, member

/s/ Bonsiano F. Nethon  
Bonsiano F. Nethon, member

/s/ David W. Panuelo  
David W. Panuelo, member