

## EXECUTIVE ORDER NO. 212

### *Amending Executive Order No. 206 to revive and expand the authority of the Malakal Port Improvement and Expansion Commission*

**WHEREAS**, Executive Order No. 206 created a commission to investigate options for the improvement and expansion of Malakal Harbor (hereinafter “Commission”); and

**WHEREAS**, said Order provided for the dissolution of the Commission no later than ninety (90) days after the Commission’s first meeting; and

**WHEREAS**, more than ninety (90) days have passed since the first meeting of the Commission; and

**WHEREAS**, the final report of the Commission confirms an immediate need for comprehensive restructuring of the port at Malakal Harbor and the operations thereof under a single port authority; and

**WHEREAS**, the pre-existing Commission has shown itself to be able and willing to address the shortcomings of the port at Malakal Harbor,

**NOW, THEREFORE**, by the powers vested in me under the Constitution and laws of the Republic of Palau, I HEREBY ORDER:

1. The report of the Malakal Port Expansion Commission (hereinafter “Report”) is accepted and appropriate recommendations contained therein will be adopted in due course.
2. Pending the appointment and confirmation of a national port authority for the Republic of Palau, the Malakal Port Expansion Commission created by Executive Order No. 206 is revived.
3. All provisions of Executive Order No. 206 not expressly amended herein or obviated by intervening events shall remain in full force and effect.
4. The National Land Commission, in consultation and cooperation with the Office of the Attorney General, shall promptly enter into negotiations with the Koror State Government over the terms of an agreement the effect of which shall be to give responsibility for the

management, maintenance and upgrading of existing and future facilities and operations of the port at Malakal Harbor to a national port authority.

5. The Commission, in consultation and cooperation with appropriate offices and agencies of the National Government, shall solicit and evaluate bids for the implementation of the immediate or short-term plan described at page 5 of the Commission's Report. The solicitation and evaluation of bids shall be in accord with the procedures for government procurement set forth in Title 40 of the Palau National Code. The Commission shall report to the President promptly, and in any event no less frequently than once a month, its evaluation of bids for the implementation of the immediate, short-term, and long-term plans.

6. The Commission, in consultation and cooperation with appropriate offices and agencies of the National Government, may investigate options for funding for the implementation of the Commission's immediate or short-term plan from foreign public and private sector resources. In doing so, the Commission, in consultation and cooperation with appropriate offices and agencies of the National Government, shall strive to minimize the financial obligations of the Republic. Grant aid therefore will be examined most thoroughly as the preferred source of funds for implementation of the immediate improvement of the port at Malakal Harbor and related facilities. The Commission may pursue funding options only after briefing the President regarding any such option and obtaining the President's approval of such option.

7. The Commission shall report to the President promptly, and in any event no less frequently than once a month, on all progress in the identification of funding for the implementation of the immediate or short-term plan.

8. The Commission, in consultation and cooperation with appropriate offices and agencies of the National Government, shall work toward the development of detailed plans for the medium and long-term improvement of the port at Malakal Harbor and related facilities. Such plans shall build on and be guided by the Report of the Commission and shall include

