

EXECUTIVE ORDER NO. 298

Establishing the National Disability Coordinating Council (“NDCC”) to promote equal opportunities for all persons with a disability in the Republic of Palau

WHEREAS, one of the overriding challenges a young and an emerging nation such as the Republic of Palau must face and overcome is to ensure the health and welfare of all its citizens: and

WHEREAS, Section 5 of Article IV of the Constitution of the Republic of Palau, provides that, “Every person shall be equal under the law and shall be entitled to equal protection. The government shall take no action to discriminate against any person on the basis of sex, race, place of origin, language, religion or belief, social status or clan affiliation except for the preferential treatment of... [the] physically or mentally handicapped...”; and

WHEREAS 30 PNC §502(a) defines “disability” to mean “a physical or mental impairment that substantially limits one or more of a person’s major life activities”; and

WHEREAS, to achieve its developmental goals and national objectives, the Republic of Palau recognizes and acknowledges the existence of the rights of persons with a disability, and in committing itself to fulfilling its obligations pursuant to the *International Convention on the Rights of People with Disabilities*, that it must take affirmative actions to ensure that the disabled are accorded equal consideration and treatment in the nation’s developmental efforts: and

WHEREAS, consistent with age-old Palauan culture and tradition and until recently, the care-taking, health and welfare of persons with a disability was the sole responsibility of the immediate family, and as such it was considered taboo or degrading for a family to seek outside assistance or support, except for aid gratuitously provided by relatives of the immediate family or by close personal friends; and

WHEREAS, in such instances persons with a disability had extremely limited access to the opportunities offered by educational and training programs structured to help assimilate persons with a disability into the community as contributing members: and

WHEREAS, at present, the Republic of Palau has a number of different organizations, including not only statutory bodies but also those private entities made up of concerned citizens and caring individuals, all with a similar purpose of making better the lives of persons with a disability by providing a variety of specialized assistance and training programs tailored to benefit the disabled; and

WHEREAS, in order for these various organizations to more effectively and efficiently reach out to those persons with a disability in need of the respective specialized assistance and training programs offered by the organizations, a mechanism must be established to coordinate the smooth and orderly implementation of their activities so as to avoid duplication of effort as well as to ensure the consistent application of relevant laws, policies and regulations;

NOW, THEREFORE, by virtue of the authority vested in the President of the Republic of Palau by Article VIII of the Constitution of the Republic of Palau, the President orders as follows:

1. Establishment and Composition. A National Disability Coordinating Council (“NDCC”) is hereby established. The NDCC shall be comprised of no fewer than five (5) nor more than seven (7) persons selected from the Ministries and agencies of the Executive Branch of the National government, and from different sectors of the community at large, concerned with providing assistance and training programs to the disabled. The members of the NDCC shall be appointed by the President from a list prepared and submitted by the Minister of Community and Cultural Affairs and the Minister of Health. The members of the NDCC shall serve at the pleasure of the President.

2. Duties of the Council. The NDCC shall have the following duties, functions and responsibilities:

A. To help coordinate the activities and functions of the following organizations by promoting uniform policies, programs, practices, and procedures for the provision of assistance to and the implementation of programs for persons with a disability.

- All National Government Ministries and Agencies
- All State Governments
- Omekesang
- Caregivers Support Group
- Governors Association
- Mental Health Council
- Palau Parents Empowered
- Palau Community College
- Faith Based Organizations and/or Groups
- Special Interest Groups

- Palau Chamber of Commerce
 - Rotary Club of Palau
 - Belau Tourism Association
- B. To address, analyze and make recommendations on issues of public policies that affect persons with a disability regardless of age, type of disability, perceived employment potential, economic need, specific functional ability, and other individual circumstances.
- C. To help ensure the equitable implementation of various programs providing for independent living, community integration, and employment opportunity as well as to help ensure the existence of opportunities for education and training, access to transportation and healthcare services, and to foster youth with disabilities, and to crime victims with disabilities.
- D. To review and evaluate policies, programs, practices, and procedures concerning persons with a disability to help ensure that treatment and services are rendered equitably to each and every person with a disability.
- E. To review and evaluate applicable laws, rules and regulations pertaining to activities, programs and projects the goals and objectives of which are to render assistance and services to persons with a disability.
- F. To formulate and to recommend changes to existing applicable laws, rules, regulations, policies and procedures of individual programs and services aimed at persons with a disability.

3. Reports; Implementation of Recommendations. The NDCC shall prepare and submit to the President and to the Olbiii Era Kelulau, with copies to the Minister of Health, Minister of Education and Minister of Community and Cultural Affairs, an annual report on the progress and issues of the health and welfare of persons with a disability. Such report shall be submitted yearly on each anniversary of this Executive Order, unless another due date is declared by the President. All Ministries and agencies of the Executive Branch, after consultation with the President and within their budgetary authority, shall endeavor to implement the recommendations of the NDCC.

4. Meetings. The NDCC shall meet, at a minimum, on a quarterly basis, with its first meeting to be called by the President with thirty (30) days of the appointment of at least five members to the NDCC. The NDCC at its first meeting shall elect a Chairperson. Vice Chairperson, and such other officers as the NDCC deems necessary and appropriate and shall additionally establish its rules of procedures for the conduct of its business. The meetings of the NDCC shall be held at government facilities.

5. Administrative Support. In the first instance, the Minister of Community and Cultural Affairs shall make available staffing and other resources, including venues for the meetings of the NDCC, as requested by the Chairperson or the Vice Chairperson of the NDCC. Should the Ministry of Community and Cultural Affairs be unable to meet the needs of the NDCC, then all other Ministries and agencies of the Executive Branch of the National Government shall cooperate with and make available staffing and other resources as requested by the Chairperson or the Vice Chairperson of the NDCC.

6. Existence of Council. The NDCC Council shall have perpetual existence until terminated by another Executive Order.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal this 22nd day of July, 2011, at Ngerulmud, State of Melekeok, Republic of Palau.

/s/

Johnson Toribiong
President
Republic of Palau