

EXECUTIVE ORDER 93

Creating an Interagency Working Group to Perform the Governmental Functions Relating to Aeronautics as Prescribed Under Title 8, Section 101-113 of the Palau National Code Until Proper and Fully Operational Ministry is Installed to Undertake the Same.

WHEREAS, the Government of the Republic of Palau for more than a year and half has had no Minister of National Resources, and therefore the ministerial duties relative to aeronautics as prescribed under title 8 of the PNC have been handled by the Office of the President; and

WHEREAS, the Palau International Airport Task Force created by Presidential Executive Order No. 82 has completed and submitted its report placing the outmost importance and the highest degree of priority to the development of an international airport for the Republic of Palau and further recommending that duties of the Minister of National Resources relating to civil aviation as delineated in Title 8 of the PNC be directly assumed by the President or Vice President in the absence of the Minister responsible for carrying out the same; and

WHEREAS, the socio-economic development of the Republic of Palau is crucially dependent upon among other factors, a modern airport which meets international air travel service standards, operational and safety criteria imposed by FAA and ICAO and which is capable to accommodate wide-bodied aircraft with long range international flights capacity and effecting economies of scale, with the end results beneficial to the traveling public and particularly in the tourism industry development; and

WHEREAS, a feasibility study conducted in 1987 by Japan Airport Consultants, commissioned by the Palau National Government and an aviation system plan prepared by Cress and Associates, Inc., in association with Calvin Kim and Associates, Inc., commissioned by the U.S. Department of the Interior, both concluded that a site on the borders of the States of Ngaremlengui, Ngatpang and Ngchesar is the best suitable location for a new international airport; and

WHEREAS, the chief executives of the three state governments of Ngaremlengui Ngatpang and Ngchesar and the representatives of COPROS Japan Company Limited, a company duly organized and existing under the laws of Japan, have entered into a joint venture (Palau International Airport Corporation) whereby they agreed to construct, manage and operate a new international airport to be located on a designated site within the borders of the three States as well as agreeing to construct certain access roads to and from subject terminal facility, with the total project development cost estimated at \$100,000,000 to \$150,000,000; and

WHEREAS, the Government of the Republic of Palau fully supports the improvement of the existing Airai International Airport to meet the current air transportation needs of Palau for the next several years while the construction of the new international airport is underway; and that said Airai International Airport will continue to provide support services in civil aviation matters thereafter; and

WHEREAS, the Government of the Republic of Palau is statutorily bound and thus must protect its interests and exercise its authority under laws to be actively involved in and to oversee the planning, design, engineering, construction and/or improvement of local airports and to promote aeronautics in Palau;

NOW, THEREFORE, pursuant to the authority vested in me by the Constitution and laws (2 PNC 110-111) of the Republic of Palau as President, I hereby establish the “Interagency Working Group” consisting of eleven (11) members as follows:

I. Membership

1. Director of Public Works; 2. Attorney General; 3. Director of Commerce; 4. Director of Foreign Affairs; 5. Director of Palau Visitors Authority; 6. Director of Environmental Quality Protection Board; 7. Director of National Treasury; 8. General Manager of Palau Communications Corporation; 9. National Planner; 10. Chief of Immigration and Customs; and 11. Chief of Lands and Survey.

The members shall hold its first meeting by no later than 1 August 1990 to create any subgroups or committees as may be appropriate. The National Planner of the Office of the Planning Statistics is hereby designated as an overall chairman of the Interagency Working Group, and shall provide, with assistance from the other representative agencies administrative and staff support to the group as may be necessary.

Under the general supervision of the President, the Interagency Working Group shall assist in the performance of governmental functions relative to civil aeronautics prescribed under 8 PNC 101-113 and more particularly, to carry out the following:

II. Promotional and Coordination Function

1. Exercise general supervision over aeronautics and all Civil aviation related matters within the ROP;
2. Encourage, foster and assist in the development of aeronautics in the ROP;
3. Encourage the establishment of airports and air navigation facilities in appropriate areas;
4. Cooperate with and assist agencies of the National and State Governments, U.S. Government and other agencies, parties, or persons in the development of aeronautics;
5. Coordinate, where appropriate the aeronautical activities of the ROP with appropriate agencies of the U.S. Government and other appropriate conventions on international civil aviation;

6. Take the initiative to discuss with the new international airport developer and ascertain their project, implementation plan, focusing among other issues the following: Foreign Investors Business Permit; land acquisition status; project planning methodology; project implementation plan; project financial plan including financing mechanisms, cost allocation and cash flow schedule; project cost estimates; the resulting airport operation plan; and financing of the operations and maintenance of the airport infrastructure;
7. Discuss and ascertain with the new international airport developer the future legal, functional, coordination and administrative relationships between the new international airport developer and the National Government relative to the following issues: (i) airport operations and management including but not limited to immigration and customs services; airport security system, air traffic control, fire fighting, weather information service, aeronautical information service, handling and/or rescuing services in emergency cases, establishing of landing and other use fees for airport, etc; and (ii) maintenance of airport infrastructure, including but not limited to air terminal facility, runway, navigational aids, communications system, etc;
8. Discuss and ascertain with the new international airport developer their plan for development of access roads to the new airport and the extent of such roads;
9. Discuss and ascertain with the new international airport developer the criteria upon which the planning designing and construction of the new airport and access roads will be based;
10. Discuss and ascertain with the new international airport developer its plan for the present international airport at Airai in the interim while planning designing and construction of the proposed new international airport is taking place; and
11. Draft the necessary legislation designating new airports as official ports of entry to the Republic of Palau for the consideration of the National Congress.

III. Administration Policy Determination, Law Enforcement and Other Functions

The Interagency Working Group shall assist the President in the performance of the following functions pursuant to PNC Title 8: Administration of airports and related facilities; operations and maintenance of airports; establishment of landing and other fees and charges; enforcement of liens; disposition of grant aid assistance from donor agencies or countries; coordination with other countries on matters related to aeronautics; making rules and regulations affecting accidents involving aircraft; enforcement of aeronautical laws; promulgation of rules, regulations and standards relative to safety in air navigation. safety of aircraft, equipment standards and airport facilities.

IV. Technical Review Function

The Interagency Working Group shall have the following technical oversight functions:

1. Articulation of goals and objectives with respect to airport development and its relationship to socioeconomic development, transportation, infrastructure, land use and environmental concerns;
2. Provision to airport development sponsors the necessary policy directions and technical guidelines relative to master-planning, design, engineering and construction of airports, airport facilities and air navigational facilities;
3. Evaluation of proposals received from airport development sponsors in terms-of the proposed facility's long term operational capability, capacity potential, ground access, development costs, environmental consequences, socio-economic factors and consistency with national development plan;
4. Review of airport development plan as it relates to the land use of the proposed airport property itself access system, commercial areas serving the airport, land uses in those environs which will be exposed to the airport negative impacts of noise and other pollution, land uses which may affect safe operation of the airport including but not limited to physical obstructions to air navigation and attraction of birds, thus presenting a potential hazard to aircraft;
5. Review of airport development plan and the attendant environmental impact study as to what degree of impact the construction and later the operation of the airport would have on the environment, and how such impacts could be mitigated. The review of the airport development plan and the environmental impact study must be comprehensive, to include but not be limited to the following factors and/or issues: noise; positive and negative socio-economic impacts; impact on wildlife or waterfowl refuges and other biotic communities; historic sites and historic and cultural properties; impact on water sources: impact on established communities farmlands and forests: impact on parkland/recreational areas; solidwaste disposal and human waste collection, treatment and disposal; and impacts caused by erosion and siltation:
6. Obtaining FAA's assistance in reviewing the airport layout plan to ascertain that the airport geometry is in compliance with accepted design standards to ensure the safety, economy, efficiency and longevity of the airport, keeping in mind that the decision for location and orientation of the runway is based by careful consideration of the following factors: wind condition and direction; airspace availability; environmental factors; obstructions to navigation; land use consideration; topography; airport facilities location; air traffic control tower visibility and wildlife hazards; and
7. Review of construction contract documents (plans and specifications) to ensure that the resulting infrastructure, communications and navigational aid systems are

of high quality and the future operations and maintenance thereof will be cost effective.

All members of the Interagency Working Group shall be government employees who will serve without additional compensation and that no budget is established for its activities. The Interagency Working Group will remain in force until an appropriate ministry duly responsible for performing aeronautics functions set forth under 8 PNC 101-113 is permanently installed and fully organized, at which time the Interagency Working Group may be directed by the President to serve in an advisory capacity and to provide consultative services to the new Minister or Ministry

Any provisions of this Order to the contrary notwithstanding the Director of the Bureau of Commerce and his staff, together with other associated government agencies and their personnel, shall continue to perform their routine daily duties and functions with respect to the regular operation and management of the Airai International Airport and the terminal building until and unless instructed otherwise.

V. Effective Date

This Executive Order becomes effective upon its issuance and shall remain in force until superseded by subsequent executive order(s) or otherwise rendered ineffective by force of law enacted by the Olbiil Era Kelulau designed to replace it.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal this 10th day of July, 1990, in the State of Koror, Republic of Palau.

Ngiratkel Etpison
President
Republic of Palau