

**President Johnson Toribiong**  
**Declaration Naming Palau's Waters a Shark Sanctuary**  
**September 25, 2009**

As top predators, sharks play a critical role in maintaining healthy marine ecosystems. Yet these animals – that predate dinosaurs by 200 million years - are at serious risk: 38% of sharks and related rays are threatened or near threatened with extinction and scientists lack population data for another 35% of species. Roughly 100 million sharks are killed annually, largely for their valuable fins. This rate is unsustainable, for most sharks grow slowly, mature late and produce few young over long lifetimes.

In order to protect sharks and the ecosystems they support, I declare Palau a Shark Sanctuary, where commercial shark fishing is outlawed throughout our entire exclusive economic zone with zero retention of sharks. This action will shelter over 100 Western Pacific sharks and ray species that are threatened or near threatened with extinction, including grey and blacktip reef sharks, which are residents of our reefs.

Protecting sharks maintains the integrity of our marine ecosystems, which host coral and reef fish in all shapes, sizes and colors, sea turtles, dolphins, and other marine life. This benefits not only Palauans, those who depend on the marine environment for their livelihoods, but also tourists from around the world that come to Palau to dive or snorkel, tour the Rock Islands, and swim in Jellyfish Lake.

With this declaration, I pledge to strengthen monitoring and enforcement of our fishing laws and close any loopholes in existing shark laws that might be exploited. In addition, I ask that nations respect our laws and keep illegal fishing vessels out of Palau's waters.

Finally, Palau will remain an international leader on shark conservation and marine preservation. I call on all nations to implement a global moratorium on shark finning, the wasteful and inhumane practice of bringing a shark on board a vessel, slicing off its valuable fins, and discarding the body overboard dead or to die. I will also urge the world's fisheries managers to set science-based limits to the number of sharks that can be caught within international waters. Finally, I will seek protections for vulnerable shark species threatened by international trade at the Convention on the International Trade of Endangered Species.

A BILL FOR AN ACT

To establish a shark haven in the Republic of Palau's territorial waters, contiguous zone, and exclusive economic zone, and for other related purposes.

THE PEOPLE OF PALAU REPRESENTED IN THE OLBIL ERA KELULAU DO ENACT AS FOLLOWS:

1           **Section 1. Short title.** This Bill may be referred to as "The Shark Haven Act of 2009."

2           **Section 2. Legislative findings.** In his September 25, 2009 address to the United Nations  
3 General Assembly, the President of the Republic of Palau, His Excellency Johnson Toribiong,  
4 declared that Palau would lead the charge in preserving shark populations throughout the world.  
5 This is an extremely important declaration, both for the Republic of Palau and for the world at  
6 large. At a local level, Palau's economic and cultural fate is inextricably tied to the ocean, and  
7 sharks play an integral role in maintaining the ocean's complex ecological balance. Their  
8 diminishing numbers have already had wide ranging negative impacts, including jellyfish blooms  
9 and the coral reef destruction, and have likely had deleterious effects of which we are not yet  
10 aware. These continued negative impacts, if unabated, will be disastrous for Palau. On a global  
11 scale, these effects will ultimately fall out to the rest of the world's oceans, and eventually have a  
12 substantial impact on the world's population. Given Palau's immediate dependence on the ocean,  
13 it is incumbent upon us to lead the way in global efforts in its preservation.

14           This Bill, known as the Shark Haven Act of 2009, is the first step in ensuring that Palau's  
15 laws and policies are consistent with the broad principles the President laid out in his United  
16 Nations speech. This Bill operates in three parts: first, it strengthens Palau's existing anti-shark  
17 finning law; second, it directs the Minister of State to take affirmative steps to forge bilateral and  
18 multilateral agreements to establish and enforce strong anti-shark fishing laws; third the Bill  
19 directs the Ministers of State, Justice, and Natural Resources, Environment and Tourism to report  
20 at least biannually to the President of the Republic and Olbil Era Kelulau on the current status of  
21 Palau's anti-shark fishing laws. The Olbil Era Kelulau finds that this three-part approach will  
22 not only help ensure that Palau's local anti-shark fishing laws are effectively enforced, but will  
23 also position Palau as a world leader in both shark and ocean conservation. Such a status is

1 consistent not only with the President’s United Nations speech, but also with Palau’s long-  
2 standing cultural ties with the oceans.

3 **Section 3. Amendment.** Title 27 of the Palau National Code, as amended by RPPL No. 6-  
4 36, is hereby further amended to read as follows:

5 “§ 181. Prohibited acts. It is unlawful within the Republic of Palau’s territorial waters,  
6 contiguous zone, or exclusive economic zone for any person:

7 ...

8 (k) ~~to use any foreign fishing vessel to:~~

9 (1) catch, capture, or intentionally fish for, as that term is defined in ~~27 PNC~~  
10 ~~Chapter 12~~ section 1203 of this title, for any shark, or any part of any such; provided,  
11 however, that a vessel wholly owned by Palauan citizens or a business entity wholly  
12 owned by Palauan citizens may catch, incidental to other fishing activities, not more than  
13 one shark in any given calendar day, so long as the shark is landed whole, reported to the  
14 Bureau of Marine Resources and the Division of Marine Law Enforcement on the day it  
15 is caught, and the shark is used for a non-commercial purpose that is either personal or  
16 traditional; or

17 (2) ~~to intentionally~~ remove the fins or the tail of, or otherwise ~~intentionally~~  
18 mutilate or injure, any ~~such~~ shark; or

19 (3) intentionally chum for, or otherwise add substances to the water to attract any  
20 shark.

21 ~~If~~ Except as provided in subdivision (1) of this subsection, if any shark is inadvertently caught or  
22 captured, it shall be immediately released, whether dead or alive; if the shark is caught or  
23 captured alive, it shall be released in the manner that affords it the greatest opportunity for  
24 survival.

25 (l) to possess, receive, sell, transfer, store, have on board, or transship any shark, or any  
26 part of any shark. For the purpose of this subsection, there shall be a rebuttable presumption that  
27 if any shark, or any part of a shark, is found aboard a vessel the shark, or shark part, was  
28 possessed or transferred in violation of this subsection.

29 ...

30 § 182. Criminal penalties.

1           ...

2           (b) Any offense described as a prohibited act by section 181 (a), (b), (c), (i), (j), ~~or (k)~~, or  
3 (l) is punishable by a fine of not more than \$250,000. If the fins or tail of a shark have been  
4 removed, or a shark has otherwise been cut up, separated, or dismembered in violation of section  
5 181(k)(2) of this title, each piece of the shark shall constitute a separate criminal violation.

6           ...

7           **§ 183. Civil penalties.**

8           Any person who is found by the Supreme Court in a civil proceeding to have committed  
9 an act prohibited by section 181 of this title shall be liable to the national government for a civil  
10 penalty which shall not exceed \$500,000 for each violation. Each day of continuing violation  
11 shall constitute a separate offense. If the fins or tail of a shark have been removed, or a shark has  
12 otherwise been cut up, separated, or dismembered in violation of section 181(k)(2) of this title,  
13 each piece of the shark shall constitute a separate civil violation.”

14           **Section 4. International cooperation.** The Minister of State shall:

15           (a) seek agreements, whether bilateral or multilateral, to establish international shark  
16 protection measures that are consistent with those of this Act;

17           (b) seek aid from foreign governments, international organizations, non-government  
18 organizations, or other entities to help with the enforcement of Palau’s shark conservation laws,  
19 as well as the enforcement of any international shark conservation agreement to which Palau is  
20 party; and

21           (c) initiate discussions with foreign governments that are engaged in, or that have citizens  
22 or companies engaged in, activities related to the fishing for or finning of sharks.

23           **Section 5. Ministries to report to President and the Olbiil Era Kelulau.** The Minister of  
24 Natural Resources, Environment and Tourism, in consultation with the Ministers of State and  
25 Justice, shall within one year of the effective date of this Act, and at least biannually afterward,  
26 provide a report to the President of the Republic and the Olbiil Era Kelulau that includes the  
27 following:

28           (a) the state of knowledge on the status of the shark population within the Republic of  
29 Palau’s territorial waters, contiguous zone, or exclusive economic zone, as well as those sharks  
30 subject to treaties or agreements to which the Republic of Palau is a party, including a list of all

1 such sharks listed as depleted, endangered, or threatened with extinction by any national  
2 international or other authority charged with management or conservation of living marine  
3 resources;

4 (b) a list of nations whose fishing vessels have been identified as engaging in the  
5 preceding calendar year in activities or practices related to the fishing for or finning of sharks  
6 both in the Republic of Palau's territorial waters, contiguous zone and exclusive economic zone  
7 and in waters outside the Republic of Palau's national jurisdiction.

8 (c) a description of efforts nations on the lists compiled pursuant to subsection (b) of this  
9 section to curb shark fishing or finning activities, and an evaluation of the progress of those  
10 efforts;

11 (d) steps taken by the Republic of Palau to enforce the shark conservation provisions of  
12 this Act;

13 (e) steps taken by the Minister of State to fulfill the obligations of Section 4 of this Act.

14 (f) steps taken at the international level to strengthen the efforts of international fishery  
15 organizations to end fishing for or finning of sharks; and

16 (g) steps taken by the Minister of State at the international level to adopt international  
17 conservation measures comparable to those found in this Act to protect shark populations.

18 **Section 6. Effective date.** This Act shall take effect upon its approval by the President, or  
19 upon becoming law without such approval.

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Date: 10-14-2009

Introduced by: \_\_\_\_\_/s/\_\_\_\_\_  
Hokkons Baules, Senator