

**TITLE 27  
FISHING AND PALAU NATIONAL MARINE SANCTUARY**

**DIVISION 1  
FISHING**

**Chapter 1**

**Subchapter I  
General Provisions**

§ 101. Purposes.

§ 102. Definitions.

§ 103. Bureau of Oceanic Fishery Management. [Repealed]

**§ 101. Purposes.**

By this legislation, the Republic enacts its own fishery zone legislation to manage, conserve, and regulate the harvesting of fish throughout their habitat, both within the reef areas of islands and atolls, and in other areas within the jurisdictional competence of the Republic.

**Source**

PL 6-7-14 § 1, modified.

**Notes**

The caption of Title 27 entitled “FISHING” was amended by RPPL 9-49 § 4 to read “FISHING AND PALAU NATIONAL MARINE SANCTUARY”. Also, title for Chapter 1 entitled “Fishery Zones and Regulation of Foreign Fishing” was taken out as per Code Commission.

The Bureau of Oceanic Fisheries Management was re-established by Executive Order No. 308, dated April 17, 2012.

All references in this title to Ministry of Resources and Development are hereby amended to reference the Ministry of Natural Resources, Environment, and Tourism as amended by RPPL 7-43 § 2, *see* 2 PNCA § 102.

Section 1 of RPPL 6-36 reads:

Section 1. Legislative Findings. The Olbiil Era Kelulau finds that the Republic of Palau must take bolder steps to protect and develop the Republic’s marine resources for the benefit of the people of Palau. The Republic receives a very small percentage of the value of the tuna and other fish harvested from our waters by foreign fishing vessels. At the same time, foreign fishing vessels are depleting the Republic’s national waters of fish and other marine life at an alarming rate. Foreign fishing vessels often take “by-catch” including marlin, sailfish, swordfish, and sharks. Some foreign fishing vessels also engage in the mutilation of sharks in a practice commonly known as

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“finning.” This rapid depletion of marine resources endangers the continued viability of some species and forever alters the delicate ecological balance of life in the Republic’s waters.

Foreign fishing vessels also create additional environmental and aesthetic problems. These vessels discharge waste and other pollution into the Republic’s waters, damaging marine life and threatening public health and safety. The fishing vessels are also eyesores that diminish the Republic’s natural beauty. This undoubtedly has a negative impact on tourism, the Republic’s largest and most important industry today and probably well into the future. In addition, efforts are underway to encourage the development of a sustainable sportfishing industry in the Republic. The presence and non-sustainable activities of foreign fishing vessels harm both of these industries irreparably.

Therefore, the Olbiil Era Kelulau finds that the Republic must take all appropriate measures to reduce the negative impact of those foreign fishing vessels that are fishing in the Republic’s waters and to encourage development of the local fishing industry. Accordingly, the prohibition of steel leaders is intended to reduce the likelihood of catching sharks.

The Olbiil Era Kelulau further finds that since the Republic of Palau ratified the United Nations Convention on the Law of the Sea (UNCLOS) in September 1996, several provisions of Title 27 of the Palau National Code are inconsistent with the terms of UNCLOS. Consistent with its obligations under UNCLOS, the Olbiil Era Kelulau finds that the Republic’s domestic fishing laws must be amended in light of our international treaty obligations, to prohibit imprisonment for violations of the Republic’s fishing laws and to clarify the scope of the Republic’s maritime jurisdiction.

### **§ 102. Definitions.**

In this chapter:

- (a) “Atoll” means a circular or oval coral reef forming a geographic and ecologic unity crowned by at least one island.
- (b) “Bureau” means the Bureau of Oceanic Fishery Management.
- (c) “Director” means the Director of the Bureau of Oceanic Fishery Management.
- (d) “Domestic fishing” means fishing within the Domestic Fishing Zone by a fishing vessel with a valid permit pursuant to Title 27.
- (e) “Export for commercial purposes” means to export as defined in 27 PNC § 1203(c) with the intent or knowledge that the fish will be shipped, transported or transferred out of the Republic of Palau for the purpose of sale, exchange or any form of monetary gain.
- (f) “Fish” means any water-dwelling aquatic or marine animal or plant and includes their eggs, spawn, spat and juvenile stages, and any of their parts.
- (g) “Fish aggregating device” or “fish aggregation device” or “FAD” means any man-

made device, or natural floating object, whether anchored or not anchored, that is capable of aggregating fish.

(h) “Fishery” means one or more stocks of fish which can be treated as a unit for purposes of conservation and management and which are identified on the basis of geographical, scientific, technical, recreational, and economic characteristics;

(i) “Fish” as a verb or “fishing” means:

- (1) catching, taking, or harvesting fish, or searching for fish with the intent to catch, take, or harvest them;
- (2) attempting to catch, take, or harvest fish, or attempting to search for fish with the intent to catch, take, or harvest them;
- (3) engaging in any other activity which can reasonably be expected to result in the catching, taking, or harvesting of fish;
- (4) placing or recovering fish aggregating devices or associated electronic equipment such as radio beacons, or searching for such equipment or devices with the intent to recover them;
- (5) any operations at sea in support of, or in preparation for, any activity described in (1) - (4); or
- (6) the use of any vehicle on sea or air, including aircraft, in relation to any activity described in paragraphs (1) - (5), except when such activities are related solely to the safety of crew members or the safety of a vessel.

(j) “Fishing vessel” means any vessel, boat, ship, or other craft which is used for, equipped to be used for, or of a type which is normally used for:

- (1) fishing, but does not include personal vessels used primarily for recreation or sports; or
- (2) aiding or assisting one or more vessels at sea in the performance of any activity relating to fishing, including but not limited to, preparation, fueling, supply, storage, refrigeration, transportation, or processing.

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- (k) “Foreign fishing agreement” means an agreement approved by the national government and one or more foreign commercial fishing interests to permit foreign vessels to harvest fish within the exclusive economic zone of the Republic.
- (l) “Foreign vessel” means a vessel not duly registered in the Republic pursuant to Title 7 of this Code.
- (m) “Free School Operations” means fishing without any association with objects (natural or man-made, known as FADs), set distances from such FADs being at a minimum one nautical mile or greater, but may include a free school feeding on bait fish.
- (n) “International fishery agreement” means any bilateral or multilateral treaty, convention, or agreement which relates to fishing and to which the Republic of Palau is a party.
- (o) “Island” means any land entirely surrounded by water.
- (p) “Living resource” means any organism or organic matter which is or has been living.
- (q) “Minister” means the Minister of Natural Resources, Environment, and Tourism.
- (r) “Ministry” means the Ministry of Natural Resources, Environment, and Tourism.
- (s) “Observer” means any person required or authorized to be carried for conservation and management purposes on a fishing vessel fishing in Palau’s internal waters, territorial sea, exclusive economic zone, or for continental shelf resources of Palau by directives or authorized permits.
- (t) “Palau’s waters” means Palau’s internal waters, contiguous zone, territorial waters, exclusive economic zone and all waters over which the Republic of Palau has jurisdiction in accordance with international laws.
- (u) “Permit” means a document issued by the Republic of Palau which authorizes vessels to engage in fishing in waters over which Palau exercises fisheries management authority.
- (v) “Person” means any individual, corporation, partnership, association, or other entity, the national government or any subdivision or entity thereof, and any foreign government or any subdivision or entity thereof.

(w) “Purse Seine,” “purse-seine” or “purse seining” means the method of fishing which involves drawing a fishing seine into the shape of a bag to enclose the catch or a fishing seine so arranged that after the ends have been brought together the bottom can be closed.

(x) “Reef fish” means any species of living resource which predominately inhabit reef areas, the territorial sea, or internal waters.

(y) “Resource” or “sanctuary resource” means any living or non-living resource.

(z) “Steel leader” means a type of fishing line made out of steel which connects fishing line to fishing hooks.

(aa) “Stock of fish” means a species, subspecies, geographical grouping, or other category of fish capable of management as a unit.

(bb) “Submerged reef” means a coral reef forming a geographic and ecologic unity which is wholly submerged at high tide.

(cc) “Vessel day” means a single day in which a single vessel is authorized by law to fish.

(dd) “Vessel subject to the jurisdiction of Palau” means any vessel registered pursuant to Title 7 or Title 27 of this Code or any vessel within any of the waters of the Republic of Palau.

#### Source

PL 6-7-14 § 2, modified. Subsection (f) amended by PL 6-6S-8 § 1; subsection (m) amended by PL 6-6S-8 § 2. RPPL 5-7 § 34(2)(a) repealed former subsection (b) and amended subsection (c), approved 10/3/97, but effective 10/1/97. Subsections (b),(c)(f)(n) & (o) were amended by RPPL 5-8 § 3(a). Subsections (b) and (c) were amended by RPPL 6-26 § 21(b). Subsections (g) & (f) were amended and subsection (l) added by RPPL 6-36 § 2 and subsections were re-lettered to follow the code format. Subsection (f) amended by RPPL 9-45 § 2. Amended by RPPL 9-49 § 4 [102], modified.

### § 103. Bureau of Oceanic Fishery Management. [Repealed]

#### Source

RPPL 6-26 § 21(a). Repealed by RPPL 7-13 § 25.

#### Notes

The Bureau of Oceanic Fishery Management was re-established by Executive Order No. 308, dated April 17, 2012.

## 27 PNCA § 121 FISHING & PALAU NATIONAL MARINE SANCTUARY

### Subchapter II Ministry of Natural Resources, Environment, and Tourism

§ 121. [Repealed]

§ 122. Regulations.

§ 123. Ministry of Natural Resources, Environment, and Tourism; functions and duties with respect to the Palau National Marine Sanctuary, Domestic Fishing Zone and foreign fishing agreements.

§ 124. Minister's report.

#### **§ 121. [Repealed]**

##### **Source**

Subsections (a) through (d) -- PL 6-7-14 § 10(1), as amended by PL 7-1-21 § 1(1) and RPPL 3-42 § 2(d), modified. (The last three sentences of PL 6-7-14 § 10(1), as amended, have been moved to § 122, below.) Subsection (e) -- PL 6-7-14 § 10(4), as amended by PL 7-1-21 § 1, modified. Repealed by RPPL 5-7 § 34(2)(b) on 10/3/97 but effective 10/1/97.

#### **§ 122. Regulations.**

Regulations shall be drafted by the Minister of Natural Resources, Environment and Tourism to carry out the purposes of Title 27. Such regulations must follow the requirements of the Administrative Procedure Act contained in Title 6 of the Palau National Code.

##### **Source**

Last three sentences of PL 6-7-14 § 10(1), as amended by PL 7-1-21 § 1, modified. Amended by RPPL 5-7 § 34(2)(c) on 10/3/97 but effective 10/1/97. Further amended by RPPL 5-8 § 3(b). Amended by RPPL 6-26 § 21(b). Amended by RPPL 9-49 § 4 [122].

#### **§ 123. Ministry of Natural Resources, Environment, and Tourism; functions and duties with respect to the Palau National Marine Sanctuary, Domestic Fishing Zone and foreign fishing agreements.**

The Ministry, in addition to its functions and duties as set forth in Title 2, shall have the following duties, functions, and authority:

- (a) to adopt regulations for the conservation, management, and exploitation of all living resources in the Palau National Marine Sanctuary and the Domestic Fishing Zone of the Republic, including but not limited to: equipment, catch types and species, fishing

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seasons, quotas and procedures for permits;

(b) to negotiate and conclude foreign fishing agreements in accordance with this title;

(c) to issue fishing permits in accordance with the law and regulations promulgated pursuant to sections 122 and 123 of this title;

(d) to monitor fish stocks and set allowable catch limits within the Domestic Fishing Zone at a level necessary to supply the domestic market in Palau;

(e) to monitor all fish harvested within the Domestic Fishing Zone;

(f) to coordinate with the Ministry of Justice for the enforcement of all laws, rules and regulations in relation to domestic fishing, transit by foreign and domestic vessels through Palau's waters, and illegal or unreported or unregulated fishing or illegal activities within the Palau National Marine Sanctuary or Domestic Fishing Zone;

(g) to adopt regulations for the placement of Palau observers aboard all foreign and domestic fishing vessels engaged in fishing within Palau's waters or for Palau's continental shelf resources. Observers, while stationed aboard such fishing vessels, shall carry out such scientific, compliance monitoring, and other functions as the Minister deems necessary to carry out the provisions of this chapter;

(h) to coordinate Palau's compliance with all international fishery agreements or foreign fishing agreements, with a focus on maximizing the returns to Palau under any such agreements and negotiate with parties to such international fishery agreements, such as the Nauru Agreement; and

(i) to perform such other duties and functions as may be necessary to carry out the purposes of this chapter.

**Source**

PL 6-7-14 § 10(2), as amended by PL 7-1-21 § 1, modified. "Authority" amended to "Ministry of State" by RPPL 5-7 § 34(2)(d) on 10/3/97 effective 10/1/97. Subsection (e) repealed by RPPL 5-7 § 34(2)(d) on 10/3/97 effective 10/1/97. RPPL 5-8 § 3(c) amended "Ministry of State" to read "Ministry" intending "Ministry of Natural Resources, Environment, and Tourism." Subsection (a) was amended and subsection (b) was effectively repealed by RPPL 6-36 § 2, all subsections are re-lettered to follow the code format. Amended by RPPL 9-49 § 4 [123].

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### **§ 124. Minister's report.**

The Minister shall report annually on all activities within Palau's waters, including the Palau National Marine Sanctuary and the Domestic Fishing Zone, to the presiding officers of the Olbiil Era Kelulau and the President. The annual report shall contain a detailed accounting of the expenditure of funds by the Ministry, and shall also disclose and report on all fishing agreements and permits, revenues derived by the Republic from fishing activities, the amounts and types of fish harvested during the previous year by each fishing permit/license holder, efforts and plans to conserve fishery stocks, the sustainability of each stock of fish, including bait fish, efforts and plans to protect submerged reefs, enforcement actions taken and development of plans for monitoring vessels and enforcement within Palau's waters and recommendations of the Ministry, including scientific support, regarding appropriate catch levels necessary to supply the domestic market in Palau and to ensure the sustainability and health of each living resource, reef fish, stock of fish and submerged reef.

#### **Source**

PL 6-7-14 § 10(5), as amended by PL 7-1-21 § 1, modified. Amended by RPPL 5-7 § 34(2)(f) on 10/3/97 effective 10/1/97. Formerly codified as § 125 and was renumbered to § 124 and amended by RPPL 9-49 § 4 [124].

### **Subchapter III Zones**

- § 141. Baselines.
- § 142. Territorial sea; internal waters.
- § 143. Contiguous zone.
- § 144. Exclusive economic zone.
- § 145. Merged zone.
- § 146. Submerged reefs.
- § 147. Palau National Marine Sanctuary established.
- § 148. Domestic Fishing Zone.
- § 149. Palau National Marine Sanctuary; fishing prohibited.

#### **§ 141. Baselines.**

A baseline is a continuous line which encircles an island or atoll. The baseline from which the zones designated in this chapter are to be measured is as follows:

- (a) The baseline of an island or portion of an island lacking a barrier reef, fringing reef,

or other reef system is the low water line of the island as marked on large scale charts officially recognized by the national government.

(b) The baseline of an atoll or island or portion of an island having a barrier reef, fringing reef, or other reef system is a line following the contour of the seaward edge of the reef system, which line connects those outermost elevations of the reef which are above water at low tide, and which line exists as marked on large scale charts officially recognized by the national government.

**Source**

PL 6-7-14 § 3, modified.

**Cross-reference**

ROP Const. art. I, § 1.

**§ 142. Territorial sea; internal waters.**

(a) There is hereby established a territorial sea of twelve miles' breadth. The inner boundary of the territorial sea of each island or atoll is the baseline as defined in section 141 of this title. The outer boundary is a line, every point of which is twelve nautical miles seaward of the nearest point on the baseline.

(b) Waters landward of the baseline, including the lagoons of atolls or islands, are internal waters.

**Source**

PL 6-7-14 § 4, modified. Subsection (a) amended by RPPL 6-36 § 2[142(a)].

**Cross-reference**

ROP Const. art. I, § 1.

**§ 143. Contiguous zone.**

(a) There is hereby established a contiguous zone adjacent to the territorial sea. The inner boundary of the contiguous zone of each island or atoll is the seaward boundary of the territorial sea, and the outer boundary is a line, every point of which is 24 nautical miles seaward of the nearest point on the baseline as defined in section 141 of this title.

(b) The national government possesses and may exercise the same sovereign rights to living resources in the contiguous zone as it does in the territorial sea.

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### **Source**

PL 6-7-14 § 5, as amended by PL 6-6S-8 § 3, modified. Amended by RPPL 6-36 § 2[143].

### **§ 144. Exclusive economic zone.**

(a) There is hereby established an exclusive economic zone adjacent to the contiguous zone. The inner boundary of the exclusive economic zone of each island or atoll is the seaward boundary of the contiguous zone, and the outer boundary is a line, every point of which is 200 nautical miles seaward of the nearest point on the baseline as defined in section 141 of this title unless otherwise limited by international law or agreement.

(b) The national government shall have exclusive management, conservation, and regulatory authority over all living resources within the exclusive economic zone to the full extent recognized by international law.

### **Source**

PL 6-7-14 § 6, modified. Amended by RPPL 6-36 § 2[144].

### **§ 145. Merged zone.**

Where the zone of one island overlaps a like zone of another island, they merge and become one zone, the outer boundary of which is the seaward-most boundary of the merged zone.

### **Source**

PL 6-7-14 § 7, modified.

### **§ 146. Submerged reefs.**

Traditionally recognized fishing rights in submerged reef areas wherever located within the fishery zones of the Republic shall be preserved and respected for domestic fishing in accordance with the regulations of the Bureau and the Division of Marine Law Enforcement of the Ministry of Justice.

### **Source**

PL 6-7-14 § 8, modified. “Authority” amended to “Ministry of State and the Division of Marine Law Enforcement of the Ministry of Justice” by RPPL 5-7 § 34(2)(g) on 10/3/97 effective 10/1/97. RPPL 5-8 § 3(d) amended “Ministry of State” to read “Bureau”, approved 11/5/97. Amended by RPPL 9-49 § 4 [146].

**§ 147. Palau National Marine Sanctuary established.**

With the exception of the Domestic Fishing Zone and the territorial sea of Palau, all of Palau's waters shall be designated as the Palau National Marine Sanctuary.

**Source**  
RPPL 9-49 § 4 [147].

**§ 148. Domestic Fishing Zone.**

The Domestic Fishing Zone begins at the boundary of the contiguous zone and territorial sea surrounding Kayangel, Babeldaob, Koror, Peleliu, the Rock Islands and Angaur State and extends outward into Palau's exclusive economic zone for an area of approximately 85,896 square kilometers. The Domestic Fishing Zone follows the eastern boundary of Palau's exclusive economic zone between the northern point of 135.9066012/9.20093 and the southern point of 136.632593/6.045193; from that southern point, it proceeds west to 134.139978/6.046677 and from there proceeds westerly and northerly at points fifty-miles from the baseline, including: 133.386324/6.50, 133.297137/7.00, 133.467301/7.50, 133.807573/8.00, and 134.16551/8.721375. The boundary then extends north east to 134.68167/9.200935 and proceeds directly east to the northern point of 135.9066012/9.20093. A map of the Domestic Fishing Zone is listed as appendix A to this chapter and incorporated by reference herein.

**Source**  
RPPL 9-49 § 4 [148].

**§ 149. Palau National Marine Sanctuary; fishing prohibited.**

The Palau National Marine Sanctuary shall be a no-take zone and fishing and the extraction, disturbance, destruction, removal or alternation of any Sanctuary resource is expressly prohibited.

**Source**  
RPPL 9-49 § 4 [149].

## 27 PNCA § 161 FISHING & PALAU NATIONAL MARINE SANCTUARY

### Subchapter IV Regulation of Fishing

- § 161. Transition.
- § 162. Longline Fishing Agreements.
- § 163. Purse-Seining.
- § 164. Domestic Fishing.
- § 165. Fishing restricted.
- § 166. Fishing agreements; exclusive authority of national government.
- § 167. Fishing permits; terms and conditions of permits.
- § 168. Same; allowable level of fishing.
- § 169. Same; allocation among foreign nations of allowable level of fishing during the transition period; sustainable limits.
- § 170. Fishing permits; in general.
- § 171. Same; application process.
- § 172. Same; fees and compensation.
- § 173. Same; consequences of prohibited act.
- § 174. Same; noncommercial fishing.
- § 175. Same; bait fish.
- § 176. Foreign fishing companies to utilize local vendors for goods and services.
- § 177. Foreign fishing revenue distribution.
- § 178. Ministry of Finance Reporting.

#### **§ 161. Transition.**

The requirements of this Act and the Palau National Marine Sanctuary shall be immediately effective upon passage of the Act; however, for long-line international fishing agreements and Uniform Long-Line Fishing Agreements in effect at the time of the passage of the Act, and for purse-seining activities allowed at the time of the passage of the Act, sections 149, 164, and 181(l) - (n) of Title 27 shall be implemented over a wind-down period from the date of passage of this Act through December 31, 2019. By January 1, 2020, no fishing shall be allowed in the Palau National Marine Sanctuary, the commercial export of fish shall be generally prohibited and all other prohibitions contained in Title 27 shall be enforced. The terms of this wind-down period shall be governed by regulations promulgated by the Minister within six months of passage of this Act and shall include, at a minimum:

- (a) For existing international fishing agreements for long-line fishing there shall be an exception to sections 149, 16, and 181(l) - (n) of Title 27 until January 1, 2020.

(b) Long-line fishing allowed at the time of passage of the Act pursuant to existing international fishing agreements and purse-seining allowed at the time of passage of the Act shall be phased out as follows:

- (1) The baseline for long-line vessel days utilized in Palau's waters for commercial export shall be those vessel days allowed in 2014;
- (2) The baseline for purse-seining activities utilized in Palau's waters for commercial export shall be those vessel-days of purse-seining activities which occurred during 2014;
- (3) Effective on December 31, 2015, there will be a twenty-percent (20%) reduction from their baselines in the number of long-line and purse-seining vessel days utilized in Palau's waters for commercial export;
- (4) Effective on December 31, 2016, the long-line and purse-seining vessel days utilized in Palau's waters for commercial export shall be reduced an additional ten percent (10%) of their baselines for the next one year period;
- (5) Effective on December 31, 2017, the long-line and purse-seining vessel days utilized in Palau's waters for commercial export shall be reduced an additional ten percent (10%) of their baselines for the next one year period;
- (6) Effective on December 31, 2018, the long-line and purse-seining vessel days utilized in Palau's waters for commercial export shall be reduced an additional ten percent (10%) of their baselines for the next one year period; and
- (7) On January 1, 2020, the Palau Marine Sanctuary and Domestic Fishing Zone shall be fully operational and all provisions of this Act shall be fully in effect.

(c) Additional efforts shall be made to further reduce the amount of fishing allowed in the Palau National Marine Sanctuary during this wind-down period, including but not limited to:

- (1) The Minister may proscribe areas within the Palau National Marine Sanctuary in which fishing is prohibited; such proscribed areas shall be determined based on information on vessel fishing locations and other relevant scientific data further identifying areas requiring additional protections and preservation during the

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wind-down period such as spawning sites and sea mounts.

(2) In considering levels of foreign fishing, the Minister shall consider the size of the fishing vessels in Palau's waters and implement limitations on such to ensure that the levels of fishing are reduced during the wind-down period.

(3) Implementation of fishing reforms, including limitations on types of fishing equipment and methods.

(4) Vessel days not utilized in Palau's waters for commercial export during the transition period may be used for vessels fishing in Palau's waters that land in Palau and whose catch are not exported for commercial purposes.

(d) Provisions for monitoring the health of the Palau Marine Sanctuary and Domestic Fishing Zone, including researching and measuring biomass, migratory patterns of fish, and locations of biological interest.

(e) There shall be an annual meeting in December of each year of the wind-down period in which the Minister shall report on the progress of the wind-down period to the Olbiil Era Kelulau, the President and a Transition Committee to be created by the President.

(f) The Minister shall immediately undertake a compliance review of all existing foreign fishing agreements and ensure that all foreign fishing agreements during the transition period are in full compliance with applicable law.

### Source

PL 6-7-14 § 11, as amended by PL 6-6S-8 § 4, modified. Amended by RPPL 6-36 § 2[161]. Amended in its entirety by RPPL 9-49 § 4 [§ 161].

### § 162. Longline Fishing Agreements.

(a) The Uniform Longline Fishing Agreements which are currently in effect will not be renewed or automatically renewed; these agreements shall expire on December 31, 2015. The Minister shall promptly provide notice to the parties to the existing Uniform Longline Fishing Agreements that such agreements will not be renewed.

(b) Parties to the existing Uniform Longline Fishing Agreements may have the opportunity to participate in long line fishing during the wind-down and transition period set out in section 161 of this chapter but such agreements shall be governed by the terms

and conditions of set out in the regulations issued pursuant to section 161 of this chapter.

(c) New parties seeking long-line permits shall be limited by all of the requirements of this Act.

**Source**

PL 6-7-14 § 12(1), modified. Amended in its entirety by RPPL 9-49 § 4 [§ 162].

**§ 163. Purse-Seining.**

The use of FADs in purse-seining is expressly prohibited. All purse-seining in Palau's waters shall be free school operations as defined in 27 PNC § 102(m).

**Source**

PL 6-7-14 § 12(2), modified. Subsections (a) and (b)(5) amended by RPPL 5-7 § 34(2)(i). Subsection (a) amended by RPPL 5-8 § 3(e). Subsections (c) and (d)(3) amended by RPPL 6-36 § 2[163]. Amended in its entirety by RPPL 9-49 § 4 [§ 163].

**§ 164. Domestic Fishing.**

(a) Fishing outside of the territorial sea is permitted only in the Domestic Fishing Zone, and only in compliance with the laws of the Republic, any applicable regulations and any permit issued.

(b) Fish caught in the Domestic Fishing Zone shall only be available for domestic sale and shall not be exported for commercial purposes as defined in 27 PNC § 1203, except as provided by subsection (c).

(c) Fish caught in the Domestic Fishing Zone through purse-seining utilizing free school operations as defined in 27 PNC § 102(m) may be exported for commercial purposes. Fishing vessels must land in Palau before they may export their catch for commercial purposes in accordance with this subsection.

**Source**

PL 6-7-14 § 12(3), modified. Amended in its entirety by RPPL 9-49 § 4 [§ 164].

**§ 165. Fishing restricted.**

(a) No fishing vessel may fish within a fifty (50) nautical mile radius to the east of the

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reef entrance to Malakal Harbor; provided, that a foreign fishing company which, on the effective date of this subsection, is a party to a foreign fishing agreement and which holds valid permits issued pursuant to that agreement and this chapter, may continue to fish consistent with the foreign fishing agreement until it expires.

(b) Fishing by fishing vessels is permitted in the exclusive economic zone only outside a fifty (50) nautical mile radius to the east of the reef entrance to Malakal Harbor as provided in this chapter, and only in compliance with the laws of the Republic, any applicable regulations, any permit issued, and any provision of a fishing agreement entered into with the Republic.

### **Source**

PL 6-7-14 § 12(4), modified. Amended to change “Authority” to “Ministry of State” and to add sustainable limits by RPPL 5-7 § 34(2)(j) on 10/3/97 effective 10/1/97. RPPL 5-8 § 3(f) amended “Ministry of State” to read “Bureau,” approved 11/5/97. The last sentence amended by RPPL 6-36 § 2[165], modified. Amended in its entirety by RPPL 9-49 § 4 [§ 165], modified.

### **§ 166. Fishing agreements; exclusive authority of national government.**

The Minister shall have the authority to issue permits for fishing. Each foreign fishing agreement and fishing permit holder shall acknowledge the exclusive fishery management authority of the national government as set forth in this chapter.

### **Source**

PL 6-7-14 § 13, modified. Repealed by RPPL 5-7 § 34(2)(k) on 10/3/97 effective 10/1/97. A new § 166 was assigned by RPPL 9-49 § 4 [§ 166].

### **§ 167. Fishing permits; terms and conditions of permits.**

In negotiating foreign fishing agreements and permits to fish, the Ministry shall obtain agreement by the foreign parties and owner and operator of the fishing vessel to the following terms and conditions:

- (a) The foreign party and the owner and operator of any fishing vessel fishing pursuant to such agreement and permit will abide by all regulations issued by any agency of the Republic having jurisdiction or regulatory authority over fishing, ...
- (b) The foreign party and the owner or operator of any fishing vessel fishing pursuant to such foreign fishing agreement will abide by the agreement that:

- (1) Any officer authorized ...;
  - (2) Such officer shall also be permitted to examine and make notations on the fishing permit issued pursuant to this title;
  - (3) The permit issued for any such vessel shall be prominently displayed in the wheelhouse of such vessel;
  - (4) Appropriate position-fixing and identification equipment shall be installed and maintained in working order on each such vessel;
  - (5) Duly authorized observers and other surveillance programs approved by regulation shall be required on board any such vessel and the owner and operator of the vessel shall be solely responsible for the cost of such observers and surveillance;
  - (6) Agents shall be appointed and maintained within the Republic who are authorized to receive and respond to any legal process issued in the Republic with respect to such owner or operator;
  - (7) All vessels shall be registered on the Forum Fisheries Administration (“FFA”) Vessel Monitoring System Register and with the Western and Central Pacific Fisheries Commission (“WCPFC”); and
  - (8) No vessel shall be issued a permit or allowed to fish in Palau unless it is in good standing on the FFA Regional Register and the WCPFC; and
  - (9) No fishing vessel shall leave Palau’s EEZ without prior notification to the Minister.
- (c) The foreign party and the owners and operators of all of the fishing vessels shall not, in any year, exceed such party’s allocation of the total allowable level of fishing.
- (d) Foreign parties and fishing vessel owners and operators will:
- (1) apply for any required permits under this chapter;
  - (2) deliver promptly to the owner and operator of the appropriate fishing vessel any permit which is issued under those sections for such vessel;

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(3) abide by the requirement that, with the exception of the terms set out in regulation pursuant to section 161 of this chapter, fishing will only be permitted in the Domestic Fishing Zone of the Republic and the requirement that all conditions and restrictions of the permit be complied with.

(e) The foreign party and the owner and operator of any fishing vessel fishing pursuant to such agreement will abide by all other terms and conditions of the agreement.

### Source

PL 6-7-14 § 14(1) and (2), as amended by RPPL 3-55 § 1, modified. Amended by RPPL 5-7 § 34(2)(1) on 10/3/97, effective 10/1/97. Subsection (a) amended by RPPL 6-36 § 2[167]. Amended in its entirety by RPPL 9-49 § 4 [§ 167].

### §168. Same; allowable level of fishing.

The total allowable level of fishing, if any, with respect to any fishery subject to the provisions of this chapter, shall be that portion of the optimum yield of such fishery which will be harvested by permitted fishing vessels.

### Source

PL 6-7-14 § 14(3) through (6), and (8), modified. “Authority” and “Director” changed to “Ministry of State” and “Minister” by RPPL 5-7 § 34(2)(m) on 10/3/97 effective 10/1/97. “Ministry of State” and “Minister” amended to read “Bureau” and “Director” by RPPL 5-8 § 3(g), approved 11/5/97. Subsection (b) amended by RPPL 6-26 § 21(b)[168]. Subsections (a)(4), (a)(5), and (a)(6) amended by RPPL 6-36 § 2[168]. Formerly codified as § 164 and now recodified as § 168 by RPPL 9-49 § 4 [§ 168].

### §169. Same; allocation among foreign nations of allowable level of fishing during the transition period; sustainable limits.

The Bureau by annual regulation shall determine the allocation among foreign nations of the total allowable level of foreign fishing which is permitted with respect to any fishery subject to the provisions of this chapter and the limitations contained in section 161 and regulations issued thereunder. In determining the allocation among nations, the Bureau shall take into consideration:

- (a) the extent to which vessels of such nations have traditionally fished the particular regulated species;
- (b) whether such nations have cooperated with the national government in, and made substantial contributions to, fishery research and the identification of fishery resources;

and

(c) such other matters as it may deem appropriate.

The regulations shall establish the total allowable level of foreign fishing, catch limits, and allocation thereof so as to ensure the long-term sustainability and health of every stock of fish, populations of living resources and reef fish, and submerged reef, within the territorial sea, internal waters, contiguous zone, and exclusive economic zone of the Republic.

**Source**

PL 6-7-14 § 14(7), modified. Amended by RPPL 6-36 § 2[169]. Amended by RPPL 9-49 § 4 [169].

**§ 170. Fishing permits; in general.**

A fishing vessel may engage in fishing in the Republic only if such vessel has on board a valid permit issued under this chapter for such vessel.

**Source**

PL 6-7-14 § 14(9), modified. Opening paragraph amended by RPPL 5-7 § 34(2)(n) on 10/3/97, effective 10/1/97. Further amended by RPPL 5-8 § 3(h), approved 11/5/97. Amended by RPPL 6-36 § 2[170], modified. Amended in its entirety by RPPL 9-49 § 4 [§ 170].

**§ 171. Same; application process.**

(a) Each party requesting permits to fish in the Domestic Fishing Zone shall make application on forms prescribed by the Bureau specifying, among other things:

- (1) the name and official number or other identification of each fishing vessel for which a permit is sought, together with the name and address of the owner thereof;
- (2) the tonnage, capacity, speed, processing equipment, type and quantity of fishing gear, and such other pertinent information with respect to characteristics of each such vessel as the Bureau may require;
- (3) the amount of fish or tonnage of catch contemplated for each such vessel during the time such permit is in force;
- (4) the ocean area in which, and the season or period during which, such fishing

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will be conducted; and

(5) the species of fish, listed by the individual scientific name, that each such vessel may catch during the time its permit is in force.

(b) In relation to any applications made during the transition period set out in section 161 for long-line vessels that are not part of a foreign fishing agreement:

(1) Upon receipt of an application, the Director or his designee shall transmit copies to each house of the Olbiil Era Kelulau, the Director of the Bureau of Marine Resources, the Chief of the Division of Marine Law Enforcement, and to any other person or organization that requests copies of such applications or the foreign fishing agreements to which they pertain.

(2) The Bureau shall review the application, solicit views from appropriate persons in the Republic, hold public hearings, and may approve the application on such terms and conditions and with such restrictions as the Bureau deems appropriate.

(3) If the Bureau does not approve the application submitted by the foreign party, the Director or his designee shall notify such foreign party of the disapproval and the reasons therefor. After taking into consideration the reason for disapproval, the foreign party may submit a revised application.

(4) Upon notification by the foreign party of acceptance of the terms, conditions, and restrictions on the application and permit, the Director or his designee shall issue the permit.

(c) All applications under this section are public documents and available for review by any interested party.

### Source

PL 6-7-14 § 14(10), modified. Amended by RPPL 5-7 § 34(2)(o) on 10/3/97, effective 10/1/97. Further amended by RPPL 5-8 § 3(i), approved 11/5/97. Amended by RPPL 6-36 § 2[171]. Amended in its entirety by RPPL 9-49 § 4 [171].

### § 172. Same; fees and compensation.

Fees and other forms of compensation for the right to fish within Palau's waters shall be established in the foreign fishing agreement and by regulations and the permit or license issued

shall expressly state that the owner and/or operator of the fishing vessel must abide by Palau's laws and regulations.

**Source**

PL 6-7-14 § 14(11), as added by PL 6-6S-8 § 6, modified. Amended by RPPL 5-7 § 34(2)(p) on 10/3/97, effective 10/1/97. Further amended by RPPL 5-8 § 3(j), approved 11/5/97. Amended by RPPL 6-36 § 2[172]. Amended in its entirety by RPPL 9-49 § 4[172].

**§ 173. Same; consequences of prohibited act.**

If any vessel for which a permit has been issued pursuant to this chapter has been used in the commission of any act prohibited by law, regulation, or the terms, conditions, or restrictions set forth in the foreign fishing agreement and regulations or permit relating to such vessel, or if any civil penalty or criminal fine imposed by law has not been paid and is overdue, the Bureau shall revoke such permit with prejudice to the right of the party involved to obtain a permit for such vessel or any other vessel in any subsequent year.

**Source**

RPPL 5-8 § 4. Amended in its entirety by RPPL 9-49 § 4 [173].

**§ 174. Same; noncommercial fishing.**

Notwithstanding any other provision of this chapter, the Bureau may by regulation provide for the issuance of permits, on reasonable conditions, to foreign vessels or parties for research, recreational, or other noncommercial fishing within the Palau National Marine Sanctuary and Domestic Fishing Zone of the Republic.

**Source**

RPPL 8-47 § 2, modified. RPPL 8-47 § 4 repeals RPPL 8-25 § 4. Subsection (c) is amended by RPPL 9-11 § 7, modified. Subsection (c)(1) is amended by RPPL 9-35 § 3, modified. Amended in its entirety by RPPL 9-49 § 4 [174].

**Notes**

RPPL 8-47 § 1 reads: Legislative Findings. The Olbiil Era Kelulau finds that the Republic of Palau currently receives significant revenue from highly migratory fish. The Olbiil Era Kelulau finds that the Republic's early lawmakers recognized this source of revenue and thus crafted the Constitution accordingly to include Article XII Section 6(c) which states that revenue derived from the licensing of foreign fishing vessels to fish for highly migratory fish within the Republic's waters shall be allocated to the national and state governments equitably.

The Olbiil Era Kelulau also finds that during the First Olbiil Era Kelulau, Senate Joint Resolution No. 5, SD2, HD1, CD1 was adopted by the Olbiil Era Kelulau. In that Senate Joint Resolution, the Olbiil Era Kelulau determined that all revenue derived from the licensing of foreign fishing vessels would be divided equitably between the national government and the state governments as follows: 15% of the revenue will go to the national government, 55% will be equally divided among the states, and 30% will be divided among the states according to

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the population of each state. The Olbiil Era Kelulau finds that this formula has been effective and used by Palau's National Treasury since the enactment of Senate Joint Resolution No. 5, SD2, HD1, CD1.

The OEK finds that funds have been disbursed to state governments based on Senate Joint Resolution No. 5, SD2, HD2, CD1 contrary to the requirements of authorization and appropriation of funds, therefore this legislation will provide the required statutory frame work for the disbursement of such funds.

### **§ 175. Same; bait fish.**

Notwithstanding any other provision of this chapter, a fishing vessel may be permitted to fish for bait fish used in the fishery for highly migratory species pursuant to such terms and conditions as are contained in a special bait fishing permit to be issued by the Bureau. Special bait fishing permits may only be issued on such terms, conditions, and with such restrictions, as will ensure the long-term sustainability and health of the stock of bait fish, and every other population of living resource and reef fish, and submerged reef, within Palau's waters, that may be affected by the harvesting of such bait fish.

#### **Source**

RPPL 8-47 § 3, modified. Amended in its entirety by RPPL 9-49 § 4[175].

### **§ 176. Foreign fishing companies to utilize local vendors for goods and services.**

Any foreign party to a foreign fishing agreement executed pursuant to Title 27 of the Palau National Code shall, to the extent practicable during the term of such agreement, purchase all goods and services for use in the Republic of Palau from citizens of the Republic of Palau or partnerships or corporations wholly-owned by citizens of Palau, unless such goods or services are not reasonably available from such sources.

#### **Source**

RPPL 5-8 § 4. Formerly codified as § 173 and now re-codified as § 176 by RPPL 9-49 § 4 [176] with confirmation from the Code Commission.

### **§ 177. Foreign fishing revenue distribution.**

(a) In this section, "foreign fishing agreement" means a contractual agreement or international treaty by which the Republic derives revenue from allowing outside persons and countries to fish for highly migratory fish within the Republic's jurisdictional waters.

(b) In this section, "revenue" means any income that the Republic receives from a foreign fishing agreement under the terms of a foreign fishing agreement, and the issuing

of licenses to fish within the Republic's jurisdictional waters.

(c) All revenue derived from the fishing agreements shall hereby be divided between the national government and among the state governments as follows:

- (1) fifteen percent (15%) of the revenue shall go to the national government;
- (2) sixty-five percent (65%) shall be equally divided among the states; and
- (3) twenty percent (20%) shall be divided among the states according to the population of each state as stated in the most recent national government census.

(d) In each year's national government fiscal budget, the revenues derived from foreign fishing agreements shall be authorized and appropriated in accordance with this section.

#### Source

RPPL 8-47 § 2, modified. RPPL 8-47 § 4 repeals RPPL 8-25 § 4. Subsection (c) is amended by RPPL 9-11 § 7, modified. Subsection (c)(1) is amended by RPPL 9-35 § 3, modified. Formerly codified as § 174 and now re-codified as § 177 by RPPL 9-49 § 4 [177]. Subsections(a) (b) & (c) amended by RPPL 9-57 § 5, modified.

#### Notes

RPPL 8-47 § 1 reads: Legislative Findings. The Olbiil Era Kelulau finds that the Republic of Palau currently receives significant revenue from highly migratory fish. The Olbiil Era Kelulau finds that the Republic's early lawmakers recognized this source of revenue and thus crafted the Constitution accordingly to include Article XII Section 6(c) which states that revenue derived from the licensing of foreign fishing vessels to fish for highly migratory fish within the Republic's waters shall be allocated to the national and state governments equitably.

The Olbiil Era Kelulau also finds that during the First Olbiil Era Kelulau, Senate Joint Resolution No. 5, SD2, HD1, CD1 was adopted by the Olbiil Era Kelulau. In that Senate Joint Resolution, the Olbiil Era Kelulau determined that all revenue derived from the licensing of foreign fishing vessels would be divided equitably between the national government and the state governments as follows: 15% of the revenue will go to the national government, 55% will be equally divided among the states, and 30% will be divided among the states according to the population of each state. The Olbiil Era Kelulau finds that this formula has been effective and used by Palau's National Treasury since the enactment of Senate Joint Resolution No. 5, SD2, HD1, CD1.

The OEK finds that funds have been disbursed to state governments based on Senate Joint Resolution No. 5, SD2, HD2, CD1 contrary to the requirements of authorization and appropriation of funds, therefore this legislation will provide the required statutory frame work for the disbursement of such funds.

### § 178. Ministry of Finance Reporting.

The Minister of Finance shall submit a report each quarter to the Office of the President and to the Olbiil Era Kelulau stating any and all revenue derived from the licensing of foreign fishing vessels to fish within the Republic's jurisdictional waters. This report shall include, but not be

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limited to the following information: to whom the license was granted, the amount of revenue derived from the licensing thus far, and the amount of revenue projected to be derived from the license.

### Source

RPPL 8-47 § 3, modified. Formerly codified as § 175 and now re-codified as § 178 by RPPL 9-49 § 4 [178].

### Subchapter V Enforcement and Penalties

- § 181. Prohibited acts.
- § 182. Criminal penalties.
- § 183. Civil penalties.
- § 184. Forfeitures; procedure.
- § 185. Revenues.
- § 186. Jurisdiction of court.
- § 187. Enforcement; primary responsibility.
- § 188. Same; powers of officer.
- § 189. Same; reward.
- § 190. Same; provisions of regulation or permit enforceable.
- § 191. Same; evidence and presumptions.
- § 192. Fisheries Protection Trust Fund.

#### § 181. Prohibited acts.

It is unlawful for any person:

- (a) to use a fishing vessel to fish, as that term is defined in 27 PNC § 102(i), within Palau's waters for any shark, or any part of any such, or to remove the fins of or otherwise intentionally mutilate or injure any such shark, or possess any part of any shark, including the fins. If any shark is inadvertently caught or captured, it shall be immediately released, whether dead or alive; if the shark is caught or captured alive, it shall be released in the manner that affords it the greatest opportunity for survival;
- (b) to use steel leader as fishing gear on any fishing vessel or to possess steel leader on any fishing vessel while in Palau's waters;
- (c) to violate any provision of this chapter or of any regulation or permit issued pursuant

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to this chapter;

(d) to use any fishing vessel to engage in fishing after revocation, or during the period of suspension, of an applicable permit issued pursuant to this chapter;

(e) to violate any provision of, or regulations under, an applicable foreign fishing agreement;

(f) to refuse to permit any officer authorized to enforce the provisions of Title 27 and any regulations adopted pursuant thereto, to board a fishing vessel for purposes of conducting any search or inspection in connection with the enforcement of Title 27 or any regulation, permit, or agreement referred to in subsections (c), (d), or (e) of this section;

(g) to forcibly assault, resist, oppose, impede, intimidate, or interfere with any such authorized officer in the conduct of any search or inspection described in subsection (f) of this section;

(h) to resist a lawful arrest for any act prohibited by this section;

(i) to knowingly ship, transport, offer for sale, sell, purchase, import, export, or have custody, control, or possession of any fish taken or retained in violation of Title 27 or any regulation, permit, or agreement referred to in subsections (c), (d), or (e) of this section;

(j) to interfere with, delay, or prevent, by any means, the apprehension or arrest of another person, knowing that such person has committed any act prohibited by this section;

(k) to use any fishing vessel to fish, as that term is defined in 27 PNC § 102, for any reef fish, turtle, ray, or marine mammal, or any part of any such fish or marine mammal, or otherwise intentionally mutilate or injure any such fish or marine mammal. If any such fish or marine mammal is inadvertently caught or captured alive, it shall be released in the manner that affords it the greatest opportunity for survival;

(l) to use a fishing vessel to fish, as that term is defined in 27 PNC § 102, in Palau's Domestic Fishing Zone, except as duly permitted and licensed by the Ministry;

(m) to export for commercial purposes any fish obtained in Palau's exclusive economic zone or any waters over which Palau has jurisdiction, with the exception of fish obtained through purse-seining as allowed in 27 PNC § 164, provided that a fishing vessel carrying

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fish for commercial export under this subsection must land in Palau before exporting its catch;

(n) to fish or extract, disturb, destroy, remove or alter a living resource, as that term is defined in 27 PNC § 102 within the Palau National Marine Sanctuary.

### Source

PL 6-7-14 § 15(1), modified. PL 6-7-14 § 15(2), prohibiting any vessel other than a vessel owned solely by citizens of Palau from fishing in the territorial sea, was repealed by PL 6-6S-8 § 5. RPPL 6-36 § 2[181] added new subsections (a), (b), and (k), all subsections are re-lettered to follow code format. Amended by RPPL 9-49 § 4 [181], modified.

### Notes

Flaga v. ROP, 8 ROP Intrm. 79, 80 (1999).

Gotina v. ROP, 8 ROP Intrm. 65 (1999).

Gotina v. ROP, 8 ROP Intrm. 56, 58, 59 (1999).

### § 182. Criminal penalties.

(a) A person is guilty of an offense if he commits any act prohibited by section 181 of this title.

(b) Any offense described as a prohibited act by section 181(a) is punishable by a fine of between five hundred thousand dollars (\$500,000) and one million dollars (\$1,000,000) with any shark or any part of any such shark each constituting a separate violation.

(c) Any offense described as a prohibited act by section 181 (b), (c), (d), (e), (g), (k), (l), (m) or (n) is punishable by a fine of not less than five hundred thousand dollars (\$500,000) and not more than one million dollars (\$1,000,000).

(d) Any offense described as a prohibited act by section 181 (f), (h), (i), or (j) is punishable by a fine of not more than five hundred thousand dollars (\$500,000) for each violation; except that if in the commission of any such offense the person uses a dangerous weapon, engages in conduct that causes bodily injury to any officer authorized to enforce the provisions of this chapter, or places any such officer in fear of imminent bodily injury, the offense [is] punishable by a fine of not less than five hundred thousand dollars (\$500,000) and not more than one million dollars (\$1,000,000) for each violation. Each day of continuing violation shall be considered a separate offense.

(e) If any act prohibited by section 181 is committed by a vessel equipped for purse

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seining or by a crew member, captain or owner of a vessel equipped for purse seining, the penalty shall be a minimum of one million dollars (\$1,000,000) and a maximum of ten million dollars (\$10,000,000); the amount of such fine being based on the seriousness of the offense and the size and value of the vessel.

- (f) Any criminal penalty assessed shall, at a minimum, consist of compensation for:
  - (1) (A) the cost of replacing, restoring, or acquiring the equivalent of the taken, destroyed or affected resource and the value of the lost use of a resource pending its restoration or replacement or the acquisition of an equivalent resource; or
    - (B) the value of a resource if the resource cannot be restored or replaced or if the equivalent of such resource cannot be acquired;
  - (2) the reasonable cost of monitoring appropriate to the injured, restored, or replaced resources;
  - (3) the cost of enforcement actions undertaken by the Republic of Palau or any assisting party in response to the destruction or loss of, or injury to, a resource; and
  - (4) “response costs”, meaning the costs of actions taken or authorized by the Republic of Palau and assisting parties involved in cooperative surveillance and enforcement activity, including the costs related to seizure, forfeiture, storage, or disposal arising from liability under section 206 of this title.
- (g) All fish or fish products seized shall be confiscated, and any vessel or vehicle used to transport such fish or fish products may be confiscated and disposed of in such manner as the Supreme Court may determine.
- (h) These penalties and fines shall be levied in addition to any other penalties that may be applicable under other statutes.
- (i) Any person who reports an act prohibited by section 181 to law enforcement authorities shall be entitled to receive a reward upon conviction of the reported offender. The reward shall amount to three percent (3%) of any fine collected pursuant to this section.

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(j) The proceeds from these penalties and fines shall be remitted to the National Treasury in accordance with section 192 of this title.

### Source

PL 6-7-14 § 16, as amended by PL 6-6S-8 § 7(a), modified. Subsections (b) and (c) amended by RPPL 6-36 § 2[182], modified. RPPL 9-45 § 3 amend subsections (b) and (c) and add subsection (e). Amended by RPPL 9-49 § 4 [182], modified.

### Notes

The bracketed [is] in subsection (d) read “in” in the original legislation.

Gotina v. ROP, 8 ROP Intrm. 65, 66 (1999).

Gotina v. ROP, 8 ROP Intrm. 56, 59 (1999).

### § 183. Civil penalties.

(a) Any person who is found by the Supreme Court in a civil proceeding to have committed an act prohibited by section 181 of this title shall be liable to the national government for a civil penalty of no less than two hundred fifty thousand dollars (\$250,000) and no more than one million dollars (\$1,000,000) for each violation. Each day of continuing violation shall constitute a separate offense.

(b) In determining the amount of such penalty, the Supreme Court shall take into account the nature, circumstances, extent, and gravity of the prohibited acts committed and, with respect to the violators, the degree of culpability, any history of prior offenses, and such other matters as justice may require.

(c) The Attorney General, or any person residing within the Republic, is authorized to initiate proceedings under this section and to recover the amount assessed as a civil penalty and to obtain injunctive relief to prevent violations of law or to compel compliance with law.

(d) The proceeds of civil penalties shall be remitted to the National Treasury in accordance with section 192 of this title.

(e) Before initiating a civil proceeding pursuant to subsection (c), a resident of the Republic shall file with the Attorney General a written request for the Attorney General to initiate the proceeding. The request shall include a statement of grounds for believing a cause of action exists. The Attorney General shall respond within thirty (30) days after receipt of the request indicating whether he or she will initiate a proceeding under

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subsection (c). If the Attorney General files a complaint within that thirty (30) day period, no further proceeding maybe brought by the informant unless the proceeding brought by the Attorney General is dismissed without prejudice and is not re-filed by the Attorney General within sixty (60) days thereafter.

### Source

PL 6-7-14 § 16, as amended by PL 6-6S-8 § 7(b), modified. Subsection (c) amended by RPPL 5-7 § 34(2)(t) on 10/3/97, effective 10/1/97. Subsections (a), (c), and (d) were amended and subsection (e) added by RPPL 6-36 § 2[183]. Subsection (a) is amended by RPPL 9-45 § 4. Subsections (b) and (d) are amended by RPPL 9-49 § 4 [183].

### Notes

Gotina v. ROP, 8 ROP Intrm. 56, 59 (1999).

### § 184. Forfeitures; procedure.

- (a) Any fishing vessel, including its fishing gear, furniture, appurtenances, stores, and cargo used, and any fish taken or retained, in any manner, in connection with or as a result of the commission of any act prohibited by section 181 of this title, shall be subject to forfeiture to the national government. All or part of such vessel, and all such fish, shall be forfeited to the national government pursuant to a civil proceeding under this section.
- (b) The Supreme Court shall have jurisdiction, upon application by the Attorney General on behalf of the national government, to order any forfeiture authorized under subsection (a) of this section.
- (c) If a judgment is entered for the national government in a civil forfeiture proceeding under this section, the Attorney General shall seize any property or other interest declared forfeited to the national government which has not previously been seized pursuant to this chapter.
- (d) The forfeited vessel, gear, furniture, appurtenances, stores, cargo, and fish may be sold and the proceeds deposited with the Authority for use in accordance with section 185 of this title, or may be retained for use by or at the direction of the national government.
- (e) Pending completion of the civil forfeiture proceeding, the seized vessel, gear, furniture, appurtenances, stores, cargo, and fish, or any part thereof, may be discharged at the discretion of the court upon deposit with the court of a satisfactory bond or other security at least equal to the fair market value of the seized property. Such bond or other security shall be conditioned upon delivery of such property to the appropriate court upon

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order thereof, without any impairment of its value, or paying the monetary value of such property pursuant to an order of such court. Judgement shall be recoverable on such bond or other security against both the principal and any sureties in the event that any condition thereof is breached, as determined by such court.

(f) Any fish seized pursuant to this chapter may be sold, subject to the approval and direction of the court. The proceeds of any such sale shall be deposited with such court pending the disposition of the civil forfeiture proceeding.

(g) For purposes of this chapter, it shall be a rebuttable presumption that any fish or steel leader found on board a fishing vessel which is seized in connection with an act prohibited by section 181 of this title was taken, or retained, or used in violation of this chapter.

(h) The Attorney General shall commence forfeiture proceedings on a fishing vessel used in any manner in connection with an act prohibited by this chapter if the owner of that vessel is unable to pay all civil or criminal penalties levied for violations of this chapter.

### Source

PL 6-7-14 § 17, modified. Subsection (b) amended by RPPL 5-7 § 34(2)(q) on 10/3/97, effective 10/1/97. Subsection (g) was amended and subsection (h) was added by RPPL 6-36 § 2[184].

### Notes

Omelau v. ROP Div. of Fish & Wildlife Prot., 17 ROP 314, 319 (Tr. Div. 2009).  
Omelau v. ROP Div. of Fish and Wildlife Prot., 16 ROP 319, 323 (Tr. Div. 2009).

## § 185. Revenues.

All revenues, including fees collected pursuant to sections 169-171 shall be transmitted immediately upon collection to the National Treasury and divided and distributed in accordance with the formula set forth in section 177(c) of this title. All fines and fees collected pursuant to sections 182, 183 and the proceeds of sale of all forfeitures shall be transmitted immediately upon collection to the National Treasury in accordance with section 192 of this chapter.

### Source

PL 6-7-14 § 18, modified. Amended by RPPL 5-7 § 34(2)(r) on 10/3/97, effective 10/1/97. Amended by RPPL 9-45 § 5. Amended by RPPL 9-49 § 4[185].

**§ 186. Jurisdiction of court.**

The Supreme Court shall have exclusive jurisdiction over any case or controversy arising under this chapter. The court may at any time enter restraining orders or prohibitions, issue warrants, process in rem, or other processes, prescribe and accept satisfactory bonds or other security, and take such other actions as are in the interests of justice.

**Source**

PL 6-7-14 § 19, modified.

**§ 187. Enforcement; primary responsibility.**

Primary responsibility for the enforcement of this chapter shall be assumed by the Office of the Attorney General through the Bureau of Public Safety. The President and the Attorney General may, from time to time, seek enforcement assistance from the United States Government, or from any other foreign government, international agency or non-governmental agency.

**Source**

PL 6-7-14 § 20(1), modified. Amended by RPPL 5-7 § 34(2)(s) on 10/3/97, effective 10/1/97.

**§ 188. Same; powers of officer.**

Any officer who is authorized by the Attorney General to enforce the provisions of this chapter may:

- (a) with or without a warrant or other process:
  - (1) arrest any person, if he has reasonable cause to believe that such person has committed an act prohibited by section 181 of this title;
  - (2) board and search or inspect any fishing vessel which is subject to the provisions of this chapter;
  - (3) seize any fishing vessel when the vessel has been used or employed in, or when it reasonably appears that such vessel was used or employed in, violation of any provision of this chapter;
  - (4) seize any fishing gear, furniture, appurtenances, stores, cargoes, and fish in the possession of a fishing vessel seized pursuant to authority granted by

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paragraph (3) of this subsection; and

(5) seize any other evidence related to any violation of any provision of this chapter.

(b) execute any warrant or other process issued by any court of competent jurisdiction; and

(c) exercise any other lawful authority.

### **Source**

PL 6-7-14 § 20(2), modified.

### **§ 189. Same; reward.**

Any individual who provides information to the Attorney General concerning any violation of this chapter which results in the imposition of any penalty under section 182 or 183 of this title shall be paid fifty percent (50%) of any such penalty imposed and collected. Any individual who initiates a civil proceeding pursuant to section 183 of this chapter shall receive from the national government an amount equal to fifty percent of the civil penalties actually collected, and shall be entitled to recover from the defendants his costs of litigation, including reasonable attorneys' fees.

### **Source**

PL 6-7-14 § 20(3), modified. Amended by RPPL 6-36 § 2[189].

### **§ 190. Same; provisions of regulation or permit enforceable.**

For purposes of this chapter, the terms "provisions of this chapter", "violation of any provisions of this chapter", and Title 27, include the provisions of any regulation or permit issued pursuant to this chapter and Title 27.

### **Source**

PL 6-7-14 § 20(4), modified. Amended by RPPL 9-49 § 4 [190].

### **§ 191. Same; evidence and presumptions.**

(a) Credible technical data, including data collected from aerial surveillance, information from vessel monitoring systems such as the Vessel Monitoring System, Automatic

**ENFORCEMENT AND PENALTIES      27 PNCA § 192**

Identification System and/or satellite data may be used as evidence of violations of this title.

(b) There shall be a presumption that any prohibited species or part thereof found on board a vessel subject to the jurisdiction of Palau was caught and retained in violation of Title 27.

(c) There shall be a presumption that any fish found on board a foreign vessel was caught and retained in violation of Title 27.

**Source**  
RPPL 9-49 § 4 [191].

**§ 192. Fisheries Protection Trust Fund.**

(a) There is established within the National Treasury a separate, interest-bearing revolving fund known as the Fisheries Protection Trust Fund (“Trust Fund”). These funds do not lapse at the end of the fiscal year.

(b) The purpose of the Trust Fund is to fund surveillance, enforcement and training for surveillance and enforcement of the laws related to the Palau National Marine Sanctuary and Title 27, and chapters 2 and 3 of Title 7, to fund the administration of those actions related to Palau National Marine Sanctuary in Titles 7 and 27, and to promote eco-tourism.

(c) Funds within the Trust Fund may not be disbursed without being first authorized and appropriated by the Olbiil Era Kelulau.

(d) All of the following are deposited in the Trust Fund:

- (1) fines collected pursuant to chapters 2 and 3 of Title 7;
- (2) all fines and civil penalties collected pursuant to sections 182 and 183 of Title 27;
- (3) proceeds of sale of all forfeitures pursuant to section 184 of Title 27 and section 207 of Title 7; and
- (4) a portion of the Pristine Paradise Environmental Fee, as set out in chapter 27

## 27 PNCA § 192 FISHING & PALAU NATIONAL MARINE SANCTUARY

of Title 40.

(e) The President of the Republic of Palau, or his designee, is authorized to solicit funds from nations, individuals, and organizations for deposit into the Trust Fund.

(f) Administration and disbursement: The Trust Fund shall be administered and distributed by the Minister of Finance solely and exclusively for the purposes set out in subsection (b) of this section. Within ninety (90) days after passage of this Act, the Minister of Finance shall promulgate regulations through the process set out in the Administrative Procedure Act to govern the Trust Fund.

(g) No later than April 1 of each year, the Minister must compile a report on the state of the Trust Fund including a statement of revenues received and money expended and the uses of expenditures. This trust fund report shall be submitted to the Olbiil Era Kelulau by April 15 of each year.

(h) The Trust Fund shall be subject to annual audits.

### Source

RPPL 9-49 § 4 [192]. Subsections (a), (b), (c) & (d) amended by RPPL 10-2 § 3, modified.

# **MONITORING OF VESSELS IN DOMESTIC FISHING ZONE & PALAU NATIONAL MARINE SANCTUARY 27 PNCA § 202**

## **Chapter 2**

### **Monitoring of Vessels in Domestic Fishing Zone and Palau National Marine Sanctuary**

§ 201. Legislative findings.

§ 202. Definitions.

§ 203. Requirement of automatic location communicator.

§ 204. Input of information; judicial presumption.

§ 205. Tampering with, failing to operate, or destruction of an automatic location communicator.

§ 206. Confidentiality and security of automatic location communicator information.

§ 207. Ownership of vessel monitoring system information.

#### **§ 201. Legislative findings.**

The Olbiil Era Kelulau finds that the Republic of Palau lacks the necessary personnel to effectively prevent and police incidents of illegal fishing in the Republic's exclusive economic zone. The Olbiil Era Kelulau further finds that it is in the best interest of the Republic to develop an efficient system for monitoring, control and surveillance in order to prevent illegal fishing. The Olbiil Era Kelulau further finds that it would be in the best interest of the Republic to require all fishing vessels to be equipped with functioning automatic location communicators to assist in the effective surveillance of the exclusive economic zone of the Republic.

#### **Source**

RPPL 5-36 § 1. Amended by RPPL 9-49 § 4 [201].

#### **§ 202. Definitions.**

As used in this chapter:

(a) "Automatic location communicator" or "communicator" means any device or machine placed on a foreign fishing vessel, which transmits information or data concerning the position, movement and speed of the vessel, and such other activities of the vessel as may be required by the Bureau.

(b) "Bureau" means the Bureau of Oceanic Fisheries Management.

(c) "Director" means the Director of the Bureau of Oceanic Fisheries Management.

## 27 PNCA § 202 FISHING & PALAU NATIONAL MARINE SANCTUARY

(d) “Fishing vessel” means any vessel, boat, ship, or other craft which is used for, equipped to be used for, or of a type which is normally used for:

(1) fishing, but does not include personal vessels used primarily for recreation or sports; or,

(2) aiding or assisting one or more vessels at sea in the performance of any activity relating to fishing, including but not limited to, preparation, fueling, supply, storage, refrigeration, transportation, transshipment or processing.

(e) “Foreign fishing vessel” means any commercial fishing vessel that is not part of the domestic fleet of the Republic of Palau.

(f) “Vessel monitoring system” means the system employed by the Forum Fisheries Agency member countries and coordinated by the Bureau to monitor the position and activities of foreign fishing vessels for the purpose of effective management of fisheries.

(g) “Vessel monitoring system information” means all the data and information generated, obtained or collected in respect to the operation of the vessel monitoring system within the exclusive economic zone of the Republic of Palau.

### Source

RPPL 5-36 § 1, modified. Subsections (b) and (c) amended by RPPL 6-26 § 21(b)[202]. Subsection (d) amended by RPPL 9-49 § 4 [202].

### Notes

The Bureau of Oceanic Fisheries Management was re-established by Executive Order No. 308, dated April 17, 2012.

### § 203. Requirement of automatic location communicator.

(a) As a condition of receiving a permit to fish within the Domestic Fishing Zone, the operator of each fishing vessel shall:

(1) install on such vessel, at the operator’s expense, an automatic location communicator as designated by the Bureau;

(2) maintain the automatic location communicator in proper working order at all times while in the exclusive economic zone and such other areas as may be designated by the Bureau and by law;

## **MONITORING OF VESSELS IN DOMESTIC FISHING 27 PNCA § 204 ZONE & PALAU NATIONAL MARINE SANCTUARY**

(3) ensure that all information or data required by the Bureau to be transmitted by the automatic location communicator is transmitted continuously, accurately and effectively to the receiver designated by the Director;

(4) ensure that the vessel's automatic location communicator is transmitting at least fifty (50) nautical miles prior to entry into and after departure from the exclusive economic zone of Palau;

(5) apply annually to the Forum Fisheries Agency for registration of the automatic location communicator and present such registration to the Bureau;

(6) pay the fee determined by the Forum Fisheries Agency for the registration of the automatic location communicator; and

(7) comply at all times with the directives of the Director regarding the proper functioning [of] the vessel's automatic location communicator.

(b) No permit shall be issued by the Bureau for any fishing vessel unless the Bureau has inspected the vessel and has determined that a communicator that conforms to the requirements of this chapter has been installed on that vessel and is functioning properly. Such communicators shall include, at minimum, a VMS system and an Automatic Identification System.

### **Source**

RPPL 5-36 § 1. Subsections (a) and (b) are amended by RPPL 9-49 § 4 [203].

### **Notes**

In subsection (a)(7) the bracketed [of] does not appear in the original legislation.

### **§ 204. Input of information; judicial presumption.**

(a) Information or data concerning the vessel's position and fishing activities shall be automatically input from machines aboard the vessel. A machine that automatically inputs the information into the communicator shall be presumed by the Court to be accurate.

(b) All information or data obtained or ascertained by the use of a communicator, shall be presumed, unless the contrary is proven, to:

## **27 PNCA § 204 FISHING & PALAU NATIONAL MARINE SANCTUARY**

- (1) come from the vessel so identified;
- (2) be accurately relayed or transferred; and
- (3) be given by the master, owner and charterer of the fishing vessel; and evidence may be given of information and data so obtained or ascertained whether from a printout or visual display unit.

**Source**  
RPPL 5-36 § 1.

### **§ 205. Tampering with, failing to operate, or destruction of an automatic location communicator.**

Any person who willfully tampers with, destroys, or interferes with in any way, an automatic location communicator, or violates section 203(a)(4), shall be guilty of a class C felony and upon conviction shall be sentenced for a term of imprisonment not to exceed two years, fined an amount ranging from five hundred thousand dollars (\$500,000) to one million dollars (\$1,000,000), or both.”

**Source**  
RPPL 5-36 § 1, modified. Amended by RPPL 9-45 § 6, modified.

### **§ 206. Confidentiality and security of automatic location communicator information.**

(a) Except as provided in subsection (b) of this section, all vessel monitoring information shall be confidential. Any person who intentionally or recklessly divulges information from a vessel monitoring system to any other person(s) or organization, not authorized to receive such information, shall be guilty of a felony and, upon conviction thereof, shall be sentenced for a term of imprisonment not to exceed two (2) years, fined an amount not to exceed fifty thousand dollars (\$50,000), or both.

(b) The Director or his designee may release vessel monitoring system information in the following circumstances:

- (1) to discharge international obligations assumed by Palau;
- (2) in furtherance of maintenance of law and order; and

**MONITORING OF VESSELS IN DOMESTIC FISHING 27 PNCA § 207  
ZONE & PALAU NATIONAL MARINE SANCTUARY**

(3) for the purpose of protection and safety of life or property.

(c) The Director shall promulgate regulations regarding:

(1) the collection of vessel monitoring system information; and

(2) the authorized release of vessel monitoring system information.

**Source**

RPPL 5-36 § 1.

**§ 207. Ownership of vessel monitoring system information.**

All data and information generated, obtained or collected in respect to the operation of the vessel monitoring system within the exclusive economic zone of the Republic of Palau is owned exclusively by the Republic of Palau.

**Source**

RPPL 5-36 § 1.

## 27 PNCA § 301 FISHING & PALAU NATIONAL MARINE SANCTUARY

### Chapter 3 Bottom Trawling Prohibited

- § 301. Definitions.
- § 302. Bottom trawling within Palauan waters and Palauan EEZ.
- § 303. Bottom trawling by Palauan nationals, companies, or vessels.
- § 304. Civil penalty.
- § 305. Criminal penalty.

#### § 301. Definitions.

As used in this chapter:

- (a) “Bottom trawling” means using a bottom trawl or similar towed nets operating in contact with the bottom of the sea; any fishing method which involves towing nets along the sea floor, as opposed to pelagic trawling, where the nets are towed higher in the water column. Bottom trawling could be practiced by one vessel or by multiple vessels fishing cooperatively.
- (b) “Exclusive economic zone or EEZ” means the zone that is two hundred miles (200) miles from the baselines from which the Territorial Sea is measured, which has specific legal characteristics as defined by Palauan and International Law.
- (c) “Palauan National” means any person claiming citizenship, whether sole or dual in the Republic of Palau.
- (d) “Palauan Vessel” means any ship, boat or other motor powered marine craft that is registered in or licensed in the Republic of Palau. For the purposes of this chapter, it also means any ship, boat or other motor powered marine craft that is owned in whole or in part by a Palauan National or Palauan business entity.
- (e) “Territorial sea” means the area established by the breadth of its territorial waters up to a limit not exceeding twelve (12) miles, measured from baselines determined in accordance with Palauan and International Law.

**Source**  
RPPL 7-17 § 2, modified.

## **BOTTOM TRAWLING PROHIBITED      27 PNCA § 303**

### **Notes**

RPPL 7-17 § 1 reads: “ Findings and purpose. The Olbiil Era Kelulau finds that the 1982 UN Convention on the Law of the Sea lays down the general duty to protect and preserve the marine environment and specifically requires measures to be taken to protect and preserve rare or fragile ecosystems, the habitat of depleted, threatened, or endangered species and other forms of marine life. Nations are required to take into account the interdependence of stocks and effects on associated and dependent species when managing stocks, both in the exclusive economic zone (EEZ), and on the high seas. The obligations also include taking, or cooperating with other Nations in taking, measures necessary for their nationals to conserve the living resources of the high seas.

The Olbiil Era Kelulau finds that in bottom trawl fishing, trawl nets can contact the sea bottom almost continually, and often dig into the sea-floor 10-25 cm, depending on how hard the sea floor is. Bottom trawling has been found to destroy up to 98% of the coral cover of seamounts as well as cause the depletion of the targeted fish stocks. Bottom trawling removes large numbers of species from the food chain, leading to impacts on the relevant ecosystems.

The Olbiil Era Kelulau finds that the use of bottom trawling has serious and possibly irreversible effects, including destruction of coral reefs and associated vulnerable species. There is concern about the effect on the fish stocks targeted and about the impacts on the biodiversity of the deep-sea marine environment, including in particular the destructive effects of such fishing on the coral reefs and related biodiversity of seamounts. Such fishing not only adversely impacts on targeted species and on sedentary species attached to the coral reefs, but also impacts on mobile species dependent on the reefs for food and shelter. These impacts have motivated thousands of deep-sea scientists to state that scientific studies around the world have shown that bottom trawling is devastating to corals and sponges and to urge the United Nations and appropriate international bodies to establish a moratorium on bottom trawling on the high seas. The Olbiil Era Kelulau hereby states its support for such a global moratorium on bottom trawling.

The Olbiil Era Kelulau finds that coastal nations are permitted to regulate fishing within their Territorial Sea and EEZ. A number of countries have taken action to address deep-sea trawling on seamounts within their own waters. With this Act, Palau intends to prohibit its nationals, companies, and vessels from engaging in bottom trawling anywhere in the world. With this Act, Palau also intends to prohibit anyone from engaging in bottom trawling within Palau's Territorial Sea and EEZ.

### **§ 302. Bottom trawling within Palauan waters and Palauan EEZ.**

(a) It shall be unlawful to engage in or assist in bottom trawling in the territorial sea of the Republic of Palau.

(b) It shall be unlawful to engage in or assist in bottom trawling in the Exclusive Economic Zone of the Republic of Palau.

#### **Source**

RPPL 7-17 § 3, modified.

### **§ 303. Bottom trawling by Palauan nationals, companies, or vessels.**

(a) It shall be unlawful for any Palauan National to engage in or assist in bottom

## **27 PNCA § 303 FISHING & PALAU NATIONAL MARINE SANCTUARY**

trawling, anywhere in the world.

(b) It shall be unlawful for any business entity, regardless of type, which is registered in or otherwise licensed to do business in the Republic of Palau to engage in or assist in bottom trawling, anywhere in the world.

(c) It shall be unlawful for any Palauan vessel to engage in or assist in bottom trawling, anywhere in the world.

### **Source**

RPPL 7-17 § 4.

### **§ 304. Civil penalty.**

Any person or business entity who engages in, or assists in bottom trawling in violation of this chapter, or who allows their vessel(s) or equipment to be used for bottom trawling in violation of this chapter, shall forfeit to the National Government of Palau such vessel(s) and equipment.

### **Source**

RPPL 7-17 § 5, modified.

### **§ 305. Criminal penalty.**

Any person who engages in, or assists in bottom trawling in violation of this chapter, shall upon conviction thereof, be imprisoned for not more than ten (10) years and/or fined not more than five hundred thousand dollars (\$500,000). This criminal fine may be imposed against both individual persons, and against any business entity whose vessel(s) or equipment is used for bottom trawling in violation of this chapter. The criminal penalties are in addition to the civil penalties that may be due under this chapter.

### **Source**

RPPL 7-17 § 6, modified.

**DIVISION 2  
DOMESTIC FISHING**

**Chapter 10  
District Entities for Development of Marine Resources  
[Repealed]**

§ 1001 - § 1006. [Repealed]

**Source**

(P.L. No. 7-111, §§ 1-5, 7.) 45 TTC §§ 162-167, modified. Repealed by RPPL 5-7 § 34(3) on 10/3/97, effective 10/1/97.

**Chapter 11  
Palau Fishing Authority  
[Repealed]**

**Subchapter I  
General Provisions  
[Repealed]**

§ 1101 - § 1103. [Repealed]

**Source**

PL 7-7-8 §§ 1-2, modified. Repealed by RPPL 5-7 § 34(3) on 10/3/97, effective 10/1/97.

**Subchapter II  
The Authority  
[Repealed]**

§ 1121 - § 1126. [Repealed]

**Source**

PL 7-7-8 §§ 3-10, modified. Amended by RPPL 3-42 § 2(b). Repealed by RPPL 5-7 § 34(3) on 10/3/97, effective 10/1/97.

# **27 PNCA § 1141 FISHING & PALAU NATIONAL MARINE SANCTUARY**

## **Subchapter III Administration of Authority [Repealed]**

§ 1141 - § 1154. [Repealed]

### **Source**

PL 7-7-8 §§ 4(11), 11-23. Repealed by RPPL 5-7 § 34(3) on 10/3/97, effective 10/1/97.

**Chapter 12**  
**Marine Protection Act of 1994**

- § 1201. Short title.
- § 1202. Purpose.
- § 1203. Definitions.
- § 1204. Prohibited acts.
- § 1205. Permits.
- § 1206. Regulations.
- § 1207. Labeling and cultured species regulations.
- § 1208. Enforcement.
- § 1209. Criminal penalties.
- § 1210. Civil penalties.
- § 1211. Giant Clam Seed Sustainability Project Fund.

**§ 1201. Short title.**

This chapter shall be known and may be cited as the “Marine Protection Act of 1994.”

**Source**

RPPL 4-18 § 1, modified.

**§ 1202. Purpose.**

The purpose of this chapter is to promote sustainably and develop the marine resources of the Republic while also preserving the livelihood of the commercial fishermen of the Republic.

**Source**

RPPL 4-18 § 2, modified.

**§ 1203. Definitions.**

The following definitions are to be used in interpreting this chapter. Any term not listed below is to be accorded its ordinary dictionary definition or where applicable, its definition under subchapters I and III of chapter 1 of Title 27 of the PNCA:

- (a) “Bred in captivity” means specimens born, produced in a controlled environment, or

## 27 PNCA § 1203 FISHING & PALAU NATIONAL MARINE SANCTUARY

otherwise collected as gametes from the wild, and shall apply only if:

(1) the parents mated or gametes were otherwise transferred in a controlled environment, if reproduction is sexual, or the parents-was in a controlled environment when development of the offspring began, if reproduction is asexual; and

(2) the breeding stock:

(A) was established in accordance with relevant national laws and in a manner not detrimental to the survival of the species in the wild;

(B) is maintained without the introduction of specimens from the wild, except for the occasional addition of animals, eggs or gametes, in accordance with relevant national laws and in a manner not detrimental to the survival of the species in the wild:

(i) to prevent or alleviate deleterious inbreeding, with the magnitude of such addition determined by the need for new genetic material; or

(ii) to dispose of confiscated animals; or

(iii) exceptionally, for use as breeding stock; and

(C) (i) has produced offspring of second generation or subsequent generation in a controlled environment; or

(ii) is managed in a manner that has been demonstrated to be capable of reliably producing second-generation offspring in a controlled environment.

(b) “Exclusive economic zone” means that area contiguous to the territorial sea, the inner boundary of which is the seaward boundary of the territorial sea, and the outer boundary is a line every point of which is two hundred (200) nautical miles seaward of the nearest point on the baseline as defined in this chapter;

(c) “Export” or “exported” means (1) an actual or attempted shipment, transport, or transfer of fish out of the Republic of Palau; or (2) a transfer of fish to any person within

the Republic of Palau with the knowledge, intent or belief that the fish will be shipped, transported or transferred out of the Republic of Palau; when used in this chapter, “export” means to ship, transport, transfer, send, take, remove or carry a fish from the Republic to any other place in the world;

(d) “Export for commercial purposes” means to export as defined in section 1203(c) with the intent or knowledge that the fish will be shipped, transported or transferred out of the Republic of Palau for the purpose of sale, exchange, or any form of monetary gain;

(e) “To Fish” or “fishing means:

- (1) catching, taking, or harvesting fish, or searching for fish with the intent to catch, take, or harvest them;
- (2) attempting to catch, take, or harvest fish, or attempting to search for fish with the intent to catch, take, or harvest them;
- (3) engaging in any other activity which can reasonably be expected to result in the catching, taking, or harvesting of fish;
- (4) placing or recovering fish aggregating devices or associated electronic equipment such as radio beacons, or searching for such equipment or devices with the intent to recover them;
- (5) any operations at sea in support of, or in preparation for, any activity described in (1) - (4); or
- (6) the use of any vehicle on sea or air, including aircraft, in relation to any activity described in paragraphs (1) - (5), except when such activities are related solely to the safety of crew members or the safety of a vessel.

(f) “Fish”, as a noun, means any water-dwelling aquatic or marine animal or plant and includes their eggs, spawn, spat and juvenile stages, and any of their parts.

(g) “Fishery zones” means the internal waters, territorial sea, and exclusive economic zone as defined in this chapter and all other waters over which the Republic may have jurisdiction in accordance with international laws;

## 27 PNCA § 1203 FISHING & PALAU NATIONAL MARINE SANCTUARY

- (h) “Marine resources” means all species of marine animals and plants other than marine birds;
- (i) “Minister” means the Minister of Natural Resources, Environment, and Tourism;
- (j) “Palau’s waters” means Palau’s internal waters, contiguous zone, territorial waters, exclusive economic zone and all waters over which the Republic of Palau has jurisdiction in accordance with international laws.
- (k) “Person” means any individual, corporation, partnership, association, or other private sector entity; the government of the Republic or any of its subdivisions; and any foreign government, or subdivision thereof;
- (l) “Reef fish” means any species of fish which predominately inhabits reef areas, the territorial sea, or internal waters;
- (m) “Take” means to harass, destroy, sell, damage, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or attempt to engage in any such conduct;
- (n) “Territorial sea” means that area seaward of the baseline, the inner boundary of which is the baseline and the outer boundary is a line every point of which is twelve (12) nautical miles seaward of the nearest point on the baseline.

### Source

RPPL 4-18 § 3, modified. Subsection (c) added by RPPL 4-35 § 1(a). Subsection (c) amended by RPPL 7-18 § 1, modified. Subsection (j) added by RPPL 7-44 § 2(1), modified. Subsection (d) amended by RPPL 9-45 § 7, modified. Amended by RPPL 9-49 § 4 [1203], modified. Subsection (a) amended by RPPL 9-50 § 2 [1203], modified.

### § 1204. Prohibited acts.

Within the Republic of Palau, including the internal waters, territorial sea, and exclusive economic zone as defined in this chapter, all other waters over which the Republic has jurisdiction in accordance with international laws, and all land over which the Republic has jurisdiction, it shall be unlawful for any person to:

- (a) fish for, sell, receive, export, cause to be exported, possess, or buy from April 1 to October 31, inclusive, any of the following species of groupers (temakai, tiau):
- (1) *Plectropomus areolatus* (tiau);

- (2) *P. laevis* (tiau, katuu'tiau, mokas);
- (3) *P. leopardus* (tiau);
- (4) *Epinepheluspolyphekadion* (ksau'temekai);
- (5) *E. fuscoguttatus* (meteungerel'temekai);

(b) fish for, sell, receive, export, cause to be exported, possess, or buy any of the fish set forth in subsections (a)(1)-(5) during the open fishing season unless the fish is at least twelve inches (12") in length from the tip of the head to the tip of the tail;

(c) fish for, sell, buy, receive, export, cause to be exported, or possess the following species:

- (1) bumphead parrot fish –*Bolbometoponmuricatum* (kemedukl,berdebed, and any other known Palauan name); and
- (2) napoleon wrasse –*Cheilinusundulatus* (maml, ngimer, and any other known Palauan name);

(d) fish for, sell, receive, export, cause to be exported, possess, or buy rabbitfish (*meyas*, *siganuscanaliculatus*, *siganusfuscescens*) from February 1 to March 31, inclusive;

(e) fish for, sell, receive, export, cause to be exported, possess, or buy the following species of rock lobsters (cheraprukl): raiklus, bleached, or melech smaller than three and one-half (3 ½) inches in total length of the carapace, as measured from the tip of the rostrum to the end of the carapace, or a berried female of any size whatsoever;

(f) export or cause to be exported all of the species listed in subsections (a), (d) and (e) above year-round, except that:

(1) during the open season of or for qualifying sizes of such species, as applicable, a person traveling from the Republic of Palau by passenger flight may carry in their checked-in baggage up to fifty (50) pounds of any combination of such for any valid non-commercial purpose as set forth per regulation;

(2) any amount of any combination of such for a valid non-commercial purpose may be exported if the person exporting such species applies for and receives

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written permission from the Minister to export such species by proving to the Minister that such species are being exported for a valid non-commercial purpose.

- (g) except as authorized by regulation or permit issued by the Minister, fish while using any form of underwater breathing apparatus other than a snorkel;
- (h) export, or cause to be exported, black teatfish (*Holothurianobilis* (bakelungal)), white teatfish (*Holothuriafuscogilva* (bakelungal)), prickly redfish (*Thelenotaananas* (temetamel)), surf redfish (*Actinopygamaurritiana* (badelchelid)), sandfish (*Holothuriascabra* (molech, delal a molech)), coconut crab (*Birguslatro* (ketat)), mangrove crab (*Scylla serrata* (chemang)), or rock lobster (*Panuliruslongipesfermoristriga*, *Panulirusversicolor*, *Panuliruspencillatus* (cherprukl));
- (i) export any species of sea cucumbers (including, but not limited to, *Actinopygamiliaris* (cheremrum));
- (j) fish for, sell, buy, receive, or possess, any coconut crab (*Birguslatro*) smaller than four (4) inches in the greatest distance across the width of its carapace or a berried female coconut crab of any size whatsoever;
- (k) fish for, sell, buy, receive, or possess, any mangrove crab (*Scylla serrata*) smaller than six (6) inches in the greatest distance across the width of its carapace or a berried female mangrove crab of any size whatsoever;
- (l) export, or cause to be exported, the following species of clam, or part thereof: (*Tridacnagigas* (Otkang)); *T. squamosa* (Ribkungel); *T. derasa* (Kism); *T. maxima* (Melibes); *T. crocea* (Oruer); *Hippopusporcellanus* (Duadeb); and *Hippopushippopus* (Duadeb);
- (m) fish with a gill net or surround net having a mesh size of less than three (3) inches measured diagonally;
- (n) fish with a kesokes net with no bag portion or with the bag portion having a mesh size of less than three (3) inches measured diagonally;
- (o) retain possession of, or abandon, a kesokes net having a mesh size of less than three (3) inches measured diagonally or with a bag portion having a mesh size less than three (3) inches measured diagonally;

(p) until such time as the regulations promulgated pursuant to section 1205 are in effect, take aquarium fish;

(q) make any entry or statement in any writing completed or submitted in connection with the export of fish which is false or misleading; and

(r) export, or cause to be exported, any species of living resource that predominantly inhabit reef areas, the territorial sea, or internal waters of the Republic of Palau, except as provided in section (f) above; and section 1205. However, notwithstanding this section, any species collected for research purposes, or collected as gametes, or bred in captivity at an aquaculture or mariculture farm by a person licensed by the Minister, may be possessed, sold, exported no matter the amount, taken, or reintroduced to the wild in accordance with section 1205.

#### Source

RPPL 4-18 § 4, modified. Subsections (a) - (e), & (g) - (j) amended by RPPL 4-35 § 1(e). Subsection (k) amended by RPPL 4-35 § 1(f). Subsection (f) amended by RPPL 4-35 § 1(b). Subsection (p) added by RPPL 4-35 § 1(c). Opening paragraph and subsections (a), (b), (c), (d), (e), (g), (h), (i), (j), and (k) amended by RPPL 7-18 § 1. The phrase “only if such species originated in the Republic of Palau” which appears in subsections (a), (b), (c), (d), (e), (g), (h), (i), (j), and (k) was changed by RPPL 7-20 § 6 from the wording which originally appeared in RPPL 7-18 § 1 “regardless of where such species may have originated”. Subsection (q) added by RPPL 7-44 § 2(2), modified. Subsections (i) and (j) are amended by RPPL 8-44 § 2, modified. Subsection (a) and (b) are amended by RPPL 8-58 § 2, modified. Amended by RPPL 9-49 § 4 [1204]. Amended in its entirety by RPPL 9-50 § 3 [1204], modified.

#### Notes

The bracketed “[in]” in subsection (b) does not appear in the original legislation.

RPPL 8-58 § 1 reads: Legislative findings. The Olbiil Era Kelulau finds that the population and size of groupers (*temekai ma tiau*) in Palau is constantly declining. The Olbiil Era Kelulau finds that this is due to over-fishing and unsustainable fishing practices of such species. Therefore, this Act will reduce the harvesting period to ensure that such species reproduce and are available for future generations.

RPPL 8-44 § 1 reads: Legislative Findings. The Olbiil Era kelulau finds that marine and aquaculture projects should be encouraged and supported by the Republic. The Olbiil Era Kelulau finds that currently there are marine and aquaculture farms raising coconut crabs (*ketat*) and mangrove crabs (*chemang*), however certain provisions of the Marine Protection Act governing these two common crab species currently prohibit the selling, buying, receiving, possessing, and exporting of undersized crabs of such species as prescribed in Section 1204(i) and (j) of Title 27 of the Palau National Code. A coconut crab or mangrove crab aquaculture farm must possess undersized crabs as the aquaculture process necessarily involves raising crabs from eggs for eventual consumer purchase or consumption once the crabs have grown to sufficient size. The Olbiil Era Kelulau finds that the current law hinders individuals, schools, and organizations from cultivating the two specie of crabs for sale. Therefore, the Olbiil Era Kelulau finds it necessary and appropriate to amend the current law to allow for the possession of an undersize crab for marine and aquaculture farms.

In 2011, Palau Community College’s Cooperative Research and Extension Department had a breakthrough in collecting and hatching eggs and rearing young crabs to a mature size. The Olbiil Era Kelulau finds that in order to distinguish the possession of undersized crabs from the wild and those from hatcheries, it is necessary for the

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Ministry of Natural Resources, Environment and Tourism to certify such hatcheries from which aquaculture farmers may obtain their undersized crabs.

ROP v. S.S. Enterprises, Inc., 9 ROP 48, 50 (2002).

Sugiyama v. ROP, 9 ROP 5, 6, 7 (2001).

Sugiyama v. ROP, 9 ROP 5, 6, 7 (2001).

### § 1205. Permits.

(a) The taking of living resources from the reefs of the Republic of Palau for the following purposes is allowed only with a valid and current permit from the Minister or his/her designee:

- (1) for local aquarium use;
- (2) for scientific research, maricultural research, or medical research;
- (3) for specimens or gametes to be bred in captivity per approved marine or aquaculture projects; and
- (4) for the holding, selling, buying, reintroduction into the wild, or export of any cultured species listed in section 1204 during closed season, for approved marine or aquaculture projects.

(b) As of the effective date of the amendments to the Act made pursuant to [RPPL X-XX], if any person that was legally culturing species without a permit prior to such effective date would be illegally culturing species without a permit on or after such effective date pursuant to the Act, then such person shall be given a grace period of 60 calendar days from such effective date to obtain a permit as required pursuant to subsection (a)(4) above.

#### Source

RPPL 4-18 § 5, modified. Subsection (a)(3) and (a)(4) added by RPPL 7-18 § 1. Amended by RPPL 9-50 § 4 [1205], modified.

#### Notes

Upon confirmation from the Senate legal counsel the bracketed [RPPL X-XX] in subsection (b) refers to RPPL 9-50.

**§ 1206. Regulations.**

The Minister may promulgate such rules and regulations, in accordance with 6 PNC Chapter 1, as he or she deems necessary to protect the species identified in Section 1204 of this Chapter from over harvesting, or to otherwise carry out the purposes of this chapter. In addition, the Minister shall work in consultation with the Division of Customs to promulgate rules to define the valid non-commercial purposes for which certain species may be exported pursuant to Section 1204(f) and to establish procedures for exporting such species up to fifty (50) pounds pursuant to Section 1204(f)(1) and issuing written permission to export an amount of such species over fifty (50) pounds pursuant to Section 1204(f)(2).

**Source**

RPPL 4-18 § 6, modified. Amended in its entirety by RPPL 7-18 § 1. Amended in its entirety by RPPL 7-20 § 6. Amended in its entirety by RPPL 9-50 § 5 [1206], modified.

**§ 1207. Labeling and cultured species regulations.**

(a) The Minister of Natural Resources, Environment, and Tourism shall immediately promulgate regulations instituting a labeling and reporting system by which all exporters of fish report the weight of fish by species exported.

(b) The Minister of Natural Resources, Environment, and Tourism shall immediately promulgate regulations instituting a licensing, labeling and cultured species certification system.

**Source**

RPPL 4-18 § 7, modified. Amended by RPPL 4-35 § 1(g)(a). Subsection (b) added by RPPL 4-35 § 1(g)(b). Amended in its entirety by RPPL 8-44 § 3, modified.

**§ 1208. Enforcement.**

(a) Any person violating this chapter shall be prosecuted by the Attorney General of the Republic of Palau to the full extent possible under the law. The Attorney General shall take appropriate action to stop any violation of this chapter, including court action seeking to enjoin violations.

(b) The provisions of this chapter and any regulations or permits issued pursuant thereto shall be enforced by the Minister or his designee, the Bureau of Public Safety or any state government; provided that the Bureau of Public Safety shall have primary enforcement

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responsibility. The Minister or his designee may utilize by agreement, with or without reimbursement, the personnel, services, and facilities of any other agency of the national government or of any state government for purposes of enforcing this chapter.

(1) The judges of the courts of the Republic may, upon proper oath or affirmation showing probable cause, issue such warrants or other process as may be required for enforcement of this chapter and any regulations issued thereunder.

(2) Any person authorized by the Minister or his designee to enforce this chapter, any authorized Bureau of Public Safety employee, or any authorized employee of a state government may detain for inspection and inspect any package, crate, or other container, including its contents, and all accompanying documents, upon importation and exportation. Such person may make arrests without a warrant for any violation of this chapter if he has reasonable grounds to believe that the person to be arrested is committing the violation in his presence or view, and may execute and serve any arrest warrant, search warrant, or other warrant or civil or criminal process issued by any officer or court of competent jurisdiction for enforcement of this chapter. Such person may search or seize, with or without a warrant, as authorized by law. Any marine resources protected by this chapter shall be held by any person authorized by the Minister or his designee pending civil or criminal proceedings, or the institution of any action for forfeiture of such marine resources; except that the Minister or his designee may, in lieu of holding such marine resources related thereto, property, or item, permit the owner or consignee to post a bond or other surety satisfactory to the Minister or his designee, but upon forfeiture of any such property to the Republic, or the abandonment or waiver of any claim to any such property, it shall be disposed of (other than by sale to the general public) by the Minister or his designee in such a manner, consistent with the purposes of this chapter, as the Minister or his designee shall prescribe by regulation.

(3) All marine resources protected by this chapter taken, possessed, sold, purchased, offered for sale or purchase, transported, delivered, received, carried, shipped, exported, or imported contrary to the provisions of this chapter, any regulation made pursuant thereto, or any permits issued hereunder shall be subject to forfeiture to the Republic. All traps, nets, and other equipment, vessels, vehicles, aircraft, and other means of transportation used to aid the taking, possessing, selling, purchasing, offering for sale or purchase, transporting, delivering, receiving, carrying, shipping, exporting, or importing of any such marine resources related thereto in violation of this chapter, any regulation made

pursuant thereto, or any permit issued thereunder shall be subject to forfeiture to the Republic upon conviction of a criminal violation pursuant to subsection 1209(a) of this chapter.

(4) All provisions of law relating to the seizure, forfeiture, and condemnation of a vessel for violation of the export laws and admiralty and maritime laws, the disposition of such vessel or the proceeds from the sale thereof, and the remission or mitigation of such forfeiture, shall apply to the seizures and forfeitures incurred, or alleged to have been incurred, under the provisions of this chapter, insofar as such provisions of law are applicable and not inconsistent with the provisions of this chapter; except that all powers, rights, and duties conferred or imposed by the customs and admiralty and maritime laws upon any officer or employee of the Ministry shall, for the purposes of this chapter, be exercised or performed by the Minister or by such persons as he may designate.

(5) The Attorney General of the Republic may seek to enjoin any person who is alleged to be in violation of any provision of this chapter or regulation issued under authority thereof.

(c) The Minister is authorized to promulgate such regulations pursuant to the Administrative Procedure Act as may be appropriate to enforce this chapter, and charge reasonable fees for expenses to the national government connected with permits authorized by this chapter including processing applications and reasonable inspections, and with the transfer, handling, or storage of marine life protected by this chapter and evidentiary items seized and forfeited under this chapter. Unless otherwise provided by law, all such fees collected pursuant to this subsection must be deposited in the National Treasury to the credit of the appropriation which is current and chargeable for the cost of furnishing these services. Appropriated funds may be expended pending reimbursement from the parties in interest.

**Source**

RPPL 4-18 § 8, modified. Subsection (b) and (b)(2) amended by RPPL 5-7 § 59. Subsection (c) is amended by RPPL 9-28 § 2.

**Notes**

ROP v. S.S. Enterprises, Inc., 9 ROP 48, 50, 52 (2002).

**§ 1209. Criminal Penalties.**

(a) Anyone who violates subsections (a)-(f), (h)-(k), (m)-(p) or (r) of section 1204 herein

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shall, upon conviction, be penalized as follows: upon the first conviction, be fined not less than two hundred fifty dollars (\$250); upon the second conviction, be fined not less than five hundred dollars (\$500) and sentenced to serve up to thirty (30) days in jail; upon the third conviction, be fined not less than one thousand dollars (\$1,000) and sentenced to serve up to six (6) months in jail; upon any conviction after a third conviction, be fined not less than five thousand dollars (\$5,000) and sentenced to serve up to one (1) year in jail. In assessing fines under this subsection, the court shall take into account any and all prior violations of subsections (a)-(f), (h)-(k), (m)-(p) or (r) of section 1204 herein whether such violation resulted in convictions or not.

(b) Anyone who violates subsection (g) of section 1204 herein shall, upon conviction, be fined not less than five hundred dollars (\$500) or imprisoned for not more than one (1) year, or both.

(c) Anyone who violates subsection (l) of section 1204 herein shall, upon conviction, be fined not less than three hundred dollars (\$300) or imprisoned for a period of not more than two (2) years, or both, for each violation.

(d) Anyone who violates subsection (q) of section 1204 herein shall, upon conviction, be fined not less than four hundred dollars (\$400) or imprisoned for a period of not less than six (6) months and not more than two (2) years, or both, for each violation.

### **Source**

RPPL 4-18 § 9(1), modified. Subsection (a) amended by RPPL 4-35 § 1(d)(a)(1). Subsections (b) - (d) added by RPPL 4-35 § 1(d)(a)(2) - 1(d)(a)(4). The last sentence in § 1209(a) was added by RPPL 7-18 § 1. Subsection (a) amended by RPPL 7-44 § 2(3). Amended by RPPL 9-45 § 8, modified. Amended by RPPL 9-49 § 4 [1209], modified. Amended by RPPL 9-50 § 6 [1209], modified.

### **§ 1210. Civil penalties.**

(a) Civil penalties are separate from criminal punishment and may be filed independently of or in addition to such criminal charges and sentences.

(b) Any person who is found by the Supreme Court in a civil proceeding to have committed an act prohibited by this chapter, shall be liable to the affected state and national government jointly for a civil penalty of no less than two hundred fifty thousand dollars (\$250,000) and no more than one million dollars (\$1,000,000) for each violation.

(c) Any person who is found by the Supreme Court in a civil proceeding:

- (1) to have abetted, aided, compensated, controlled, directed, employed, facilitated, funded, managed, operated, paid, sought to gain from, supervised, supported, or otherwise engaged in actions of complicity with another person found liable for violation of the chapter; and
- (2) to have done so in connection with such violation;

shall be liable to the affected state and national government jointly for a civil penalty which shall not exceed two hundred thousand dollars (\$200,000) for each violation.

(d) In determining the amount of such penalty, the Supreme Court shall take into account the nature, circumstances, extent, and gravity of the prohibited acts committed and, with respect to the violators, the degree of culpability, any history of prior offenses, and such other matters as justice may require.

(e) The Attorney General is authorized to initiate all civil proceedings under this chapter and to recover the amount assessed as a civil penalty.

(f) Any person who violates this chapter shall be liable in a civil action brought by a person residing within the Republic. If a judgment is entered against the defendant in an action brought by a resident of the Republic, the plaintiff shall receive fifty percent (50%) of the amount recovered, and shall be entitled to recover from the defendant the plaintiff's costs of litigation, including reasonable attorneys' fees. Before a resident may bring an action pursuant to this section, the resident must submit a written request to the Attorney General asking that the Attorney General bring a civil action. If the Attorney General fails to bring a civil action within sixty (60) days after receipt of the written request, the resident may thereafter bring a civil action pursuant to this section.

(g) All revenues collected pursuant to this subsection shall be transmitted immediately upon collection to the National Treasury and shall be distributed in accordance with the formula set forth in section 174(c) of this title."

#### **Source**

RPPL 4-18 § 9(2), modified. Subsection (a) amended by RPPL 4-35 § 1(d)(b)(1). Subsections (b) - (d) added by RPPL 4-35 § 1(d)(b)(2) - 1(d)(b)(4). Subsection (e) added by RPPL 5-7 § 59, modified. Subsection (b) amended by RPPL 7-18 § 1, modified. Subsection (c) added and former subsections (c), (d), and (e), changed to subsections (d), (e), and (f) by RPPL 7-18 § 1, modified. RPPL 9-45 § 9 amends subsection (b) and adds subsection (g).

#### **Notes**

The format and numbering in RPPL 7-18's subsection (c) have been changed to conform with the standard format and numbering used in the PNCA. In subsection (c)(1) the phrase "engaged in actions of complicity" originally read "engaged in complicitous activities".

## 27 PNCA § 1210 FISHING & PALAU NATIONAL MARINE SANCTUARY

Former § 1210 is now codified at § 1211.

Sugiyama v. ROP, 9 ROP 5, 6, 7 (2001).

### § 1211. Giant Clam Seed Sustainability Project Fund.

(a) Establishment of fund. There is hereby established a revolving fund within the National Treasury known as the Giant Clam Seed Sustainability Project Fund into which fees received as a result of the processing of the Bureau of Marine Resources Marine Export Declaration Form and related inspections, the issuance of endangered species import/export certificates according to the Convention on International Trade in Endangered Species, and the production of giant clam seeds distributed to the Republic's cultured clam farmers, shall be deposited. The Giant Clam Seed Sustainability Project Fund shall be maintained by the Ministry of Finance, separate and apart from other funds in the National Treasury.

(b) Records. The Bureau of Marine Resources shall maintain proper records of all purchases and sales made under the Fund, and shall submit quarterly reports to the Minister of Natural Resources, Environment and Tourism summarizing the purchases and sales made under the Fund.

(c) Use. The Fund shall be used for the following purposes:

- (1) To provide assistance to clam farmers;
- (2) To promote and increase the production of cultured clams in order to reduce pressure on wild clam stocks;
- (3) To restock wild clam populations in Palau's reefs; and
- (4) To increase the population of wild giant clams and preserve the species.

#### Source

RPPL 9-28 § 3, modified.

#### Notes

Former § 1211 entitled "Severability" was replaced by RPPL 9-28 § 3.