

Executive Order No. 254

To Repeal

(a) *Addendum 3 to Executive Order No. 203--Organization of the Executive Branch . . . ;*

(b) *Executive Order No. 204-A – Palau Fisheries Advisory Committee (PFAC); and*

To Amend

(c) *Executive Order No. 204 relating to the composition of PFAC.*

WHEREAS, on 8th December 2008 *Addendum 3 to Executive Order No. 203* was promulgated with the intent to repeal Section 3(e) of Part IV (Ministry of Justice) of Executive Order No. 203 as well as to add a new Section 4 to Part IV purportedly elevate the existing *Division of Marine Law Enforcement* to a Bureau to be headed by a Director, and assigned additional new duties and responsibilities; and

WHEREAS, on the same day of 8th December 2008 *Executive Order No. 204-A* was also promulgated with the intent to repeal subparts (j) and (m) of Section 4 of Executive Order No. 203 and to purportedly (i) amend Section 1 of Executive Order No. 204 by substituting the *Director of the Bureau of Marine Resources* with the *Director of the Bureau of Law Enforcement* in the composition of Palau Fisheries Advisory Committee (PFAC), and amend Section 4 by transferring provision of secretariat service to PFAC from the former to the latter; and

WHEREAS, the reallocation of responsibilities to the Division of Marine Law Enforcement from the Bureau of Marine Resources and elevating the Division of Marine Law Enforcement to a Bureau failed to take into consideration the institutional knowledge and expertise accumulated by the Bureau of Marine Resources over the years which test equip this Bureau to continue to be responsible for PFAC and related matters; [and]

WHEREAS, promulgation of the above-referenced executive orders was an action taken in direct contravention of Section 9, RPPL No.7-53, which “. . . *authorized and enacted a Continuing Budget Authority for fiscal year 2009*” and which went into effect on 10 September 2008; and

WHEREAS, in his 2 February 2009 Vice Presidential Memorandum, the Honorable Kerai Mariur, Vice President/Minister of Finance, issued a reminder to various budget activities that any expenditures over and above their respective FY 2008 budget allocations “constitute violations of the law and may result in personal liability of any offender”; [and]

WHEREAS, the attempted elevation of the existing Division of Marine Law Enforcement to a Bureau effectively increases the levels of expenditures so incurred in contravention of the current Continuing Resolution referred to above, and therefore has no legal force and effect,

NOW, THEREFORE, by virtue of the authority vested in me as President of the Republic of Palau pursuant to the Constitution and laws of the Republic of Palau, it is ordered

that:

(i) expenditures incurred in promotions, lateral transfers of personnel, or any other activity which exceed FY 2008 level of budgetary allotment to Marine Law Enforcement Division are null and void, and are rescinded forthwith;

(ii) *Addendum 3 to Executive Order No. 203, and Executive Order No. 204-A*, promulgated on 8th December 2008, are hereby repealed in their entirety;

(iii) the *Division of Marine Law Enforcement* shall, as it was prior to 8th December 2008, remain a division of the Bureau of Public Safety, Ministry of Justice, and shall continue to perform its duties pursuant to the provisions of Executive Order No. 203, Part IV, Section 3(e); and

(iv) the membership composition of Palau Fisheries Advisory Committee, as set forth in Section 1 of Executive Order No. 204, is hereby modified by replacing therein "*The Minister of Resources and Development*" with "*The Minister of Natural Resources, Environment and Tourism*".

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seals this 6th day of March, 2009, at Ngerulmud, Melekeok State, Republic of Palau

/s/
Johnson Toribiong
President
Republic of Palau