

EXECUTIVE ORDER NO. 308

Amending Executive Order No. 283 to create a Bureau of Oceanic Fishery Management within the Ministry of Natural Resources, Environment and Tourism, and repealing Executive Orders Nos. 204 and 204-A

WHEREAS, the Palau Fisheries Advisory Committee (“PFAC”) was created pursuant to Executive Orders Nos. 204 and 204-A dated November 8, 2008, and December 8, 2008, respectively, and placed under the Ministry of Resources and Development; and

WHEREAS, RPPL No. 7-43 abolished the Ministry of Resources and Development and generally transferred its duties to the newly established Ministry of Natural Resources, Environment and Tourism, such duties to include the responsibility for the promotion, exploration, exploitation, development, and management of the natural resources of the Republic, including marine and fisheries... and other... ocean-based resources; and

WHEREAS, while RPPL No. 7-43 specifically established a Bureau of Marine Resources within the Ministry of Natural Resources, Environment and Tourism and tasked it with managing and conserving all near shore marine resources, the law overlooked establishing a bureau tasked with formulating and coordinating the Republic of Palau’s national fisheries policies and programs for the conservation, management and sustainable utilization of Palau’s off-shore fisheries, including the valuable tuna resources within Palau’s EEZ; and

WHEREAS, pursuant to Section 2 of Executive Order No. 283 the Palau Fisheries Advisory Committee (“PFAC”) was formally established under the Ministry of Natural Resources, Environment and Tourism, to have the duties and perform the responsibilities set forth in Executive Orders Nos. 204 and 204-A, which duties generally include the conservation, management and sustainable utilization of Palau’s off-shore fisheries; and

WHEREAS, so as to advance and manage the foreign affairs of the Republic of Palau as such relate to off-shore fisheries, and to more effectively perform the duties and responsibilities presently assigned to the PFAC, the President has determined that such duties and responsibilities would be better carried out by a line agency of the Executive Branch of the National Government under the Ministry of Natural Resources, Environment and Tourism; and

WHEREAS, 2 PNC § 109 directs the President to provide for the subdivisions of the Ministries and to prescribe their duties, responsibilities and functions by Executive Orders; and

WHEREAS, 2 PNC 110 empowers the President by Executive Orders to establish offices and agencies within the Executive Branch and to prescribe their duties, responsibilities and functions so as to assist the President, the Vice President and the Ministers in the performance of their duties, responsibilities and functions;

NOW, THEREFORE, by virtue of the authority vested in the President by Article VIII of the Constitution of the Republic of Palau and the aforementioned laws, the President orders that Executive Orders Nos. 204 and 204-A, dated November 8, 2008, and December 8, 2008, respectively, are hereby repealed, and that Section 2 of Part I. of Executive Order No. 283 is hereby repealed and replaced with a new Section 2 to read as follows, all other provisions of Executive Order No. 283 to remain the same:

“Section 2: The Bureau of Oceanic Fishery Management. The Bureau of Oceanic Fishery Management shall be headed by a Director. The Bureau generally shall be responsible for exploring, surveying, developing, managing and conserving all off-shore fisheries within the contiguous and exclusive economic zones of the Republic of Palau (the “waters of Palau”). Specifically, the Bureau shall:

- A. initiate, prepare, and review national off-shore fisheries policies, plans and programs for developing and exploiting tuna and other fishery resources in the waters of Palau so that such policies, plans and programs are consistent with international, regional and sub-regional management measures and treaties to which the Republic of Palau is a party, such as those of and with the United Nations, the UN Food and Agriculture Organization, the Western and Central Pacific Fisheries Commission and related International and Regional Fisheries Management Organizations, the Forum Fisheries Agency, the Parties to the Nauru Agreement, and all other organizations and agencies including non-government organizations involved in the development of international fisheries management and policies;
- B. manage, monitor and supervise all national off-shore fisheries policies, plans and programs for developing and exploiting tuna resources in the waters of Palau;
- C. manage, monitor and supervise all foreign fishing agreements to which the Republic of Palau is a party;
- D. as directed by the Minister and in close coordination with the Ministry of State, and in accordance with the applicable laws of the Republic of Palau, negotiate with foreign fishing companies, associations and governments to develop sub-regional, regional, bilateral and multilateral fishing and fishery agreements for implementation within the waters of Palau;

- E. issue foreign fishing permits in accordance with regulations promulgated pursuant to the applicable laws of the Republic of Palau;
- F. implement Palau's tuna fishery management plan;
- G. formulate and implement guidelines and conservation and management measures to safeguard against the over-exploitation and over harvesting of tuna resources and other species of fish in the waters of Palau;
- H. formulate and implement research programs or activities for tuna fisheries and other species of fish;
- I. collect, compile and process and establish and maintain database systems for the collecting, compiling, processing and interpreting of oceanic fisheries data;
- J. recommend to the Minister regulations for the conservation, management, and exploitation of all living resources in the contiguous zone and exclusive economic zone of the Republic; and
- K. do and perform all other duties and responsibilities as assigned by the Minister.”

This Executive Order shall take effect immediately and shall remain in force and effect until amended or repealed.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal this 17th day of April, 2012.

/s/

Johnson Toribiong
President
Republic of Palau