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Office of the President

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Executive Order No. 395

Restructuring the Palau National Marine Sanctuary Office and the Palau National Marine Sanctuary Executive Committee to strengthen implementation of the Palau National Marine Sanctuary

WHEREAS, the Olbiil Era Kelulau passed the Palau National Marine Sanctuary Act (Senate Bill No. 9-30, SD2, HD3 on October 22, 2015); and

WHEREAS, I signed into law, RPPL 9-49, the Palau National Marine Sanctuary Act on October 28th; and

WHEREAS, the Act establishes a Palau National Marine Sanctuary ("PNMS") encompassing the entire Exclusive Economic Zone of the Republic of Palau and in support of the Sanctuary accomplishes the following:

- After a transition period of five years, 1) creates a no-take Marine Sanctuary (approximately 500,000 square kilometers) covering 80% of Palau's Exclusive Economic Zone (EEZ), in which no fishing will occur and 2) creates a Domestic Fishing Zone covering approximately 20% of Palau's EEZ, in which traditional and domestic fishing activities will be allowed to provide fish for the domestic market;

- Strengthens the monitoring of foreign fishing vessels' passage through and activities in Palau's EEZ;

- Ensures that the States of Palau will not lose current revenue streams from fishing activities; and

- Identifies additional funding to cover the cost of implementing a comprehensive and efficient surveillance and monitoring system and enhancing economic development by expanding the green fee and renaming it as the Environmental Impact Fee; and

WHEREAS, the Act, in Section 192 of Title 27, establishes a Fisheries Protection Trust Fund within the National Treasury to fund surveillance and enforcement of the Sanctuary and the enforcement of the laws related to the marine sanctuary, including the administration of those activities, and to promote eco-tourism; and

WHEREAS, the Act identifies partnering with the donor community to implement the PNMS to improve Palau's ability to patrol and protect our EEZ in line with the law's mandate to maintain, monitor, protect and market the Palau National Marine Sanctuary; and

WHEREAS, the mandate to maintain, monitor, protect and market the Palau National Marine Sanctuary with funds from the Palau National Marine Sanctuary Trust Fund requires the creation of an administrative office to Implement RPPL 9-49; and

WHEREAS, Chapter 27 of Title 40 mandates a process for the development of the rules and procedures for the imposition of the Pristine Paradise Environmental Fee and imposes such fees only after that procedure is in place, thereby limiting immediate funding for the PNMS from local sources; and

WHEREAS, other grant funds have, and will continue to become available to the Government of Palau to assist in the transitional implementation of the PNMS,

WHEREAS, Executive Order No. 383, promulgated in November of 2015, established the initial structure for Palau National Marine Sanctuary Office and the Palau National Marine Sanctuary Executive Committee in order to implement the PNMS; and

WHEREAS, the Executive Committee and the PNMS Office worked together to establish a strategic planning and implementation structure revolving around specific focus areas; and

WHEREAS, a stronger understanding of the overall implementation needs, including financing constraints, staffing requirements, marketing options and reporting responsibilities for the PNMS, has been attained over the first year of operation and within the context of the identified focus areas,

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

1. Executive Order No. 383 is hereby rescinded in its entirety and this Executive Order is promulgated to improve the administrative and management structure of the PNMS and to guide the future implementation of the PNMS.

2. The *Palau National Marine Sanctuary Office* is herein reorganized, within the Office of the President, as set forth below.

3. The Palau National *Marine Sanctuary Executive Committee*, is herein reorganized, as set forth below.

I. Palau National Marine Sanctuary Office

1. **Structure and Staffing of the PNMS Office**. The Palau National Marine Sanctuary Office shall be headed by an Executive Director. This Executive Order shall not limit the hiring of additional staff, as is deemed necessary by the President, Executive Committee:

    a) PNMS Executive Director. The Executive Director's duties are as follows:

    - Serve as the Secretariat for the Palau National Marine Sanctuary Executive Committee;
    - Assist the Minister of Finance, the Minister of Justice, the Minister of Public Infrastructure, Industry and Commerce, and the Minister of Natural Resources, Environment and Tourism in the development of transitional and permanent rules and regulations and operating procedures for the implementation of the PNMS;
    - Develop a comprehensive PNMS Strategic Implementation Plan for the Sanctuary, to include a Sanctuary Surveillance and Monitoring Plan and an Economic Plan, both incorporating statistical baselines and mandated periodic studies to ensure the development of Surveillance capacity and the expansion of the private sector;
    - Direct the day-to-day operation and management of the Palau National Marine Sanctuary;
    - Establish a Permanent PNMS Office in an appropriate location;
    - Prepare an Annual Report and develop and oversee an annual budget for the PNMS;
    - Coordinate budgetary and finance oversight with the Minister of Finance;
    - Monitor and enhance relations with Sanctuary partners, donors, and research institutions;
    - In conjunction with the Ministry of Justice, the Ministry of Natural Resources, Environment and Tourism, the Ministry of Public Infrastructure, Industry and Commerce, the Marine Sanctuary Oversight Committee and any future surveillance oversight group, oversee surveillance and monitoring operations and develop monthly surveillance and enforcement reports for the President;

- Develop annual operating plans, internal operations manuals and policies as may be required;
- Direct the development of a PNMS Fundraising Strategy and implement the strategy, reporting to the President on a semi-annual and annual basis;
- Represent the PNMS with donors, the government of Palau, international organizations, non-governmental organizations, the private sector and the media;
- Work with the Palau Visitors' Authority, the Bureau of Tourism and the Belau Tourism Association in developing a National Tourism Plan, taking into account the PNMS;
- Manage and oversee, in conjunction with the Finance Officer, the Fisheries Protection Trust Fund, and any and all funds created to support the PNMS and to receive funds from international and private sources; and
- Perform such other duties and responsibilities as are set out for the Secretary General by the Committee and the President.

b) Project Manager. The Project Manager's duties are as follows:

- Oversee the implementation of the six key components essential to the success of the PNMS;
  - Surveillance and Enforcement
  - Sustainable Finance
  - Outreach and Education
  - Tourism and Marketing
  - Fisheries and Food Security
  - Science and Monitoring
- Assist the Executive Director in the development of work plans for each key component; and
- Work with relevant agencies to implement work plans for each key component

c) Finance Officer. The Finance Officer's 's duties are as follows:

- Oversee all financial and accounting matters related to the PNMS and the PNMS Trust Fund;
- Under the oversight of the Executive Director and the Committee, prepare the Office's Annual Budget;
- Maintain all financial records for operations of the PNMS and the PNMS Office;

- Prepare financial summary reports as required, including an annual financial report; and
- Assist in the development of external audits for the Sanctuary and for the Office.

d) Surveillance and Enforcement Advisor. The PNMS Surveillance Office shall be located within the Palau National Marine Sanctuary Office but will coordinate with all relevant parties. The Surveillance and Enforcement Advisor's duties are as follows:

- Coordinate with the Bureau of Maritime Security and Fish and Wildlife Protection, The Ministry of Justice, The Bureau of Marine Resource, The Ministry of Environment, Natural Resources and Tourism, the Office of the President, and the Palau National Marine Sanctuary Office on the implementation of the National Surveillance and Enforcement Strategic Plan;
- Monitor and advise on all international and regional agreements entered into by Palau that deal with fisheries surveillance and enforcement;
- Explore options including the latest surveillance and monitoring and control technology and techniques for fisheries as they pertain to the Palau National Marine Sanctuary; and
- Serve as the designated point of contact for all Marine Domain Awareness groups of which the Republic of Palau is a member or participant.

e) Administrative Officer. The Administrative Officer's duties are as follows:

- Manage the PNMS Office on administrative matters;
- Assist the PNMS Executive Director in the day to day operations of the Marine Sanctuary and the PNMS Office;
- Assist the PNMS Executive Director in all administrative matters;
- Assist the PNMS Executive Director in the development of all reports;
- Assist the Finance Officer in all financial and accounting matters and in the preparation of financial documents;
- Assist the Media Advisor in the development of the awareness program and in the preparation and distribution of all promotional materials;
- Undertake tasks identified by the PNMS Executive Director to support the Office, media advisor and tourism Liaison in carrying out their respective duties; and
- Provide support to the Executive Director as is deemed necessary.

f) Secretary. The Secretary's duties are as follows:

- Provide secretarial assistance to the PNMS Executive Director, Finance Officer, Media Supervisor and Tourism Liaison, as coordinated by the PNMS Executive Director and Administrative Assistant; and
- Provide such other assistance and services as directed by the Executive Director.

g) Marketing and Tourism Liaison. The Marketing and Tourism Liaison's duties are as follows:

- Work with the President's Press Secretary and with Public Affairs to integrate the Sanctuary into appropriate areas of Media coverage;
- Work with the PNMS Executive Director, the Palau Visitors' Authority, and the Belau Tourism Association in developing a National Tourism Plan that focuses on high quality Eco Tourism activities;
- Assist the PNMS Executive Director and the Committee in identifying appropriate public and private tourism development projects for potential funding by the Palau National Marine Sanctuary Trust Fund; and
- Work with international Non-Governmental Organizations (NGO's) and governments to promote the PNMS.

h) Legal Services. The Executive Director shall assess the legal needs of the Office and the PNMS and submit a proposal to the President for the provision of legal services, which may include staffing within the Office, within the Office of the Attorney General or may include contractual services.

II. Palau National Marine Sanctuary Executive Committee

1. Membership of the Committee ("Committee"). The Executive Committee shall be composed of seven voting members, each member representing the interests and issues of the Sub-Committees set forth below:

a) One Member appointed by the Ministry of Community and Cultural Affairs (MCAA) or the Ministry of Education (MOE) (to alternate every two years) to focus on Education and Awareness;

b) The Minister of Justice, or his or her designee, to focus on Surveillance and Enforcement;

c) The Minister of the Ministry of Natural Resources, Environment and Tourism, or his or her designee, to focus on Domestic Fisheries;

d) The Chief Executive Officer for the Palau International Coral Reef Center (PICRC), or his or her designee, to focus on Science and Monitoring;

e) The Minister of Finance, or his or her designee, to focus on Sustainable Financing;

f) The Managing Director of the Palau Visitors Authority (PVA), or his or her designee, to focus on Tourism and Marketing; and

g) The Executive Director of the PNMS Office, to focus on the administration of the Palau National Marine Sanctuary, as set forth in this Executive Order.

2. The Council of Chiefs shall appoint a representative to directly advise the Executive Committee.

3. Duties and Functions. The Palau National Marine Sanctuary Executive Committee shall have the following duties and functions:

a) Support the PNMS Office with the implementation of the PNMS Act, including advising on work plans, budgeting and employee hiring and termination;

b) Provide advice and assistance to the PNMS Office regarding fund-raising efforts;

c) Support the PNMS Office in developing a comprehensive strategic planning and reporting process requiring medium term outcomes, outputs, indicative activities, indicators, status and implementing partners through forms provided by the PNMS Office.

d) Review quarterly and annual reports provided by the Executive Director of the PNMS Office and forward the final reports to the President;

e) Monitor the performance of both the Fisheries Protection Trust Fund and other appropriate funds as may be established to receive grant funding from outside sources;

f) Provide guidelines for Ministries to support the mobilization of resources for the PNMS;

4. Standing Sub-Committees. There are herein established six Standing Sub-Committees. The Sub-Committees shall focus on developing and implementing strategic plans in six critical focus areas. The six Standing Sub-Committees, and members, which membership may be expanded as directed by the President or the Executive Committee, are as follows.

   a) Committee on Education and Awareness. The Committee on Education and Awareness shall be responsible for implementing, under the direction of the Executive Committee, an education and awareness program for the PNMS.

   b) Committee on Surveillance and Enforcement. The Committee on Surveillance and Enforcement shall be responsible for implementing a comprehensive program of surveillance and enforcement of Palau's Exclusive Economic Zone, under the direction of the Executive Committee, in support of the objectives of the PNMS.

   c) Committee on Domestic Fisheries. The Committee on Domestic Fisheries shall be responsible for establishing a domestic fisheries industry, under the direction of the Executive Committee, in line with the objectives of the PNMS to preserve Palau's food security and the sustainability of livelihoods and to expand economic opportunities for future generations.

   d) Committee on Science and Monitoring. The Committee on Science and Monitoring shall be responsible for undertaking such scientific studies as are necessary to ensure and assess the positive impacts of the PNMS, under the direction of the Executive Committee, in line with the overriding vision of the PNMS.

   e) Committee on Sustainable Finance. The Committee on Sustainable Finance shall be responsible for identifying, seeking, monitoring, and protecting funding, under the Direction of the Executive Committee, to implement the goals of the PNMS.

   f) Committee on Tourism and Marketing. The Committee on Tourism and Marketing shall be responsible for marketing the PNMS to both the domestic and international communities, under the direction of the Executive Committee.

5. Ad Hoc Committees. The President and the Executive Committee may establish such Ad Hoc Committees as they deem necessary.

6. Administrative support. Primary administrative support to the Committee shall be provided by the PNMS Office. Additional support shall be provided by Ministry of Natural Resources, Environment and Tourism, the Ministry of State, the Ministry of Finance, the Office of the President, and other Executive Branch Offices as designated and directed by the President.

7. Meetings/Conference Calls. The Committee shall meet at least monthly, including through conference calls, in order to discuss and coordinate sustainable development issues as set forth in this Executive Order. Electronic participation in meetings shall be permitted and pursued to allow for the largest possible participation in Executive Committee and Sub-Committee meetings.

8. Reporting.

    a) Monthly Reports. Each Sub-Committee shall provide, through the PNMS Office, monthly report to the Executive Committee detailing their accomplishments during the preceding month. Required details of the reports shall be set forth by the Executive Committee with the Assistance of the Executive Director.

    b) Quarterly Reports. The Executive Director shall provide to the Executive Committee, for its review, Quarterly Reports, which shall be forwarded to the President based upon the preceding monthly reports.

    c) Annual Reports. The Executive Director shall provide to the Executive Committee, for its review, Annual Reports, which shall be forwarded to the President within thirty days following the end of every fiscal year.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal this March 29, 2017 at Koror, Republic of Palau.

Tommy E. Remengesau, Jr.
President
Republic of Palau