

To ban bottom trawling in Palau's EEZ, RPPL 7-17 2006

**SEVENTH OLBIL ERA KELULAU
RPPL No. 7-17
Twelfth Special Session, December 2005
(Re: as Senate Bill No. 7- 112, SD1)**

AN ACT

To ban the practice of bottom trawling in the Territorial waters and exclusive economic zone of the Republic of Palau, and for related purposes.

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

Section 1. 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.

Section 2. Definitions. As used in this Act:

(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 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 Act, it also mean 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 12 miles, measured from baselines determined in accordance with Palauan and International Law.

Section 3. 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.

Section 4. Bottom trawling by Palauan Nationals, Companies, or Vessels.

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

Section 5. Civil penalty. Any person or business entity who engages in, or assists in bottom trawling in violation of this Act, or who allows their vessel(s) or equipment to be used for bottom trawling in violation of this Act, shall forfeit to the National Government of Palau such vessel(s) and equipment.

Section 6. Criminal penalty. Any person who engages in, or assists in bottom trawling in violation of this Act, shall upon conviction thereof, be imprisoned for not more than ten years and/or fined not more than five hundred thousand dollars (\$500,000.00). 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 Act. The criminal penalties are in addition to the civil penalties that may be due under this Act.

Section 7. Effective date. This Act shall take effect upon its approval by the President or upon its becoming law without such approval.

PASSED: March 09, 2006

Approved this 22nd day of MARCH, 2006.

/s/

Tommy E. Remengesau, Jr.

President

Republic of Palau