

AN ACT

To amend Title 24 of the Palau National Code to establish a moratorium on the killing and harvesting of hawksbill turtles and increase the penalties associated with unlawful taking or use; and for other related purposes.

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

1           Section 1. Amendment. 24 PNC § 1281 is amended to read as follows:

2           “(a) No sea turtle of any species shall be taken or killed except whose shell is at  
3 least thirty four (34) inches when measured over the top of the carapace shell  
4 lengthwise, nor shall the eggs of any sea turtle be taken.

5           (b) No sea turtle of any size shall be taken or killed from the first day of May to  
6 the thirty-first day of August, inclusive, nor from the first day of December to the  
7 thirty-first day of January, inclusive.

8           (c) No hawksbill turtle shall be harvested, taken, or intentionally killed,  
9 regardless of location or size of the turtle or the time of year, for ten (10) years after  
10 the effective date of this Act. During the moratorium period, no part of the hawksbill  
11 turtle may be used for any purpose, including but not limited to trade, consumption,  
12 import, or export, except for the existing use of the traditional “toluk” or women’s  
13 money already in circulation as of the date of the enactment of this Act. During the  
14 moratorium period, businesses that possessed goods made from any part of the  
15 hawksbill turtle in their inventory prior to the effective date of this Act shall be allowed  
16 to continue selling these goods for two (2) years after the effective date of this Act.  
17 During this two (2) year period, consumers shall likewise be permitted to purchase  
18 these goods. After this two (2) year period, no part of the hawksbill turtle may be used  
19 for commercial sale for the remainder of the moratorium period. During the entire ten  
20 (10) year moratorium period, businesses shall not purchase new inventory made from  
21 any part of the hawksbill turtle, and manufacturers shall not manufacture goods made  
22 from any part of the hawksbill turtle.

1 (d) A person violating subsections (a), (b), or (c) of this section shall be guilty of  
2 a misdemeanor and, upon the first conviction, be fined up to one thousand dollars  
3 (\$1,000) but not less than two hundred fifty dollars (\$250); upon the second conviction,  
4 be fined up to three thousand dollars (\$3,000) but not less than five hundred dollars  
5 (\$500) and sentenced to serve up to thirty (30) days in jail; upon the third conviction,  
6 be fined up to five thousand dollars (\$5,000) but not less than one thousand dollars  
7 (\$1,000) and sentenced to serve up to six (6) months in jail; any conviction after a third  
8 conviction, be fined up to twenty thousand dollars (\$20,000) but not less than five  
9 thousand dollars (\$5,000) and sentenced to serve up to one (1) year in jail.

10 (e) Subject to subsection (c), during the moratorium period, it shall be a  
11 violation for a person to purchase any good made from any part of a hawksbill turtle.  
12 If a person violates this section, the hawksbill turtle item(s) shall be confiscated. Upon  
13 a second or subsequent violation of this subsection, the person shall be fined not more  
14 than one hundred dollars (\$100). The existing use and possession of the traditional  
15 "toluk" or women's money already in circulation as of the date of the enactment of this  
16 Act shall not constitute a violation of this subsection.

17 (f) During the ninth (9<sup>th</sup>) year of the prohibition described in subsection (c), the  
18 Ministry of Community and Cultural Affairs and the Ministry of Natural Resources,  
19 Environment, and Tourism shall conduct a review of the hawksbill turtle and the  
20 traditional use and availability of "toluk" in Palau. The two Ministries shall issue a  
21 joint report to the President of the Republic, the President of the Senate, and the  
22 Speaker of the House of Delegates which is to be due one hundred eighty (180) days  
23 before the expiration of the ten (10) year prohibition.

24 (g) The Ministry of Natural Resources, Environment, and Tourism shall  
25 promulgate regulations necessary to enforce the provisions of this subchapter. The  
26 Division of Fish and Wildlife shall be responsible for enforcing the provisions of, and  
27 relevant regulations issued under, this subchapter."

28 Section 2. Reporting requirement. The Ministry of Natural Resources,  
29 Environment, and Tourism, on behalf of its collaborating partners, the Ministry of  
30 Community and Cultural Affairs and the Ministry of Justice, shall prepare and submit

1 a report of the research and monitoring efforts for the turtle population in Palau and a  
2 request for funding the continued research and monitoring efforts to the presiding  
3 officers of the Olbiil Era Kelulau and the President of the Republic for consideration in  
4 the next supplemental or unified budget.

5 Section 3. Effective date. This Act shall take effect upon its approval by the  
6 President of the Republic of Palau, or upon becoming law without such approval.

PASSED: April 11, 2018

Approved this 17<sup>th</sup> day of APRIL, 2018.

  
HE Tommy E. Remengesau, Jr.  
President  
Republic of Palau