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Blueprint of a Sanctuary

There is peace for sharks in Palau, thanks to the monumental efforts of a few determined eco-warriors. We go behind the scenes of the events leading up to this historical triumph

Photos and Text by **Todd Essick**

■ **On the** 25th of September 2009, in front of the General Assembly at the United Nations, the President of Palau, Johnson Toribiong, declared that his island nation would create a 600,000 square kilometre (200,000 square mile) shark sanctuary in its waters. Palau is the first country to ever put forth such a monumental effort to protect sharks. The announcement however, reveals little of all that took place behind closed doors, and away from the media spotlight.

A great deal of thanks is certainly due to President Toribiong for taking this bold step, but also to those that helped the President to work through the many puzzling details leading to the establishment of the sanctuary. For those behind-the-scenes, the road to shark protection was difficult and the list of those who contributed time and effort is long. There is not enough space here to mention all those deserving of some recognition. For this, I offer my sincere apologies. But to understand how the momentum grew for the establishment of this sanctuary it is necessary to highlight the efforts of a few key individuals.

SHARK SAVIOURS

In many respects, the shark sanctuary is Dermot Keane – it was his dream that became reality with the declaration of the President. In 2001, Dermot Keane started the Palau Shark Sanctuary, a non-profit organisation with the goal of creating a protected area consisting of Palau's maritime Exclusive Economic Zone. Dermot will always be the first to credit the efforts of others, but all those involved know that without Dermot's tireless efforts and foresight, the sanctuary would never have been realised.

Dermot Keane first visited Palau 15 years ago and moved to Palau shortly thereafter, where he joined local dive company Sam's Tours. The dive shop's neighbours happened to be a foreign-based longline fishing fleet. Boats departed and returned consistently with hundreds of shark fins drying in the rigging, blatantly demonstrating the scale of the catch. It was this wake up call that got Dermot's Irish blood boiling. He learned much from the grass roots efforts of local Palauan boat operators, dive instructors and tour guides, several of whom were marine biologists and already engaged in an ongoing

fight to protect sharks that dated back to the late eighties. Dermot assumed the role of convener, bringing disparate opinions and parallel strategies together with one focused mission.

FIRST STEPS

Members of Dermot's growing informal network soon included Palauan Noah Idechong, Delegate to Palau's National Congress (OEK) and a founding member of the Palau Conservation Society. Delegate Idechong was already engaged in legislative efforts to end the destruction of Palau's sharks and soon played a leading role in achieving the first tentative steps towards real shark protection. Although the laws that were passed then consisted of the toughest shark protection legislation in the world at the time, the impact was largely only on paper, while the fishing and finning continued.

The fishing of sharks in Palau was dramatically put on global display with the production of a documentary for Discovery Channel's Shark Week. The crew, guided by *Scuba Diver AustralAsia Magazine* field editor Ethan Daniels, made an unannounced visit to a foreign fishing vessel in Malakal Port, surprising a crew unloading a haul of shark carcasses and shark fins. While shark fishing and finning was not illegal at the time, the ship's manifest that was submitted to Palau customs officials declared the cargo as tuna and other permitted catch – a clear criminal act of the falsification of records. The subsequent



"The strength and beauty of sharks are a natural barometer for the health of our oceans. Therefore, I declare today that Palau will become the world's first national shark sanctuary, ending all commercial shark fishing in our waters and giving a sanctuary for sharks to live and reproduce unmolested in our 237,000 square miles of ocean. We call upon all nations to join us."

President Toribiong, United Nations General Assembly

above: The Palau Sanctuary is announced at the United Nations General Assembly, New York, September 2009

opposite page: The sharks of Palauan waters are famous the world over, bringing much-needed tourist dollars to this remote island nation





THERE WAS AN UNSPOKEN “ELEPHANT IN THE ROOM”

broadcast of the documentary put shark over-fishing into full view, generating outrage not only in Palau but around the world. These early pictures, words, and deeds were the first pieces of the puzzle. But other pieces still needed to fall into place.

BLUEPRINT OF A MOVEMENT

As the years went by, the boldness of those who would try to destroy the natural beauty of Palau and its sharks grew. Through illegal fishing and ruthless business practices, counter-legislation found support designed to undercut the shark protection laws. The result was a cascade of events that led to one man making a stand. President Johnson Toribiong found himself in the right place at the right time to make a difference.

A six-month timeline of events started innocuously enough with the election of a new president and virtually an entirely new congress. Shortly thereafter, new legislation was proposed that was patently anti-environmental, anti-tourism, and obviously short-sighted. One such bill was Senate Bill SB-8-44, introduced by freshman Senator Paul Ueki. The bill's purpose was to allow for the commercial fishing of sharks in Palau's waters. Senate Bill SB-8-50, introduced by freshman Senator Joel Toribiong (the President's brother), proposed to exempt fishing companies from fish export taxes on any fish caught by purse-seining or other handling methods for a period of five years.

Upon the public unveiling of these bills, those involved in the fight to protect sharks were outraged. Edward Dorson, an independent conservationist, approached the problem not so much as a strategist but as a warrior. He immediately contacted Dermot Keane, who was



above: Dermot Keane of Sam's Tours shakes the hand of Palau President Johnson Toribiong upon his return from New York

opposite page, above: A diver hooks herself to the reef in the current at Palau's Blue Corner

opposite page, below: A grey reef shark cruises the sanctuary's waters



already mobilising on the ground in Palau, as well as Shawn Heinrichs from Shark Savers, looking to enlist their help. He also roped in Jason Heller from Divephotoguide.com who immediately posted an essay on the perils of the bills. These efforts started to take their own natural courses. Dermot was heating things up through public and private channels in Palau, while Edward, an ocean away in New York, started a tenacious letter writing campaign to civic and political leaders in Palau as well as across the U.S., including to Senator John Kerry. Shawn meanwhile worked with colleagues at Shark Savers, like Michael Skoletsky, who also started petition and letter writing campaigns, posting these letters to the congress of Palau.

POLITICAL LEVERAGE

Throughout all of this there was an unspoken “elephant in the room” – something that everyone was aware of but did not necessarily want to discuss openly. The Palauan Government and its Compact of Free Association with the United States was under review. The Compact of Free Association (COFA) defines the relationship the Republic of Palau maintains with the United States. Palau, a very young sovereign



nation, was formerly part of the Trust Territory of the Pacific Islands, a United Nations trusteeship administered by the United States that ended in 1994, when Palau officially became independent. However, under the COFA relationship, the United States agreed to provide major financial assistance over a 15-year period in exchange for full international defense authority and responsibilities. With the expiry of the initial funding, a renewed agreement was being negotiated for USD 125 to 250 million in assistance to Palau. Any negative press occurring at this point in time could be taken with significant sensitivity, particularly if it was US-based. With sensitivities at an all time high, leverage could be more easily found.

In a chance meeting between Dermot and a senior member of the President's staff, it was revealed that President Toribiong was concerned about negative effects on tourism from all the attention being paid to SB 8-44. Dermot saw it as an opportunity to change the direction of the President's view. After taking some heat as the perceived leader of a band of do-gooders that was creating bad press for Palau's tourism, Dermot fired back, pleading for the President to stand up and support the sanctuary, rather than worry about bad press. "Make Palau the first shark sanctuary," Dermot said to the President's staff member. That would surely bring good press for Palau's tourism and for the President.

TIPPING POINT

In July, Edward Dorson wrote a letter to the Palauan and US negotiating teams of the compact agreement. The letter stated many environmental reasons for the bills 8-44 and 8-50 not to go forward, stressing that as a US tax payer, it was his duty and right to question whether Palau should get money from the United States if Palau were to chose environmental mismanagement over conservation. In the corridors of power in Washington, US governmental agencies began to ask similar questions.



from left: Shawn Heinrichs from Shark Savers | Edward Dorson, independent marine conservationist | Matt Rand of Pew Charitable Trusts
opposite page: Sharks are still in abundance at the world-famous dive site called Blue Corner, along with other species like green turtles

THE STRENGTH AND BEAUTY OF SHARKS ARE A NATURAL BAROMETER FOR THE HEALTH OF OUR OCEANS

Dermot gives full credit to Edward for this strategic move: "Edward did an amazing amount of work behind the scenes... While there are indeed many people who deserve a great deal of credit my unsung hero in the eventual [Sanctuary] declaration and defeat of SB 8-44 is Edward Dorson."

In August, Edward successfully connected with Matthew Rand, Director of Shark Conservation at the Pew Charitable Trusts, who then contacted Dermot with an offer to help. As an influential member of a large foundation with access to major conservation financing, Matt held meetings with various organisations to better understand the local perspective on a possible sanctuary. Mostly positive feedback came in, though one prominent local dive operator strongly opposed the idea of a shark sanctuary declaring that it would not work and that more research was needed instead. Thankfully Matt and the Pew charitable trust did not agree. Matt also had a meeting with the House of Traditional Leaders, a very influential and constitutionally recognised council of Chiefs and senior elders, known in Palau as Rubaks. As advisors to the President, the Rubaks wrote to the President that they were in favour of a shark sanctuary. Finally, Matt met with President Toribiong, and left with a powerful impression that he described to Dermot afterwards: "I think the President really wants to do this."

The winds of change were blowing. Somewhere between the US State Department's questions to the Palauan leaders regarding the environment, the proposed new laws, and the Pew's financial support of a possible sanctuary, all the pieces of the puzzle were in place. All that remained, was to tell the world: **"The strength and beauty of sharks are a natural barometer for the health of our oceans. Therefore, I declare today that Palau will become the world's first national shark sanctuary, ending all commercial shark fishing in our waters and giving a sanctuary for sharks to live and reproduce unmolested in our 237,000 square miles of ocean. We call upon all nations to join us."** President Toribiong, *United Nations General Assembly*

It remains to be seen if the President and other Palauan leaders will live up to the responsibilities that go along with protecting sharks. The nation has taken the first step, but the enforcement of these new laws will be difficult as opposition mounts from businesses that inevitably will wish to dismantle the sanctuary's legislation. It will ultimately fall upon President Toribiong to do the right thing again. It is not enough to make Palau a sanctuary because it is not just sharks in Palau that need protection. Industrial fishers are targeting vulnerable species like bumphead parrotfish and Napoleon wrasse, not to mention the ever-present pressure to support commercial whaling from Japan. Palau has earned a reputation as a leader in global marine conservation. Let's hope this small and beautiful island nation has the political will to maintain and even grow this reputation, for the benefit of all. SDAA