



Republic of the Marshall Islands  
*Jepililin Ke Ejukaan*

**MINISTRY OF ENVIRONMENT,  
CONSERVATION AND CLIMATE CHANGE  
ACT 2016**

**Sponsored by:**

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**HON. MINISTER MATTLAN ZACKHRAS**

**Approved:**

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**HON. SPEAKER KENNETH A. KEDI /s/**



**NITIJELA OF THE REPUBLIC OF THE MARSHALL ISLANDS**  
**37TH CONSTITUTIONAL REGULAR SESSION, 2016**



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*Jepilpilin Ke Ejukaan*

**MINISTRY OF ENVIRONMENT, CONSERVATION AND  
 CLIMATE CHANGE ACT 2016**

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**NITIJELA OF THE REPUBLIC OF THE MARSHALL ISLANDS  
37TH CONSTITUTIONAL REGULAR SESSION, 2016**



Republic of the Marshall Islands  
*Jepilpilin Ke Ejukaan*

**MINISTRY OF ENVIRONMENT, CONSERVATION AND  
CLIMATE CHANGE ACT 2016**

**A BILL FOR AN ACT** to create a Ministry of Environment, Conservation and Climate Change; to provide a comprehensive legislative framework on matters relating to environmental protection, conservation and climate change; and other related matters.

**BE IT ENACTED BY THE NITIJELA OF THE REPUBLIC OF THE MARSHALL ISLANDS**

**PART I - PRELIMINARY**

**§101. Short title.**

This Act may be cited as the Ministry of Environment, Conservation and Climate Change Act 2016.

**§102. Objectives.**

- (1) The objects of this Chapter are:
  - (a) to protect, restore and enhance the quality of the environment in the Republic having regard to the need to maintain ecologically sustainable development and the need to build resilience to the impacts of climate change;
  - (b) to promote the protection and conservation of the environment with due respect for the traditional knowledge, cultures, practices and rights of the indigenous people of the Republic;

- 1 (c) to rationalise, simplify and strengthen the legal framework  
2 and environmental institutions for environmental protection,  
3 conservation and climate change in the Republic;
- 4 (d) to provide increased opportunities for public involvement and  
5 participation in environmental protection, conservation and  
6 climate change;
- 7 (e) to ensure that the community has access to relevant and  
8 meaningful information about environmental protection,  
9 conservation and climate change;
- 10 (f) to implement commitments made by the Republic to fulfil  
11 obligations as stated in regional and international conventions  
12 and other agreements relevant to environmental law and  
13 climate change that have been ratified by the Republic; and
- 14 (g) to allocate responsibility for obtaining and managing financial  
15 and technical assistance from international sources to build  
16 resilience in response to climate change.

17 (2) For the purposes of subsection (1)(a), ecologically sustainable  
18 development requires the effective integration of economic and  
19 environmental considerations in decision-making processes.  
20 Ecologically sustainable development can be achieved through the  
21 implementation of the following principles and programs:

- 22 (a) the precautionary principle—namely, that if there are threats  
23 of serious or irreversible environmental damage, lack of full  
24 scientific certainty should not be used as a reason for  
25 postponing measures to prevent environmental degradation.  
26 In the application of the precautionary principle, public and  
27 private decisions should be guided by:
- 28 (i) careful evaluation to avoid, wherever practicable,  
29 serious or irreversible damage to the environment; and
- 30 (ii) an assessment of the risk-weighted consequences of  
31 various options;
- 32 (b) inter-generational equity—namely, that the present generation  
33 should ensure that the health, diversity and productivity of the  
34 environment are maintained or enhanced for the benefit of  
35 future generations;

- 1 (c) conservation of biological diversity and ecological integrity –  
2 namely, that conservation of biological diversity and  
3 ecological integrity should be a fundamental consideration,
- 4 (d) improved valuation, pricing and incentive mechanisms—  
5 namely, that environmental factors should be included in the  
6 valuation of assets and services, such as:
- 7 (i) polluter pays—that is, those who generate pollution  
8 and waste should bear the cost of containment,  
9 avoidance or abatement,
- 10 (ii) the users of goods and services should pay prices based  
11 on the full life cycle of costs of providing goods and  
12 services, including the use of natural resources and  
13 assets and the ultimate disposal of any waste,
- 14 (iii) environmental goals, having been established, should  
15 be pursued in the most cost effective way, by  
16 establishing incentive structures, including market  
17 mechanisms, that enable those best placed to maximise  
18 benefits or minimise costs to develop their own  
19 solutions and responses to environmental problems.
- 20 (3) For the purposes of subsection 1(a) building resilience to the impacts  
21 of climate change can be achieved through the implementation of the  
22 following principles and programs:
- 23 (a) the principles of ecologically sustainable development;
- 24 (b) protection of atoll land habitability – namely, that the protection  
25 of atoll land habitability should be the primary consideration  
26 in all environmental planning, land use and development  
27 decision-making;
- 28 (c) maintaining and restoring natural infrastructure – namely, that an  
29 ecosystem-based approach that focuses on maintaining and  
30 restoring natural infrastructure such as coastal and marine  
31 wetlands (mangroves, coral reefs) and watershed vegetation is  
32 the preferred approach in adaptation to climate change; and
- 33 (d) interconnection between terrestrial and marine ecosystems –  
34 namely that terrestrial and marine ecosystems are inextricably  
35 interconnected so that decisions concerning activities on land  
36 should be considered in view of their impact on the  
37 environmental integrity of the marine environment, and

activities in the marine environment must be considered in view of their impact on the land.

### §103. Interpretation.

In this Chapter unless the context otherwise requires:

- (a) **‘atoll land habitability’** means coastal atoll land which is unpolluted and free of nuclear radiation and which has sufficient natural resources to sustain human habitation including:
- (i) potable water;
  - (ii) land elevation and width to support traditional food crops; and
  - (iii) thickness of coastal vegetation to protect against the impacts of salt spray and sea water overwash.
- (b) **‘coast’** means the border of land which is adjacent to the sea and not covered by sea water as defined in the Coast Conservation Act (Amendment) Act 2013.
- (c) **‘Coastal Zone’** means the area situated within a limit of twenty five (25) feet landwards of the mean high water line and a limit of two hundred feet seawards of the mean low water line as defined in the Coast Conservation Act (Amendment) Act 2013.
- (d) **‘coastline’** means the line of intersection of the plane of water at mean sea level with the coast as defined in the Coast Conservation Act (Amendment) Act 2013.
- (e) **‘endangered species’** includes:
- (a) critically endangered species
  - (b) endangered species; and
  - (c) threatened species as defined in the Endangered Species (Amendment) Act 2013.
- (f) **‘environment’** means the physical factors of the surroundings of human beings and includes:
- (i) the land;
  - (ii) soil;
  - (iii) water;
  - (iv) the atmosphere;



- 1 (v) human-made or modified structures and areas;
- 2 (vi) the climate;
- 3 (vii) sound;
- 4 (viii) odors;
- 5 (ix) tastes; and
- 6 (x) the biological factors of animals and plants of every
- 7 description and their interacting ecosystem situated within the
- 8 territorial limits of the Republic including the Exclusive
- 9 Economic Zone.
- 10 (g) **'Exclusive Economic Zone'** means the zone declared to be the
- 11 exclusive economic zone under Section 108 of the Marine Zones
- 12 (Declaration) Act 1984.
- 13 (h) **'International Environmental Program'** means any program or
- 14 project financed from a regional or international source or funding
- 15 institution or under an international environmental convention.
- 16 (i) **'the Minister'** means the Minister responsible for the administering
- 17 this Chapter.
- 18 (j) **'nearshore marine resources'** mean all those resources below the
- 19 high water mark to a depth of approximately 109 yards [or 100
- 20 meters] and including within a lagoon.
- 21 (k) **'the Ministry'** means the Ministry of Environment, Conservation and
- 22 Climate Change established under Part III of this Chapter.
- 23 (l) **'open sea'** means that area beyond nearshore marine resources to the
- 24 full extent of the Exclusive Economic Zone including the sea mounts
- 25 and ocean reefs.
- 26 (m) **'pollution'** as defined in the National Environmental Protection Act
- 27 1984 means any direct or indirect alteration of the physical, thermal,
- 28 chemical, biological or radioactive properties of any part of the
- 29 environment by the discharge, emission or deposit of wastes so as to
- 30 affect any beneficial use adversely or to cause a condition which is
- 31 hazardous or potentially hazardous to public health safety or welfare
- 32 or to animals, birds, wildlife, aquatic life or to plants of every
- 33 description.
- 34 (n) **'the President'** means the President of the Republic of the Marshall
- 35 Islands.

- 1 (o) **'public authority'** means a public or local authority constituted by or  
2 under any Act and includes:
- 3 (a) a government department or administrative office; and  
4 (b) a member of staff or other person who exercises functions on  
5 behalf of a public authority.
- 6 (p) **'radioactive waste'** means waste that contains radioactive material.
- 7 (q) **'Secretary' or 'Assistant Secretary'** means the Secretary or Assistant  
8 Secretary for the Ministry of Environment, Conservation and Climate  
9 Change;
- 10 (r) **'solid waste'** means any garbage, refuse, sludge from a wastewater  
11 treatment plant, water supply treatment plant, or air pollution control  
12 facility and other discarded materials including solid, liquid, semi-  
13 solid, or contained gaseous material, resulting from industrial,  
14 commercial, mining and agricultural operations, and from  
15 community activities, but does not include solid or dissolved  
16 materials in domestic sewage, or solid or dissolved materials in  
17 irrigation return flows or point source industrial discharges that are  
18 point sources or nuclear waste.
- 19 (s) **'targeted greenhouse gas'** means
- 20 (i) carbon dioxide;  
21 (ii) methane;  
22 (iii) nitrous oxide;  
23 (iv) hydrofluorocarbons;  
24 (v) perfluorocarbons;  
25 (vi) sulphur hexafluoride; or  
26 (vii) any other gas designated as a greenhouse gas by an order  
27 made by the Minister.
- 28 (t) **'waste'** as defined in the National Environmental Protection Act 1984  
29 means any matter that requires to be disposed of by national law and  
30 includes any matter prescribed by regulation to be waste and any  
31 matter whether liquid, solid or gaseous which is discharged, emitted  
32 or deposited in the environment in such volume, component or  
33 manner as to cause an alteration of the environment.

1           **PART II – THE MINISTRY OF ENVIRONMENT, CONSERVATION**  
2                           **AND CLIMATE CHANGE**

3       **§104. The Establishment and Purpose of the Ministry of Environment,**  
4       **Conservation and Climate Change**

5           (1)       There is established Ministry of Environment, Conservation and  
6                           Climate Change referred to in this Chapter as “the Ministry” or  
7                           “ECCC”.

8           (2)       The Ministry shall have the functions that include the following:

9                   (a)       to act as a coordination body for planning, policy development  
10                                  and implementation regarding:

11                                  (i)       climate change;

12                                  (ii)      environmental protection; and

13                                  (iii)     conservation.

14                   (b)       to act as the national focal point with external sources and  
15                                  lending institutions on International Environmental Programs  
16                                  related to planning, policy development and implementation  
17                                  including:

18                                  (i)       negotiations to secure financial assistance from external  
19                                  sources and lending institutions;

20                                  (ii)      coordination and management ; and

21                                  (iii)     successful conclusion;

22                   (c)       to provide a central repository for data collection, analysis and  
23                                  reporting; and

24                   (d)       to launch campaigns and build community outreach and  
25                                  awareness of issues related to protection of the environment,  
26                                  conservation and Climate Change.

27       **§105 Planning and Policy Development.**

28           The planning and policy development functions of the Ministry may include  
29                                  but are not limited to the following:

30           (1)       research issues related to environmental protection, conservation and  
31                                  climate change in the Republic and prepare strategies, management  
32                                  plans, action plans, memoranda, reports and maps and, in so doing,

- 1 liaise with the Ministerial Council, the Advisory Council, the  
2 Ministry of Foreign Affairs, the Economic Policy, Planning and  
3 Statistics Office, and other relevant Ministries and government  
4 agencies;
- 5 (2) review international environmental instruments to which the  
6 Republic is a Party and prepare position papers and statements for  
7 the benefit of Cabinet and other Ministries;
- 8 (3) advise on international law related to the environment, conservation  
9 and Climate Change including in relation to:
- 10 (a) international conventions and agreements to which the  
11 Republic is a Party; and
- 12 (b) international environmental instruments that may affect the  
13 Republic to which the government may wish to consider being  
14 a Party;
- 15 (4) develop proposals on law reform for protection of the environment,  
16 conservation and Climate Change.

17 **§106 Implementation**

- 18 The implementation functions of the Ministry may include but are not  
19 limited to the following:
- 20 (a) disseminate and explain the content of strategies, management plans,  
21 action plans prepared by the Ministry;
- 22 (b) coordinate and ensure the implementation of strategies, management  
23 plans, action plans prepared by the Ministry;
- 24 (c) act as a focal point for financial assistance from International  
25 Environmental Programs in consultation with the Ministry of Foreign  
26 Affairs and other relevant Ministries;
- 27 (d) provide technical training, advice, and assistance to ministries,  
28 departments and agencies in identifying, specifying and preparing  
29 sector and project plans, programs and funding submissions to  
30 International Environmental Programs;
- 31 (e) coordinate and manage International Environmental Programs;
- 32 (f) coordinate with government ministries and agencies, the private  
33 sector and civil society on program implementation of International  
34 Environmental Programs and other environmental programs;

- 1 (g) facilitate development of management plans for community-based  
2 conservation efforts;
- 3 (h) monitor reports on budgets, spending, progress in implementing  
4 programs; and
- 5 (i) participate in regional and international meetings associated directly  
6 with the program implementation.

7 **§107 Data Collection, Analyzing and Reporting.**

8 The Ministry may provide a central repository for data related to  
9 environmental protection, conservation and climate change in the Republic  
10 and in this regard the functions of the Ministry include but are not limited to  
11 the following:

- 12 (a) collect and analyse data related to changing weather patterns, rising  
13 sea levels, rising water temperature, ocean acidification and other  
14 anticipated impacts from climate change both within the Republic  
15 and internationally;
- 16 (b) compile reports of international meetings that concern environmental  
17 protection, conservation and climate change;
- 18 (c) request other ministries and government agencies, both regionally  
19 and internationally, to assist in the collection of reports, studies and  
20 other documents on environmental protection, conservation and  
21 climate change; and
- 22 (d) document local knowledge of the status of terrestrial, nearshore and  
23 open sea biodiversity and other natural resources.

24

25 **§108. Community Outreach**

26 In regard to community outreach, the functions of the Ministry include:

- 27 (a) collaboration with other government agencies including the Republic  
28 of the Marshall Islands Environmental Protection Authority and the  
29 Marshall Islands Marine Resources Authority to prepare and  
30 implement educational awareness programs on issues relating to  
31 environmental protection, conservation and climate change; and

- 1 (b) arranging community outreach programs with Local Government,  
2 community organizations, traditional leaders and environmental  
3 organizations within the Republic.

4 **PART III – ORGANIZATIONAL STRUCTURE**

5 **§109. Organizational Structure.**

- 6 (1) The organizational structure of the Ministry shall be further  
7 described in Regulation made pursuant to this chapter.  
8 (2) From time to time, the Minister may recommend changes to the  
9 organizational structure of the Ministry, for the approval of the  
10 Public Services Commission and the Cabinet.

11 **§110. Administrative Divisions of the Ministry**

12 For the effective administration of this chapter, the Ministry will consist of  
13 the following divisions:

- 14 (a) Office of the Minister;  
15 (b) Officer of the Secretary;  
16 (c) Office of the Environment;  
17 (d) Officer of the Conservation; and  
18 (e) Office of the Climate Change

19 **§111. Reserved.**

20 **PART IV – POWERS AND FUNCTIONS**

21 **§112. The Minister**

- 22 (1) General Functions: The Minister is charged with the responsibility of  
23 promoting and coordinating environmental protection, conservation  
24 and climate change in the Republic and in general with the following  
25 functions:  
26 (a) consulting with and advising the Public Service Commission  
27 on appropriate officers to be appointed under section 114;

- 1 (b) ensuring that the Secretary, Assistant Secretaries, and officers  
2 of the Ministry pursue the policy objectives of the  
3 Government, in coordination with other Ministries and  
4 agencies in the Republic;
- 5 (c) providing policy advice to the President and Cabinet on  
6 matters to be included in the Government's national policy  
7 objectives;
- 8 (d) coordinate and ensure the implementation of strategies,  
9 management plans and action plans relating to environmental  
10 protection, conservation and climate change including the  
11 sourcing and managing of finance from an International  
12 Environmental Program;
- 13 (e) ensure that government agencies work with local government,  
14 traditional owners, community bodies and individual citizens  
15 in the implementation of environmental protection,  
16 conservation and climate change; and
- 17 (f) advise all levels of government on matters concerning  
18 implementation of the principles for ecologically sustainable  
19 development and climate change resilience as set out in this  
20 Chapter.
- 21 (2) Specific Functions: Without limiting the functions that the Minister  
22 has apart from the section above, the Minister is charged with specific  
23 responsibility for, and has functions relating to:
- 24 (a) the environmental and health impacts of current military use  
25 of islands within the Republic by the Government of the  
26 United States of America or any other foreign nation; and
- 27 (b) impacts from the nuclear testing program conducted in the  
28 Republic from 1946 to 1958.
- 29 (c) responsible for matters relating of state-own enterprises  
30 relating to environment, conservation and climate change;
- 31 (c) Report to the Nitijela on the state of the environment, on every  
32 January of each year, to include the following matters:
- 33 (i) an assessment of the status and conditions of the major  
34 environmental resources in the Republic,
- 35 (ii) an examination of environmental trends, including the  
36 implications for the environment and human health;

- 1 (iii) a review of the programs and activities of public  
2 authorities and of the private sector related to  
3 environment protection;
- 4 (iv) an examination of trends in economic analysis and of  
5 the costs and benefits (including economic evaluation)  
6 of environment protection;
- 7 (v) any general recommendations for future legislative or  
8 other action which the Minister considers appropriate  
9 for environmental protection, conservation and climate  
10 change in the Republic; and
- 11 (vi) a statement on the performance of environmental  
12 education and awareness programs in the Republic.
- 13 (3) Delegation of functions: The Minister may, by instrument in writing,  
14 delegate any of the Minister's functions conferred or imposed by or  
15 under this or any other Act as are specified in the instrument to:
- 16 (a) Secretary, Assistant Secretary or officer of the Ministry;  
17 (b) any other public authority or an officer or employee of any  
18 other public authority;  
19 (c) a Local Government; or  
20 (d) an officer or employee of a Local Government.

21 **§113. The Secretary.**

- 22 (1) The Public Service Commission shall, in consultation with the  
23 Minister, appoint a suitably qualified person to the position of  
24 Secretary of the Ministry of Environment, Conservation and Climate  
25 Change.
- 26 (2) The Secretary, shall be responsible to the Minister, and is charged  
27 with the following functions:
- 28 (a) overseeing the administration and management of the  
29 Ministry and its Divisions or offices including the following:
- 30 (i) recruiting, developing and maintaining effective staff;  
31 (ii) preparing, overseeing and managing the budget of the  
32 Ministry;



- 1 (iii) establishing performance output criteria and  
2 assessment guidelines for recommending the  
3 promotion of officers to the Public Service Commission;
- 4 (iv) ensuring that each of the Divisions or Offices are  
5 performing their respective functions;
- 6 (v) cause to carry out research into environmental  
7 protection, conservation and climate change in the  
8 Republic and coordinate and implement all relevant  
9 law reform and policy making activities;
- 10 (vi) acting as the point of contact for the Ministry;
- 11 (b) acting as the principal policy adviser to the Minister in  
12 formulating recommendations for adoption and inclusion in  
13 the Government's foreign policy objectives;
- 14 (d) recommending legislative and policy changes to the Minister  
15 as appropriate, for the attainment of an effective and efficient  
16 Ministry;
- 17 (e) perform any other functions as delegated by the Minister, or as  
18 directed by the Public Service Commission from time to time.

19 **§114. The Assistant Secretary and Officers.**

- 20 (1) Unless otherwise specified in this Chapter, the Public Service  
21 Commission, shall, in consultation with the Minister on the  
22 recommendation of the Secretary, appoint suitably qualified officer to  
23 be the Assistant Secretary or officer responsible for each of the  
24 divisions of the Ministry as listed under section 110.
- 25 (2) The Assistant Secretary and all other officers appointed under  
26 subsection (1) will, in addition to the Act and Regulations, be bound  
27 by the Public Service Regulations.

28 **§115 Relationship with other environment, conservation and Climate**  
29 **Change policy or laws.**

- 30 (1) This Chapter binds the Government and the state-owned enterprises;
- 31 (2) The reference to Minister in other statutory laws establishing state-  
32 owned shall mean the Minister for ECCC.

## PART V - FINANCE

### §116. Environment, conservation and Climate Change Fund.

- (1) There shall establish a fund called the Environment, Climate Change, and Conservation Fund, referred to in this Chapter as “the Fund”. The Fund shall be a special revenue fund within the National Treasury and under the control and supervision of Ministry of Finance, which shall provide for its administration in accordance with Financial Management Act 1990, as amended.
- (2) There shall be pay into the Fund:
  - (a) any monies appropriated by the Nitijela for the purposes of the Ministry either generally or in relation to any particular purpose; and
  - (b) any monies received by way of a loan, grant, advance, contribution, gift or other form of assistance.
  - (c) all funds receive from international convention or treaties financial mechanisms, as anticipated under this Act, and shall be used only for the implementation of the particular projects provided 3% of the total of each project funds received shall be deposited in particular account for the administration of this Chapter.
- (3) There shall be pay out of the Fund:
  - (a) for the implementation of program areas or activities under the act;
  - (b) for the implementation of program or project activities of particular projects which funds is given.
  - (c) for the administration of the Ministry.
- (4) The Secretary of Finance on the advise of the Minister shall keep within the Fund a separate account with respect to each of such matters as are referred to in subsection (2) of this section, and with respect to each of the Divisions for which the fund is allocated.
- (5) Money that is borrowed or is an advance, grant, contribution, gift or assistance received for a specific purpose or subject to any conditions, may be expended or used only for that purpose or subject to those conditions.

1 **§117. Accounts and Records.**

- 2 (1) The Secretary of Finance shall maintain, in accordance with the  
3 procedures prescribed by the Financial Management Act, proper  
4 accounts and records with respect to the Fund, and any item of  
5 property purchased with money from the Fund.
- 6 (2) The accounts to be laid before the Nitijela by the Minister of Finance  
7 pursuant to Article VIII, Section 5 of the Constitution shall include  
8 accounts relating to the Fund.
- 9 (3) The accounts and records maintained under section 114(4) shall be  
10 audited by the Auditor - General as provided for under Article VIII,  
11 Section 15, of the Constitution.

12 **PART VI – MISCELLANEOUS**

13 **§118. General regulation making powers of the Minister**

14 The Minister may make regulations, not inconsistent with this Chapter, for  
15 or with respect to any matter that by this Chapter is required or permitted to  
16 be prescribed or that is necessary or convenient to be prescribed for carrying  
17 out or giving effect to this Chapter in accordance with the Administrative  
18 Procedures Act, 1979.

19 **§119. Regulation making powers of the Minister regarding environmental  
20 protection and nuclear waste.**

21 The Minister may make regulations pursuant to the Administrative  
22 Procedures Act, 1979, with respect to the following in relation to  
23 environmental protection and nuclear waste:

- 24 (a) the control of litter and disposal of solid waste including related  
25 penalties;
- 26 (b) the control of the disposal of environmentally hazardous waste  
27 including related penalties;
- 28 (c) market-based mechanisms including environmental fees and charges;
- 29 (d) building code standards; and
- 30 (e) national nuclear radiation protection standards that determine  
31 allowable levels of exposure to radiation safe for human health.

1 **§120. Regulation making powers of the Minister regarding Climate**  
2 **Change.**

3 The Minister may make regulations pursuant to the Administrative  
4 Procedures Act, 1979, with respect to adaptation, mitigation and resilience.

5 **§121. Regulation making powers of the Minister regarding Conservation.**

6 The Minister may make regulations pursuant to the Administrative  
7 Procedures Act, 1979, with respect to the following in relation to  
8 conservation:

- 9 (a) coast conservation;
- 10 (b) controls on clearing native vegetation including related penalties;
- 11 (c) processes for, and management of, areas set aside for conservation;
- 12 (d) economic incentives and market-based mechanisms including  
13 environmental fees and charges; and
- 14 (e) protection of endangered species including related penalties.

15 **§123. Repeals**

16 The following Act is repealed in its entirety:

17 *Ministry of Environmental Planning and Policy Coordination (OEPPC) Act, 2003.*

18 **§124. Inconsistency**

19 Where there is inconsistency between the provision of this Act and  
20 provision of other Act, unless the written law expressly says to the contrary,  
21 the provision of this law shall prevail.

22

23 **§125. Transistion.**

24 This Chapter shall be implemented six (6) months after the coming into  
25 effect of this Act.

26 **§126. Effective date**

27 This Chapter shall take effect in accordance with the Constitution and the  
28 Rules of Procedures of the Nitijela.

**NITIJELA OF THE REPUBLIC OF THE MARSHALL ISLANDS**  
**37TH CONSTITUTIONAL REGULAR SESSION, 2016**

**MINISTRY OF ENVIRONMENT, CONSERVATION AND**  
**CLIMATE CHANGE ACT 2016**

**BILL SUMMARY**

This Bill proposes to establish the Ministry of Environment, Conservation and Climate Change (‘the ECCC Bill). The Bill provides a legislative framework that sets out the roles and functions of a Minister responsible in matters related to adaptation to environmental protection, conservation and climate change, and the Secretary who shall be vested with the administration of the Ministry with the assistance from Assistant Secretaries and other officers who will be responsible for each of the Divisions in the Ministry.

This Ministry will be the central power house with centralized functions of administering environment, conservation and Climate Change matters under one Ministry. The Office of Environmental Planning and Policy Coordination Act 2003 (OEPPC Act) will be repealed by the ECCC Bill and will be merged into one.

It is relevant to note the distinction between environmental protection and conservation under the ECCC Bill. In general terms, environmental protection relates to the regulation of human activity impacting on the environment and conservation relates to the protection and preservation of the natural environment, both living and non-living. Environmental protection will often assist conservation and both are relevant for adaptation to climate change.

**PART 1 - PRELIMINARY**

The objects as set out in section 102 will guide all decision making pursuant to the Act. They consist of general objects (s 102(1)) and go on to specify the principles and programs related to ecologically sustainable development (s 102(2)) and then set out principles and programs for building resilience to climate change (s 102(3)). The climate change resilience principles and programs are of central importance.

Section 103 on interpretation provides definitions of terminology that appears in the Bill. Some definitions refer to legislation that is yet to be amended, namely, the terminology of ‘coast’, ‘coastal zone’, ‘coastline’ refer to an amendment to the current Coast Conservation Act 1988 and ‘endangered species’ as defined will require an amendment to the Endangered Species Act 1975.

1 PART II – THE MINISTRY OF ENVIRONMENT, CONSERVATION AND  
2 CLIMATE CHANGE

3 Section 104 deals with the establishment of the Ministry of Environment,  
4 Conservation and Climate Change (the Ministry) and sections 105, 106, 107 and 108  
5 respectively set out the detail of the functions of the Ministry in the areas of  
6 planning and policy development; implementation; data collection, analysis and  
7 reporting; and community outreach.

8 PART III – THE ORGANIZATION STRUCTURE

9 Section 109 sets out the organizational structure of the Ministry. Whilst the structure  
10 of the Ministry may be further changed by Regulation, it is possible that it will be  
11 divided into four division or offices, namely,

- 12 (i) environmental protection Division;  
13 (ii) Climate Change Division  
14 (iii) conservation Division; and

15 PART IV – POWERS AND FUNCTIONS

16 Section 112 sets out the general responsibility and functions of the Minister  
17 responsible for the Ministry. It also spells out few specific functions of the Minister  
18 but simply states that ‘the Minister may have any specific functions such as  
19 functions in relation to nuclear waste, which have been specified in section 112(2) of  
20 the Bill. In addition, an obligation on the Minister to produce Environment Report to  
21 the Nitijela.

22 PART V – FINANCE

23 The provisions in Part VI – establish a special revenue fund to be administered by  
24 the Ministry of Finance. The aim is to ensure accountability in the management of  
25 the funds within Ministry’s finances, particularly, when funding is obtained from  
26 international organisations it should be appropriated for such purposes. They are  
27 similar in terms to provisions found in Part V of the National Environmental  
28 Protection Act 1984 and the OEPPC Act which calls for 3 % of the funds received  
29 from each project to go into account for administration of the Ministry. The  
30 document entitled

31 PART VII – GENERAL

32 Section 118 covers the general regulation making powers of the Minister so that  
33 anything otherwise not provided for will be covered. Specific regulation making  
34 authority is set out for environmental protection and nuclear waste; climate change,  
35 and conservation; (see sections 535, 536 and 537).

36



1 NITIJELA OF THE REPUBLIC OF THE MARSHALL ISLANDS  
2 37TH CONSTITUTIONAL REGULAR SESSION, 2016

3 **MINISTRY OF ENVIRONMENT, CONSERVATION AND  
CLIMATE CHANGE ACT 2016**

4 **SIGNATURES**

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5 **DATE:** *\_AUG.15,2016\_*      **INTRODUCED BY** *\_MIN. MATTLAN ZACKHRAS\_* /S/ *\_*  
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