



REPUBLIC OF NAURU

ENVIRONMENTAL MANAGEMENT AND CLIMATE CHANGE BILL 2020

No. of 2020

A Bill for an Act to make provision for the management and protection of the environment, climate change, the promotion of sustainable development, to facilitate compliance with the Republic's international and regional environment related obligations and for related purposes.

Certified: []

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Enacted by the Parliament of Nauru as follows:

PART 1 – PRELIMINARY

1 Short title

This Act may be cited as the *Environmental Management and Climate Change Act 2020*.

2 Commencement

This Act commences upon certification by the Speaker.

3 Objective

The objective of this Act includes:

- (a) coordinating the role of the Government and the public in relation to all environmental management and protection decision making processes;
- (b) environment conservation while applying principles of sustainable use and development of natural resources;
- (c) promoting meaningful public and civil society involvement in relation to issues of environmental management and protection;
- (d) taking necessary measures to ensure that the Republic meets its international and regional obligations relating to the management or protection of the environment;
- (e) facilitating assessments and regulation of environmental impacts of any activity likely to affect it, prior to a proposed activity taking place;
- (f) taking any action necessary as will control or minimise pollution;
- (g) ensuring the proper collection, transportation and disposal of waste;
- (h) ensuring the protection of natural resources from pollution;
- (i) establishment of the Climate Change and Environment Protection Fund;
- (j) providing for arrangements and procedures including measures for accessing biological and genetic resources, their products and derivatives for scientific research, commercial and any other purposes and ensuring equitable sharing of benefits accruing therefrom;
- (k) formulating policies and issuing of guidelines;

- (l) promoting the understanding, management, conservation and protection of biological diversity; and
- (m) facilitating the implementation of necessary measures to strengthen the environmental resilience of the Republic to climate change.

4 **Application of the precautionary approach**

- (1) A person who has responsibilities, functions or powers under this Act shall apply the precautionary approach in the discharge or exercise of such responsibilities, functions and powers.
- (2) For the avoidance of doubt, the precautionary approach is applied where a certain activity relating to the environment has potential to cause harmful effects on the environment, human life and health, appropriate measures and activities for removal of the danger shall be undertaken prior to obtaining scientific evidence that the harmful effects have the potential to occur.

5 **Interpretation**

In this Act:

'activity' means the condition in which things are happening or being done;

'authorised officer' means a person appointed under Section 8;

'biological diversity or biodiversity' means the variability among living organisms from all sources including, inter alia, terrestrial, marine and aquatic ecosystems and the ecological complexes of which they are part; this includes diversity within species, between species and of ecosystems;

'biodiversity prospecting' means any activity undertaken to harvest or exploit all or any of the following:

- (a) samples of genetic resources;
- (b) samples of any derivatives of genetic resources;
- (c) the knowledge, innovation and customary practices of local communities associated with those genetic resources;
- (d) search for commercially valuable genetic resources and the collection of resources with an intention to commercialise resources;
- (e) academic or conservation research; or
- (f) commercial use of natural resources;