

TITLE 35 - ENVIRONMENT
CHAPTER 6 - MINISTRY OF ENVIRONMENT ACT, 2018



Republic of the Marshall Islands
Jepilpilin Ke Ejukaan

MINISTRY OF ENVIRONMENT ACT, 2018

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AN ACT to establish the Ministry of Environment and to enhance or strengthen collaboration and coordination in protection of the environment, conservation, restoration and sustainable use of natural and genetic resources, including safe guarding of related cultural resources, utilization of sustainable energy, including renewable energy, and to address mitigation and adaptation to climate change impacts and natural hazards, including through increased communication within government and stakeholders and enhanced implementation of existing Acts.

Commencement:

October 2, 2019

Source:

P.L. 2019-108

Part I. Preliminary

§601. Short Title.

This Act shall be known and cited as the *Ministry of Environment Act 2018*.

§602. Interpretations

- (1) In this Act unless the context otherwise requires:
 - (a) “Adaptation” refers to adjustments in ecological, social, or economic systems in response to actual or expected climatic stimuli and their effects or impacts. It refers to changes in processes, practices, and structures to moderate potential damage associated with climate change, as well as current conditions and existing vulnerability to natural hazards and climatic events;

- (b) “Chief Secretary” refers to the Chief Secretary of the Republic of the Marshall Islands;
- (c) “Climate change” refers to a change in the state of the climate that can be identified (e.g. by scientific observation) by changes in the mean and/or the variability of its properties, and that persists for an extended period, typically decades or longer. It refers to any change in climate over time, whether due to natural variability or as a result of human activity;
- (d) “Climate-proofing” describes the act of engaging in adaptation, e.g. protecting the built and natural environment from climate change impacts, including through, but not limited to, treatment within policies, programs, projects and measures, as well as constructing buildings and infrastructure in less vulnerable areas or with adaptation design features, or improvements to existing infrastructure, such as elevation, structural intervention or moving electrical infrastructure within buildings to higher levels;
- (e) “Environment” means the physical factors of the surroundings of human beings and includes the land, soil, water, atmosphere, climate, sound, odors, tastes and the biological factors of animals and plants of every description situated within the territorial limits of the Republic including the exclusive economic zone;
- (f) “EPA” refers to the National Environmental Protection Authority established through the *National Environmental Protection Act 1984*;
- (g) “Greenhouse gas” refers to any gaseous compound in the atmosphere that is capable of absorbing infrared radiation, thereby trapping and holding heat in the atmosphere;
- (h) “Infrastructure” refers to the basic physical and organizational structures and facilities (e.g., buildings, roads, and power supplies) needed for the operation of society;
- (i) “Land” includes:
 1. Any interest in, or any benefit to arise out of any land, according to persons holding the title of Iroij Laplap, Iroij Erik, Alab, or Senior Dri Jerbal, or any or all persons claiming under the foregoing title holders on the basis of law and custom;

2. Any leasehold or other interest held by any person; and 3. Things attached to the earth.

- (j) "Minister" refers to the Minister responsible under this Act;
- (k) "President" means the President of the Republic of the Marshall Islands;
- (l) "Office of the President" refers to the Office of the President of the Republic of the Marshall Islands;
- (m) "Protected" means maintained, intact, preserved, conserved, or otherwise managed in a sustainable manner;
- (n) "protection and management" includes all rules, regulations, methods and measures that:
 - (i) are required to build, restore or maintain, or are useful in building, restoring or maintaining the environment; and
 - (ii) are designed to ensure that:
 - (A) beneficial uses may be made on a continuing basis;
 - (B) irreversible or long-term ill effects on the environment are avoided; and
 - (C) there will be a multiplicity and variety of options available with respect to uses of the environment;
- (o) "Republic" refers to the Republic of the Marshall Islands; and
- (p) "UNFCCC" refers to the United Nations Framework Convention on Climate Change.
- (q) "IPCC" refers to the Intergovernmental Panel on Climate

Change Part II. Declaration of Intent

§603. Intention

It is the intent of Nitijela to provide a comprehensive and collaborative focus on all matters relating to the environment, conservation, energy policy, and climate change, including through a unified approach to implementing and adjusting the Republic's existing and future relevant laws, regulations and