

Law No: 4/93

ENVIRONMENT PROTECTION AND PRESERVATION ACT OF MALDIVES

Introduction

1. The natural environment and its resources are a national heritage that needs to be protected and preserved for the benefit of future generations. The protection and preservation of the country's land and water resources, flora and fauna as well as the beaches, reefs, lagoons and all natural habitats are important for the sustainable development of the country.

Environmental Guidance

2. The concerned government authorities shall provide the necessary guidelines and advise on environmental protection in accordance with the prevailing conditions and needs of the country. All concerned parties shall take due considerations of the guidelines provided by the government authorities.

Environmental Protection and Conservation

3. The Ministry of Planning, Human Resources and Environment shall be responsible for formulating policies, as well as rules and regulations regarding the environment in areas that do not already have a designated government authority already carrying out such functions.

Protected Areas and Natural Reserves

4. (a) The Ministry of Planning, Human Resources and Environment shall be responsible for identifying protected areas and natural reserves and for drawing up the necessary rules and regulations for their protections and preservation.

(b) Anyone wishing to establish any such area as mentioned in (a) of this clause, as a protected area or a reserve shall register as such that area at the Ministry of Planning, Human Resources and Environment and abide by the rules and regulations laid down by the ministry.

Environmental Impact Assessment (EIA)

5. (a) An impact assessment study shall be submitted to the Ministry of Planning, Human Resources and Environment before implementing any developing project that may have a potential impact on the environment.

(b) The Ministry of Planning, Human Resources and Environment shall formulate the guidelines for EIA and shall determine the projects that need such assessment as mentioned in paragraph (a) of this clause.

The Termination of projects

6. The Ministry of Planning, Human Resources and Environment has the authority to terminate any project that has any undesirable impact on the environment . A project so terminated shall not receive any compensation.

Waste Disposal , Oil and Poisonous Substances

7. (a) Any type of waste, oil, poisonous gases or any substances that may have harmful effects on the environment shall not be disposed within the territory of the Maldives.

(b) In cases where the disposal of the substances stated in paragraph (a) of this clause becomes absolutely necessary, they shall be disposed only within the areas designated for the purpose by the government. If such waste is to be incinerated, appropriate precaution should be taken to avoid any harm to the health of the population.

Hazardous / Toxic or Nuclear Wastes.

8. Hazardous / Toxic or Nuclear Wastes that is harmful to human health and the environment shall not be disposed anywhere within the territory of the country. Permission should be obtained from the Ministry of Transport and Shipping at least 3 months in advance for any transboundary movement of such wastes through the territory of the Maldives.

The Penalty for Breaking the Law and Damaging the Environment.

9. (a) The penalty for minor offences in breach of this law or any regulations made under this law, shall be a fine ranging between RF 5.00 (five Rufiyaa) and Rf 500.00 (five hundred Rufiyaa), depending on the actual gravity of the offence. The fine shall be levied by the Ministry of Planning, Human Resources and Environment or by any other government authority designated by that ministry.

(b) Except for those offences that are stated in (a) of this clause, all major offences under this law shall carry a fine of not more than Rf100,000,000.00 (one hundred million Rufiyaa) depending on the seriousness of the offence. The fine shall be levied by the Ministry of Planning, Human Resources and Environment.

Compensation

10. The government of the Maldives reserves right to claim compensation for all damages that are caused by activities that are detrimental to the environment. This include all the activities that are mentioned in clause No. 7 of this law as well as those activities that take place outside the projects that are identified here as environmentally damaging.

Definition

11. This law:

(a) The “environment ”means all living and non living things that surrounds and effects the lives of human beings.

(b) A “ project ” is any activity that is carried out with the purpose of achieving a certain social or economic objective.