

LAW NO: 4/93

ENVIRONMENTAL 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 the 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 consideration 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 to carry 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 protection and preservation.

(b) Anyone wishing to establish any such areas as mentioned in (a) of this clause, as a protected area or a reserve shall register it as such that area at the Ministry of Planning, Human Resources and Environment and abide by the rules and regulations laid down by that 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 development project that may have a potentially 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 an 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 wastes, oil, poisonous gases or any substance that may have harmful effects on the environment shall not be disposed within the territory of 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 precautions 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 the 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 offense in breach of this law or any other regulations made under this law, shall be a fine ranging between Rf 5.00 (five Rufiyya) and Rf 500.00 (five hundred Rufiyya), depending on the actual gravity of the offense. The fine shall be levied by the Ministry of Planning, Human Resources and Environment or by the government authority designated by the ministry.

(b) Except for those offenses that are stated in (a) of this clause, all major offenses under this law shall carry a fine not more than Rf 100,000,000.00 (one hundred million Rufiyya), depending on the seriousness of the offense. The fine shall be levied by Ministry of Planning, Human Resources and Environment.

Compensation

10. The government of the Maldives reserves the right to claim compensation for all damages that are caused by activities that are detrimental to the environment. This include all 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. In this law:

(a) The "environment" means all living and non-living things that surrounds and affects 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.