

**NITIJELA OF THE REPUBLIC OF THE MARSHALL ISLANDS
39TH CONSTITUTION REGULAR SESSION, 2018**



Republic of the Marshall Islands
JepilpilinKeEjukaan

**PROTECTED AREAS NETWORK (AMENDMENT) ACT,
2018**

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**PROTECTED AREAS NETWORK (AMENDMENT) ACT,
2018**

AN ACT to provide certain amendments to the PAN Act to ensure sustainability and effective management of the PAN Activities in the Republic of the Marshall Islands

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

§101. Short title.

This Act may be cited as the *Protected Areas Network (Amendment) Act 2018*.

§102. Amendment.

1. Section 502 of the PAN Act is amended as follows:
 - (1) "Board" means the Marshall Islands Marine Resources Authority ("MIMRA") Board of Directors established under Section 113 of the MIMRA Act.
 - (2) "Ecosystem" means a dynamic complex of plant, animal and microorganism communities and their non-living environment interacting as a functional unit;
 - (3) "Person" means any and all persons, natural or artificial foreign or domestic, including any individual, association, firm, partnership, business, corporation, joint venture, principal, agent, company or any other entity recognizable at law or equity, including (without limitation) any foreign governmental entity and all political

- subdivisions, regions, districts, municipalities, and public agencies thereof;
- (4) "Protected" means maintained, intact, preserved, conserved, or otherwise managed in a sustainable manner;
 - (5) "Protected Area" means an area designated through a local or national process to be protected by the National Government through the Minister responsible, as part of the Protected Areas Network ("PAN");
 - (6) "Community" means a group of RMI citizens who live in the same area (such as a village or weto);
 - (7) "Commercial use" means the carriage of resources for any fare, fee, rate, charge, barter or other consideration, either directly or indirectly in connection with any undertaking intended for profit;
 - (8) "CMAC" means the Coastal Management Advisory Council established under Section 509 of this Act;
 - (9) "LRC" means Local Resources Committee;
 - (10) "Mo" means a traditional system of designating parts of land, a whole island, or a reef area as a restricted, and/or reserved site, in accordance with Article X, Section 1 of the Constitution of the Republic of the Marshall Islands;
 - (11) "PAN Office" means the Protected Area Network administration under the Ministry of Natural Resources and Commerce.
 - (12) "PAN Fund" means funds administered by the PAN Office including revenues from the Marshall Islands Micronesia Challenge Endowment and other sources.
2. Section 504 of the PAN Act is amended by inserting a third and fourth paragraph as follows:
- (a) Type I-Subsistence Only. This area is managed for subsistence non-commercial use. In international standards, this relates to IUCN Category VI-Managed Resource Protected Area.
 - (b) Type II-Special Reserve. This area is subject to a high level of protection, and occasionally a very low level of subsistence or special occasion activities. In international standards, this relates to IUCN Category Ib-Wilderness Area. Examples of this

are the atolls of Ailinginae and Bikini that have high levels of protection and restrictions on human activities.

- (c) Type III – Restricted and protected area. This area has total restrictions subject to no activities, either within a large protected area or in an identified protected area
- (d) Type IV – Traditional *Mo*. This area includes either parts of land, a whole island, or a reef area that is managed through practices of *Mo*.

3. Section 507 of the PAN Act is amended as follows:

507. Establishment of PAN Office.

- (1) There is hereby established a PAN Office within the Ministry of Resources and Development that shall assist with the implementation of this Act pursuant to Section 510.
- (2) The PAN Office shall receive, manage and disburse funds the same in accordance with the recommendations of the Board.
- (3) The PAN Office shall coordinate with the MIMRA Board, and work with the CMAC in providing necessary information to the communities.

4. Section 507A is inserted as new Section to which it shall read as follows:

507A. Powers and Duties of the PAN Office.

The Republic, primarily through the PAN Office, shall have, among others, the following powers and duties:

- (1) Provide guidelines outlining criteria and standards that apply to areas that are eligible to be included in the Protected Areas Network, to effect the purposes of this Act;
- (2) Provide guidelines outlining the requirements for management plans for Protected Areas;
- (3) Provide guidelines to determine what actions, training, infrastructure and equipment are eligible for funding;
- (4) Provide guidelines on ranking of applications for funding from the PAN Fund.
- (5) Provide guidelines on the form and content of budgets and reports by the LRCs.

- (6) Provide guidelines to collect information and establish record keeping, monitoring, and reporting requirements as necessary and appropriate to carry out the purposes of this Act.
 - (7) Provide or arrange technical assistance to the LRCs for management of their protected areas including, but not limited to, assistance in surveying, monitoring, developing site management plans, identifying and establishing sustainable use practices, conducting scientific investigations, supporting compliance and enforcement of Protected Areas and educating the public about conservation and protected areas.
5. Section 508 of the PAN Act is amended as follows:
 - 508. Establishment of PAN Board.**
 - (1) The Marshall Islands Marine Resources Authority (“MIMRA”) Board of Directors established under Section 113 of the MIMRA Act shall have oversight of the activities of the PAN Office as provided under this Act.
 - (2) The functions of the Board in this regard, shall include reviewing applications from LRCs for inclusion in the PAN, as well as other applications from conservation areas for funding from the PAN Fund, and to make recommendations to the PAN Office for funding.
 - (3) The Board shall review and approve Conservation or Resources Management Plans, Annual Work Plans and Budget for eligibility for funding.
6. Section 509 is amended by amending the Subheading of Section 509 is and inserting new language to read as follows:

§509. Establishment of Coastal Management Advisory Council (CMAC).

There is hereby established Coastal Management Advisory Council hereinafter refer to as (“The CMAC”) which shall provide the advisory role to the PAN Office and technical assistance to the LRC in the communities, and other conservation areas.
7. Part VI of the PAN Act is hereby repealed in its entirety and replaced with new languages as follows:

“Part VI – The PAN Fund.**§516. Establishment and Management of PAN Fund.**

- (1) There is established a PAN Fund to support the administration and implementation of the Activities of the PAN in the Republic of the Marshall Islands.
- (2) The Fund shall consist of different sources, including:
 - (a) revenues from the Marshall Islands Micronesia Challenge Endowment Fund; and
 - (b) any appropriation from the Nitijela and or contributions from the RMI Government, and any other sources of funding;
- (3) In addition to expenditures authorized under Section 124 of the *Marshall Islands Marine Resources Authority Act 1997*, the MIMRA Board may approve an annual contribution to the PAN Office for the purposes of this Act.
- (4) Funds received through all sources of funding as described under subsection (2) and (3) above shall be administered by the PAN Office and disbursed for the management of the PAN sites and other conservation efforts, through the PAN Office according to rules and regulations established and in consultation with the MIMRA Board.

517. Audit

- (1) The PAN Office shall maintain proper accounts and records of the disposition of all monies paid into or out of the Fund.
- (2) The accounts and records of the Fund shall be audited annually by such auditor as the MIMRA Board shall appoint.

§103. Effective date.

This Act shall take effect on the date of its certification, in accordance with the Constitution of the Republic of the Marshall Islands, and the Rules of Procedures of the Nitijela.

CERTIFICATE

I hereby certify:

1. That Nitijela Bill No: 155 ND1 was passed by the Nitijela of the Republic of the Marshall Islands on the 28th day of August 2019; and

2. That I am satisfied that Nitijela Bill No: 155 ND1 was passed in accordance with the relevant provisions of the Constitution of the Republic of the Marshall Islands and the Rules of Procedures of the Nitijela.

I hereby place my signature before the Clerk this 5th day of September 2019.

Hon. Kenneth A. Kedi

Speaker

Nitijela of the Marshall Islands

Attest:

Morean S. Watak

Clerk

Nitijela of the Marshall Islands

