

**REPUBLIC OF NAURU**  
**ENVIRONMENTAL MANAGEMENT AND CLIMATE CHANGE**  
**BILL 2020**

**SECOND READING SPEECH**

**Honourable Rennier Gadabu MP**

**22 October 2020**

Mr. Speaker Sir,

Before I refer to the specific parts of the Bill, it is important to note and acknowledge that our beloved country has championed environmental issues and climate change regionally and internationally without any reservations. Recently, this sentiment was echoed by His Excellency the President in a speech delivered in the United Nations General Embassy, where he said:

*‘The climate crisis is another challenge to our medium and long term viability, which is—why climate action has been fully integrated into our development strategy. We take our international obligation to reduce emissions very seriously, but as a small and vulnerable country, our overriding priority must be resilience... Climate change will be the defining security challenge of the century, and requires a similarly robust multilateral response.’*

The Leaders of the Pacific Islands Forum Meeting held in Nauru in 2018, endorsed the *Boe Declaration* in which the Leaders declared that:

*‘...climate change remains the single greatest threat to the livelihoods, security and well-being of the peoples of the Pacific and our commitment to progress the implementation of the Paris Agreement’.*

The Leaders also affirmed that the meaning of security has broadened to include *‘environmental and resource security’*.

This Bill goes to enforce our commitment regionally, internationally and not forgetting our own people so that we have both sustainable land and sea environments. There is no substitute for a legislative commitment and to empower relevant authorities to manage and regulate activities that impact on the environment. Our future generations should not be deprived of the best of our Pleasant Island.

Generally, the functions and the operations of this Bill as usual will be managed by the Secretary for the Department of Commerce, Industry and Environment. The Secretary is given the power of delegation of responsibilities to the staff of the Department.

The Bill also establishes a committee to be known as “*Environmental Impact Assessment Committee*”. Amongst other responsibilities, the Committee will assess applications for substantial development projects as well as applications for bioprospecting. This Committee consists of the Director of Environment, who shall be the Chairperson; Director of Climate Change; Director of Public Health or his or her representative; Secretary for Finance or his or her representative; a representative of the landowners to be nominated by the Nauru Lands Committee; a representative from the private sector and a representative of civil society. The option is also open to co-opt in specialist and technical persons where it is necessary.

Another key feature of the Bill is that our international obligations through various Conventions and Protocols will now be implemented in our domestic laws. Nauru is party to a number of international and regional environmental related Conventions. A principal purpose of the Bill is to ensure that the Government is better able to honour its obligations under international environmental Conventions to give effect to any such international environmental Convention or Protocol.

Mr Speaker, in 2017, the Republic gave effect to the Vienna Convention for the Protection of the Ozone Layer, the Montreal Protocol on Substances that Deplete the Ozone Layer, when the *Ozone Layer Protection Act 2017* was enacted. The Department of Commerce, Industry and Environment has already implemented aspects of this Act and is in the process of further implementation.

Mr Speaker, this Bill makes comprehensive provision for issues related to the management and protection of the environment. Enshrined in this Bill are key environmental doctrines such as the *'precautionary approach'* and the *'polluter pays principle'*. The *'precautionary approach'* is where an activity raises threats of harm to human health or the environment, precautionary measures should be taken even if scientifically it is not fully established. In environmental law the onus is discharged by the person proposing the activity and the Government or public. The *'polluter pays principle'* speaks for itself in that those who produce pollution should bear the costs of managing it to prevent damage to human health or the environment. The process of applying the precautionary principle must be open, informed and democratic and must include potentially affected parties. It must also involve an examination of the full range of alternatives, including no action. This ensures the protection and sustainability of our environment for our future generations. I would like to stress that this Bill is a framework law which vests powers and responsibilities on the responsible Minister and Secretary and notably, allows for the making of Regulations to deal with a wide range of environment related issues.

It is important to note that this law shall not affect the powers, functions and responsibilities of any other Government department or statutory authority. In particular, all matters related to the management and conservation of Nauru's fisheries and marine resources and all matters arising from international fisheries related Conventions, shall remain the responsibility of the Nauru Fisheries and Marine Resources Authority.

Nauru's main obligations are to manage its biodiversity in a sustainable manner and to report on its efforts for sustainable use and development of the environment to ensure the present and future generations continue to benefit.

Part 5 of the Bill provides for the monitoring of environmental impacts on the environment as a consequence of substantial development projects. Any substantial development project requires approval and requires the developer to provide a project brief, an environmental impact assessment report as well as an environment management plan. The Committee essentially assesses the project documents and decides whether the project is approved or declined. Substantial project is contained in Schedule 2 to the Bill and the list can be amended by the Cabinet by regulations.

Part 6 of the Bill relates to regulating access to and benefit sharing of genetic resources and associated traditional knowledge. No bio-prospecting can take place without a permit and without certain conditions being satisfied.

Part 7 of the Bill relates to the control of pollution and waste management. This Part supplements efforts on the regulation of pollution under other written laws.

Part 8 of the Bill provides for the role of the Department in addressing climate change. The Department in conjunction with other Government Departments and relevant international and regional agencies are required to formulate and implement strategies and programs to address climate change and its effects.

Part 9 of the Bill provides for the establishment of a Climate Change and Environment Protection Fund. The purpose of this Fund is for the protection, conservation and management of the natural environment. This Fund shall consist of any compensation, expenses or costs awarded by the Court, grants, donations or contributions from international organisations, any amount appropriated from the Treasury Fund and any environment related levies or taxes imposed by any written law.

Parts 10 and 11 of the Bill provides for the enforcement of the provisions of the Bill.

Sir, public consultations have played an important part in shaping this Bill. This Bill was widely consulted with the members of the community, private sector and the Nauru Law Society.

Mr Speaker, the explanatory memorandum details the provisions of the Bill. Sir, I request that the explanatory memorandum be read and recorded in the Hansard Reports.

Mr Speaker I commend this Bill to the House which leaves no one behind for the betterment of our country.