



Ministry of Environment

Male'

Regulation Number: 2018/R-78

PROTECTED AREAS REGULATION

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| Introduction and title | <p>1. (a) Given that Article 22 of the Constitution of the Republic of the Maldives states that the State shall undertake and promote desirable economic and social goals through ecologically balanced sustainable development and shall take measures necessary to foster conservation, prevent pollution, the extinction of any species and ecological degradation from any such goals, this regulation is constituted for the purpose of pursuing this undertaking.</p> <p>(b) In this regard this regulation derived from the powers of the Ministry stipulated in Act No: 4/93 (Environment Protection and Preservation Act of Maldives), pursuant to Article 4</p> <p style="padding-left: 40px;">This regulation shall be cited as "Protected Areas Regulation"</p> |
| Objective | <p>2. The objective of this Regulation is;</p> <p>(a) to establish effective guidelines for declaration and management of protected areas;</p> <p>(b) to ensure that the process of protected area declaration is consultative transparent;</p> <p>(c) to enlist environmentally significant areas in the Maldives;</p> <p>(d) to establish and sustainably a mechanism to maintain a framework for protected areas;</p> <p>(e) to enhance awareness and participation of community in protected area designation and management;</p> <p>(f) to ensure future generations benefit from natural resources, ecosystem services and biodiversity richness of the country</p> |
| Enforcement of the Regulation | <p>3. (a) This Regulation will come into effect upon its publication on the Government Gazette.</p> |

- (b) Protected areas declared through announcements pursuant to Act No: 4/93 (Environment Protection and Preservation Act of Maldives), prior to the enforcement of this Regulation, will hereafter be governed by this Regulation upon enforcement of this Regulation.
- (c) Notwithstanding part (b) of this Clause, special Regulations to implement separate protected areas protected by Act No: 4/93 (Environment Protection and Preservation Act of Maldives), will be exempt from this Regulation. And thus the exempted Regulations are as follows;
1. Regulation No: 2012/R-23 (B. Hanifaru Protected Area Management Regulation)
 2. Regulation No: 2018/R-105 (Addu City Protected Area Management Regulation)
 3. Regulation No: 2018/R-106 (Fuvahmula City Protected Area Management Regulation)
- Implementation of the Regulation 4. (a) This Regulation shall be implemented by the Environmental Protection Agency on behalf of the Ministry
- (b) For the purpose of enforcing this Regulation, the implementing agency has the discretion to delegate responsibilities to relevant state authorities.
- Declaration of protected areas 5. (a) Declaration of protected areas shall be made by the Ministry, by announcement via the Government Gazette.
- (b) The following information shall be included in the announcement published in the Government Gazette.
1. Name of the protected area
 2. Area and size with GPS coordinates
 3. Zonation details, provided that the areas within has been zoned
 4. Activities that can be conducted, and activities prohibited
 5. Protected Area Category
 6. Reasons for its protection and its environmental significance
- Protected Area Categories 6. (a) All Protected areas of the Maldives will be allotted to the categories as prescribed below:
1. Category 1: Internationally recognised areas
- These are areas of significance, proposed by the state or recognised by international communities.
2. Category 2: Strict nature reserve

These are areas protected, for its significant biological diversity and for environmental protection. Taking, harming and removal of natural resources from these areas are prohibited, notwithstanding with prior approval from the Agency, research may be allowed in these areas. The objective of these areas is to conserve cultural and spiritual values associated with nature, and protected species threatened with extinction.

3. Category 3: Wilderness Areas

These are areas that are usually large unmodified or slightly modified areas, retaining their natural character and influence, without permanent or significant human habitation, which are protected and managed so as to preserve their natural condition. Any activity that may negatively affect the environment cannot be conducted in these areas.

4. Category 4: National Park

These are natural areas set aside to protect large-scale ecological processes, along with the complement of species and ecosystems characteristic of the area, which also provide a foundation for environmentally and culturally compatible spiritual, scientific, educational, recreational and visitor opportunities. The objective of protecting these areas are to protect natural biodiversity along with its underlying ecological structure and supporting environmental processes, and to promote education and recreation.

5. Natural Monument

These are areas set aside to protect a specific natural monument, which can be a landform, sea mount, and submarine cavern, geological feature such as a cave or even a living feature such as an ancient grove. The objective of protecting these areas is to protect specific outstanding natural features and their associated biodiversity and habitats. Activities that may not negatively affect the environment may be conducted in these areas.

6. Category 6: Habitat/Species Managed area

These are protected areas aiming to protect particular species or habitats and through its management. These areas aim to maintain, conserve and restore species and habitats. Environmentally friendly economic activities may be carried out in these areas.

7. Category 7: Protected areas with sustainable use

Protected areas that conserve ecosystems and habitats, together with associated cultural values and traditional natural resource management systems. They are large, with most of the area in a natural condition, where a proportion is under sustainable natural resource management and where low-level non-industrial use of natural resources compatible with nature conservation is seen as one of the main aims of the area. The objective of protecting this area is for sustainable use of natural resources.

- (b) Pursuant to part (a) of this Clause, Agency may at its discretion zone areas within the protected area to allot one or more categories to manage the area.
 - (c) Agency may at its discretion change the protected area category.
 - (d) Changes pursuant to part (c) of this Clause shall be made public via the Government Gazette.
- Protected Areas List 7. Agency shall maintain a list of the protected areas, and this list shall be made public via the Government Gazette.
- Areas potentially significant for protection 8. (a) Environmentally significant areas that are of potential to be protected shall be identified, surveyed and a database of such areas shall be maintained.
- (b) In designating such areas, priority shall be given to those areas referred to in Clause 6 of this Regulation.
- Assigning Management of Protected Area to another entity 9. (a) Management of Protected Area may be assigned to a state institution or another entity.
- (b) Management of Protected Area may be assigned to another entity via mutually agreed arrangement. Parties shall agree to conditions set forth accordance with Clause 13 of this Regulation.
- (c) Whilst assigning management of a protected area to another party, a concept and financial plan shall be submitted.
- Endorsement land registry maintaining authority 10. Agency shall inform the land registry maintaining authority should there be a change in boundaries upon designation of protected areas.
- Consultative process in designation of 11. (a) The following processes shall be followed in order to ensure a consultative process in designation of protected areas.

protected areas

1. All relevant persons who may be affected through designation of the protected area shall be identified and consulted.
2. Community participation as a process of consultation.

Preparation of Management Plan

12. (a) A management Plan shall be prepared to manage the protected area. Should Agency decide to assign management of the protected area to another party, the said party shall submit and approve a management plan within the period specified by the Agency.
- (b) Pursuant to part (a) of this Clause, the management plan shall be prepared in order to manage the protected areas. Through this management plan, Agency or the assigned person may collect a fee as required and this fee shall be publicly announced on the Government Gazette.
- (c) The fee and contents of the management shall be determined by the Agency.
- (d) In preparation of the management plan, references shall be made to development plans of the respective administrative sectors.

Standards required of the protected area management assigned party

13. (a) The purpose of management of the protected area shall be only to protect and preserve the said area. Any act in contradictory to this shall not be undertaken in this area.
- (b) Protected area shall be managed in accordance with international standards (management criteria), and with approval from the Agency.

Monitoring and Evaluation of the management of protected areas

14. (a) Agency at its discretion may monitor management of protected areas.
- (b) The following standards shall be observed in relation to monitoring and evaluation of management of protected areas;
1. The changes to the natural state of the protected area;
 2. Work undertaken to protect and preserve;
 3. The extent which management plan has been enforced.
- (c) Agency at its discretion may appoint an "external auditor" to review the level of enforcement of the management plan implemented by the assigned party.

Revocation of the management

15. (a) Agency may revoke the management functions of the assigned party should they have disregarded or conducted acts in contradiction to the objectives of the

- of protected area
from the
assigned party
- management plan as prescribed below;
1. in the event it has been identified that the assigned party has not been adequately managing the protected area, a review stating as such, and in addition to appropriate measures to be taken within a specified time shall be provided in writing.
- (b) Should the assigned party not take appropriate measures pursuant to part (a) of this Clause, Agency may act as follows;
1. Termination the agreement assigned to manage the protected area;
 2. Seek compensation from the assigned party should there be any environmental damage to the protected area;
 3. Assign another party to manage the protected area.
- Controlling
activities
conducted at a
protected area
16. Activities conducted at the protected area may be controlled and managed in accordance with the protected area management plans.
- Formulation of
guidelines
pursuant to this
Regulation
17. (a) Should activities be allowed at a protected area, relevant guidelines shall be formulated.
- (b) Such guideline shall be announced publicly in the Government Gazette prior to its effectiveness
- Entering and
exiting protected
areas (access)
18. (a) Entrance and exiting the protected areas shall be in accordance with standards and permits set by the Agency
- (b) The following personal are exempt from seeking permits to access the protected areas
1. Staff of the Ministry or Agency, for Ministry's or Agency's need
 2. Law enforcement authorities in order to carry their legal obligation
 3. Agency designated assigned party to manage the protected area.
- Offences
19. (a) The following are offences prescribed in this Regulation;
1. Obstructing duty or responsibilities of party managing the protected area;
 2. Impersonation of an authority or party managing the protected area;

3. Conducting unauthorised actions or activities that are prescribed in the management plan
- Penalties
20. (a) Any person(s) violating the terms shall be fined between MVR 501 (Five hundred and one rufiyaa) and MVR 500,000 (five hundred thousand rufiyaa)
 - (b) Fine rates mentioned in part (a) of this Clause shall be calculated in accordance with the criteria set out in the Regulation No: 2011/R-9 (Penalty and Liability Regulation)
- Definitions
21. Unless otherwise stated, the following phrases shall be defined as follows;
 - (a) "Ministry" is defined as the environmental policy making body of the government as assigned by the President of the Maldives
 - (b) "Agency" is defined as the Environmental Protection Agency
 - (c) "Protected Areas" are defined as
 1. Areas declared as protected areas;
 2. Areas protected pursuant to Act No: 4/93 (Environment Protection and Preservation Act of Maldives);
 3. Areas legally protected prior or later to enforcement of this Regulation.
 - (d) "Zonation" is defined as the different sections or areas within a protected area, used to clarify management
 - (e) "Management Plan" is defined as a protected area management plan that consists of management guidelines, standards and criteria, responsible respective parties, including activities that are allowed and controlled.