Republic of the Marshall Islands
*Jepilpilin Ke Ejukaan*

# DISASTER RISK MANAGEMENT ACT 2023

**Introduced by:**

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**MINISTER CHRISTOPHER J. LOEAK**

**Approved:**

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**SPEAKER KENNETH A. KEDI** **SIGNATURE**

NITIJELA OF THE REPUBLIC OF THE MARSHALL ISLANDS
44TH CONSTITUTIONAL REGULAR SESSION, 2023

Republic of the Marshall Islands
*Jepilpilin Ke Ejukaan*

# DISASTER RISK MANAGEMENT ACT 2023

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**NITIJELA OF THE REPUBLIC OF THE MARSHALL ISLANDS**
**44TH CONSTITUTIONAL REGULAR SESSION, 2023**

Republic of the Marshall Islands
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# DISASTER RISK MANAGEMENT ACT 2023

**A BILL FOR AN ACT** to amend Title 7 MIRC in order to enact Disaster Risk Management law to reduce vulnerability of people and communities of the Republic to damage, injury, and loss of life and property resulting from natural or manmade disasters, including health and environmental disasters; to provide for the roles and powers of Cabinet, national government agencies, local governments and other parties, in the reduction of, preparation for, response to, and recovery from disaster events; to authorize and provide for coordination between agencies and financing of activities relating to disaster reduction, preparedness, response and recovery, and for related matters.

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

## PART I - PRELIMINARY

### §1. Short title.

This Act may be cited as the Disaster Risk Management Act 2023.

### §2. Interpretation

For the purposes of this Act unless the context otherwise requires

"activation" means the process of initiating arrangements to respond to a declared disaster or in anticipation of a declared disaster;

"climate and disaster risk reduction" means a systematic approach to identifying, assessing and reducing the risk of negative impacts of climate change and disasters;

"Cluster" means a group of people representing government and non government entities working in a specific sector whose role is to coordinate and plan disaster response within their sector as provided in Section 9. "Cluster Lead" is the officer responsible for leading a cluster and for representing the cluster on the National Emergency Operations Committee;

"disaster" means a serious disruption of the functioning of one or more communities due to a hazardous event involving widespread human, material, economic or environmental losses and impacts, and exceeding the ability of the affected community or communities to cope, using its own resources;

"Disaster Coordinator" means the officer charged with coordinating the overall operational disaster response pursuant to Section 12.

"disaster management" means the organization and management of resources and responsibilities for dealing with all aspects of disasters, in particular preparedness, response and recovery, in order to lessen the impact of disasters;

"disaster preparedness" means setting plans and arrangements, including for early warning, that aim to ensure that in the event of a disaster all necessary resources and systems to cope with the effects of the disaster are deployed efficiently;

"disaster recovery" means the coordinated process of supporting individuals and communities who are affected by a disaster to repair or reconstruct physical infrastructure and to restore emotional, social, economic and physical well-being;

"disaster response" means the actions and measures taken in anticipation of, during and immediately after a disaster to ensure the impacts of the disaster are managed and that people affected are given immediate relief and support;

"disaster risk management" means the systematic process of using policies, plans, organizations, and operational skills, capacities and actions to lessen the adverse impacts of hazards, as well as the possibility of a disaster and encompasses all the elements of disaster management, and climate and disaster risk reduction.

"emergency" has the same meaning as "disaster".

"environmental disaster" means an event caused by an environmental incident requiring a disaster response under this Act and includes but is not

limited to incidents related to biosecurity and chemical or hazardous substance contamination.

"hazard" means a process, phenomenon or human activity that may cause loss of life, injury or other health impacts, property damage, social and economic disruption or environmental degradation and may be natural or technological in origin.

"head of a local government" has the same meaning as that applied in the Local Government Act 1980.

"health disaster" means an event caused by a health incident requiring a disaster response under this Act and includes but is not limited to vector disease outbreaks, virus threats or outbreaks, or epidemic or pandemic threats or outbreaks.

"local government" has the same meaning as that applied in the Local Government Act 1980.

"National Disaster Plans" means the National Disaster Risk Management Plan and the National Emergency Response Plan made pursuant to Section 14.

"response unit" means a group, whose members may include staff of the National Disaster Management Office, officers of the agencies and organizations that are members of clusters, and other suitably skilled and trained persons, formed under the direction of the National Emergency Operations Committee and managed by the National Disaster Management Office to undertake initial response functions.

"risk" means the probability of an event and its negative consequences.

## §3. Objectives

(1) The objectives of this Act are to

(a) establish an institutional structure for the delivery of disaster management and climate and disaster risk reduction measures throughout the Republic, including by promoting cooperation amongst government agencies, and with local governments, non government organizations and the private sector;

(b) provide a planning framework for disaster management and for disaster resilience through climate and disaster risk reduction throughout the Republic;

(c) provide arrangements for the effective management and coordination of preparedness for, responses to, and recovery from, disaster events, including arrangements for access to external support; and

(d) promote and integrate measures to reduce climate and disaster risk in social, livelihood and development planning and practices throughout the Republic.

## §4. Principles

(1) This Act shall be interpreted in accordance with the following statements of principle

(a) Actions and decisions addressing climate and disaster risks, and disaster management, shall support self-reliance, and avoid creating dependence on external interventions, at both the national and the local levels.

(b) The role of the national government is to coordinate disaster management and resilient development through national and sector planning and to support local government and village planning for disaster management.

(c) Local governments, villages, community groups, individuals and private sector entities are important stakeholders in disaster planning and response, and are responsible for performing their role.

(d) Women shall be included at all levels and during all stages of disaster management planning, response and recovery and the involvement of women is essential in providing effective disaster management.

(e) Actions and decisions addressing climate and disaster risks, and responding to and recovering from disaster events, shall be undertaken in a manner that respects the rights of individuals and communities.

(f) Actions and decisions addressing climate and disaster risks, and responding to and recovering from disaster events, shall be undertaken in a manner that supports inclusiveness, equity and fairness.

# PART II - DISASTER MANAGEMENT STRUCTURE

## §5. National Disaster Council

(1) The National Disaster Council is established.

(2) The National Disaster Council comprises the following members:

(a) Chief Secretary, who is the Chairperson;

(b) Deputy Chief Secretary (Physical & Environment), who is the Deputy Chairperson;

(c) Commissioner of Police;

(d) Secretary of Works Infrastructure and Utilities;

(e) Secretary of Transportation, Communication and Information Technology;

(f) Secretary of Natural Resources and Commerce;

(g) Secretary of Health and Human Services;

(h) Secretary of Culture and Internal Affairs;

(i) Commissioner of the Public School System:

(j) Secretary of Foreign Affairs and Trade;

(k) Secretary of Finance, Banking and Postal Services;

(l) Director of the Climate Change Division of the Ministry for Environment;

(m) Director of the Economic Policy, Planning and Statistics Office;

(n) a representative of the Marshall Islands Mayor's Association;

(o) a representative of civil society; and

(p) a representative of the private sector.

(3) The National Disaster Council is assisted by the following advisors -

(a) Director of the National Disaster Management Office;

(b) Attorney General;

(c) Director of the Weather Service Office;

(d) for health disaster events, the principal advisor from the Ministry of Health and Human Services;

(e) for environmental disaster events, the principal advisor from the Ministry of Natural Resources and Commerce, or the Environmental Protection Agency, as appropriate; and

(f) other advisors who may be invited from time to time by the Council.

(4) The National Disaster Council is responsible to –

(a) advise Cabinet on institutional, capacity, policy and funding matters related to ensuring effective disaster risk management;

(b) oversee and provide strategic direction to the National Emergency Operations Committee, the Recovery Coordination Committee and the Disaster Resilience Committee;

(c) review, and recommend approval by Cabinet, of the National Disaster Plans under Part III of this Act;

(d) liaise with international assistance partners to facilitate access to, and coordination of, external support for disaster risk management;

(e) oversee and provide strategic direction for disaster response;

(f) oversee and provide strategic direction for disaster recovery;

(g) ensure there is widespread awareness of the threats, arrangements and responsibilities for disaster risk management throughout the Republic; and

(h) fulfil any other responsibilities allocated to it under the National Disaster Plans.

## §6. National Emergency Operations Committee

(1) The National Emergency Operations Committee is established.

(2) The National Emergency Operations Committee comprises the following members –

(a) Director of the National Disaster Management Office, who is the Chairperson;

(b) Cluster Leads;

(c) a representative of the Weather Services Office;

(d) for health disaster events, a representative of the Ministry of Health and Human Services;

(e) for environmental disaster events, a representative of the Ministry of Natural Resources and Commerce, or the Environmental Protection Agency, as appropriate;

(f) a representative of the Red Cross; and

(g) other persons representing national government or international agencies appointed to the National Emergency Operations Committee by the National Disaster Council.

(3) The National Emergency Operations Committee is responsible to

(a) ensure disaster preparedness is undertaken in accordance with the National Emergency Response Plan; and

(b) coordinate and oversee disaster response operations during, and in anticipation of, disaster events in accordance with the National Emergency Response Plan.

(4) The National Emergency Operations Committee shall select from its members a Deputy Chairperson to whom the Chairperson may delegate the responsibility for calling and chairing any meeting of the Committee.

## §7. Recovery Coordination Committee

(1) The Recovery Coordination Committee is established.

(2) The Recovery Coordination Committee comprises the following members –

(a) A senior officer of a government agency appointed by the National Disaster Council, who is the Chairperson;

(b) Director of the National Disaster Management Office, who is the Deputy Chairperson; and

(c) other persons representing national government agencies, international agencies, and the Red Cross, appointed to the Recovery Coordination Committee by the National Disaster Council.

(3) The Recovery Coordination Committee is responsible to coordinate recovery planning and recovery activity for implementation through agency and local plans in accordance with this Act and the National Disaster Risk Management Plan.

(4) The Chairperson may delegate to the Deputy Chairperson the responsibility for calling and chairing any meeting of the Committee.

## §8. Disaster Resilience Committee.

(1) The Disaster Resilience Committee is established.

(2) The Disaster Resilience Committee comprises the following members

(a) A senior officer of a government agency appointed by the National Disaster Council, who is the Chairperson;

(b) Director of the National Disaster Management Office, who is the Deputy Chairperson; and

(c) other persons representing national government agencies and international agencies, appointed to the Disaster Resilience Committee by the National Disaster Council.

(3) The Disaster Resilience Committee is responsible to direct and promote resilience planning through the adoption of measures to identify, assess and reduce climate and disaster risks in accordance with Sections 14, 16 and 17 of this Act and the National Disaster Risk Management Plan.

(4) The Chairperson may delegate to the Deputy Chairperson the responsibility for calling and chairing any meeting of the Committee.

## §9. Clusters

(1) The following Clusters are established –

(a) Education Cluster;

(b) Agriculture and Food Security Cluster;

(c) Gender and Protection Cluster;

(d) Health Cluster;

(e) Water, Sanitation and Hygiene Cluster;

(f) Infrastructure Cluster;

(g) Shelter Cluster; and

(h) Logistics Cluster.

(2) Notwithstanding subsection (1) the National Disaster Risk Management Plan, or a modification to the National Disaster Risk Management Plan, adopted in accordance with Section 14, may establish new clusters and merge or dissolve the clusters established by subsection (1)

(3) Clusters comprise members appointed by the National Disaster Council as follows –

(a) Cluster Lead, who shall be a deputy head of a government ministry or agency whose work program is related to that of the cluster; and

(b) representatives of government agencies and non-government entities whose work program is related to that of the cluster.

(4) Clusters are responsible for coordinating and planning the disaster response of their sector through their cluster members.

(5) Every cluster shall prepare a standard operating procedure for their operations in a form approved by the National Emergency Operations Committee.

## §10. Local government disaster committees

(1) The head of each local government shall establish a local government disaster committee.

(2) Each local government disaster committee shall prepare a local government disaster plan as provided in Section 17.

## §11. National Disaster Management Office

(1) The National Disaster Management Office is established within the Office of the Chief Secretary.

(2) The National Disaster Management Office is staffed by –

(a) the Director, who is responsible for the direction and control of the Office;

(b) other staff as may be appointed; and

(c) other officers who may be seconded to the National Disaster Management Office from any agency or body as requested by the Chief Secretary, and approved by the Public Service (PSC) subject to any terms and conditions agreed to between the Chief Secretary, the PSC and the seconding agency.

(3) The National Disaster Management Office is responsible to (a) facilitate government agencies, local governments, private sector entities, community groups and individuals to identify, implement and participate in disaster risk management, including climate and disaster risk reduction activities and programmes at the local level;

(b) with support from the National Emergency Operations Committee, prepare the National Disaster Plans;

(c) assist government agencies and local governments to prepare agency disaster plans and local government disaster plans;

(d) serve as the administrative secretariat to the National Disaster Council;

(f) establish response units to assess disaster impacts and provide initial disaster response;

(e) prepare standard operating procedures for the National Emergency Operations Committee, the National Emergency Operations Center and for response units;

(f) assist the National Emergency Operations Committee to implement the National Emergency Response Plan during disasters by coordinating disaster response activities;

(g) establish and maintain the National Emergency Operations Center in a state of readiness for a disaster event and direct its operation during, and in anticipation of, disaster events;

(h) publicise the National Disaster Plans and liaise with communities

and private industry representatives to raise awareness about disaster preparedness and responding to disasters;

(i) undertake such activities as are necessary to assist with disaster recovery;

(j) promote disaster and climate risk reduction and undertake such activities as are necessary to assist with disaster resilience; and

(j) implement decisions of the National Disaster Council to give effect to the provisions of this Act and the National Disaster Plans.

## §12. Disaster Coordinator

(1) The role of Disaster Coordinator is established.

(2) The Disaster Coordinator is the Director of the National Disaster Management Office, except where the Director is not able to perform the role of Disaster Coordinator in which circumstance National Disaster Council shall appoint in writing another qualified person to be the Disaster Coordinator.

(3) In anticipation of, and upon a state of disaster being declared under Part 2 IV, the Disaster Coordinator is responsible for and authorized to –

(a) activate the National Emergency Operations Committee and the National Emergency Operations Center;

(b) advise the National Disaster Council on declarations;

(c) coordinate the overall disaster response in accordance with the National Emergency Response Plan;

(d) upon a declaration under Section 18 of this Act, order evacuations and closures of roads or public spaces

where such actions are necessary to maintain public safety;

(e) coordinate and provide direction to the clusters, their member entities, and other agencies and entities with functions under the National Emergency Response Plan;

(f) provide direction and guidance to the local government disaster committees;

(g) report to the National Disaster Council on all disaster response operations;

(h) advise the National Disaster Council on disaster response operations, including providing advice on strategic direction, priorities and resources to be made available; and

(i) provide information to donors and international partners through the coordination mechanism provided in the National Emergency Response Plan.

## §13. National Emergency Operations Center

(1) A National Emergency Operations Center shall be maintained at a suitable location.

(2) The National Emergency Operations Center is the facility from which the National Disaster Management Office operates and at which the National Emergency Operations Committee convenes.

(3) The National Disaster Management Office shall ensure the National Emergency Operations Center is maintained and resourced.

(4) The National Disaster Council may establish other permanent or temporary Emergency Operations Centers in addition to the National Emergency Operations Center.

# PART III – DISASTER PLANNING

## §14. National Disaster Plans

(1) A National Disaster Risk Management Plan and a National Emergency Response Plan shall be prepared and approved in accordance with this Act.

(2) The National Disaster Risk Management Plan and the National Emergency Response Plan shall be prepared by the Director of the National Disaster Management Office under the direction of the National Disaster Council and with support from the National Emergency Operations Committee following which each plan shall be submitted to the National Disaster Council.

(3) The National Disaster Council is responsible for reviewing the National Disaster Risk Management Plan and the National Emergency Response Plan following which each plan shall be submitted to the Cabinet.

(4) The Cabinet is responsible for approving the National Disaster Risk Management Plan and the National Emergency Response Plan following which approval the plans are final and shall be applied in accordance with this Act.

(5) The Cabinet may delegate to the National Disaster Council the power to approve any modification that is necessary to be made to the National Disaster Risk Management Plan and the National Emergency Response Plan from time to time.

(6) The National Disaster Plans shall be reviewed whenever the National Disaster Council determines a review is necessary, and at least every five (5) years.

(7) The National Disaster Risk Management Plan shall comprise -

(a) the objectives of the Plan;

(b) a comprehensive disaster risk profile for all parts of the Republic and the projected impacts of climate change on the disaster risk profile;

(c) institutional and operational arrangements related to -

(i) disaster preparedness;

(ii) disaster response;

(iii) disaster recovery;

(iv) disaster risk resilience;

(v) the roles, responsibilities and organization of government agencies, non-government entities and local government 8 disaster committees; and

(vi) provisions for planning for measures to improve disaster preparedness, response, recovery and risk resilience including setting indicators of progress and targeted timeframes;

(d) provision for development of strategies to improve coordination between the different elements of the disaster risk management cycle (preparedness, response, recovery, risk reduction);

(e) financial arrangements to support all aspects of the Plan; and

(f) any other aspect of disaster risk management which the National Disaster Council considers will achieve the objects of this Act.

(8) The National Emergency Response Plan shall comprise (a) the objectives of the Plan;

(b) a comprehensive disaster risk profile for all parts of the Republic;

(c) operational arrangements related to –

(i) disaster preparedness;

(ii) disaster responses; and

(iii) the roles, responsibilities and organization of government agencies, non-government entities, clusters and local government disaster committees;

(d) procedures for approving and managing international assistance that is sought or offered in response to any needs arising from disaster events;

(e) financial arrangements to support all aspects of the Plan; and

(f) any other aspect of disaster management which the National Disaster Council considers will achieve the objects of this Act.

(9) Following approval by the Cabinet of the National Disaster Plans in accordance with subsection (4), the Director of the National Disaster Management Office shall -

(a) ensure that notice of the approved National Disaster Plans, or any approved modification to either plan, is published on the National Government website and is publicized as directed by the National Disaster Council; and

(b) circulate the published National Disaster Plans, or any modification to either plan, to all government agencies, local governments and any other organization or person that the Director of the National Disaster Management Office considers appropriate.

## §15. Exercising powers under the National Emergency Response Plan

During a state of disaster declared under Part IV of this Act, powers conferred on any agency, organization or person under the National Emergency Response Plan are exercisable in accordance with the terms and requirements stated in the National Emergency Response Plan, unless and to the extent any of those powers are limited, altered or rescinded by an executive order of the Cabinet.

## §16. Agency disaster plans

(1) Every ministry, office or agency of the National Government, with guidance from the National Disaster Management Office, shall prepare an agency disaster response plan and an agency disaster resilience plan.

(2) The National Emergency Operations Committee is responsible to review and recommend to the National Disaster Council for approval each agency disaster response plan, following which approval the plans are final and shall be applied in accordance with this Act.

(3) The Disaster Resilience Committee is responsible to review and recommend to National Disaster Council for approval each agency

disaster resilience plan, following which approval the plans are final and shall be applied in accordance with this Act.

(4) Each agency disaster response plan shall be consistent with the National Emergency Response Plan and include:

(a) the objectives of the plan;

(b) the disaster response roles and responsibilities of the agency including any roles within the clusters;

(c) the linkages between the plan and the National Emergency Response Plan;

(d) financial arrangements to support all aspects of the plan; and

(e) any other aspect of disaster response which the agency or the National Emergency Operations Committee considers will achieve the objects of this Act.

(5) Each agency disaster resilience plan shall include –

(a) the objectives of the plan;

(b) the roles and responsibilities of the agency under the plan;

(c) the linkages between the plan and the National Disaster Risk Management Plan;

(d) the financial arrangements to support all aspects of the plan;

(e) the monitoring and evaluation framework for the plan, including performance indicators; and

(f) any other aspect of disaster risk management which the agency or the Disaster Resilience Committee considers will achieve the objects of this Act.

## §17. Local government disaster plans

(1) Each local government disaster committee shall prepare a local government disaster plan in accordance with this Act.

(2) Local government disaster plans shall be prepared by the relevant local government disaster committee, with guidance from the National Emergency Operations Committee, following which each

plan shall be submitted to the National Emergency Operations Committee.

(3) The National Emergency Operations Committee is responsible for reviewing and approving the local government disaster plans, following which approval the plans are final and shall be applied in accordance with this Act.

(4) A local government disaster plan shall include –

(a) the objectives of the plan;

(b) the roles and responsibilities allocated to persons and organizations under the plan;

(c) the linkages between the local government disaster plan and the National Disaster Plans;

(d) financial arrangements to support all aspects of the plan; and

(e) any other aspect of disaster response which the local government disaster committee or the National Emergency Operations Committee considers will achieve the objects of this Act.

# PART IV - DISASTER DECLARATIONS

## §18. Declaration of state of disaster

(1) The Cabinet, or if the Cabinet cannot be convened with sufficient urgency, the President, may, on the advice of the Chairperson of the National Disaster Council, by executive order declare a state of disaster, if a disaster has occurred or the threat thereof is imminent.

(2) A state of disaster declared under subsection (1) continues until the Cabinet determines that the threat has passed or the disaster has been dealt with to the extent that disaster conditions no longer exist, at which time the state of disaster shall be terminated by executive order.

(3) A state of disaster shall not continue for longer than necessary, and in any circumstance a state of disaster shall not continue for longer than ninety (90) days, unless renewed by an executive order of the Cabinet.

(4) The Nitijela may at any time by resolution terminate a state of disaster declared by the Cabinet, and the Cabinet shall immediately give effect to such resolution by issuing an executive order terminating the state of disaster.

## §19. Form of executive order

(1) All executive orders issued under this Part shall indicate the nature of the disaster, the area or areas threatened, and the conditions which have caused the declaration or termination of the state of disaster.

(2) The National Disaster Council shall ensure that an executive order issued under this Part is promptly disseminated and publicized by means intended to bring its contents to the attention of the general public.

(3) An executive order declaring a state of disaster shall authorize the disaster response and recovery aspects of the National Emergency Response Plan and each applicable local government disaster plan, including the use of the powers provided in those plans.

(4) An executive order declaring a state of disaster may –

(a) suspend, in whole or part, the provisions of any statute prescribing the procedures for conduct of government business, or the orders, rules or regulations, of any government agency, if strict compliance with the provisions of that statute, order, rule, or regulation would in any way prevent, hinder, or delay necessary action for effective disaster response;

(b) authorize the Disaster Coordinator to –

(i) access and utilize personnel and equipment of ministries and agencies, or units thereof, for the purpose of performing or facilitating disaster services;

(ii) direct and compel the evacuation of all or part of the population from any stricken or threatened area if deemed necessary for the preservation of life or other disaster response or recovery activities, provided however, that any person so evacuated shall be permitted to return to the

place from which he or she was evacuated immediately following the termination of the state of disaster;

(iii) prescribe routes, modes of transportation, and destinations in connection with evacuation;

(iv) control ingress to and egress from a disaster area, the movement of persons within the area, and the occupancy of premises therein;

(v) suspend or limit the sale, dispensing, or transportation of alcoholic beverages, firearms, explosives, and 6combustibles; and

(vi) provide for the availability and use of temporary emergency housing.

# PART V - MISCELLANEOUS

## §20. Agency accountability and resourcing

Government agencies that are allocated responsibilities by this Act, or by the National Disaster Plans, shall ensure they maintain the capacity and resources that fulfill those responsibilities, including by providing training and skills development to appropriate officers and allocating funding for preparedness and disaster response activity.

## §21. Waivers for international assistance and personnel

(1) Notwithstanding the provisions of any other Act, during a period in which a state of disaster is declared, the Cabinet on the advice of the National Disaster Council may waive any entry or other legal requirement for disaster management or disaster relief personnel, goods or equipment entering the Republic following a request made in accordance with Section 22 (3) (b).

(2) A waiver granted under subsection (1) operates during the period in which a state of disaster is declared and ends upon the termination of the state of disaster.

(3) The Cabinet, on the advice of the National Disaster Council, may make regulations under this Act providing standards, prohibitions,

procedures, forms and waivers relating to international assistance and personnel during a period in which a state of disaster is declared.

## §22. Disaster Assistance Account

(1) The Disaster Assistance Account is hereby established as a special revenue account within the National Treasury and under the control and supervision of the Ministry of Finance, which shall provide for its administration in accordance with the Financial Management Act of 2022.

(2) In the event that all or any part of the Account is utilized for any of the objectives of this Act during any financial year, the amount so utilized shall be appropriated in the Annual Appropriation Act for the next financial year in order to maintain a continuous balance of not less than $200,000 and not more than $500,000 in the Account at the commencement of each fiscal year.

(3) In any event where the sum available in the Account is not sufficient to meet the demand in case of disaster, the Cabinet may –

(a) make available monies from the Contingencies Fund or by reprogramming; and

(b) seek assistance from international and other sources.

(4) Money made available under subsection (3) shall be credited to the Account.

(5) Subject to the control and supervision of the Ministry of Finance, the monies in the Account shall be made available and paid out by the Chief Secretary in consultation with the National Disaster Council for the purposes set out in this Act.

(6) This Section shall not be construed to limit the authority of the Cabinet to apply for, administer, and expend any grants, gifts, payments or pass through funds in aid of disaster prevention, preparedness response or recovery.

## §23. Offences

(1) A person commits an offence who fails to comply with any declaration, notice, direction or order lawfully made under –

(a) this Act;

(b) Regulations made under this Act; or

(c) the National Emergency Response Plan.

(2) A person commits an offence who assaults or threatens harm, or otherwise interferes with a person authorized to be engaged in disaster response.

(3) A person commits an offence who by words or conduct falsely represents that they are a person authorized to be engaged in disaster response or who otherwise impersonates such a person.

## §24. Penalties

(1) A person convicted of an offense under Section 23 is liable to a fine not exceeding $1000, or to imprisonment for a term not exceeding 3 months or both.

(2) In the case of a second or subsequent offense, a person convicted of an offense under Section 23 is liable to a further fine not exceeding $2000, for the second or subsequent offense.

(3) A court convicting a person of an offence under Section 23 may, in addition to any other penalty, award compensation for economic loss arising from the offence.

## §25. Indemnity

(1) A person exercising a function or power under this Act or the National Emergency Response Plan is not liable for anything done or omitted to be done, or purporting to be done, or omitted to be done, under or for the purposes of this Act unless acting maliciously or without reasonable cause.

(2) Subsection (1) of this Section does not derogate from any protection provided in other provisions of this Act or in any other law.

## §26. Public cooperation

Every person shall conduct themself and keep and manage their affairs and property in ways that will assist and will not unreasonably detract from the ability of the Government of the Marshall Islands and the public to successfully prepare for, respond to, and recover from disasters, including

through the provision of appropriate personal service and the use or restriction on the use of property in time of disasters, but not in derogation of the rights under the Constitution of the Marshall Islands and recognized customary law.

## §27. Repeals

The following Acts are repealed in their entirety: Emergencies Act, 1979 and Disaster Assistance Act, 1987.

## §28. Regulations

(1) The Cabinet may make regulations to give effect to this Act, including but not limited to -

(a) setting procedures and allocating functions to be applied in the case of a declaration under Part IV;

(b) setting procedures and allocating functions to be applied to facilitate early warning of impending disasters;

(c) providing for the format and content of the standard operating procedures of Clusters;

(d) setting standards, prohibitions, procedures, forms and waivers relating to international assistance and personnel; and

(e) providing streamlined procedures for procurement of goods, equipment, services and personnel that are or may be required for the purpose of disaster response and disaster recovery, consistent with Section 119 of the Procurement Act.

## §29. Severability

If any provision of this Act is deemed to be unconstitutional the other provisions remain in full force and effect. 18

## §30. Effective date

This Act will come into force in accordance with Article V Section of the Constitution and the Rules of Procedure of the Nitijela.

**NITIJELA OF THE REPUBLIC OF THE MARSHALL ISLANDS**
**44TH CONSTITUTIONAL REGULAR SESSION, 2023**

# DISASTER RISK MANAGEMENT ACT 2023

## BILL SUMMARY

This Bill proposes enact the Disaster Management Act to reduce vulnerability of people and communities of the Republic to damage, injury, and loss of life and property resulting from natural or manmade disasters, including health and environmental disasters; to provide for the roles and powers of Cabinet, national government agencies, local governments and other parties, in the reduction of, preparation for, response to, and recovery from disaster events; to authorize and provide for coordination between agencies and financing of activities relating to disaster reduction, preparedness, response and recovery.

**NITIJELA OF THE REPUBLIC OF THE MARSHALL ISLANDS**
**44TH CONSTITUTIONAL REGULAR SESSION, 2023**

# DISASTER RISK MANAGEMENT ACT 2023

## SIGNATURES

**DATE:**_____ **INTRODUCED BY** _____ _____
*Print Name* *Signature*

**DATE:** 8/30/23 **INTRODUCED BY** Casten Nemra _____
*Print Name* *Signature*

**DATE:**_____ **INTRODUCED BY** _____ _____
*Print Name* *Signature*

**DATE:**_____ **INTRODUCED BY** _____ _____
*Print Name* *Signature*

**DATE:**_____ **INTRODUCED BY** _____ _____
*Print Name* *Signature*