



Assessment of Legislative Frameworks Governing Waste Management in Kiribati



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About this Report

Sources of Information



Publicly available online resources about waste management laws in the participating countries (e.g. PacLII, EcoLEX, SPREP, InforMEA and FAOLEX, as well as the websites of government departments and other agencies administering waste and other environmental laws in the participating countries)



Qualitative information derived from interviews (remote and face-to-face) with in-country stakeholders



Additional information on legislation or pipeline initiatives identified by in-country contacts



An online survey sent to in-country participants requesting information on waste laws in their countries and their implementation, administration, and enforcement

In Kiribati, interviews were conducted remotely with participants from government departments, agencies and contractors addressing issues of environmental protection, waste management, legal matters, as well as the private sector and NGOs.

Additional interviews were conducted with external consultants and SPREP staff working on specific programs relevant to the Waste Legislative Review.



Available online sources do not always contain the most up-to-date legislation or may be incomplete. Where possible, the UoM team drew on contacts with parliamentary libraries in the participating countries to source more recent legislation. However, it is not possible to say with certainty that all relevant legislation, or the most current versions, were identified in the desktop review.

For identifying proposed legislation, the UoM team relied on an online survey sent out to 110 in-country contacts in the participating countries (with a 21% response rate), as well as interviews with in-country contacts in the Cook Islands, Federated States of Micronesia, Fiji, Kiribati, Nauru, Niue, Palau, Papua New Guinea, the Republic of the Marshall Islands, Samoa, the Solomon Islands, Timor-Leste, the Kingdom of Tonga, Tuvalu, and Vanuatu.

Introduction

This assessment has been prepared by the *Secretariat of the Pacific Regional Environment Programme's* (SPREP) EU-funded PacWastePlus programme (PacWaste Plus or 'Programme'), drawing upon reporting developed by the University of Melbourne (UoM) on behalf of PacWastePlus for that programme's *Waste Legislative Review* project. The UoM team reviewed legislation relevant to waste management in 14 Pacific region countries and Timor-Leste. Separate assessments are provided for each of the PacWastePlus participating countries.

This assessment was designed to achieve a number of outcomes:

- Gain a working understanding of the legislative framework governing waste management in PacWastePlus participating countries
- Determine which countries have legislation that actively manages issues caused by the generation of waste streams that are the focus of the PacWastePlus programme activities (asbestos, e-waste, healthcare waste, recyclables, organics, bulky waste, disaster waste and waste water) and plastic waste
- Understand strengths and weaknesses of the legislative frameworks to manage the waste issues and social and environmental problems caused by the generation of these wastes
- To provide some guidance on possible modifications to the legislative framework to improve waste management outcomes.

This assessment provides the broad findings of the research and investigation undertaken by the UoM team in relation to Kiribati. It provides:

- A **stocktake of the existing legislative environment for waste management** in Kiribati, focusing on the PacWastePlus priority waste streams of healthcare waste, asbestos, e-waste, recyclables, organics, disaster waste, bulky waste and wastewater, as well as plastic waste, and including implementing legislation for the following multilateral environmental agreements (MEAs): Waigani, Basel, Stockholm, Rotterdam, and Minamata.
- A **stocktake of pipeline legislative initiatives** in Kiribati, including an assessment of their impact and approximate timeframe for development.
- An **assessment of the legislative framework** and its relevance to the PacWastePlus programme focus waste streams and plastic waste
- An **assessment of the capacity** of Kiribati's government to enact the instruments included in the legislative framework
- **Options for strengthening the legislative framework** for the Government of Kiribati to deliver its desired waste management outcomes.

SECTION 1: LEGISLATIVE STOCKTAKE



This stocktake provides a detailed view of the legislative environment governing waste management currently in operation in Kiribati

Legislative Summary

Legislation impacting waste Governance

Waste management issues in Kiribati are governed under general environmental and public health legislation. There is no specific legislation for waste management. A specific law establishes a container deposit scheme (CDS), which is regarded as effective in separating out these containers from other waste streams and promoting their recovery.

Some analysis of the national waste situation has been undertaken through the Draft National Solid Waste Strategy 2007, which also covered the period 2008-2011, with biennial reviews. This strategy identifies priorities for different waste streams and provides a basis for assigning tasks for this work to specific institutions.

Recently the Kiribati Waste Management Resource Recovery Strategy (KWMRRS 2020-2029) was adopted. The KWMRRS is a key national document that governs the management of solid, chemical, and hazardous waste, and replaces the old National Solid Waste Management Strategy (NSWMS 2007-2009). The Strategy sets the country's vision for long term planning to respond to the increasing threat from waste and pollution which undermines the country's resilience and efforts to achieving sustainable and inclusive socio-economic development.

The following tables provide a stocktake of the existing legislative environment for waste management and governance in Kiribati. Each table includes hyperlinks (current as of the date of this report) to electronic versions of these instruments.

- Table 1 details the legislation impacting waste governance in Kiribati.
- Table 2 lists the key policy instruments and reports.
- Table 3 notes the departments with responsibilities for waste management.

Table 1: Legislation impacting waste governance in Kiribati

LEGISLATION	REGULATIONS
<p>Environment Act 1999 (as at 1999) Environment (Amendment) Act 2007</p> <p>N.B. The 2007 amendment significantly alters the 1999 Act but there is no consolidation so both must be read together.</p> <p>Objects of the Act include: to provide for and establish integrated systems of development control, environmental impact assessment (EIA) and pollution control; to prevent, control and monitor pollution; to reduce risks to human health and prevent the degradation of the environment including by regulating discharge of pollutants, regulating the transport, collection, treatment, storage and disposal of wastes and promoting recycling, re-use, reduction, composting and recovery of materials in an economically viable manner; to comply with and give effect to regional and international conventions and obligations relating to the environment; and to control, manage and regulate hazardous substances.</p> <p>s 12 makes it an offence to litter in an open or public place without an environmental licence.</p> <p>s 20 ‘Duty to clean-up environment’ provides that a person who causes or allows the discharge of any waste or other substance in contravention of the Act must take any appropriate actions to remove the waste or other substance and remedy, mitigate and contain any harm to the environment. A person who fails to comply with the subsection commits an offence (max. fine \$100,000 or 5 years imprisonment).</p>	<p>Environment Regulations 2001 Environment (General) Regulations 2017</p> <p>These regulations are not available online. Other reports provide that the 2017 regulations cover several administrative matters, including fees, seizure of items, public consultation and EIA requirements for environmentally significant activities. These activities include a list involving harmful chemicals.</p>
<p>Special Fund (Waste Materials Recovery) Act 2004</p> <p>This Act regulates the CDS. It details the items that require deposits to be paid, when they must be paid, how much should be paid, to whom it should be paid, and the rate of Refund of those Deposits.</p>	<p>Special Fund (Waste Material Recovery) Regulations 2005</p> <p>These regulations are not available online.</p>
<p>Public Health Ordinance 1926</p> <p>The main purpose of this Ordinance is to provide for the making of regulations. Section 3 allows the Minister to make regulations ‘for the purpose of protecting and advancing the public health’, including with respect to: latrines, dustbins and drains; and removal and disposal of night-soil and house refuse.</p>	<p><u>Public Health Regulations</u></p> <p>The Public Health Regulations include:</p> <p>r 10: Rubbish in streets, etc.</p> <p>r 11-12: Latrines</p> <p>r 14: Disposal of rubbish. This requires that all garbage and rubbish which can readily be destroyed by fire shall be so destroyed and that all other garbage shall be placed in tins and covered with fly-proofed covers, and such tins shall be placed daily in positions convenient for collection.</p>

LEGISLATION**REGULATIONS****Public Highways Protection Act 1989**

The dumping of rubbish or litter of any kind on any public highway is prohibited by s 4(1)(c)(ii) without consent of the Highways Authority.

None identified.

Public Utilities Ordinance 1977 (as at 1977)**Public Utilities (Amendment) Act 1983**

This Ordinance sets up the Public Utilities Board which has powers and functions to operate and maintain a sewerage system.

None identified.

Local Government Act 1984

Provides that the Minister may establish local councils. These councils have responsibility for various functions under the legislation, including collection of solid waste.

None identified.

Table 2: Policies and reports impacting waste governance in Kiribati

POLICY	DESCRIPTION
KIRIBATI NATIONAL IMPLEMENTATION PLAN FOR PERSISTENT ORGANIC POLLUTANTS (2019) National Quality Policy 2017-2023	<p>Submitted in fulfilment of Kiribati’s obligations as a Stockholm POPs Convention party. Provides an excellent and up to date summary of legislation, MEAs and policies.</p> <p>This policy was launched by the Kiribati Government in 2018. It seeks to raise the quality and safety levels of products and services in Kiribati, both locally manufactured and imported, with the aim of protecting consumers, achieving better social and environmental protection, and improving livelihoods. Ministry of Environment, Lands and Agriculture Developments is responsible for accelerating implementation of the framework for waste management and recycling.</p>
Kiribati Trade Policy Framework 2017-2027	<p>The policy framework seeks to implement measures including an environmental licensing system to support waste management and pollution control. It also seeks to build capacity to facilitate the notification and reporting requirements under existing waste and chemical related conventions. The trade policy broadly seeks to ensure trade and environmental sustainability.</p>
Kiribati Development Plan 2016-19	<p>The summary of KPA 4: ‘Environment’ states that ‘Significant efforts on solid waste management have been made with donor partner support, upgrading three landfill areas, launching private waste collection, and processing e-waste and bulky waste for export’. Waste management is identified as one of the five key environmental policy areas identified by the Government.</p>
Kiribati Integrated Environment Policy (2013)	<p>Goal is: To strengthen national capacity to ensure a safe and healthy environment for the people of Kiribati through effective and sound management of chemical and waste. Kiribati adopts the ‘Waste Hierarchy’ approach in its management of waste, starting with avoidance and minimisation first then looking at the opportunities for reuse, recycling and recovering before finally considering safe disposal.</p>
Draft National Solid Waste Management Strategy (Oct 2007)	<p>Aims:</p> <ul style="list-style-type: none"> • To help ensure a safe and healthy living environment for all people of Kiribati; • To assign tasks for this work to specific institutions and to provide those institutions with necessary administrative support; and • To plan for future solid waste management activities in a manner that raises public awareness of the issues and allows for public input into the process.
Kiribati Waste Management Resource Recovery Strategy (KWMRRS 2020-2029)	<p>The ultimate objective of the Strategy is to strengthen national capacity to ensure a safe and healthy environment for the people of Kiribati through effective and sound waste management targeting the priority waste streams. These wastes are plastic waste, end of life vehicles, asbestos, used oil, e-waste, recyclables, disaster waste, organic waste, wastewater, laboratory chemical waste and used tire at the national level.</p>

REPORTS	DESCRIPTION
Ninth Regional 3R Forum in Asia and the Pacific (Kiribati Country Report)	This document is a 3R Country Progress Report. It outlines the progress and achievements towards implementation of the Ha Noi 3R Declaration: Sustainable 3R Goals for Asia and the Pacific (2013–2023).
Kaoki Mange Program—Recycling System	This document outlines Kiribati’s Kaoki Mange recycling program. The <i>Special Fund (Waste Materials Recovery) Act 2004</i> allows for a deposit of A\$0.05 to be levied on each beverage container at the point of import, with consumers being able to redeem A\$0.04 when returning containers for recycling. The remaining A\$0.01 covers handling fees to support recycling operations. The operator makes claims to Ministry of Finance and Economic Development (MFED) on a monthly basis.
National Report Basel Convention 2004	Submitted in fulfilment of Kiribati’s obligations as a Basel Convention party.
National Report Basel Convention 2006	Submitted in fulfilment of Kiribati’s obligations as a Basel Convention party.

Table 3: Government departments with waste responsibilities in Kiribati

GOVERNMENT DEPARTMENTS	RESPONSIBILITIES
Environment and Conservation Division (ECD), Ministry of Environment, Lands and Agriculture Developments (MELAD)	<p>Ministry of Environment, Lands and Agriculture Developments ('MELAD') is under the umbrella of the Office of the Attorney-General. It has responsibility for administering and enforcing the <i>Environment Act 1999</i>.</p> <p>The ECD is responsible for Pollution Prevention, Chemical and Waste Management, and Regional and International Environment Organisations and Agreements (i.e. Secretariat of the Pacific Regional Environment Program (SPREP), United Nations Environment Programme (UNEP), Global Environment Facility (GEF), Multilateral Environment Agreements). MELAD is the lead agency tasked with implementing and delivering the KWMRRS 2020-2029.</p>
Ministry of Finance Highways Authority (presently Committee)	<p>Administers the special fund for the container deposit scheme under the <i>Special Fund (Waste Materials Recovery) Act 2004</i></p> <p>The Highways Authority Committee has functions under the <i>Public Highways Protection Act 1989</i> for protection and management of the public roads so that they are maintained to the standards that guarantee safety to the roads' users. Under the Act, dumping of rubbish or litter on any public highway is not permitted.</p>
Public Utilities Board	Operates and maintains a sewerage system.
Local Councils	Responsibility for collecting solid waste.

Pipeline activities

The following sections provide details of identified pipeline legislative activities for waste management and governance in Kiribati. Information on these activities was obtained primarily from desktop research.

A key pipeline activity concerns ongoing work between the Ministry of Environment and the Office of the Attorney-General to review the *Environment Act (as amended in 2007)*. In addition, a new National Waste Management Strategy has been drafted and is under review by key stakeholders before it is submitted for cabinet approval.

The Kiribati Integrated Environmental Policy (2013) is also under review with SPREP assistance. There is a plan to develop an integrated strategy on waste management, and assistance from PacWastePlus has been requested for this work.

Under the Chemicals and Waste Management Programme administered by UNEP, a national information-sharing system is to be developed to strengthen national capacity to undertake regular data collection and analysis, and to establish a central location for data on chemicals and waste. The intention is that this repository will enhance the Environment Database maintained by the Environment Conservation Division of MELAD, which is presently a work in progress.

The Environment and Conservation Division is working on various initiatives to reduce plastic waste. These include a new 'seeds for plastic' swap scheme, efforts to ban the import of single use plastic shopping bags, and implementation of the Plastic Free School initiative.

Table 4: Pipeline activities for Kiribati

PIPELINE ACTIVITY	DESCRIPTION	TIMEFRAME
Review of the Environment Act (as amended in 2007)	Work between MELAD and AG's office to review the <i>Environment Act</i> .	Ongoing.
Review of Kiribati Integrated Environmental Policy	Review of <i>Integrated Environmental Policy (2013)</i> with SPREP assistance and development of integrated strategy on waste management.	Ongoing.
National information-sharing system	UNEP Chemicals and Waste Management Programme support for developing a <u>national-information sharing system</u> .	Ongoing.
Initiatives to reduce plastic waste	Several community-based and awareness raising initiatives around plastic waste, including a <u>proposed ban on import of single use plastic bags</u>	Ongoing – MELAD in conjunction with AG's and Customs office.

Stocktake of Relevant Multilateral Environmental Agreements

The relevant Multilateral Environmental Agreements (MEAs) for the stocktake were the:

- Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal (Basel Convention);
- Stockholm Convention on Persistent Organic Pollutants (Stockholm POPs Convention);
- Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade (Rotterdam Convention);
- Minamata Convention on Mercury (Minamata Convention); and
- Convention to ban the Importation of Hazardous and Radioactive Wastes into Forum Island Countries and to Control the Transboundary Movement and Management of Hazardous Waste within the South Pacific Region (Waigani Convention).

Table 5 provides details of the membership of Kiribati to these MEAs.

Table 5: MEAs active in Cook Islands

MEA	IN EFFECT FOR COUNTRY	DESIGNATED NATIONAL AUTHORITY OR NATIONAL FOCAL POINT	IMPLEMENTING LEGISLATION
Basel Convention	6 Dec 2000	Customs Controller Kiribati Customs Service Ministry of Finance and Economic Development P.O. Box 503 Betio Tarawa, Kiribati Phone: +686 267 50 Fax: +686 265 32 Email: customs@tskl.net.ki	No specific implementing legislation but see National Report Basel Convention 2004 (submitted in 2006) and National Report Basel Convention 2006 (submitted in 2008).
Minamata Convention	26 Oct 2017	Ms. Taare Aukitind Secretary, Ministry of Environment, Lands and Agricultural Development Bikenibeu Village Tarawa, Kiribati Email: secretary@melad.gov.ki	No specific implementing legislation.
Rotterdam Convention	Not party		
Stockholm Convention	6 Dec 2004	Ms. Nenenteiti Teariki-Ruatu Director, Environment and Conservation Division Ministry of Environment, Lands and Agricultural Development Bikenibeu P.O. Box 234 Tarawa, Kiribati Phone: +686 752 28211 Email: nenenteitit@environment.gov.ki	No specific implementing legislation but see Kiribati National Implementation Plan for Persistent Organic Pollutants (2019) .
Waigani Convention	21 Oct 2001	Mr. Timi Kaiekieki Secretary, Ministry of Environment, Lands, and Agriculture Development (MELAD) PO Box 234, Bikenibeu Tarawa, Kiribati Tel: (686) 28647/28211 Fax: (686) 28334 E-mail: timikb@gmail.com	No specific implementing legislation.

SECTION 2: LEGISLATIVE ASSESSMENT



This qualitative assessment of Kiribati's legislative environment has classified Kiribati's waste-related laws on a scale of low-to-high against the criteria of relevance, coherence, effectiveness, efficiency and impact.

Legislative Framework Assessment

Methodology

Approach and Criteria

This legislative assessment was undertaken utilising a qualitative approach.

Legislation in Kiribati was evaluated against the following criteria that build on the OECD Development Assessment Committee (DAC) evaluation criteria 1990, as updated:



Relevance

defined as the extent to which legislation directly relates to, or provides coverage of, the priority waste streams of healthcare waste, asbestos, e-waste, plastic waste (including single-use plastics), recyclables, organic waste, bulky waste, disaster waste and wastewater.



Coherence

defined as the extent to which different elements of legislation and their administration fit together, or whether there are conflicts or lack of coordination between laws that undermine coherence.



Effectiveness

defined as the extent to which the legislation contains mechanisms necessary to achieve legislative objectives relating to the management of the priority waste streams.



Efficiency

defined as the extent to which the legislation makes provision for the allocation of responsibilities and resources (personnel, information, financial) to allow fulfilment of legislative requirements.



Impact

defined as the contribution the legislation makes to waste management and environmental protection from waste-related pollution.

Based on the evaluation of Kiribati's legislation against the criteria, gaps in existing legislation relating to waste were identified. These gaps provide a basis for understanding what opportunities exist for Kiribati to develop and/or implement additional legislative instruments to in achieving waste management and environmental outcomes.

Overview of the legal system



The Republic of Kiribati is an independent country comprising one island and 32 atolls in 3 main groups (the Phoenix, Gilbert and Line islands) running 4,000 kilometres along the equator. Kiribati was known as Gilbert Islands when it was part of the British protectorate between 1892-1916. Between 1916-1975 it was a British colony and named the Gilbert and Ellice Islands. From 1975-1979 it was the separate British colony of Gilbert Islands. The Gilbert Islands were granted self-rule by the United Kingdom (UK) in 1971 and gained independence on 12 July 1979 under the new name of Kiribati.



Kiribati has a mixed legal system of English common law and local customary law. Sources of law are the Constitution (as the supreme law), ordinances, Acts and subsidiary legislation, as well as some prior UK statutes, common law, and customary law.



The population is approximately 112,000. The capital is Tarawa. The official languages are I-Kiribati and English.

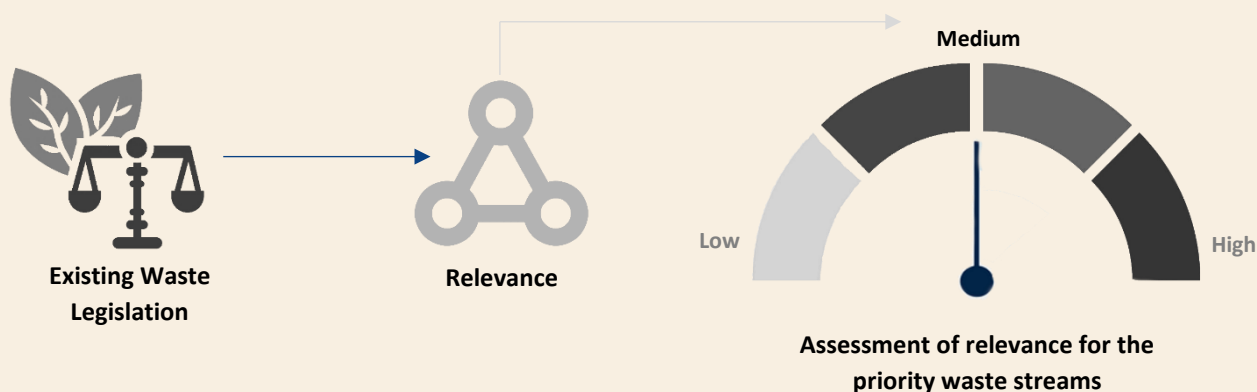


Kiribati is a presidential republic with the President being both Head of State and Head of the Government. The legislature consists of the unicameral House of Assembly / Maneaba ni Maungatabu. There is a three-tiered court system. In addition, there are six districts and 21 island councils - one for each of the inhabited islands.

Legislative Assessment

This section contains a qualitative legislative assessment for Kiribati against the evaluation criteria: Relevance, Coherence, Effectiveness, Efficiency, Impact. While ratings against the criteria are classified on a scale of low to high, the ratings reflect an assessment of the performance of Kiribati's waste-related laws in their specific operating context. A glossary of legal terms used in the report is provided in **Annex 1**.

Relevance



There are several pipeline reforms currently under consideration (including a review of the national environment legislation) that are likely to increase coverage of priority waste streams, thereby strengthening the relevance of legislation to the PacWastePlus programme.

Kiribati's waste management measures are spread across various pieces of legislation. This includes general environmental legislation, public health regulations, customs legislation, disaster management legislation, and specific legislation for initiatives such as the country's container deposit scheme. Waste management is also administered through policy and contractual arrangements, such as the green bag collection service supported by the New Zealand-funded Urban Development Programme.

While Kiribati does not have specific waste management legislation (although this is proposed in the Kiribati Waste Management Resource Recovery Strategy), several legislative arrangements are in place under Kiribati's existing framework for waste management that either directly cover the priority waste streams or provide scope for managing these waste streams with additional legislative reforms, e.g.:

- E-waste, bulky waste and other forms of plastic waste or recyclables could be either be brought under the Kaoki Manage recycling scheme or a separate special fund could be created through legislation for these waste streams.
- These wastes could also be regulated at the point of entry into the country through import levies or restrictions contained in a specific agencies' legislation and then administered with the assistance of Kiribati Customs
- Additionally, items could be banned outright in the customs legislation.
- Existing occupational health and safety legislation could be amended to provide further guidance on the safe handling and disposal of asbestos.

To determine relevance, consideration of the various legislative definitions has been assessed.

Table 6: Definitions of waste Kiribati’s legislation

Legislation	Definitions
<i>Environment Act 1999 (as at 1999)</i>	<p>‘Waste’ includes matter whether liquid, solid, gaseous or radioactive, whether toxic or not, which is: discharged into the environment; the by-product of any process activity or development with no apparent value or beneficial function; human excrement or faeces; animal excrement or remains; or which is prescribed by regulation to be waste;</p> <p>‘Litter’ includes waste, refuse, debris and rubbish, but does not include vegetation;</p> <p>‘Pollutant’ means any solid, liquid or gaseous substances or energy present in such concentrations as may be, or tend to be, injurious to the environment or human health;</p> <p>‘Pollution’ means the introduction by man directly or indirectly of substances or energy into the environment which may result, or is likely to result, in such deleterious effects or harm to living resources and ecosystems and hazards to human health including: detriment or degradation of the environment; or the detriment of any beneficial use, and includes pollution as prescribed by regulations;</p> <p>‘Discharge’ includes dumping, spilling, leaking, pumping, throwing, placing, dropping, abandonment, depositing, discarding, rejecting, emitting and other similar activities; and</p> <p>‘Substance’ means any solid, liquid or gas, including odour.</p> <p>There is not a separate definition of hazardous waste in the legislation, which could allow for more targeted regulation of the specific requirements of these waste streams</p>
<i>Environment Regulations 2001</i>	<p>defined waste to include household domestic wastes, hazardous wastes, clinical wastes, quarantine wastes, ballast water and waste oil, but that these regulations were repealed by the Environment (General) Regulations 2017. The 2017 regulations cover administrative matters such as fees, seizure of items, public consultation and EIA requirements for environmentally significant activities (see above), but do not provide further definitions of waste.</p>
<i>Biosecurity Act 2011</i>	<p>‘Regulated article’ includes ‘garbage’, namely waste material derived in whole or in part from plants, fruit, vegetables, meat or other plant or animal material, or other refuse of any kind that has been associated with any plants, fruits, vegetables, meat or other plant of animal material.</p>

Healthcare waste

As a technical legal matter, healthcare waste might fall within the broad definitions of waste and pollution specified in the *Environment Act*. The *Environment Act* has some indirect role to play in the management of healthcare waste as the operation of a hospital, operation of a waste incinerator, and storage, handling or disposal of (expired) pharmaceuticals each trigger the requirement for an environmental licence given that these are environmentally-significant activities (see Schedule, *Environment (General) Regulations 2017*).

At the operational level healthcare waste in Kiribati is categorised into two streams. The first category is solid waste generated from hospitals, for example, used bandages. The second category is medical waste, including pharmaceutical and other chemical waste (especially expired products). Hospitals are required to come up with their own waste management plans.

Asbestos

Stockpiles of asbestos, and buildings with asbestos, are a problem in Kiribati. Guidelines are being developed in terms of the safe handling and storage of asbestos, and some training has been provided. Final disposal of asbestos, once it has been safely removed, also poses a challenge for small island nations such as Kiribati. Particular challenges exist regarding the cost of and shipping difficulties associated with offshore export. One innovative way existing legislation has been used in Kiribati to manage the challenges associated with export of asbestos for final disposal has been to include a provision in licences for foreign contractors undertaking major developments, such as upgrading airports. Provision is included in the licence such that if the contractor comes across any asbestos, they are responsible for its disposal offshore and must bear this cost.

E-waste

E-waste is not specifically provided for in Kiribati's legislation, other than lead acid batteries associated with the 'Kaoki Maange' system discussed below, or as part of the general category of solid waste or when considered to be 'litter'. Given the success of the Kaoki Maange scheme, it is possible that it could be extended through an order to introduce a similar deposit system to support the final disposal of e-wastes. Alternatively, a separate special fund could be established through legislation to provide funding for recovery and/or disposal of e-waste. Another option considered by other Pacific region countries has been public-private partnerships for extended producer responsibility, which could be effective in Kiribati.

Recyclables

Kiribati has a long-standing recycling initiative known as the 'Kaoki Maange' System based on the Kaoki Maange container deposit legislation (the *Special Fund (Waste Materials Recovery) Act 2004*). The system is operated under contract by a private sector business and provides a recycling system for aluminium cans, PET bottles and lead-acid batteries. The *Special Fund (Waste Material Recovery) Act 2004* allows for a deposit to be levied at the point of import, with consumers able to obtain a refund when returning containers for recycling.

Plastic waste

In addition to the Kaoki Maange system, which manages PET bottles, Schedule 3 of the *Customs Act 2019* has recently prohibited imports of ice-block bags, non-biodegradable nappies and single-use plastic shopping bags. The ban on single-use plastic bags includes carrier bags that are dispensed from a roll and often used to separate meat, fish, fruits or vegetables from other grocery items, but does not extend to green garbage bags. Over the longer-term, if the ban proves effective, other extensions to the ban may be contemplated.

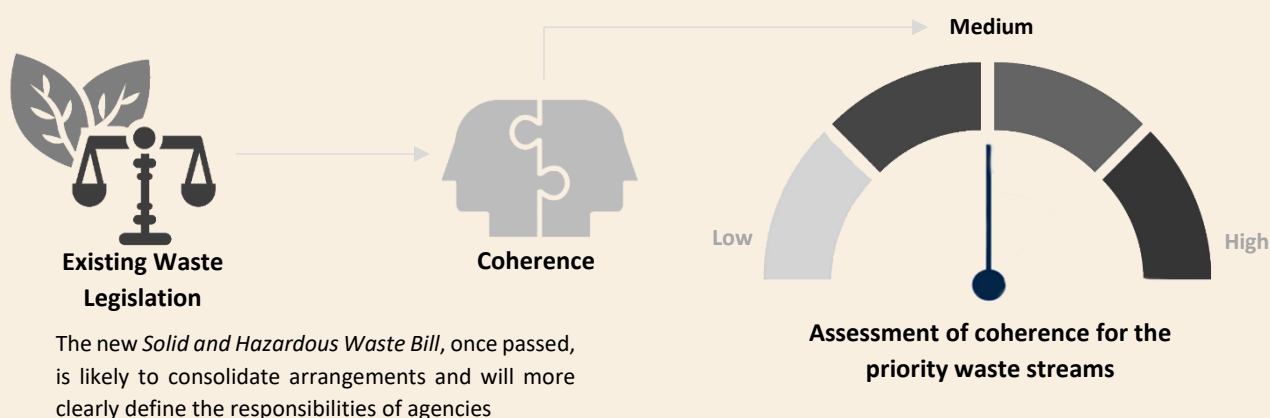
Disaster waste

A new Disaster Risk Management and Climate Change Bill provides that the Te Beretitenti has overall responsibility for protecting Kiribati from disasters and climate change, acting on the advice of Cabinet (s 8). The Bill establishes the Kiribati National Expert Group on Climate Change and Disaster Risk Management (KNEG) that will be responsible for strategic coordination and technical advice at the national level (s 10). The Bill has passed the Parliament but has not yet entered into force. Some ministries, agencies and bodies have specific roles for disaster and climate change response articulated under section 13 of the Bill. Of particular note is the proposed role for MELAD, which 'focuses through the KNEG on the impact of climate change and disasters on the environment and land use, and has a principal role in food security, livelihoods, protection of animals, controlling biosecurity threats, management of solid and hazardous waste and materials including disaster debris (such as broken trees and rubbish), and ensuring environmentally sound recovery planning'. Once in force, this legislation will provide a clearer basis for management of disaster waste in Kiribati.

Wastewater

Wastewater is managed by the Ministry of Infrastructure and Sustainable Development (MISD) and the Public Utilities Board in Kiribati. The main source of wastewater on the island is from sewerage. Most industrial facilities, which tend to be small-scale, are encouraged to connect their discharge points to existing sewer lines. Households also have their own septic tanks. From a legislative perspective, in accordance with the Public Utilities Ordinance, MELAD also has responsibilities in respect of wastewater to the extent that this has to be considered as part of the EIA report for any development project seeking to obtain an environment licence. Moreover, liquid waste is covered by the definitions of 'waste', 'pollutant' and 'discharge' under the *Environment Act*.

Coherence



Kiribati has several innovative legislative and administrative arrangements in place to manage priority waste streams, particularly recyclables. A key challenge is to ensure the coherent management and coordination of these arrangements. The country takes a ‘whole of country’ approach to waste management issues, with MELAD taking lead agency responsibility at present.

There is a diffuse administrative approach that may reduce the coherence of Kiribati’s legislative framework for waste governance.

The various agencies and bodies in Kiribati that presently play a role in waste management include the following:

- The national government, supported by New Zealand through the Urban Development Programme, has overall responsibility for laws, policies and planning around solid waste management issues in Kiribati.
- The ECD of MELAD has lead agency responsibility for waste management in Kiribati.
- The National Solid Waste Management Committee (NSWMC) oversees the implementation of the 2007 National Solid Waste Management Strategy and the 2012 Kiribati Integrated Environment Policy.
- The MHMS has responsibility for managing hazardous hospital waste from hospitals and clinics.
- The MFED manages the special funds associated with the Kaoki Maange container deposit scheme and sanitation.
- The Ministry of Internal Affairs (MIA) provides funding from the national government to local governments for the collection of solid waste.
- Local councils, TUC, BTC and the Kirimati Urban Council (KUC), have responsibility for solid waste collection and disposal services and are empowered to make by-laws regarding waste management fees (see the Public Health Ordinance and regulations, and the *Local Government Act*). They also have responsibility for the operation and management of Kiribati’s three landfills.
- A private company, Moel Ltd, has responsibility for the collection of the Green Bag Service.
- The Ministry of Infrastructure and Sustainable Energy (MISE) has responsibility for managing infrastructure including support for landfill rehabilitation.
- The Public Utilities Board has a role in wastewater and sanitation.
- Kiribati Customs assists with administering the single-use plastics ban and other import/export matters.
- The Kiribati National Expert Group on Climate Change and Disaster Risk Management (KNEG), as per the draft Bill, will have a responsibility for disaster management.

Kiribati is taking important steps to improve the coherence of its legislative and administrative arrangements for waste. In the Kiribati Waste Management Resource Recovery Strategy, MELAD has recognised that the lack of an integrated

approach and *ad hoc* management of wastes pose key threats to Kiribati's environment. As such, the strategy seeks to remedy this through an overarching framework for effective waste and chemical management in Kiribati that will also assist Kiribati to meet its commitments under relevant MEAs.

One of the key recommendations of the SWM Programme Mid-Term Evaluation, supported by the NZ government, was to establish a national waste management authority that has oversight of waste management issues in Kiribati. This recommendation is being considered at the operational level as an effective way of providing coordination amongst all stakeholders, which is critical for waste management issues.

Bringing this proposal to fruition would require cabinet endorsement and formal establishment of a committee with appropriate terms of reference or augmentation of the current role of the National Solid Waste Management Committee.

Effectiveness



In the explanatory memorandum to the *Environment Act 1999*, the government emphasised the priority placed upon protecting and conserving Kiribati's environment. The Act aims to protect Kiribati's environment while also supporting environmentally sustainable development. It also reflects Kiribati's international and regional commitments under MEAs.

These priorities are captured in the purposes of the Act (section 3) which include:

- providing for systems of development control, environmental impact assessment and pollution control
- preventing, controlling and monitoring pollution; protecting and conserving natural resources threatened by human activities (particularly those resources of national and ecological significance)
- complying with and giving effectiveness to regional and international conventions and obligations relating to the environment; providing for the protection, conservation and use of the environment; promoting sustainable development
- controlling, managing and regulating hazardous substances
- promoting the conservation and sustainable use of biological diversity
- protecting, conserving and promoting heritage.

A prescribed purpose of the *Environment Act* is to reduce risks to human health and prevent the degradation of the environment by all practical means, including the following:

- regulating the discharge of pollutants to the air, water or land
- regulating the transport, collection, treatment, storage and disposal of wastes
- promoting recycling, re-use, reduction, composting and recovery of materials in an economically viable manner (section 3(c)).

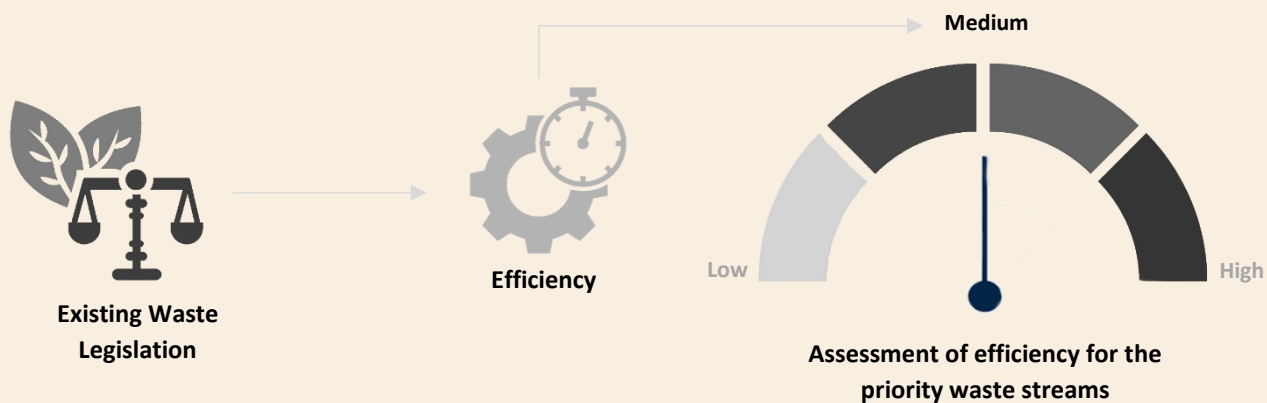
This objective has sought to be achieved in practice by means of the various legislative and administrative steps taken to deal with waste management issues, particularly through the comprehensive licencing and environmental impact assessment regime. The Regime specifically requires that the description of any proposed activity must include the nature and quality of any waste products, as well as proposed methods for controlling and dealing with any waste products (Environment (General) Regulations 2017).

Overall, the legislative objectives and arrangements in place integrate elements of best practice waste management approaches, such as the 'waste management hierarchy' approach. According to their draft waste management strategy, Kiribati's emphasis has been first on avoidance and waste minimisation followed by looking for opportunities for reuse, recycling and recovery before finally considering safe disposal. In this regard, the Kaoki Maange system of deposits and refunds, provided for in the *Special Fund (Waste Materials Recovery) Act*, for used aluminium cans, PET bottles and lead-acid batteries has been highly successful.

Kiribati is also looking at creating a waste management authority that would potentially enhance coordination between all these frameworks and thereby better achieve effectiveness in the implementation of its legislative objectives.

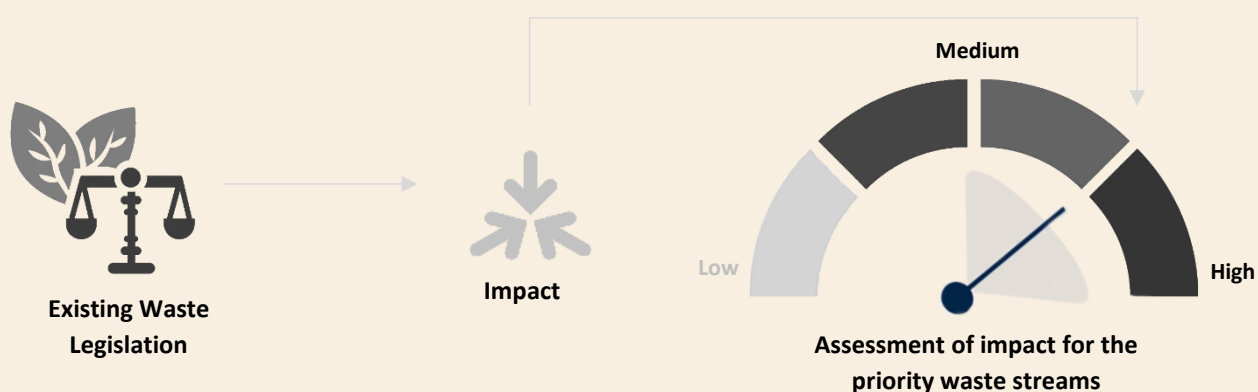
Recyclables, and more recently plastic e.g. single-use shopping bags, have received significant attention in Kiribati's legislative framework governing waste. Some gaps remain regarding other waste streams, particularly bulky waste and hazardous wastes such as asbestos and e-wastes. There are opportunities to provide introduce specific regulation for these wastes that may further improve overall effectiveness of the legislative framework for waste management and environmental protection purposes. In addition, the legislative framework for management of organic and healthcare waste streams is found in older laws, and updates might be considered to allow for better management of these wastes.

Efficiency



At present the ECD of the MELAD takes a lead agency role in waste management issues in Kiribati, rather than having in place a dedicated waste management authority. Kiribati's legislation provides for waste management issues to be dealt with through several government departments and bodies. While there is commitment to ongoing consultation between departments and agencies, efficiency of allocation of waste management responsibilities in Kiribati could potentially be improved through the creation of a dedicated waste management authority or committee, similar to that that is likely to be established in relation to disaster and climate change management.

Impact



Despite the challenges associated with coordinated management of waste streams, Kiribati has used (or has contemplated using) legislation and administrative arrangements in several innovative ways to manage priority waste streams.

These include:

- The Kaoki Maange container deposit scheme, which covers aluminium tins, PET bottles and lead acid batteries;
- Utilising environment licences to impose 'polluter pays'-style conditions on developers in respect of disposal of asbestos-containing wastes;
- Imposing an import ban on single-use plastics, nappies and ice block packaging;
- Introducing import levies/duties on certain items such as older vehicles;
- Establishing a special fund to pay for sanitation services;
- Development of a successful Green Bag collection service to promote cost effective waste collection; and
- Establishing a national and dedicated committee for coordination around disaster issues.

Other reforms include improving transparency through community consultation in the EIA process and introducing more waste considerations for developers in the EIA process, e.g. through requiring the proponent to identify and seek to quantify the specific wastes to be generated and then come up with treatment options and specific treatment plans.

While there is scope for increasing regulatory coverage of certain waste streams under its national legislation (particularly bulky waste and hazardous waste streams such as healthcare waste, asbestos and e-waste) Kiribati already has in place a large body of mechanisms to deal with waste management issues that make a significant contribution to protecting against waste-related pollution. The impact of these mechanisms, however, is subject to capacity constraints, including the availability of final export markets. The nation is also in the process of updating its waste management strategy to provide further overarching guidance on these issues, with the need for improved coordination across administering agencies noted as a particular area for future attention.

SECTION 3: CAPACITY ASSESSMENT



This qualitative assessment of Kiribati’s capacity to engage in different aspects of waste governance is on a scale ranging from low to high. It considered drafting, enactment, implementation, ensuring compliance with, and enforcing its existing and proposed legislation relevant to waste management, as well as its capacity to comply with reporting obligations under relevant Multilateral Environmental Agreements (MEAs).

Methodology

Approach and Elements

This legislative capacity assessment was undertaken utilising a qualitative approach, evaluating the capacity of Kiribati's to engage in different aspects of waste governance on a scale ranging from low to high.

The evaluation was made based on the following aspects of Kiribati's waste management legislation/governance:



Drafting

Relating to processes for the drafting of new, modified or additional legislation, including the availability of legal expertise, personnel and supporting technical knowledge or information.



Enactment

Relating to processes for enacting new, modified or additional legislation, including the existence of appropriate powers to legislate on the topic and relevant obligations of the country under international conventions and agreements, such as MEAs, as well as trade and investment agreements.



Implementation

Capacity to carry out existing or proposed legislation, including the availability of appropriate personnel, information, powers, administrative delegations, and resources.



Compliance and Enforcement

Capacity to ensure those bound by obligations under legislation comply with those obligations, as well as the capacity to prosecute or otherwise take action in response to breaches of legislative requirements, including the availability of enforcement personnel, powers, administrative delegations, tribunals for bringing enforcement actions and resources



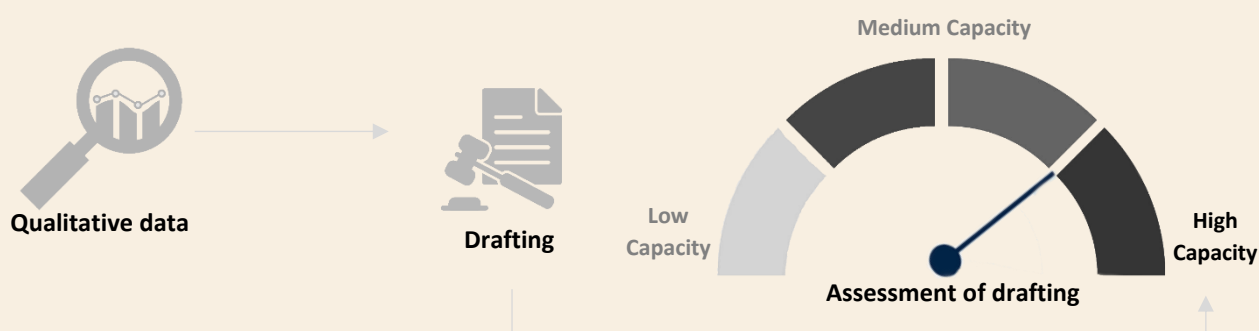
Reporting under relevant MEAs

Capacity to comply with reporting and other notification requirements specified under relevant MEAs to which the participating country is party, including availability of data, personnel and resources to produce the required reports. The assessment of MEA reporting compliance adopted a coding approach that rated the countries' level of compliance based on several indicators.

Capacity Assessment

This section contains a qualitative assessment of Kiribati's capacity with respect to drafting, enactment, implementation, ensuring compliance with, and enforcing its existing and proposed legislation relevant to waste management, as well as its capacity to comply with reporting obligations under the MEAs to which it is party.

Drafting



The legislative drafting process in Kiribati either begins with the development of a legislative proposal by the relevant Ministry, or with a direction from Cabinet to work towards a particular policy initiative.

Examples of these methods are:

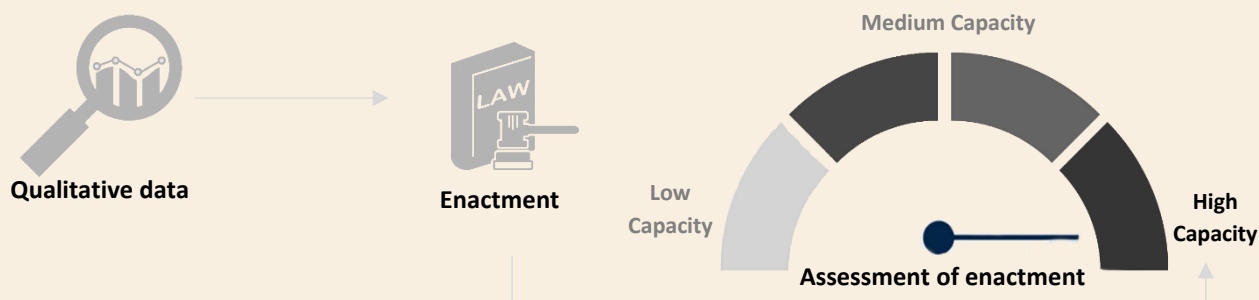
- The Ministry of Environment, Lands and Agriculture Development is currently undertaking a review of the *Environment Act*. This process is being informed by the lessons learned, and challenges and gaps identified, during the implementation of the Act since its last amendment in 2007.
- MELAD was recently tasked by Cabinet to work towards the banning of single-use plastic bags. The Ministry worked on development of the legislative basis for this ban in consultation with other relevant ministries and the private sector.

In developing new or amended legislation on waste-related topics, The Ministry of Environment, Lands and Agriculture Development works closely with the Office of the Attorney General (OAG). Section 42 of the Kiribati Constitution designates the Attorney-General as the principal legal adviser to the government. According to the 2017 Pacific Islands Law Officers' Network country report, the OAG was planning to establish a specialised drafting division to be tasked to review current laws and to focus on legal drafting, which was to be in place for 2018, however, difficulties remain in that the Attorney General's office has limited capacity as well as legislative priorities for other ministries.

The OAG has access to capacity-building programs relating to legislative drafting that have been used to build the skills and knowledge of officers. These are often funded and run as external trainings by other legal offices in the region (e.g. Australia's Attorney-General's Department, New Zealand Ministry of Foreign Affairs, Commonwealth etc). The OAG has highlighted the need for continuous programs of capacity-building and continuing legal education to maintain and develop the capacity of its officers. In-house trainings and internal programs are part of OAG's strategic plan, but it has been noted that the realisation of these is not without financial and technical constraints.

Further, the 2017 Pacific Islands Law Officers' Network country report for Kiribati noted a major challenge is 'the strengthening and modernisation of the laws of Kiribati' given that many laws 'were enacted during the colonial periods and no longer reflect the current context and needs of the jurisdiction'. The development and enactment of several new laws relevant to waste issues in Kiribati in recent years (most notably the *Customs Act 2019* and the *Disaster Risk Management and Climate Change Bill 2019*) suggest an easing of these capacity constraints, although this has not yet translated into more significant waste management and environmental law reforms to update the *Environment Act 1999* (noting, however, that a review of the *Environment Act* is currently underway).

Enactment



Kiribati is a sovereign and democratic republic with a unicameral legislature, the Maneaba ni Maungatabu. The President, Beretitenti, is the Head of State and the Head of Government. The Beretitenti is voted for in national elections following the nomination of three or four candidates by the Maneaba. The supreme law in Kiribati is the Constitution of Kiribati. As per section 2, this means that if any other law is inconsistent with the Constitution, that other law shall be void to the extent of inconsistency. The Constitution includes protections of fundamental rights and freedoms in Chapter II. It also carves out the special status and protection of Banaba Island and the Banaban people.

Pursuant to section 66 of the Kiribati Constitution, the Maneaba ni Maungatabu has broad powers to make laws for the peace, order and good government of Kiribati. These general powers would extend to the enactment of laws on issues of waste management and environmental protection. The Maneaba's powers to make laws are exercised by Bills being passed by the Maneaba and assented to by the Beretitenti, with laws that have completed this process being called Acts. Bills presented to Parliament are classified as either Government Bills or bills introduced by Ministers, and Private Members' bills. In practice, nearly all bills introduced in Parliament are Government Bills. The Maneaba ni Maungatabu has the power to make rules of procedure for its proceedings (s 67, Constitution). The Rules of Procedure (with amendments approved in 2010) prescribe procedural requirements for the passing of bills. MELAD also has broad powers under section 86 of the *Environment (Amendment) Act 2007* to (acting in accordance with the advice of the Cabinet) make regulations prescribing all matters permitted, necessary or convenient to be prescribed for carrying out or giving effect to the Act.

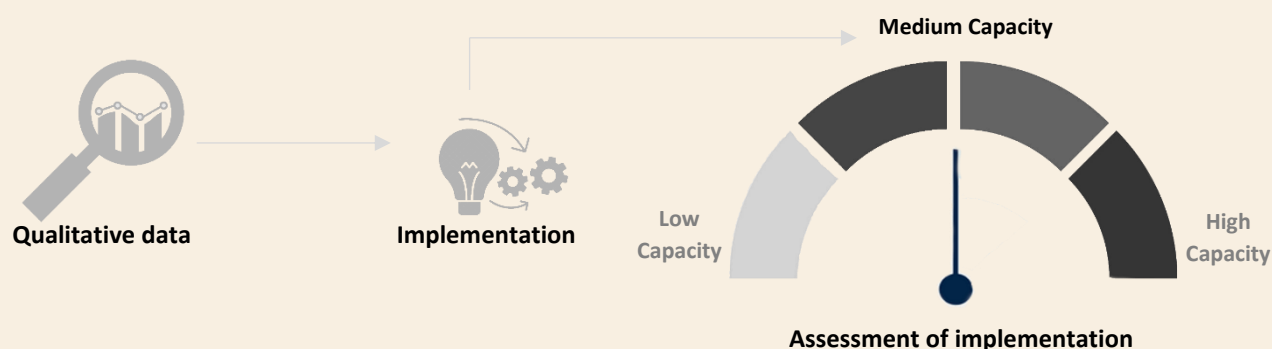
These include regulations:

- to give further effect to the object of this Act
- to implement any international agreement, treaty, protocol, convention and other similar document relating to the environment
- on procedures for seizure of items, and dealing with seized items
- to provide for delegation of duties, powers and functions under this Act'.

Under the *Local Government Act*, local councils are empowered to make 'bye-laws'. MELAD is responsible for collecting waste from some households, in addition to the Green Bag collector. But issues with duplication of services and inefficiencies have been noted (see MFAT Mid-term evaluation of the Kiribati Solid Waste Management Programme).

While Kiribati's Constitution does not expressly refer to the power to sign and ratify international treaties, section 45 vests executive authority in the Cabinet (the Beretitenti, the Kauoman-ni-Beretitenti or Vice President, not more than 10 other Ministers and the Attorney General), which is answerable to the Maneaba ni Maungatabu. International conventions and obligations related to the environment, such as Kiribati's obligations as a party to the Basel, Stockholm, Minamata and Waigani Conventions, are given domestic effect through the *Environment Act* (see object 3(e)). The broad powers of the Maneaba ni Maungatabu mean it has scope to enact laws on a wide range of matters relevant for waste management. This is evident in the fact that Kiribati has already adopted a range of legislative measures to govern waste-related issues in the country, including recent laws such as the *Customs Act* and pending legislation on disasters and climate change.

Implementation



Positive steps have been taken at a legislative and administrative level to improve Kiribati's governance systems for waste management, but there remains a need for reforms to be supported with sufficient resources to allow for legal changes to be carried into effect.

A wide range of government departments and agencies are involved in the administration of laws relating to waste management issues in Kiribati, with additional support from international partners, the private sector and the community. The ECD division of the MELAD takes a lead agency role. According to the ECD's website, the senior management team consists of 6 positions (with Program Managers for Chemical and Waste Management and Licensing and Compliance) and the division is further divided into a number of units (including the Chemical and Waste Management Unit with 3 staff members and the Compliance and Enforcement Unit with 9 staff members). The 2019 MFAT Mid-term evaluation also reported overlap of services between the collection services provided by the Green Bag collector and the two local councils.

Ministries work closely with each other and with other relevant partners, however, overlapping roles and responsibilities was also identified as a problem by survey respondents, reducing the effectiveness of implementation. Centralising waste management arrangements may support efforts for effective implementation. Competing priorities and limited support from partners was similarly identified as a barrier to effective implementation of laws.

Drafting of the Kiribati Waste Management Resource Recovery Strategy and considering establishment of a dedicated waste management authority are important developments which may enhance Kiribati's capacity for implementation of its waste-related laws. These kinds of policy and structural improvement initiatives can provide a coordinated and strategic framework directing implementation activities and resources for such activities. Strengthening the involvement of the community is also important in supporting effective administration of waste management laws. This aspect might be enhanced, for example, through legislative reforms to increase community consultation in the environmental impact assessment (EIA) process.

Working with local communities and structures plays a key supporting role in ensuring the effective implementation of waste-related laws. The ECD has invested significantly in awareness-raising, conservation initiatives and waste management at the community level and also places considerable value on local, traditional knowledge. The interviewee noted that communities at the village level also have their own initiatives to support waste management. For example, some communities undertake weekly coast cleans and clean ups within the community. In addition, some villages set their own rules in terms of littering and waste management. However, the level of community involvement and activity in this regard varies significantly from community to community.

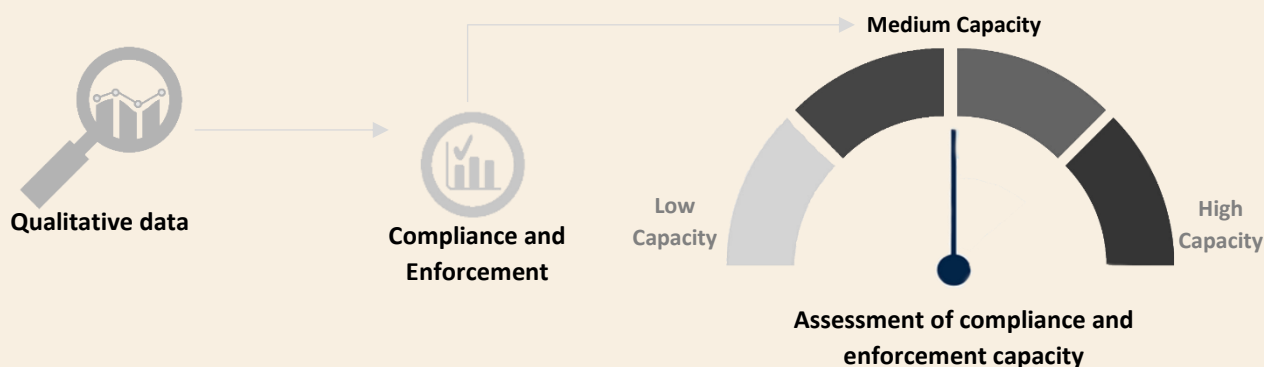
While the legislative tools in place in Kiribati to support the regulation of wastes are diverse, one survey respondent noted that sometimes a well-written law is not enough. The capacity of the responsible authorities needs to be strengthened to implement these laws.

This can be achieved through, among other things, improving the availability of data and other information regarding general and chemical wastes, the provision of sufficient financial and human resources (a challenge given Kiribati's dispersed geography covering 33 atoll islands), ongoing training support, sufficient equipment and facilities (e.g. to track and monitor wastes) and the availability of final export markets for recovered wastes or recyclables.

Specific examples of implementation capacity gaps identified included the following:

- **Wastewater discharges:** MELAD works closely with other relevant agencies, such as the Ministry of Health and the water department, and also seeks support from other partners such as the ADB, World Bank, SPREP, and SPC. Training programs to build the capacity of staff on specific technical issues have been useful., however, equipment and tools for ongoing monitoring, ongoing training and sufficient staffing capacity are essential to support effective implementation.
- **Monitoring waste discharges:** One of the specified conditions on an environmental licence issued under the *Environment Act* is often for the licensee to monitor waste discharges. MELAD carries out ongoing monitoring but human capacity and service availability are issues. At the moment, the enforcement unit only has 6-staff and it is difficult to visit the outer islands to conduct monitoring.
- **Plastic bag ban:** Implementation of this recently introduced ban requires sufficient technical and staffing capacity to identify prohibited items and to properly dispose of any seized material, as well as a clear allocation of responsibility in terms of which Ministry is responsible for implementing the ban. There has been concern from the public that if single-use plastic bags, nappies and ice block bags are banned, there need to be alternative options provided. MELAD is currently working to identify such alternatives, but additional support is needed in this regard.
- **Waste recovery and recycling:** Effective implementation of the Kaoki Maange scheme and any future advanced disposal schemes are dependent on the availability of export markets. In particular, while the Kaoki Maange scheme has been highly successful in promoting separation of recyclables from general waste streams and recovery of recyclable items, without options locally for their re-use or markets for their export, these items may simply end up being stockpiled. Certain wastes are being stockpiled (particularly e-waste, PET bottles and bulky waste) and there is a need for support to export these items.
- **Effective management of hazardous wastes such as healthcare waste and chemicals:** Kiribati is part of a recent UNEP project for the sound management of chemical hazardous waste. There may be scope to provide greater legislative support for the safe handling and disposal of these wastes.

Compliance and enforcement capacity



While Kiribati's environmental officers have been able to identify contraventions of the legislation and prepare supporting evidence, backlogs in the prosecution process and courts limit overall compliance and enforcement of waste-related laws.

Kiribati has reasonably well-developed legislative infrastructure in place to facilitate compliance with, and enforcement of, its laws related to waste. Under the *Environment Act*, and other relevant legislation, this includes:

- Legislative requirements for environmental licences and EIA;
- Specified obligations for pollution management namely: regulating littering (s 12); managing pig premises (s 13); preventing excessive emissions from vehicles (s 14); preventing pollution of waters (s 15); preventing dumping in the sea or the lagoon (s 16); preventing pollution from private premises (s 17); preventing pollution in a public place or in a public conveyance (s 18); preventing pollution that harms the environment, other than in accordance with an environmental licence (s 19); and a duty to clean up the environment where a person causes or allows the discharge of any waste or substance in contravention of the Act (s 20).
- Enforcement powers for environment inspectors under Part VI of the *Environment Act*, including but not limited to: issuing compliance notices (s 57); issuing clean up notices (s 58); and issuing infringement notices (s 60). Failure to comply with a compliance or clean-up notice constitutes an offence, with substantial maximum penalties specified of a fine of \$100,000- or five-years imprisonment (s 59). Contravention of an environment licence is also designated an offence, with the same maximum penalties specified (s 29). Infringement notices, on the other hand, may be satisfied by undertaking community service (s 61).
- Provisions relating to the prosecution of legal action in relation to contraventions of the Act under Part VII. This includes the jurisdiction of the Magistrates' Court to hear offences (s 77) and the additional powers of courts, which may include issue of a clean-up order (s 78).

The ECD in the MELAD has a dedicated Compliance and Enforcement team with 6 members and a program manager. Littering (e.g. plastic packaging from snacks) especially in urban areas is a significant problem that needs greater support from communities and schools to address. The ECD has undertaken some programs to encourage behavioural changes in the community.

The ECD also undertakes enforcement activities using the provisions of the *Environment Act*. Problems associated with having a small workforce to enforce the provisions of the legislation and being unable to monitor the whole of Kiribati. Reports of illegal dumping of wastes are made to the ECD but sometimes tracking the culprits is difficult. To address such enforcement capacity constraints, options may be explored for delegating responsibility to the police and local councils to empower them under the *Environment Act* to carry out enforcement activities. ECD already has the capacity to impose on-the-spot fines for contraventions (e.g. through infringement notices issued under section 60 of the *Environment Act*). There is a sense that the maximum penalty for some offences is too low to incentivise compliance and needs revision.

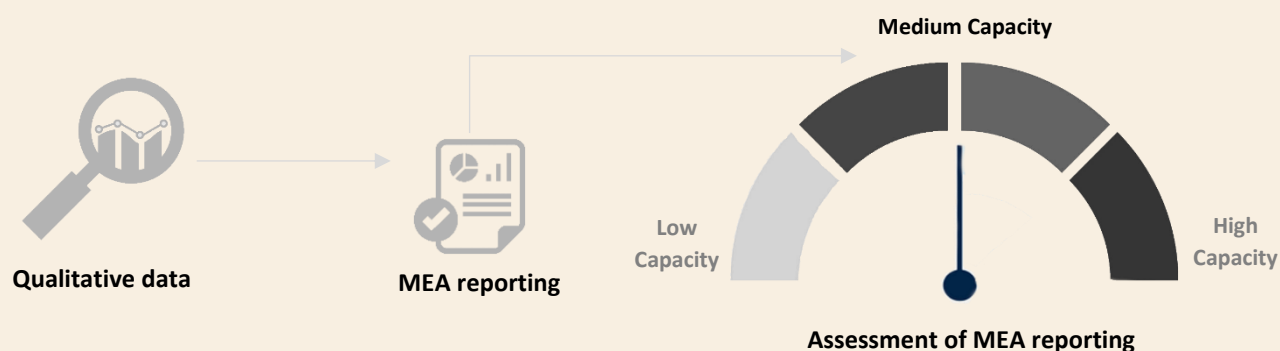
For example, while the maximum penalty for littering under the *Environment Act* is presently \$500 or a month's imprisonment (s 12), penalties for similar littering offences under older legislation, such as the Public Health Ordinance and its subsidiary regulations, are much lower (e.g. a maximum fine of \$50 for contraventions of regulation 10 prohibiting the deposit of rubbish in the streets or public places).

Where prosecutions take place, the prosecutor is the police for environmental cases. Staff from the ECD carry out the investigation, put together information and submit this to the police department, where the police then assign an officer to deal with the case as a prosecutor. Over one year, Kiribati may have 20 or so cases of waste-related offences, however, only four or five are progressed by the police and judiciary because all ministries have to rely on the police for prosecutions and environmental cases are often not a priority compared to more serious criminal offences. Additionally, under section 204 of the Kiribati Criminal Procedure Code, minor offences such as littering, with a maximum penalty that does not exceed six months imprisonment or a fine of \$100 or both such imprisonment and fine, cannot be tried by a magistrate unless a charge is laid within six months. Accordingly, there is a large gap between numbers of cases of contraventions of waste management laws identified and actual prosecutions, despite the ECD's efforts in putting together evidence to support court actions. When cases do reach the courts, the ECD is largely successful.

To address the challenge associated with securing successful prosecutions, in 2019 the ECD was able to recruit an environmental prosecutions officer. With this person in place, the ECD managed to swiftly progress several cases to court, however, due to budgetary constraints, the officer had to be laid off and as such the ECD again has to work with the police to secure prosecutions. The limited enforcement training and limited application of skills learned from trainings is a challenge. Accordingly, investigation and enforcement training and support may be an opportunity to further strengthen the capacity to secure successful prosecutions.

A further avenue for development that may assist with prosecution capacity could be to have a central and public repository of cases. At present, the ECD maintains an in-house database of cases prosecuted and their status. A central repository of environmental cases may enhance effective prosecution as it could provide a mechanism for information-sharing on successful prosecutions. Based on a survey response, support for investigation and enforcement training may also be an opportunity to further strengthen prosecution capacity in Kiribati.

MEA reporting



Kiribati is party to the Basel, Stockholm, Minamata and Waigani Conventions. The notification, information sharing and reporting requirements established by these MEAs for parties are set out in Annex 2. The level of compliance by Kiribati with notification, information sharing and reporting requirements under the MEAs to which it is party has been moderate across the different Conventions.

In each case, while Kiribati has designated competent authorities or focal points under these MEAs as required to facilitate notifications and information exchange, only limited national reporting has taken place (2004 and 2006 reports under the Basel Convention being the sole exceptions).

The *Environment Act 1999* (as amended in 2007) is currently the principal legislative means through which Kiribati implements its obligations under relevant international conventions, with the Chemical and Waste Management Unit of the ECD in the MELAD as the principal implementing agency. Amendments to the *Environment Act* in 2007 made complying with, and giving effect to, regional and international environmental conventions a specific objective of the legislation (s 3(e)). The Chemical and Waste Management Unit's website also refers to its role in implementing MEA requirements at the national level, with specific mentions of the Basel, Stockholm, Minamata and Waigani Conventions.

In support of its capacity to implement the Basel, Stockholm and Minamata Conventions, Kiribati has a project with UNEP's Chemicals and Waste Management Programme. This will include work to develop a national information-sharing system to strengthen Kiribati's institutional capacity to undertake regular data collection and analysis, and to establish a central repository for data. Kiribati also updated its National Implementation Plan (NIP) under the Stockholm Convention and submitted this to the Stockholm Convention Secretariat in May 2019. The updated NIP includes details of an Action Plan for monitoring, evaluation and reporting. These activities to strengthen the data collection capacities of the ECD/MELAD should provide flow-on benefits for their capacity to fulfil notification, information sharing and reporting requirements under this international convention. In addition, Kiribati is in the process of preparing an initial assessment as required under the Minamata Convention, with the assistance of the Biodiversity Research Institute and with funding from the GEF and UNEP.

In respect of the regional Waigani Convention, Kiribati, similarly to many other parties, has not produced any national reports under the MEA. It appears that this non-reporting is based on a lack of resources to fulfil reporting requirements as Kiribati has put requests for support with reporting to the Waigani Convention's Conference of the Parties at previous meetings.

Table 7: Compliance with MEA reporting requirements

Relevant MEAs party to	Comments
<i>Basel</i>	Competent authority and focal point designated. Notification provided of national legislative definition of additional hazardous wastes. National reports provided in 2004 and 2006 but no reports since.
<i>Stockholm</i>	Official contact point notified and National Focal Point for information exchange designated. Updated National Implementation Plan submitted 24 April 2019 including Action Plan for monitoring, evaluation and reporting. No reports submitted in first four reporting cycles.
<i>Minimata</i>	Focal point specified. No further notifications provided. Initial assessment in preparation with assistance of BRI consultants and funding from GEF/UNEP. First short form report due 31 Dec 2019, not submitted.
<i>Waigani</i>	Competent authority and focal point designated (updated 10 May 2014). No national reports submitted. Appears to be based on lack of resources to support reporting as Kiribati has put requests for support with reporting to COP at previous meetings.

SECTION 4: LEGISLATIVE OPPORTUNITIES



The opportunities identified in this section have been drawn from the findings of the legislative assessment and capacity assessment to provide guidance to Kiribati on possible actions they may wish to take to strengthen the legislative frameworks governing waste management

Legislative models for waste governance

Waste management has become a pressing concern for the PacWastePlus participating countries. These nations are impacted by growing levels of hazardous and non-hazardous wastes, which cause environmental pollution, and may threaten human health. The mounting levels of waste place socio-economic burdens on these nations and may pose risks to important cultural values and customary land ownership that distinguish these countries and the region. Internationally, Goal 12 of the 2015 United Nations Sustainable Development Goals calls for ensuring sustainable consumption and production patterns.

Trends in waste governance across the participating countries

Waste is a particular problem for many Pacific region countries due to increasing imports of waste-producing items (such as electronic and consumer goods), limited in-country facilities for collection, treatment and storage of many wastes, and a reduced availability of suitable land for conventional waste disposal methods, such as landfills.

In several cases, participating countries have adopted innovative legislation and instruments to better manage and minimise waste, such as: dedicated legislation for waste management, measures to incentivise recovery and recycling, prohibitions on specific waste-generating items entering the country, and measures to promote waste minimisation and cost recovery. Several Pacific countries are also exploring new institutional arrangements, such as identifying lead agency responsibilities for coordination of waste management laws, arrangements for more effectively managing responsibilities across different levels of government, and/or approaches to increase private sector involvement in waste management through licencing regimes and partnerships for extended producer responsibility.

Many countries in the Pacific adopted applicable laws and institutional structures for managing wastes some time ago that may no longer serve current needs. Significant challenges remain in some nations in establishing a firm economic basis to underpin waste management within the relevant legal frameworks, and in dealing with longstanding waste management issues, such as the sorting of wastes and their diversion, where possible, from landfill.

Increasing attention is being directed to questions of how to promote effective implementation of existing laws and to the development of new legislation and regulation for waste management if this is required. This raises critical issues for resourcing of various components of the waste management cycle within each nation, as well as the possibilities for regionally harmonised approaches. A range of ancillary legislation beyond specific waste management laws may be important for facilitating implementation, and there is a need in some participating countries to develop more coherent cross-agency referral models.

Compliance with, and enforcement of, waste management laws is also vital to their effectiveness and impact. At the same time, these measures must be sensitive to the community context, realistic in terms of the available staffing and technical expertise in government departments and municipal organisations, and cognisant of the competing compliance priorities in the legal system. There is scope within the legislation of several participating countries to widen the range of compliance and enforcement measures beyond monetary penalties and criminal prosecutions.

In addition, there are opportunities to broaden the engagement with communities and the non-governmental sector, and to provide a legislative basis or more formal designation for measures such as community education, consultation and partnerships in managing wastes, particularly those of a non-hazardous nature. The participation of the private sector, whether as waste collector contractors, operators of recycling companies, sewage transporters or tourism agents, is likewise important for effective waste management laws. Regulation needs to be carefully targeted but also to ensure transparency and accountability.

Key recommendations to increase national legislative and institutional capacity

Overall, the existing legislation of Kiribati for waste governance was assessed as performing at a medium to medium-to-high level. The capacity of Kiribati with respect to various aspects of the administration of its waste legislative framework was assessed overall as medium to medium-to-high, with the greatest needs arising in respect of support for implementation, compliance and enforcement of laws.

Opportunities for improving legislative instruments to support improved waste management

Kiribati has adopted a range of laws to regulate waste management in the country. The *Environment Act* (amended in 2007) and supporting regulations are key pieces of legislation in this regard. This legislation principally adopts an environmental/development control model for waste management.

Kiribati does not have a specific *Waste Management Act* nor a dedicated waste management authority. The prospect of establishing a dedicated waste management authority, however, is already being considered. This may help to enhance Kiribati's existing 'whole of government' approach to waste management issues by strengthening lines of coordination between the various departments and agencies engaged with these issues.

Other pieces of legislation relevant to waste governance in Kiribati include public health, customs, disaster management, public utilities, and local government laws, as well as legislation for creation of a special fund (for recycling and sanitation).

Key opportunities for legislative reform identified were:

- Development of consolidated waste management legislation and/or establishment of a designated waste management authority.
- Improving coverage of healthcare waste in the legislative framework e.g., by development of specific legal requirements for separation of the different component waste streams, and development and monitoring of implementation of waste management plans by hospitals and clinics.
- Amending the occupational health and safety legislation to provide guidance on the safe handling and disposal of asbestos.
- Supporting implementation of the relatively new ban on the importation of single-use plastics, including inter-agency cooperation, technical capacity, compliance, and public/business awareness-raising.
- Expansion of the Kaoki Maange container deposit system to a greater range of products that generate recyclable waste such as bulky wastes.
- Import levies or restrictions on products that give rise to e-wastes in order to promote opportunities and provide funds for recycling and recovery operations.

Recommendations to address legislative capacity needs

Key actions recommended for Kiribati to increase its national legislative and institutional capacity to manage wastes and improve related socio-environmental outcomes include the following (which may also form part of present efforts to review the *Environment Act*)

Governance

- Expertise to assist in the drafting of consolidated waste management legislation, drawing on models across the region and best practice legislative approaches.
- Support for programs of capacity-building and continuing legal education to maintain and develop the capacity of officers in the Attorney-General's Office.

- Review of the roles and responsibilities for administration of waste-related laws to reduce overlaps, including consideration of the need for a lead agency/dedicated waste management authority role.
- Review of enforcement options to broaden the range of available measures, together with an evaluation of penalty levels under relevant laws to determine their appropriateness and to better incentivise compliance. These initiatives might be implemented in conjunction with reforms to augment enforcement capacity e.g. through delegations to police or local councils, and appointment of an environmental prosecutions officer within the Environment and Conservation Department.

Implementation of legislation for sustainable funding streams

- Introduction at Customs restrictions on products that give rise to e-wastes (perhaps modelled on the recent plastic shopping bags ban but with involvement of ECD to contribute necessary technical expertise), together with levies, such as an advance disposal fee, in order to promote opportunities and provide funds for recycling and recovery operations.
- Sufficient financial and human resources to support implementation of waste-related laws, especially for the outer atolls, including support for community awareness-raising programs to enhance public understanding of waste management issues.

Waste data information gathering and support

- Support for developing a central repository of data and other information on general and chemical wastes, noting the current pilot program underway in partnership with UNEP.
- Access to ongoing training support, sufficient equipment and facilities (e.g., to track and monitor wastes).
- Ongoing support to identify suitable final export markets for recovered wastes or recyclables, supplementing the existing Kaoki Maange container deposit scheme.

Annex 1: Glossary of legal terms

Table 8: Glossary of legal terms

Term	Definition
<i>Accession</i>	Accession is the act by which a country accepts the offer or the opportunity to become a party to a convention already signed by other states. It has the same legal effect as ratification.
<i>Acts</i>	Also called statutes or laws. An Act is a document stating the law that has been passed by the legislature (the law-making body of government).
<i>Acts as made</i>	Also called Acts as passed, Acts as enacted, and Sessional Acts. An 'Act as made' is an Act with its contents exactly as they were when passed by the legislature.
<i>Amending Acts</i>	Amending Acts are Acts that change one or more provisions of the Principal Act, often titled, for example, as the Environment Protection (Amendment) Act. Amending Acts must also be passed by Parliament. Where amendments have not been included in the Principal Act, the Principal Act and the Amending Acts must be read together.
<i>Bills</i>	Proposed Acts. Once passed by the legislature and enacted by any formalities required in the country (for example, signature, assent, publication, or notification in the official Gazette), a bill becomes an Act.
<i>Chapter</i>	Some countries consolidate all their Acts at the same time. For example, Tonga consolidated all its legislation (both Acts and Regulations) in 2016. Each Act in the Consolidation was given a Chapter number, so the front cover of an Act in this consolidation states e.g. <i>Environment Management Act, Chapter 47.02, 2016 Revised Edition</i> . The Act as made was the <i>Environment Management Act, Act 27 of 2010</i> . 'Chapter' is often abbreviated to Cap. An Act made after the Consolidation will not have a chapter number.
<i>Code</i>	<p>Several countries are former U.S. territories and arrange legislation into Codes. Such Codes contain all the Acts enacted by the legislature that are current (in force) at the time of the compilation of the Code.</p> <p>Codes are arranged by numbered topic. Each topic is called a Title. As each Principal Act is made it is assigned to a Title. The Act may become a chapter in that Title or only a single new section in an existing chapter, or it may amend an existing chapter or section.</p> <p>Example: in the Marshall Islands, all environmental Acts are contained in Title 35: Environment. Chapter 2 of this Title is the <i>Littering Act 1982</i>. This is abbreviated to 35 MIRC Ch 2 i.e. Title 35 (Environment), Marshall Islands Revised Code, Chapter 2.</p> <p>Once in the Code the section numbers in an Act change because the Code numbering is consecutive. So, what was section 1 in the Act as made becomes section 201 in the Code i.e.: Chapter 2, section 1. Sections are generally denoted in Codes by the symbol §, as in U.S. legislation.</p>
<i>Consolidated Acts</i>	Comprise the Act as made and all amendments up to the date of the consolidation. For example, a 2012 consolidation of an Act originally made in 1999 will include all amendments up until 2012. They may also be known as consolidations or compilations or noted 'as amended'.
<i>Executive</i>	The Executive or the Government, is the branch which implements laws through the making of regulations and administers and enforces the laws. The Executive is also generally the branch of government that signs and ratifies international conventions.
<i>Judiciary</i>	Also, the Courts, the branch of government which interprets laws and formally determines legal disputes.
<i>Legislation</i>	The collective term for both principal (Acts) and subordinate laws (usually regulations).

Term	Definition
<i>Legislature</i>	The Legislature or the Parliament, is the branch of government which makes laws.
<i>International conventions</i>	Are also known as international agreements, and treaties. Conventions come into effect on a certain date. This is not the date the Convention takes effect in a particular country. For the Convention to take effect in a particular country, the country must become a party to the Convention. Countries may sign a Convention – this does not make it a party. Countries may ratify or accede to a Convention – this makes it a party. Following ratification or accession, written instruments evidencing the country’s consent to be bound by the convention are deposited with the Depository – this is generally the Secretary-General of the United Nations, but also, for example, the South Pacific Forum Secretariat in the case of the Waigani Convention. Once these written instruments are deposited by enough parties, the convention takes or comes into effect in the country and the country becomes a party to the convention.
<i>Principal Acts</i>	Principal Acts contain the entirety of a topic, for example, the Environment Protection Act.
<i>Provisions</i>	Provisions are individual numbered clauses within legislation. The most used provision types are: <ul style="list-style-type: none"> • Articles in Constitutions – abbreviated to Art. or art. • Sections in Acts – abbreviated to s (or § in the case of Codes) • Regulations within a Regulation - abbreviated to r • Clauses in Schedules at the end of Acts or subordinate legislation
<i>Ratification</i>	Ratification is the act by which a country indicates its consent to be bound to a convention.
<i>Subordinate legislation</i>	Subordinate legislation is also called subsidiary legislation, delegated legislation, and statutory instruments. These are collective terms. Individual pieces of subordinate legislation are most commonly called regulations, but other types of subordination legislation include: <ul style="list-style-type: none"> • Rules • Ordinances • By-laws • Orders-in-council • Executive orders • Decrees • Decree-Laws (this terminology is used in Timor-Leste) <p>Acts (principal legislation) expressly authorise the making of subordinate legislation.</p> <p>Example: Section 121 of the Marshall Islands <i>National Environmental Protection Act</i> 1984 authorises the Environment Protection Authority to make regulations regarding pollutants and discharge or hazardous waste.</p> <p>Subordinate legislation is made by a person or agency other than the legislature – usually the Government Ministry or Department responsible for implementing the Act. A regulation is usually on a specific topic and contains the practical machinery to implement one or more provisions of the Act.</p> <p>Example: regulations made under Section 121 of the Marshall Islands <i>National Environmental Protection Act</i> 1984 include the <i>Solid Waste Regulation 1989</i>, the <i>Toilet Facilities and Sewage Disposal Regulation 1990</i>, and the <i>Public Water Supply Regulation 1994</i>.</p>

Annex 2: Acronyms

Table 9: Acronyms

ACRONYM	REFERRING TO
DAC	Development Assessment Committee
ECOLEX	ECOLEX is an information service on environmental law, operated jointly by FAO, IUCN and UNEP
EIA	Environmental Impact Assessment
EU	European Union
FAOLEX	FAOLEX is a database of national legislation, policies and bilateral agreements on food, agriculture and natural resources management.
ICI	Infrastructure Cook Islands
IEA	Island Environment Authority
INFORMEA	United Nations Information Portal on Multilateral Environmental Agreements
MEA	Multilateral Environmental Agreements
MOH	Ministry of Health
NES	National Environment Service
NIP	National Implementation Plan
NGO	Non-Government Organisation
NZPCO	New Zealand Parliamentary Council Office
OECD	The Organisation for Economic Co-operation and Development
PACLII	Pacific Islands Legal Information Institute
PILON	Pacific Islands Law Officers' Network
POPS	Persistent Organic Pollutants
SPREP	Secretariat of the Pacific Regional Environment Programme
UOM	University of Melbourne
UNEP	United Nations Environment Program

Annex 3: Priority Waste Definitions

The PacWastePlus definitions of the priority waste streams included in the programme are detailed below.

Please note, PacWastePlus programme's waste definitions *do not always directly correspond with definitions found in national legislation*.

For example, public health and water/sanitation legislation may reference 'sewage' within concepts of wastewater or broader definitions of solid waste. Where countries' legislation dealing with wastewater or other waste streams includes sewage in the legislative definitions of wastes, these references have been retained for this assessment. This ensures that of the assessment's reproduction of the legislative provisions are accurate, even though human wastes are not encompassed within the PacWastePlus definition of 'wastewater'.

Table 10: PacWastePlus programme definitions

Priority waste	Definition/understanding
<i>Asbestos</i>	Asbestos refers to six naturally occurring silicate minerals composing of long and thin fibrous crystals. These crystals contain many microscopic fibres that can be released into the atmosphere by abrasion and other processes. Asbestos has been used as a building material for many years. Natural disasters can increase the risk of exposure to asbestos found in damaged building materials.
<i>Healthcare waste</i>	Waste generated by health care facilities. Includes used needles and syringes, soiled dressings, body parts, diagnostic samples, blood, chemicals, pharmaceuticals, medical devices, and radioactive materials. It is essential that all medical waste materials are segregated at the point of generation, appropriately treated, and disposed of safely.
<i>E-waste</i>	Electronic waste or e-waste refers to discarded electrical or electronic devices. Used electronics which are destined for refurbishment, reuse, resale, material recovery, or disposal are also considered e-waste. Electronic scrap components, such as CPUs, contain potentially harmful materials such as lead, cadmium, beryllium, or brominated flame retardants.
<i>Organic waste</i>	Organic waste is waste that is biodegradable and has the potential to disintegrate. These wastes often include vegetable and fruit peelings, paper, and food waste. Organic waste is typically a significant proportion of a waste stream, and if managed through landfill creates leachate and harmful greenhouse gases. When processed appropriately, organic waste can add significant value to soil quality and potentially increase food production/soil water retention and help in elimination of invasive weeds.
<i>Disaster waste</i>	The generated waste during a natural disaster i.e. a sudden devastating event (cyclone, flood, earthquake, tsunami, fire etc) that seriously disrupts the functioning of a community or society and causes human, material, economic or environmental losses that exceed the community's or society's ability to cope using its own resources.
<i>Recyclables</i>	Recyclable wastes refer to wastes that can easily be recovered or made into other products. They typically include glass, paper, cardboard, metal, plastic, tyres, textiles, batteries, and electronics.
<i>Bulky waste</i>	Bulky waste (end-of-life vehicles, tyres, white goods, furniture, and other large household goods) describes waste items that are too large to be accepted by the regular waste collection service. It includes damaged furniture, abandoned vehicles and large appliances.
<i>Wastewater</i>	Wastewater refers to waterways impacted by solid wastes and related aspects, such as leachates from landfills or point source pollution from storm water drains.
<i>Plastic waste</i>	Plastic wastes may be recyclable wastes as discussed above. Plastic packaging and single-use plastics may also be a significant source of plastic waste.

Annex 4: Existing Legislation Addressing Waste Management

A summary of existing Cook Islands legislation related to waste management is provided in **Table 11**.

Table 11: Legislation impacting waste governance in Kiribati

Legislation	Regulations	Description
<p><u><i>Environment Act 1999 (as at 1999)</i></u></p> <p><u><i>Environment (Amendment) Act 2007</i></u></p>	<p>Environment Regulations 2001 (repealed)</p> <p><u>Environment (General) Regulations 2017</u></p>	<p>The <i>Environment (Amendment) Act 2007</i> creates a process for applying for, considering, and issuing environment licences. These provisions provide scope for managing wastes in the country. Environment licences (granted under ss 32 or 37) are required to carry out environmentally significant activities, listed in the Schedule (s 22). The Schedule can be found in the Environment (General) Regulations 2017 and specifies several activities involving significant waste products and harmful chemicals. Licence applications are made to the Principal Environment Officer (s 31), who may grant a licence, require the applicant to submit an environmental impact assessment (EIA) report, or refuse to grant the licence (s 32). Sections 4B, 32 and 37 contain relevant matters that should be considered by the Principal Environment Officer in considering whether to grant a licence. An environmental licence may also be granted subject to reasonable conditions, including those listed in section 38 of the Act.</p> <p>An EIA report, if required, must include a description of the impacts of the proposed activity, the possible alternatives to the proposed activity, mitigation measures that could be applied and any details that may be prescribed (s 33). Of particular note is regulation 4 of the Environment (General) Regulations 2017 that specifies that the description of the proposed activity must include the nature and quantity of any waste products, as well as proposed methods for controlling and dealing with any waste products, if the activity generates any waste substances or energy.</p> <p>The Act creates obligations such as:</p> <ul style="list-style-type: none"> • a prohibition on the pollution of waters (s 15), • on dumping in the sea or lagoon (s 16) • in respect of pollution that harms the environment other than in accordance with an environment licence (s 19). <p>The Environment (Amendment) Act also creates a number of offences that relate to waste. In particular:</p> <ul style="list-style-type: none"> • Littering, pollution of waters, dumping in the sea or lagoon, and pollution that harms the environment, other than in accordance with an environmental licence, is an offence (ss 12, 15, 16, 19). • Pollution from private premises or in a public place/conveyance are also offences (ss 17, 18), as is contravention of the conditions of an environmental licence (s 29). • Section 20 prescribes a general duty to clean up the environment. <p>Enforcement powers are contained in Part VI of the legislation.</p>

Legislation	Regulations	Description
<u>Special Fund (Waste Materials Recovery) Act 2004</u>	Special Fund (Waste Material Recovery) Regulations 2005 Deposit Order 2005	<p>The Special Fund (Waste Material Recovery) Act does not specify the items covered or amounts to be levied. Instead, under section 4, the Minister for the Environment, acting on the advice of Cabinet, is empowered to make an order for the provision of classes of materials for recovery in respect of which deposits are to be levied, and the scales or other provisions according to which they are to be levied. These scales are apparently set by the Deposit Order 2005. At present, 5c is levied per can or bottle and \$5 per battery, with 4c/\$4 going to the consumer returning items for recycling and 1c/\$1 going to the recycler. The Special Fund (Waste Material Recovery) Regulations 2005 provide for the general details of how money is refunded.</p> <p>The Special Fund (Waste Material Recovery) Act also establishes a Special Fund known as the ‘Waste Material Recovery Fund’. Kiribati Customs also plays a role at the point of entry of these items to collect the import duty or other levies. At the point of export, MELAD submits paperwork to Kiribati Customs, which is the competent authority designated under the Basel Convention for hazardous chemicals, solid waste, and batteries.</p> <p>At this stage, no further additions have been made to the recycling scheme to expand its scope to other waste streams (such as e-waste, bulky wastes, or other types of plastics, although there has been discussion of this at the country level; see below). For these other types of potentially recyclable wastes, there have been some efforts at the local level to promote their re-use and turning materials into handicrafts.</p>
<u>Customs Act 2019</u>	None identified.	Schedule 3 of the Customs Act 2019 has recently prohibited imports of ice-block bags, non-biodegradable nappies and single-use plastic shopping bags.
<u>Public Health Ordinance 1926</u>	<u>Public Health Regulations 1926</u>	<p>In practice, it is the role of the Ministry of Health and Medical Services (MHMS) to manage hazardous hospital waste, although the legislative basis for this role is unclear.</p> <p>The Public Health Ordinance 1926 empowers the Minister to make regulations relating to public health (s 3), but the specified matters under this head of power relate generally to sanitation issues like ‘latrines, dustbins and drains’, ‘the removal and disposal of night-soil and house refuse’ and ‘the abatement of nuisances injurious to public health’, rather than to healthcare wastes specifically. Sanitary inspectors may be appointed under the Ordinance.</p> <p>The Public Health Regulations 1926 made under the Ordinance include requirements to:</p> <ul style="list-style-type: none"> • keep ‘all houses, building (sic) and premises, and the land in which they stand’ clean (r 2), • prohibit stagnant water (r 6) • deposit of rubbish in the streets (r 10) • as well as establishing requirements for the disposal of rubbish e.g. by burning (r 14)

Legislation	Regulations	Description
		<p>These requirements do not specifically regulate the disposal of healthcare waste. Additionally, the MHMS does not have an explicit role in the overall policy direction for solid waste management in Kiribati, unlike in many other countries where waste is often seen as a public health issue. According to Kiribati's draft national waste management strategy, that role instead falls to the ECD in MELAD.</p> <p>Offences relating to the safe disposal of rubbish and dumping/littering are also to be found in the Public Health regulations and the Public Highways Protection Act.</p> <p>The Public Health Regulations create requirements around waste disposal that would relate to organic waste. They require that:</p> <ul style="list-style-type: none"> • all houses, buildings, premises, and the lands on which they stand, must be kept clean (r 2), • prohibit the disposal of rubbish in streets (r 10) • provide that all garbage and rubbish that can be destroyed by fire shall be destroyed and all other garbage placed in tins with covers for positions convenient for collection (r 14).
<u>Public Highways Protection Act 2018</u>	None identified.	Offences relating to the safe disposal of rubbish and dumping/littering are also to be found in the Public Health regulations and the Public Highways Protection Act.
<u>Public Utilities Ordinance 1977 (as at 1977)</u> <u>Public Utilities (Amendment) Act 1983</u> <u>Special Fund (Sanitation Maintenance Fund) Act 2018</u>	None identified.	<p>The Public Utilities Board has the exclusive right to perform functions relating to 'disposal of sewerage and supply and provision of sewerage and services incidental thereto and to charge consumers for such performances, disposal, supply, provision, services and otherwise' (s 4, Special Fund (Sanitation Maintenance Fund) Act 2018).</p> <p>Sections 5, 6 and 7 of the Special Fund (Sanitation Maintenance Fund) Act 2018 establish a special fund into which all deposits for services relating to sewerage are paid. All expenditure for sewerage is paid out of the special fund with approval from the Minister of Finance.</p>
<u>Local Government Act 1984</u>	None identified.	<p>General waste collection responsibilities, including for household organic waste, sit within local councils set up by the Local Government Act. This legislation grants a council a general power to:</p> <ul style="list-style-type: none"> • maintain order and good government within the area of its authority (s 36(1)). • Section 39 gives councils the power to charge fees for any service or facility they provide.

Legislation	Regulations	Description
		<ul style="list-style-type: none"> Section 50 gives councils power to make by-laws (referred to with the spelling 'bye-laws' under the Act) to carry into effect any of their functions, including charging of fees for services provided.
<u>Occupational Health and Safety Act 2015</u> <u>Occupational Health & Safety (Amendment) Act 2018</u>	None identified.	<p>There are no express requirements for the safe handling and disposal of asbestos the Occupational Health and Safety Act 2015, although there are some general provisions that seek to minimise the exposure of workers to risks of harm by creating a reporting duty for employers.</p> <p>A recent amendment made through the Occupational Health and Safety (Amendment) Act 2018 extended the reporting duties of an employer to notify the Ministry of any 'occupational disease' of an employee that resulted in serious harm. An 'occupational disease' is defined as 'a physical or mental ailment disorder, defect, condition or chronic ailment that occurs as a result of exposure to a workplace hazard, whether of sudden or gradual development and whether contracted before or after the commencement of this Act' (s 3).</p> <p>Section 20, as amended by section 6 of the 2018 Act, also provides employees with a right to avoid situations that involve an immediate or imminent risk of harm. However, this is a somewhat narrow definition that may not provide adequate coverage for workers seeking to avoid the longer-term health risks from asbestos.</p>
<u>Biosecurity Act 2011</u>	None identified.	The Biosecurity Act 2011 seeks to protect Kiribati from the entry of regulated pests and diseases affecting animals, plants, human beings, and the environment.
<u>Natural Disaster Act 1993</u> <u>Superseded by the Disaster Risk Management and Climate Change Bill 2019 (not yet commenced)</u>	None identified.	<p>An Act to provide for the organization and management which is necessary to ensure mitigation of, preparedness for, response to, and recovery from disaster in Kiribati.</p> <p>The Act requires the preparation of the National Disaster Risk Management Plan (NDRMP) that is the construct for managing all aspects of disaster response, including the management of disaster wastes. Many government departments have some role to play in responding to disasters; however, regarding disaster risk reduction all departments play a significant role. Waste management, i.e., garbage collection and disposal are part of the prevention infrastructure.</p>

Annex 5: MEA Reporting

Reporting requirements under relevant MEAs

The relevant MEAs for the PacWastePlus project are:

- a. Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal (Basel Convention);
- b. Stockholm Convention on Persistent Organic Pollutants (Stockholm Convention);
- c. Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade (Rotterdam Convention);
- d. Minamata Convention on Mercury (Minamata Convention); and
- e. Convention to ban the Importation of Hazardous and Radioactive Wastes into Forum Island Countries and to Control the Transboundary Movement and Management of Hazardous Waste within the South Pacific Region (Waigani Convention).

These MEAs establish requirements for countries which are party to them to provide certain notifications, share information and produce national reports on their implementation of the conventions. **Table 12** below summarises the key notification, information and reporting requirements for each of the relevant MEAs.

Based on the information summarised in **Table 3**, compliance with these requirements was coded on a five-point scale (with 0 as no data), as follows:

- **5** – high compliance, e.g. all or majority of national reports provided, relevant national authorities designated and updated, all necessary notifications and information provided.
- **4** – medium-to-high compliance, e.g. most national reports provided, relevant national authorities designated, most notifications and information provided.
- **3** – medium compliance, e.g. some national reports provided, some national authorities designated, some notifications and information provided.
- **2** – low-to-medium compliance, e.g. few national reports provided, national authorities not designated or updated, few relevant notifications and information provided.
- **1** – low compliance, e.g. no evidence of national reporting, national authorities not designated, no notifications or information provided.

In some cases, the assessment of reporting compliance was preliminary, for instance, because a particular MEA only recently came into effect for a particular country. An average compliance score was calculated overall based on individual scores for different MEAs for each participating country. This data suggests that participating countries' level of compliance with reporting, information sharing and notification requirements under relevant MEAs tends to increase based on the number of those MEAs to which they are party, although it is noted this is a correlation only.

This trend may arise because countries are able to transfer learning and capacity developed for reporting and information exchange under one treaty to another related treaty. It may also reflect the fact that joining particular MEAs gives countries access to capacity building resources and support under those treaties that has a positive effect for their reporting compliance across other treaties they are party to.

Table 12: Notification, information sharing and reporting requirements of MEAs

MEA	OBJECTIVE	NOTIFICATION REQUIREMENTS	INFORMATION SHARING	REPORTING
Basel Convention	<p>To protect, by strict control, human health and the environment against the adverse effects which may result from the generation, management and transboundary movement of hazardous wastes and other wastes (preamble).</p> <p>Ban Amendment (in force 5 Dec 2019) prohibits all transboundary movements of hazardous wastes from OECD countries to developing country parties.</p>	<p>Parties must notify Secretariat of wastes considered hazardous under national legislation and update as appropriate (Art. 3)</p> <p>Obligation to designate one or more competent authorities (which receive notifications of movements of hazardous wastes) and one focal point (responsible for transmitting decision on import bans) (Art 5.1).</p>	<p>Provision of information to other parties on import bans (Art.4 and Art. 13).</p>	<p>Obligation for annual national reports (Art. 13(3)).</p>
Stockholm Convention	<p>Mindful of the precautionary approach, to protect human health and the environment from persistent organic pollutants (Art. 1).</p>	<p>Notifications to Secretariat for registration of specific exemptions for import/ export (Art. 4)</p> <p>Obligation to designate national focal point for information exchange Art. 9(3) –</p>	<p>Obligation to develop and transmit to Conference of Parties a national implementation plan (NIP), and to review and update plan, as appropriate, on a periodic basis (Art. 7).</p>	<p>Article 15 requires periodic reporting on national implementation measures. At the 1st Conference of the Parties it was decided that national reports should be submitted every four years).</p> <p>Four reporting cycles since convention entered into force (2006, 2010, 2014, 2018). Fourth report was required to be submitted by 31 Aug 2018.</p>

<p>Rotterdam Convention</p>	<p>To promote shared responsibility and cooperative efforts among parties in the international trade of certain hazardous chemicals in order to protect human health and the environment from potential harm and to contribute to their environmentally sound use, by facilitating information exchange about their characteristics, by providing for a national decision-making process on their import and export and by disseminating these decisions to parties (Art. 1).</p>	<p>Parties must designate one or more national authorities authorised to act on the country's behalf in performance of the administrative functions required by the Convention. These details are to be notified to the Secretariat no later than the date of entry into force of the Convention for that party and any changes are to be notified 'forthwith' (Art. 4).</p> <p>Parties required to notify the Secretariat of new or existing 'final regulatory actions' banning or severely restricting a chemical e.g. pesticide or industrial chemical regulated by the Convention (Art. 5).</p> <p>Notifications of export of listed chemicals (Art. 13).</p>	<p>Obligations in respect of chemicals listed in Annex III, include notifications to the Secretariat of the country's proposed response for future imports (e.g. decision to prohibit, allow, allow with conditions). Should be accompanied by details of legislative or administrative measures on which it is based (Art. 10).</p>	<p>No specific requirement for national reporting.</p>
<p>Minamata Convention</p>	<p>To protect the human health and the environment from anthropogenic emissions and releases of mercury and mercury compounds (Art. 1).</p>	<p>Notifications regarding export of mercury (Art. 3).</p> <p>Requirement for designation of national focal point for information exchange and notifications under article 3 (Art. 17).</p>	<p>Discretionary obligation, following an initial assessment, to develop implementation plan and transmit to Secretariat (Art. 21).</p>	<p>Obligation to report on measures taken for implementation (Art. 21). Pursuant to decision of COP MC-1/8 on the Timing and format of reporting by the parties (2017), reporting is on a biennial basis with short form every 2 years and long form every 4 years.</p> <p>Deadline for 1st biennial short report 31 Dec 2019, 1st long report 31 Dec 2021.</p>

<p>Waigani Convention</p>	<p>To prohibit the importation of hazardous and radioactive wastes into Pacific Island developing countries and to facilitate environmentally sound management of such wastes (preamble).</p>	<p>Obligation to notify Secretariat of wastes considered/ defined as hazardous wastes under legislation beyond those listed in Annex I and inform of any significant changes (Art. 3).</p> <p>Must designate one competent authority and one focal point (Art. 5).</p> <p>Notifications of transboundary movements of hazardous wastes (Art. 6).</p>	<p>Obligation to forward to Secretariat information on any illegal hazardous wastes import activity in jurisdiction (Art. 4).</p> <p>Obligation to provide information to Secretariat on changes to competent authorities/ focal points or changes to national definitions of hazardous wastes (Art. 7).</p>	<p>Requirement to submit 'such reports as COP may require' regarding hazardous wastes generated in jurisdiction (Art. 4).</p> <p>At its Second Meeting in 2004, the COP agreed that Reporting and Transmission of Information forms should be filled out annually by parties and submitted to SPREP in its role as the Convention Secretariat. Parties were requested to begin reporting starting at the 2004 calendar year.</p>
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Annex 6: Models and Concepts for Waste Management

There are a number of general models and concepts that inform contemporary waste management regulation and practice. These models often require quite significant supporting institutional and economic infrastructure that may not be in place or possible in many participating countries. Adopting these models may, therefore, be a long-term strategic goal rather than an immediate policy priority for nations.

The Waste Hierarchy

The generally accepted model for waste management that appears in the strategies of a number of countries in the Pacific region, is the 'waste hierarchy' model.

The aims of the hierarchy are:

- To generate as little waste as possible in the first place; and
- To extract the maximum practical benefit from the waste that is still produced.

The waste hierarchy suggests that as a priority order in waste management legislation and policy, governments should pursue waste avoidance, reduction (prevention or minimisation), re-use, recycling, and other recovery (e.g., waste-to-energy) (see **Figure 1**). The hierarchy dictates that the last option is disposal for end-of-life products.



Figure 1: Waste hierarchy (Creative Commons Licence BY-SA 3.0)

The Circular Economy

The 'circular economy' is also increasingly regarded as relevant to waste management legislation and policy. A 'circular economy' is one that values resources by keeping products and materials in use for as long as possible. This is in contrast to a linear economy – take, make and dispose – approach. In waste management, this means placing a value on re-use and recycling, with the ultimate aim of zero waste.

Related to the circular economy are producer responsibility approaches, where producers are required, to design and make products that are recoverable, or recyclable, and accept the return of waste produced by their products. Producer responsibility can be encouraged by importing countries via legislative mechanisms, such as levies on imported products that can be recycled at the end of their operational life.

Environmental Models

These newer policy models sit alongside other general environmental models for managing waste safely and preventing waste pollution. These models may adopt tools such as EIA for waste generating activities, permitting or licensing of waste management facilities, regulation of waste collection and offences for harmful actions with respect to waste such as littering or dumping, as well as incentives to segregate and separate wastes. Few of the participating countries, however, have extensive testing, monitoring and tracking measures in their waste management legislation to support the successful operation of these models. Effective compliance and enforcement of standards are also necessary.

The model used to formulate the waste management legislative framework will necessarily influence the efforts and input needed to manage not only waste, but the legislation and the government's required management:

- Different types of legislative models can be adopted to give effect to different types of policy objectives. In turn these different models require differing levels of institutional support and administrative arrangements to make them work.
- Operation, regulation and enforcement are distinct functions that can be divided among different agencies. Sometimes these roles are divided among public and private bodies, but in some cases, they are all the responsibility of government or semi-public entities. All of these functions may involve the community in different ways, such as providing information to the community and involving the community in enforcement activities.

Table 13 summarises, in general terms, different kinds of legislative models for waste management, the overall policy objectives they relate to, and the key institutional underpinning required for their administration and operation, as well as examples drawn from the waste-related laws of the participating countries.

Table 14 describes how the existing and pipeline waste management legislation of participating countries maps against these general models.

Table 13: Legislative models and institutional requirements

LEGISLATIVE MODEL	RELATED POLICY GOAL(S)	INSTITUTIONAL REQUIREMENTS	EXAMPLES
<p>Dedicated waste management legislation [WMA]</p> <ul style="list-style-type: none"> • Definitions of waste streams /other waste as prescribed by regulation • Designation of responsibilities for waste management • Standards/protocols for collection, treatment, storage/ disposal • Waste licencing/ permitting of waste operators (OHS/safe handling) • Audit and monitoring provisions • Sustainable financing mechanisms, e.g., levies/ charges • Enforcement provisions and incentive-based regulation 	<ul style="list-style-type: none"> • Waste reduction / prevention • Re-use, Recycling, Recovery • Identification and achievement of waste reduction targets • Safe handling, storage and disposal • Minimising harm to environment and people • Sustainable financing (e.g., user-pays / polluter-pays; extended producer responsibility) • Incentivising behavioural change, including re-use and recycling • Supporting cultural values in terrestrial and marine environments 	<ul style="list-style-type: none"> • Clear designations of responsibility • Inter-agency cooperative approach • Cooperation between different levels of government • Supporting ‘soft’ law instruments • Staffing / resourcing for implementation, monitoring and enforcement • Ongoing access to information; technical and policy setting • Support for storage, recovery and disposal • Community / private sector consultation 	<ul style="list-style-type: none"> • Waste Management Acts in Samoa, Tonga, Tuvalu and Vanuatu • Proposed Solid and Hazardous waste legislation in Cook Islands
<p>Regulation of specific waste streams under environment protection legislation e.g., solid waste, bulky waste, organic waste, recyclables, plastics, disaster waste, wastewater [EPAct]</p> <ul style="list-style-type: none"> • Definitions of waste streams • Provisions re storage, collection, segregation and disposal of waste • Technical standards/ specialist implementation • Enforcement provisions 	<ul style="list-style-type: none"> • Effective / efficient waste management • Minimising harm to environment and people • Sustainable financing • Comprehensive Waste Collection • Improvement of waste sorting and diversion from landfill • Recycling; Recovery • Minimising waste pollution and human health risks • Hazard reduction and climate change adaptation 	<ul style="list-style-type: none"> • Clear designations of responsibility • Inter-agency cooperative approach • Supporting ‘soft’ law instruments • Staffing / resourcing for implementation, monitoring and enforcement • Ongoing access to information • Support for secure storage, recovery and disposal • Community / private sector consultation 	<ul style="list-style-type: none"> • Solid Waste Management Regulations in Yap State (the FSM), Palau and the RMI • Environment Management (Waste Disposal and Recycling) Regulations in Fiji • Proposed Waste Management Bill 2016 to amend <i>Environment Act</i> in Solomon Islands
<p>Regulation of hazardous waste e.g., healthcare waste, asbestos, e-waste, wastewater [Haz waste]</p> <ul style="list-style-type: none"> • Identification of hazard sources • Separation and diversion from landfill • Registering, tracking and monitoring • Staff training and capacity building 	<ul style="list-style-type: none"> • Effective / efficient waste management • Waste segregation • Safe handling, regulated storage, and out of country disposal, as necessary • Minimising pollution harm to environment and people • Utilisation of best practice technologies, with implementation guidelines, e.g., healthcare waste incineration 	<ul style="list-style-type: none"> • Clear designations of responsibility • Inter-agency cooperative approach • Cooperation between different levels of government (local operational to national) • Supporting ‘soft’ law instruments • Staffing / resourcing for implementation, monitoring and enforcement 	<ul style="list-style-type: none"> • <i>Hazardous Wastes and Chemicals Act</i> in Tonga • Solid Waste Management Regulations in Palau and the RMI • Healthcare waste management plans in Samoa, PNG • Asbestos disposal guidelines - PNG • Regulations / guidelines under OHS legislation in Fiji, Samoa and Niue.

LEGISLATIVE MODEL	RELATED POLICY GOAL(S)	INSTITUTIONAL REQUIREMENTS	EXAMPLES
<ul style="list-style-type: none"> Licencing/permitting (OHS, regulated handling and disposal) Targeted fee/ charges basis to reflect risk management requirements Compliance with MEA obligations 	<ul style="list-style-type: none"> Building capacity to deal with disasters/ pandemics 	<ul style="list-style-type: none"> Ongoing access to information Support for secure storage, recovery and environmentally sustainable disposal 	<ul style="list-style-type: none"> Specific part in dedicated waste legislation in Tuvalu <i>Ozone Layer Protection Act 2010</i> [2014] in Vanuatu
<p>Sustainable waste-financing systems [Sus fin/CDL]</p> <p>Examples include:</p> <ul style="list-style-type: none"> Container deposit system; recycling /re-use deposit fees Levy on items at customs point e.g. beverage containers/cans, lead acid batteries, PET bottles Advance disposal fee at customs point Scaled landfill fees i.e. higher for recyclables Separate, dedicated fund with regulations. for management and distribution of funds; independent audit functions 	<ul style="list-style-type: none"> Waste reduction / prevention Re-use, Recycling, Recovery Effective / efficient waste management Supporting waste segregation Minimising waste pollution Sustainable financing (e.g. user-pays / polluter-pays; extended producer responsibility) Incentivising behavioural change e.g. through % of amount paid to consumers as refund after use; % paid to support recycling of items Supporting cultural values in terrestrial and marine environments 	<ul style="list-style-type: none"> Inter-agency cooperative approach and cooperation b/n national and provincial/ local government Reservation of fund from consolidated revenue with transparency and independent oversight Staffing / resourcing for implementation at customs point; monitoring and compliance Ongoing access to information Support for storage, re-use, recovery and disposal (e.g. export fees) Community / private sector consultation Public education - communications expertise and resources 	<ul style="list-style-type: none"> Container deposit schemes in the FSM (except Chuuk), Fiji, Kiribati, Palau Waste levy and select refund scheme on wide range of products in Tuvalu, including but not limited to waste that can be recycled/ recovered Cook Islands – advance disposal fee RMI - Waste Fund
<p>Prohibition on import of certain items [Ban]</p> <ul style="list-style-type: none"> Most commonly in the context of plastics e.g. single-use plastic bags, Styrofoam containers, disposable straws/cutlery. May take form of levy rather than outright prohibition Applicable to other high risk, waste-generating products or chemicals e.g. asbestos sheeting, POPs; biosecurity 	<ul style="list-style-type: none"> Waste reduction / prevention Effective / efficient waste management Minimising waste pollution, health and environmental risks Meeting International waste management obligations Supporting in-country industries such as tourism and hospitality Supporting cultural values in terrestrial and marine environments 	<ul style="list-style-type: none"> Clear designations of responsibility and authorisations Inter-agency cooperative approach Supporting 'soft' law instruments Staffing / resourcing for implementation at customs point; in-country monitoring and compliance Ongoing access to information Storage at customs point, as necessary, and disposal Community / private sector consultation/ education - communications expertise and resources 	<ul style="list-style-type: none"> Various prohibitions enacted in the FSM, Fiji, Kiribati, Niue, Palau, PNG, RMI, Samoa, Tonga, Tuvalu and Vanuatu. Proposed in the Cook Islands for single-use plastics. 'Zero' plastic initiative in Timor-Leste.

LEGISLATIVE MODEL	RELATED POLICY GOAL(S)	INSTITUTIONAL REQUIREMENTS	EXAMPLES
<ul style="list-style-type: none"> Typically combined with in-country prohibition on manufacture, sale and distribution <p>Development control / impact assessment regimes / licences [EIA]</p> <ul style="list-style-type: none"> Waste regulation as component of environmental legislation with regulations. for project EIA to inform development consents and pollution /discharge controls to minimise env. impacts. Broad powers to impose waste-relevant conditions on project and operational (pollution control) licences/permits Supporting regulations - specific regulations for identified wastes/ risk contexts Testing, monitoring & reporting requirements, offence provisions 	<ul style="list-style-type: none"> Waste reduction / prevention Effective / efficient waste management Safe handling, storage and disposal Minimising waste pollution, health and environmental risks including siting of landfills Implement strategic planning objectives e.g. spatial controls to divert wastewater from environmentally sensitive areas Polluter-pays and targeted discharge licences/fees Supporting cultural values in terrestrial and marine environments 	<ul style="list-style-type: none"> Clear designations of responsibility and authorisations Inter-agency and intergovernmental cooperative approach Technical expertise to set standards, and evaluation of EIAs and pollution controls Staffing / resourcing for implementation, testing/monitoring and enforcement Capacity building/OHS for operational staff e.g. at landfills to control pollution Ongoing access to information including technical and scientific standards and BAT Community / private sector consultation/ joint development of codes of practice 	<ul style="list-style-type: none"> Environmental and / or planning legislation in Fiji, Kiribati, Niue, Samoa, PNG, Solomon Islands, RMI Coverage of major developments in Tuvalu <i>Waste Management Act</i> Solomon Islands Water Authority (Catchment Areas) Regulation restricts introduction of pollutant or wastes into catchment areas.
<p>Compliance and enforcement/ changing behaviour [Comp/enforce]</p> <ul style="list-style-type: none"> Civil and criminal offences, and administrative penalties Compliance tools e.g. littering spot fines, clean up notices, reputational penalties e.g. non-compliance notices Offence hierarchy and graded penalties (individuals vs corporations; single vs recurring offences); negotiated penalties Identified role for courts/tribunals and case reporting Community awareness programs 	<ul style="list-style-type: none"> Waste reduction / prevention Effective / efficient waste management Minimising pollution, health and environmental risks Waste Financing (e.g. user-pays / polluter-pays) where e.g. fines revert to waste management Incentivising behavioural change in industry and community Supporting new regulatory models e.g. prohibitions on single use plastics Supporting cultural values in terrestrial and marine environments 	<ul style="list-style-type: none"> Clear designations of responsibility for enforcement, and delegations of powers as necessary e.g. to police, municipal officers Inter-agency and intergovernmental cooperative approach, including with legal officials for prosecutions/ civil actions Enhanced staffing/resourcing for monitoring, compliance and enforcement Interagency training and capacity building programs Ongoing access to information 	<p>All participating countries, e.g.</p> <ul style="list-style-type: none"> RMI - EPA cease and desist orders; imposition of civil penalties; institution of civil proceedings; and any other action authorised under 'any other law'. Littering offences and offences under related legislation e.g. Nauru, Vanuatu Kiribati - Duty to clean-up environment PNG - Duty to prevent significant environmental harm and offences Samoa - community involvement in waste management, including

LEGISLATIVE MODEL	RELATED POLICY GOAL(S)	INSTITUTIONAL REQUIREMENTS	EXAMPLES
<p>Recovery of waste costs from private sector/polluter [Private/polluter]</p> <ul style="list-style-type: none"> • Packages of measures under legislation and ‘soft law’ • Tourism: Information and education; re-useable items; ‘green fee’ as arrival or departure tax; industry responsibility to reduce waste • Extended producer responsibility requirements / standards in legislation and ‘soft law’ • Consumer awareness programs e.g. packaging 	<ul style="list-style-type: none"> • Waste reduction / prevention • Effective / efficient waste management • Minimising waste pollution and reducing environmental and health risks • Sustainable financing (e.g. user-pays / polluter-pays) • Incentivising behavioural change in industry, consumers and community • Supporting cultural values in terrestrial and marine environments 	<ul style="list-style-type: none"> • Integration with traditional/ community-based authorities, esp. in rural areas • Community / private sector consultation and compliance partnerships (soft law) • Clear designations of responsibility and cooperation between public and private sector • Monitoring and facilitation of compliance directed at ‘consumers’ • Government procurement regulations/ guidelines • Management and distribution of funds, with transparency and audit regulations. • Community / private sector consultation and partnerships • Public education - communications expertise and resources 	<p>making of by-laws and community programs and initiatives</p> <ul style="list-style-type: none"> • Palau – responsible tourism measures • PNG – mining contractor responsibility to take back their waste • RMI - Majuro Atoll Waste Company (re tourist input) • Nauru – natural disaster assistance • Samoa -<i>Tourism Development Act</i> 2012 (minimise waste) • Tuvalu - Tourism departure fee • Cook Islands – advance disposal fee
<p>Information provision, planning and reporting on waste issues [Planning/reporting]</p> <ul style="list-style-type: none"> • Provisions in legislation for publicly available waste management information • Strategic/priority and target-setting in legislation or regulation • Mandatory reporting by government agencies and waste industry on key targets and operations • Waste audits and reporting • Requirements for public consultation/ education 	<ul style="list-style-type: none"> • Waste reduction/prevention • Efficient and effective waste management • Incentivising behavioural change in industry, consumers and community • Supporting cultural values in terrestrial and marine environments 	<ul style="list-style-type: none"> • Designations of responsibility for planning and reporting • Inter-agency and intergovernmental cooperative approach • Staffing/resourcing/training for community and industry programs • Ongoing access to information • Community and industry consultation 	<ul style="list-style-type: none"> • Examples of State of the Environment reports in FSM and Palau • Vanuatu – National Statistics Office waste reporting • Tuvalu waste audits

Table 14: Legislative models in participating countries' waste laws

MODEL	COOK ISLANDS	FSM	FIJI	KIRIBATI	NAURU	NIUE	PALAU	PNG	RMI	SAMOA	SOLOMON ISLANDS	TIMOR-LESTE	TONGA	TUVALU	VANUATU
DEDICATED WASTE MANAGEMENT LEGISLATION															
REGULATION OF SPECIFIC WASTE STREAMS UNDER ENVIRONMENT PROTECTION LEGISLATION.															
REGULATION OF HAZARDOUS															
SUSTAINABLE WASTE-FINANCING SYSTEMS															
PROHIBITION/LEVY ON IMPORT OF CERTAIN ITEMS															
DEVELOPMENT CONTROL / IMPACT ASSESSMENT REGIMES / LICENCES															
COMPLIANCE AND ENFORCEMENT/ CHANGING BEHAVIOUR															
RECOVERY OF WASTE COSTS FROM PRIVATE SECTOR/POLLUTER															
INFORMATION PROVISION, PLANNING AND REPORTING ON WASTE ISSUES															

Not present in existing legislation

Present in existing legislation

Present in pipeline legislation



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