



Assessment of Legislative Frameworks Governing Waste Management in Palau



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Secretariat of the Pacific Regional Environment Programme (SPREP)

PO Box 240

Apia, Samoa

www.sprep.org

sprep@sprep.org

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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 Palau, 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, 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 wastewater) 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 Palau. It provides:

- A **stocktake of the existing legislative environment for waste management** in Palau, 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 Palau, 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 Palau's government to enact the instruments included in the legislative framework
- **Options for strengthening the legislative framework** for the Government of Palau 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 Palau

Legislative Summary

Legislation impacting waste governance

Governance over waste issues in Palau is shared between the national government and state governments. State governments have the primary responsibility for waste management. The national government administers the general environmental protection law relating to pollution control and has responsibility for infrastructure planning and public awareness relating to the issue of solid waste.

An analysis of the national waste situation has been undertaken through the *National Solid Waste Management Strategy: The Roadmap towards a Clean and Safe Palau 2017 to 2026*. This Management Strategy covers the 10-year period from 2017–2026, with an action plan designed to be implemented for the first half of the period 2017–2021. A general review of the Strategy will be undertaken in 2021 to update its relevance to current needs and plan for the next activities for the remaining period of the Strategy. The Strategy aims to synergise efforts in waste management among different line agencies and the wider community.

The following tables provide a stocktake of the existing legislative environment for waste management and governance in Palau. 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 Palau.
- **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 Palau

LEGISLATION	REGULATIONS
<p><u>Constitution (as consolidated 2008)</u></p> <p>Article VIII vests executive powers in the President.</p>	<p><u>'Zero Disposable Plastic' Policy, Executive Order No. 417 (8 August 2018)</u></p> <p>Executive order of the President establishing a policy that all government offices and agencies shall immediately stop the practice of providing disposable plastic and polystyrene beverage containers to employees and guests. This includes, but is not limited to, disposable plastic water bottles and polystyrene cups.</p>
<p><u>National Code Title 24: Environmental Protection (as at 2014)</u></p> <p><u>Environmental Quality Protection Act (Amendment) and Tourism Reorganization Act (Amendment), RPPL No. 10-20 2018</u></p> <p><u>Pristine Paradise Environmental Fee, RPPL No. 10-02 2017 (Amendment)</u></p> <p>Establishes the Environmental Quality Protection Board, a semi-autonomous public agency responsible for enforcing solid waste management practices.</p> <p>Powers and duties of the Board (as updated by <i>Environmental Quality Protection Act (Amendment)</i> and <i>Tourism Reorganization Act (Amendment)</i>) include:</p> <ul style="list-style-type: none"> • establishing and provide for the continuing administration of a permit system, whereby a permit shall be required for the discharge by any person of any pollutant in the air, land, or water, or for the conduct by any person of any activity, including, but not limited to, the operation, construction, expansion, or alteration of any installation which results in or may result in the discharge of any pollutant in the air, land, or water. • promulgating and enforcing nuclear and other hazardous wastes regulations. • promulgating and enforcing regulations on monitoring, inspection, and record-keeping procedures. <p>s 162(b) states that where the Board finds a discharge of waste occurring or threatening to take place, the Board shall require the discharger of waste to submit to the Board, for its approval, a detailed time schedule of specific actions the discharger will take to correct the situation or prevent a violation of the requirements.</p> <p>s 129 empowers the Board to promulgate and enforce regulations.</p> <p>A new s 3413 provides that every non-Palauan passport holder departing from the Republic must be assessed, and shall pay, an environmental protection departure fee (the 'Green Fee') of \$15 —brought in by the RPPL No. 10-02 amendment in January 2017.</p>	<p><u>Solid Waste Management Regulations 2013 (Chapter 2401-31)</u></p> <p>Regulations for the management, including storage and disposal, of solid wastes. 'Solid waste' means garbage, refuse, and other discarded solid materials including solid waste materials resulting from industrial and commercial operations, and from community activities, but does not include solid or dissolved material in domestic sewage, or other substances in water sources, such as silt, dissolved or suspended solids in industrial wastewater effluents, dissolved materials in irrigation return flows or other common water pollutants. This definition is intended to include liquid waste materials such as waste oil, as well as pesticides, paints, solvents, and hazardous waste. A permit is required for a person to establish, modify, or operate any solid waste disposal facility.</p> <p><u>Marine & Freshwater Quality Regulations 2020</u></p> <p>Provides it is the policy of the Republic of Palau that there shall be no direct or indirect discharge of sewage or other waste into any planned or intended ground or surface source of drinking water. All sewage and waste shall receive the degree of treatment necessary to protect the beneficial uses of waters of the Republic of Palau before discharge.</p> <p><u>Wastewater Treatment and Disposal Regulations 2019</u></p> <p>Provision for issue of Registration certificates by the Board for wastewater treatment and sewerage plants.</p>

LEGISLATION

REGULATIONS

**National Code Title 11: Business and Business Regulation, Chapter 16: Recycling Program (as at 2014)
Plastic Bag Use Reduction Act, RPPL No. 10–14 2017 (Amendment) (see below)**

Following the 2017 RPPL No.10–14 amendment, s 1604 establishes a ‘revolving fund within the National Treasury’ known as the ‘Recycling Fund’. The Ministry may use the money to ‘conduct recycling education, plastics education programs consistent with s 2103 (ban of importation of plastic products), and demonstration projects; and promote recyclable market development activities’.

Under s 1605, a beverage distributor is obliged to pay to the Ministry, a deposit beverage container fee on each deposit beverage container manufactured in or imported to the Republic. The fee is \$0.10/container.

s 1609 authorises the Minister to promulgate, amend and enforce appropriate rules and regulations to carry out the duties and powers under the Act, including: the collection, purchase, sale, or other disposal of beverage containers; the prohibition of importing empty beverage containers for the purpose of redeeming them in Palau; and other matters necessary for the administration of the chapter.

Persons who knowingly, wilfully, and unlawfully violates or refuses to comply with any provisions of the Chapter, or with any regulation may be imprisoned for up to 90 days and or fined up to \$500 (s 1617).

Plastic Bag Use Reduction Act, RPPL No. 10-14 2017 (to create a new Chapter 21 in Title 11 of the National Code, see above)

Ozone Layer Protection Regulations

Prohibits importation into the Republic of ‘any plastic foam, or any goods that contain plastic foam’ manufactured using controlled ozone depleting substances.

Pesticides Regulations (Chapter 2401-33 EQPB Regulations)

These Regulations establish and maintain a system of control over the importation, distribution, sale and use of pesticides by persons within the Republic of Palau.

Air Pollution Control Regulations

Prohibits open burning of waste, including grass, weeds, wire, twigs, branches, insulation, vehicle bodies and their contents, paper, garbage, tires, waste materials, tar products, rubber products, oil, and similar smoke producing materials.

Beverage Container Recycling Regulations 2009

Regulations for national beverage container recycling program. Impose restrictions on import and fees.

The importation of used deposit beverage containers is prohibited under s 9.

180 days after the first Deposit Beverage Container is redeemed at a particular redemption centre, there is a duty on the Redemption Centre to ensure that Deposit Beverage Containers are removed beyond the outer border of the Exclusive Economic Zone of Palau (s 14). Violation or failure to comply with Regulations incurs both civil and / or criminal penalties.

None identified

LEGISLATION

This legislation amended Title 11 of the Palau National Code to prohibit businesses from importing or distributing plastic bags to customers and to authorise a plastics education program to educate the public on the effects of plastic use.

‘Plastic bag’ is defined in s 2101 to mean ‘a bag provided by a retail establishment to a customer for the purpose of transporting groceries or other retail goods and not specifically designed for multiple re-use but does not include biodegradable or compostable plastic bags’.

Biosecurity Act 2014 (RPPL No. 9-58)

In accordance with its biosecurity aims the legislation places obligations on masters and captains of ships entering Palau waters to secure and properly manage ‘garbage’ including organic wastes.

National Code Title 34: Public Health, Safety and Welfare (as at 2014)

Governs sanitation, sewer use and discharges and accumulation of rubbish

National Code Title 40: Revenue and Taxation, Division 2: Unified Tax Act

Gives authority to and empowers the Director of the Bureau of Revenue, Customs and Taxation to promulgate rules and regulations to carry out the provisions of Division 2.

National Code Title 17: Crimes (as at 2014)

Penal Code of the Republic of Palau, RPPL No. 9-21 2013

s 2509 creates the offence of ‘Criminal Littering’ i.e., if a person knowingly places, throws, or drops litter on any public or private property or in any public or private waters, except: in a place designated by the Republic of Palau for the disposal of garbage and refuse; or into a litter receptacle. ‘Litter’ means rubbish, refuse, waste material, garbage, trash, offal, or debris of whatever kind or description, and whether it is of value, and includes improperly discarded paper, metal, plastic, glass, or solid waste.

REGULATIONS

None identified

Environmental Health Regulations 2004

Article 12 establishes minimum standards governing the operation and maintenance of solid waste storage, collection, and disposal systems.

Toilet Facilities and Wastewater Disposal Regulations 1996

Regulations for sewerage and wastewater disposal.

Customs Regulations 2015

Regulations and rules for control of imports including prohibited products e.g., plastic bags.

None identified

Table 2: Policies and reports impacting waste governance in Palau

POLICY	DESCRIPTION
<u>National Solid Waste Management Strategy: The Roadmap towards a Clean and Safe Palau 2017 to 2026</u>	<p>The Strategy considers solid wastes generated households, institutions, and commercial settings on the main island. The Strategy does not cover liquid and gaseous waste.</p> <p>Aims include to: synergise efforts in waste management among different line agencies and the wider community; improve environment, health, and socio-economic conditions of the people of Palau by managing wastes properly through 3R+ return programs and provision of safe and environmentally sound collection, storage, treatment, and disposal systems; and sustain the initiatives on waste management through the commitments of the government and the stakeholders adopting this Strategy.</p> <p>Guiding Principles include</p> <ul style="list-style-type: none"> • Reduce, Reuse, Recycle, Return • Polluter Pays Principle • Multi-Sectorial Approach • Precautionary Approach <p>Adherence to regional and international conventions.</p>
<u>2008–2015 National Solid Waste Management Plan (draft)</u>	<p>This Management Plan was succeeded by the new Solid Waste Management Strategy 2017–2026. The outcomes of the review of the 2008–2015 National Solid Waste Management Plan were taken on board in the development of the updated <i>National Solid Waste Strategy and Action Plan 2017–2026</i>.</p>
<u>Palau Responsible Tourism Policy Framework 2017–2021</u>	<p>One of the Government’s objectives is to enhance Palau’s recycling efforts and increase community and business participation. Key performance indicators include:</p> <ul style="list-style-type: none"> • National strategy or policy in place to support waste reduction program • Volume of solid waste recycled <p>Palau’s responsible tourism policy means that Palau’s national sustainable development strategy, state master plans, land-use plans, and disaster plans uphold tenets including that tourism development and management avoids damage to Palau’s biodiversity and ecosystems, works to eliminate unsustainable consumption and minimize pollution and waste.</p>
<u>Palau National Plan for Implementation of the Stockholm Convention on Persistent Organic Pollutants (2013)</u>	<p>Submitted in fulfilment of Palau’s obligations as a party to the Stockholm POPs Convention</p>
<u>Palau Climate Change Policy 2015</u>	<p>At p. 17 — in order to ‘establish the enabling framework to build resilience to climate change and disasters within Palau’s utilities while reducing the carbon footprint from utilities’, Palau seeks to ‘[a]ssess the viability of introducing waste-to-energy technologies and waste reduction/recycling measures’.</p>
<u>Palau Review of Natural Resource and Environment Related Legislation (SPREP, 2018)</u>	<p>Summary of Waste Management Pollution in Palau.</p>

Table 3: Government departments with waste responsibilities in Palau

GOVERNMENT DEPARTMENTS	RESPONSIBILITIES
<u>Environmental Quality Protection Board (EQPB)</u>	Administers the <i>Environmental Protection Act</i> and its regulations and has enforcement powers under s162 of the Act. Also has powers to issue permits under the <i>Public Health, Safety and Welfare Act</i> for discharges to sewer systems.
	The EQPB also has responsibility for implementation of relevant MEAs such as the Stockholm POPs Convention.
<u>Ministry of Public Infrastructure, Industries and Commerce</u>	Administers the beverage container recycling program.
<u>Ministry of Finance</u>	Responsibility for undertaking public education campaign under the <i>Plastic Bag Use Reduction Act</i> .
<u>Bureau of Revenue and Taxation</u>	Administers the beverage container recycling program in conjunction with the Ministry of Public Infrastructure, Industries and Commerce.
<u>Bureau of Revenue and Taxation</u>	Part of the Ministry of Finance. Empowered by the <i>Unified Tax Act</i> to promulgate rules and regulations to carry out its provisions.
<u>Ministry of Natural Resources, Environment and Tourism</u>	Responsibility for undertaking public education campaign under the <i>Plastic Bag Use Reduction Act</i> together with Ministry of Public Infrastructure, Industries and Commerce
<u>Bureau of Public Health</u>	Administers the <i>Public Health, Safety and Welfare Act</i> Division 2 on sanitation.
<u>Ministry of Justice</u>	Administers criminal laws of National Code.
<u>Bureau of Public Works</u>	Responsibility for the <i>National Solid Waste Management Strategy</i> together with EQPB. Includes Solid Waste Management Office.

Pipeline activities

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

A general review of the National Solid Waste Management Strategy: The Roadmap towards a Clean and Safe Palau 2017 to 2026 will be undertaken in 2021 to update its relevance to current needs and to plan for the next activities for the remaining period of the Strategy.

Palau has long-standing regulations for its container deposit scheme. This scheme is being expanded to include larger containers, to boost the success of the recycling work in that country. The Solid Waste Management Office in the Bureau of Public Works has reportedly expanded the glass bottle and metal can recycling centre, with plans to make it tourist attraction.

Palau is partnering with the Chemicals and Waste Management Programme in UNEP to strengthen capacity to implement chemical and waste management in accordance with relevant MEAs. This will involve an assessment of existing infrastructure, and work to establish central waste management system for chemicals and waste, and a national register of chemicals.

The 2008-2015 National Solid Waste Management Plan mentions Bill No. 5-96-3 which 'seeks to ban imports of single use disposable plastic objects such as cups, plates, flatware and other containers, although not plastic packaging'. The UoM team has not able to verify whether this legislation was passed. It may have been superseded by the *Plastic Bag Use Reduction Act 2017* that bans individuals and businesses from importing plastic products.

Palau has recently introduced a ban on sunscreen products containing chemicals such as Oxybenzone, Ethyl paraben, Octinoxate, Butyl paraben, Octocrylene, 4-methyl-benzylidene camphor, Benzyl paraben, Triclosan, Methyl paraben, and Phenoxyethanol to protect its surrounding coral reefs.

Table 4: Pipeline activities for Palau

PIPELINE ACTIVITY	DESCRIPTION	TIMEFRAME
Review of National Solid Waste Management Strategy: The Roadmap towards a Clean and Safe Palau 2017 to 2026	Wider review of the action plan at the end of the first 5 years.	2021.
Expansion of CDS	Expansion to larger containers. Expansion of recycling centre.	<u>News reports</u> are that the expanded centre was to be up and running by October 2019.
Chemical Waste Management System	Partnership with UNEP Chemicals and Waste Management Programme to strengthen capacity to implement chemical and waste management in accordance with relevant MEAs.	Three-year program: https://www.unenvironment.org/news-and-stories/story/palau-puts-environment-first-through-sound-chemicals-and-waste-management
Sunscreen ban	Ban on sunscreens containing 'reef toxic' chemicals.	In effect from 1 January 2020.

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 Palau to these MEAs.

Table 5: MEAs active in Palau

MEA	IN EFFECT FOR COUNTRY	DESIGNATED NATIONAL AUTHORITY OR NATIONAL FOCAL POINT	IMPLEMENTING LEGISLATION
Basel Convention	7 Dec 2011	Ms. Roxanne Y. Blesam Chief Executive Officer Environmental Quality Protection Board (EQPB) P.O. Box 1421 Koror, Palau Phone : +680 775 3772 Fax : +680 488 2963 Email : eqpb@palaunet.com, eqpbfranz@yahoo.com	No specific implementing legislation but see Palau National Plan for Implementation of the Stockholm Convention on Persistent Organic Pollutants (2013) .
Minamata Convention	21 Jun 2017	Not specified.	No specific implementing legislation.
Rotterdam Convention	Not party		
Stockholm Convention	7 Dec 2011	Not specified.	No specific implementing legislation.
Waigani Convention	Signed 16 Sep 1995 but no ratification.	Hon. Billy G. Kuartei Minister of State The National Capitol Ngerulmud Republic of Palau 93939 Tel : (680) 767-2490/2509 Fax : (680) 767-2443 Email : minister@palaumos.net	

SECTION 2: LEGISLATIVE ASSESSMENT



This qualitative assessment of Palau's legislative environment has classified Palau'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 Palau 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 Palau'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 Palau to develop and/or implement additional legislative instruments to in achieving waste management and environmental outcomes.

Overview of the legal system

The Republic of Palau is an independent country in a Compact of Free Association with the United States of America (USA). It is a federation of 16 states in an archipelago of comprising 340 islands, 8 of which are inhabited. The population of Palau is 21,431 (estimate from the 2020 Palau Country Review). The official languages are English and Palauan.

In 1885, Spain claimed the Caroline Islands and sold them to Germany in 1899 under the terms of the German–Spanish Treaty. They were administered as part of German New Guinea until 1914 when Japanese forces invaded Palau. After World War I, Japan administered Palau under the League of Nations South Seas Mandate. The USA liberated Palau from Japan in 1944. From 1947 until independence in 1994, Palau was part of the Trust Territory of the Pacific Islands administered by the USA under a United Nations mandate.

In 1981 Palau became self-governing and in 1994 it gained full independence under a Compact of Free Association with the USA under which the USA is responsible for defence and security of Palau and Palau receives financial aid from the USA. Palau became a member of the United Nations in 1991.

Palau is a democratic constitutional republic with a government structure consisting of the national government and 16 state governments with their own legislative and executive powers. The Head of State and Head of Government is the President. The Cabinet consist of the heads of the major executive departments. A Council of Chiefs, composed of one traditional leader from each of the Republic's states, advises the President on matters concerning traditional laws, customs and their relationship to the Constitution and the laws of Palau.

Palau's legislative branch, the Palau National Congress or Olbiil Era Kelulau, is bicameral, consisting of the Senate (upper house) and House of Delegates (lower house). There are two courts of general jurisdiction and one specialised court, the Land Court.

The Palau legal system is a mixed system of Anglo-American common law and customary law. Sources of law are the Constitution (the supreme law), customary or traditional law which has equal authority to statutes, laws found in the National Code passed by the Olbiil Era Kelulau, un repealed USA laws and Trust Territory laws applicable to Palau, and rules of the common law.

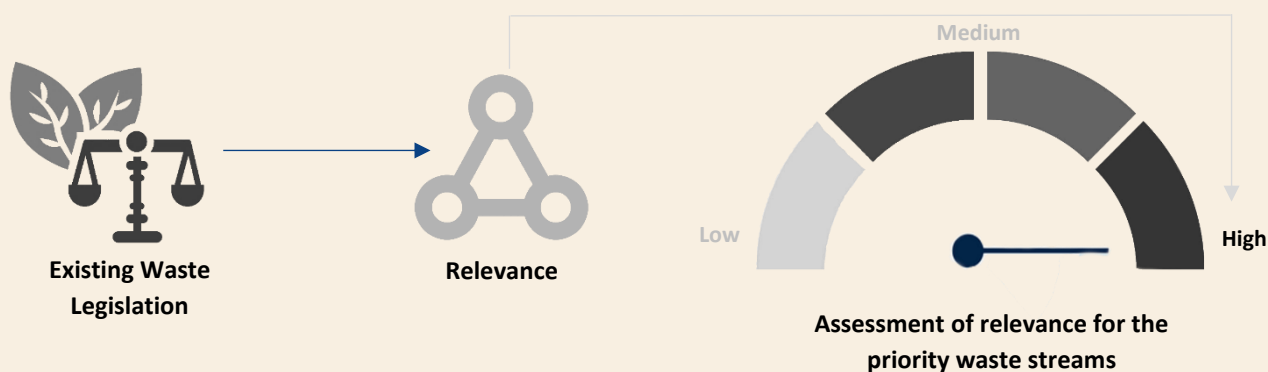
Palau's Constitution provides, in Article VI that the national government 'shall take positive action to attain these national objectives and implement these national policies: conservation of a beautiful, healthful and resourceful natural environment; promotion of the national economy; protection of the safety and security of persons and property.' Article XIII of the Constitution includes section 6, the 'Harmful Substances Ban', which provides that '[h]armful substances such as nuclear, chemical, gas or biological weapons intended for use in warfare, nuclear power plants, and waste materials therefrom, shall not be used, tested, stored, or disposed of within the territorial jurisdiction of Palau without the express approval of not less than three-fourths of the votes cast in a referendum submitted on this specific question'.

Legislative Assessment

This section contains a qualitative legislative assessment for Palau 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



Broad definitions of ‘solid waste’ (which include some liquid wastes) and ‘hazardous waste’ are highly relevant to priority wastes. There is also specific provision in Palau’s laws for recyclables, including certain plastics, single-use plastic shopping bags, bulky waste, and wastewater.

Several of the priority waste streams could fall within the legal definitions of ‘solid waste’ and ‘hazardous waste’ in the Solid Waste Management Regulations. Those regulations establish minimum standards for ‘the design, construction, installation, operation, and maintenance of solid waste storage, collection and disposal systems’, including a permitting system for waste disposal facilities.

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

Table 6: Definitions of waste Palau’s legislation

Legislation	Definitions
<i>Solid Waste Management Regulations 1996 (as at 2013)</i>	<p>The regulations define solid waste as ‘garbage, refuse, and other discarded solid materials including solid waste materials resulting from industrial and commercial operations, and from community activities, but does not include solid or dissolved material in domestic sewage, or other substances in water sources, such as silt, dissolved or suspended solids in industrial wastewater effluents, dissolved materials in irrigation return flows or other common water pollutants’.</p> <p>The definition also provides that it ‘is intended to include liquid waste materials such as waste oil, as well as pesticides, paints, solvents, and hazardous waste’.</p> <p>Solid waste is differentiated by sector, setting out definitions for ‘commercial solid waste’, ‘institutional solid waste’ and ‘residential solid waste’. The Regulations define</p>

'rubbish' as 'a general term for solid wastes and ashes, taken from residences, commercial establishments, and institutions'.

The definition of 'solid waste' includes only particular kinds of liquid waste: 'waste oil, as well as pesticides, paints, solvents'.

'**Residential solid waste**' is defined in the Solid Waste Management Regulations to include bulky wastes and the term 'junk' is elaborated as meaning '*old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber debris, waste, or junked, dismantled, or wrecked automobiles, or parts thereof, iron, steel, or other old or scrap ferrous or nonferrous material.*'

'**Hazardous waste**' is defined as '*any waste or combination of wastes which pose a substantial present or potential hazard to human health or the environment because such wastes are non-degradable or persistent in nature, or because they may otherwise cause or tend to cause detrimental cumulative effects*'. By this definition, the priority waste streams of healthcare waste, asbestos, e-waste, and bulky waste could be hazardous waste, but there are circumstances in which recyclables, organic waste and disaster waste could also be hazardous waste under the Solid Waste Management Regulations.

Priority waste streams could also in some cases be a '**pollutant**'. This term is defined under the Solid Waste Management Regulations to mean '*one or more substances or forms of energy which when present in the air, land, or water, are or may be harmful or injurious to human health or the environment, or which may unreasonably interfere with the enjoyment by people of life or property*'.

Infection waste is defined as:

- Equipment, instruments, utensils, and fomites of a disposable nature from the rooms of patients who are suspected to have or have been diagnosed as having a communicable disease and must, therefore, be isolated as required by public health agencies;
- Laboratory wastes, such as pathological specimens (such as tissues, blood, excreta, and secretions obtained from patients or laboratory animals) and disposable fomites (any substance that may harbor or transmit pathogenic organism) attendant thereto; or
- Surgical operating room specimens and disposable fomites attendant thereto, and similar disposable materials'.

The **recycling of car parts** is anticipated by the term 'automobile graveyard' defined as '*any establishment or place of business which is maintained, used or operated for storing, keeping, buying, or selling wrecked, scrapped, ruined or dismantled motor vehicles or motor vehicle parts*' (SWMR 2401-31-03).

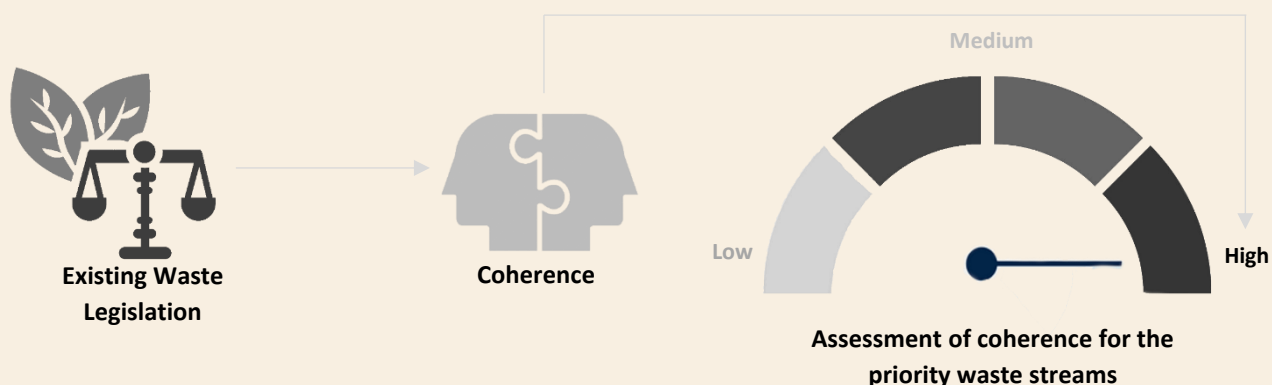
To the extent that waste oil can be refined for reuse, it is included in the definition of 'solid waste' under the Solid Waste Management Regulations.

In addition to being covered by the general term 'solid waste', organic waste would fall under the definition of '**food waste**', defined in the Solid Waste Management Regulations to mean '*the organic residues generated by the handling, storage, sale, preparation, cooking, and serving of foods, commonly called garbage*' (SWMR 2401-31-03).

'**Bulky waste**' is defined to mean: 'large items of solid waste such as household appliances, furniture, motor vehicles, trees, branches, stumps, and other oversize wastes whose large size prevents or complicates their handling by normal solid waste collection, processing, or disposal methods'.

Legislation	Definitions
Wastewater Treatment and Disposal Regulations 2019	<p>Wastewater is regulated separately from solid waste, and the Regulation define ‘wastewater’ interchangeably with ‘sewage’ to mean: <i>‘untreated or insufficiently treated liquid medium that contains human excreta; food wastes disposed of through sewers; wash water; liquid wastes from residences, commercial buildings, agricultural, or animal husbandry/slaughter operations; aquaculture facilities, industrial establishments, or other places of assembly; and such diluting water (e.g., storm water inflow) as may have entered the waste water collection and conveyance system.’</i></p> <p>Certain forms of wastewater are expressly excluded from the solid waste definition as included in the Solid Waste Regulation, namely <i>‘solid or dissolved material in domestic sewage, or other substances in water sources, such as silt, dissolved or suspended solids in industrial wastewater effluents, dissolved materials in irrigation return flows or other common water pollutants’</i>.</p> <p>These forms of wastewater are also excluded from the definition of ‘sludge’, which otherwise means <i>‘the accumulated semi-liquid suspension of settled solids deposited from waste- waters or other fluids in tanks or basins’</i> (SWMR 2401-31-03). The Wastewater Treatment and Disposal Regulations define ‘sludge’, differently from the Solid Waste Management Regulations, to mean <i>‘the residual, semi-solid sewage material that is produced as a by-product during treatment of domestic, municipal, or industrial wastewater.’</i></p> <p>These definitions do not match the definition set by PacWastePlus.</p>
Air Pollution Control Regulations (2013)	<p>The incineration of healthcare waste (and other priority waste streams) could be incidentally relevant to Air Pollution Control Regulations which regulate, among other things, ‘Open Burning’, defined to mean <i>‘the burning of any matter in such a manner that the remaining material resulting from the burning are emitted directly into the clean air without passing through a stack, duct, or chimney determined by the Chairman to be adequate.’</i></p> <p>Relevant to organic waste, the Regulations specifically prohibit the burning of ‘grass’, ‘weeds’, ‘twigs’ and ‘branches’</p>
Beverage Container Recycling Regulations (adopted 2009)	<p>The types of containers presently subject to the deposit scheme are called ‘deposit beverage containers’, which are defined to mean (s1601): <i>‘the individual, separate, sealed, glass, polyethylene terephthalate, high density polyethylene, or metal container less than or equal to thirty-two fluid ounces, used for containing, at the time of sale to the consumer, a deposit beverage intended for use or consumption in the Republic’</i></p>
National Code Title 34 Public Health, Safety and Welfare	<p>Regulates ‘garbage’, defined to mean <i>‘solid waste from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce’</i> (s 1202).</p>
Plastic Bag Use Reduction Act 2017	<p>The term ‘plastic bag’ is defined as <i>‘a bag provided by a retail establishment to a customer for the purpose of transporting groceries or other retail goods and not specifically designed for multiple re-use but does not include biodegradable or compostable plastic bags’</i>.</p>
Palau National Code, Title 34 Public Health, Safety and Welfare	<p>Defines ‘sewage’ as: <i>‘a combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such ground, surface and storm waters as may be present’</i> (s 1202). This definition of sewage is different from that quoted above as being used interchangeably with ‘wastewater’, in the Wastewater Treatment and Disposal Regulations.</p>

Coherence



At the national level, the coherence of laws on waste management is assisted by having them under the one National Code Title, Title 24 on environmental protection. The regulations relevant to waste management; primarily the Solid Waste Management Regulations, and the Wastewater Treatment and Disposal Regulations; are made under Title 24. The approval of the Wastewater Treatment and Disposal Regulations in 2019 has brought the regulation of wastewater clearly under Title 24, replacing regulations that were formerly made under Title 34 on Public Health, Safety and Welfare. The regulations under Title 34 now only cross-refer to the regulations for solid and liquid waste made under Title 24 (although the cross-references will need to be updated to reflect the revised versions of those regulations).

Measures aimed at reducing and recycling waste have been made under the National Code: Title 11 on Business and Business Regulation. This law covers the beverage container deposit scheme, the Recycling Fund and the restrictions on import and use of single-use plastic shopping bags. It appears appropriate to have separated the measures for the reduction and recycling of waste from the regulation of waste management, as they require a different form of infrastructure and financial administration, as well as different forms of engagement with business and the community.

Governance over waste issues in Palau is shared between the national government and state governments.

- State governments have the primary responsibility for waste management, with Koror State having particularly significant responsibilities as the most populated and visited state, and the site of the soon-to-be-closed national landfill.
- The national government is responsible under the Constitution for the 'conservation of a beautiful, healthful and resourceful natural environment' (Art. VI). It administers the general environmental protection law relating to pollution control and has responsibility for infrastructure planning and public awareness relating to the issue of solid waste. National laws relevant to waste are driven by wider considerations of environmental protection.

Regulatory and operational functions of different government organs appear to be well-distinguished.

Effectiveness



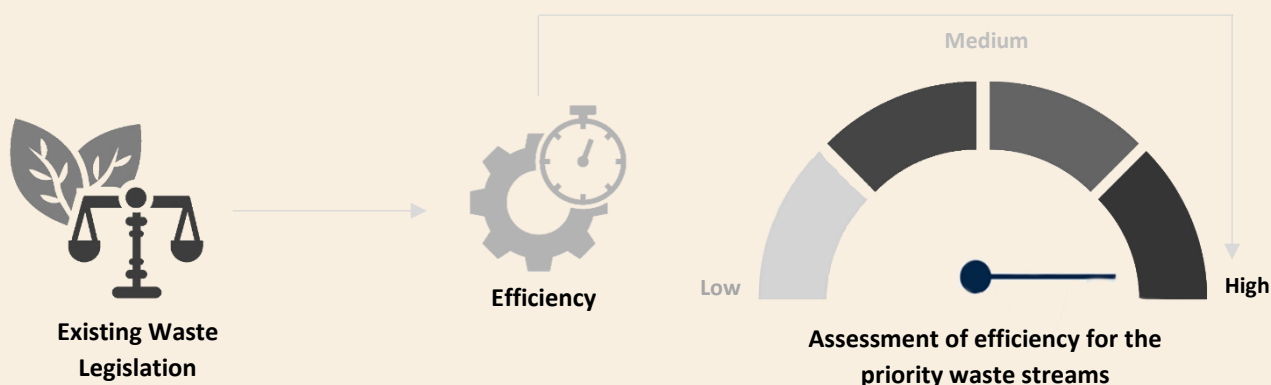
Palau's laws contain a significant number of mechanisms necessary to achieve objectives relevant to waste, including management of the priority waste streams. Palau has combined a 'command-and-control' system of permits for waste management, offences and penalties with measures aimed at reducing and recycling waste. Those measures are supported by public education programmes, with some aimed at tourists and the tourism industry.

Mechanisms that contribute to the effectiveness of Palau's waste management legislation include:

- The 'Recycling Program' in Chapter 16 of Palau National Code Title 11 requires distributors of certain beverages to pay a 'deposit fee' (s 1605) of U.S. 10 cents on glass, plastic, and metal containers for those beverages at the point of first sale. The proceeds from the deposit fee go into a 'Recycling Fund' which is used in part to pay a U.S. 5 cents refund (s 1606) on containers brought to a 'Reclamation Facility'.
- The '*Plastic Bag Use Reduction Act 2017*' amending Palau National Code Title 11 establishes a ban on imports, and on use in retail outlets, of certain plastic bags.
- Under the *Responsible Tourism Education Act of 2018*, Palau National Code Title 11 is amended to require tour operators to supply reusable water bottles and meal containers.
- Under a law made in 2017 but expected to have a delay in implementation, Title 40 is to be amended to require that a Pristine Paradise Environmental Fee be paid by every non-Palauan passport holder departing from Palau, part of which shall contribute to the 'Green Fee' in Title 24.
- Coordination and cooperation, at the international levels and within Palau, as well as broadly informed environmental decision-making, is also required in Title 24 (s 142). It provides that all agencies of the national government and all state government shall, for example: 'recognize the worldwide and long-range character of environmental problems and lend appropriate support to initiatives, resolutions and programs designed to maximize international cooperation in anticipating and preventing a decline in the quality of the world environment' and 'make available, to states, institutions and individuals, advice and information useful in restoring, maintaining, and enhancing the quality of the environment.'

Education about the impacts of waste and programmes designed to raise awareness about laws on waste management are an important element of these measures that contribute to their effectiveness. Under the *Plastic Bag Use Reduction Act 2017*, the Government must undertake a public education programme on the 'destructive effects of plastic use' and inform people about how they can reduce their use of plastic (s 2104, Title 11, Ch 21). The *Responsible Tourism Education Act of 2018* codifies the 'Palau Pledge', requiring a stamp in tourist passports where they acknowledge Palau's cultural and environmental protection policies. Relevant information must also be provided to tourists on arrival.

Efficiency



Regulatory and operational functions of different government organs appear to be well-distinguished. The EQPB has regulatory functions while the Bureau of Public Works have administrative responsibilities. This distinction would contribute to the efficiency of Palau's waste management laws as one entity makes and enforces the laws while the other implements them.

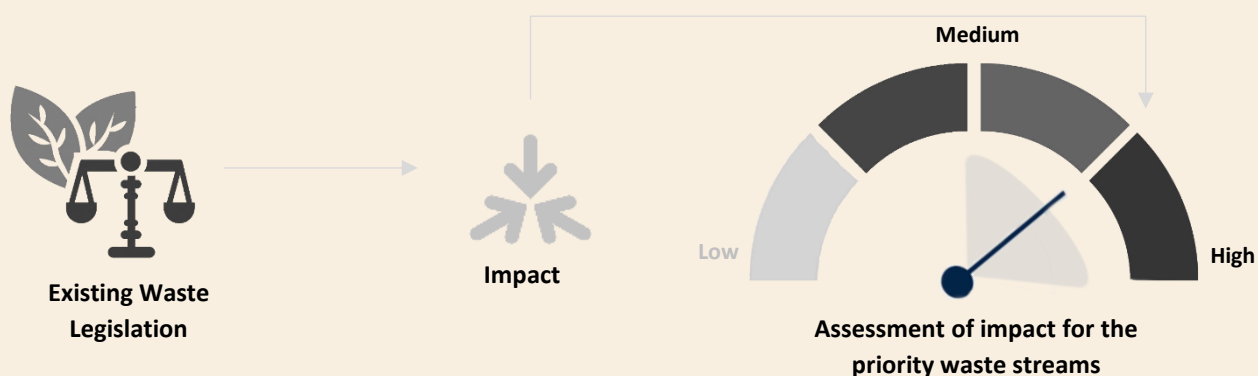
A significant factor in the efficiency of Palau's laws is revenue. The policy underlying the beverage container deposit scheme and the creation of the Recycling Fund acknowledged that: '[t]he planning, development, and operation of a national recycling program based upon a deposit fee for beverage containers is a self-funding means of addressing these concerns without significant cost to the citizens of Palau'.

After payments made for the administration of the recycling programme, and 50% refunds on the container deposit fee, the Recycling Fund can be used to:

- 'Fund administrative, audit, and compliance activities associated with collection and payment of the deposits and handling fees of the deposit beverage container fee and deposit program;
- Conduct recycling education and demonstration projects; and
- Promote recyclable market development activities.'

Other funds directed towards environmental protection, such as the Pristine Paradise Environmental Fee under Title 40, might also contribute to the efficiency of Palau's waste management laws. Part of that fee is earmarked for the states and could be used by states towards waste reduction and recycling initiatives. The diversified sources of funding help to ensure that waste management is not dependent on only one source of revenue.

Impact



The emphasis on public education and awareness programmes means that both Palauan nationals and tourists are aware of the laws and the reasons behind them, increasing the likelihood that they will be observed. The Palau Pledge is world renowned, with 291,391 pledges to preserve and protect Palau's environment taken to date. It has now been codified in Palau's immigration laws. Although several of the laws relevant to waste management have been introduced in recent years, the underlying legislative framework for environmental protection is long-standing.

The beverage container deposit scheme was passed into law in 2006 but reportedly became operational in 2011. In 2019, Palau's State of the Environment Report found that the scheme had 'successfully diverted most beverage containers from the landfill'. It noted, however, that the redemption rate had decreased over time, suggesting a need for more outreach and awareness.

The ban on single-use shopping bags is relatively new, introduced in 2017 but only effective, in the case of the import ban, in 2018 and in the case of ban on use in retail since the end of 2019.

EQPB is currently reviewing the regulations made under Title 24 and revisions are expected to be completed by 2021.

SECTION 3: CAPACITY ASSESSMENT



This qualitative assessment of Palau'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 Palau'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 Palau'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



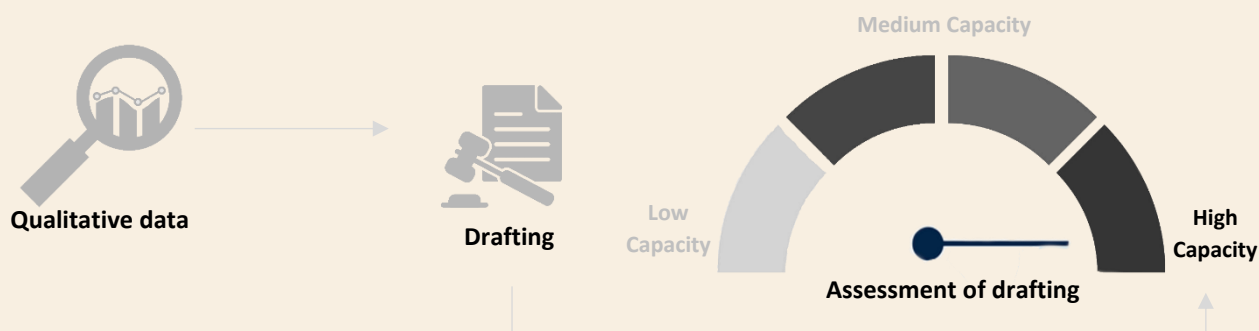
Reporting under relevant MEAs

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 Palau'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

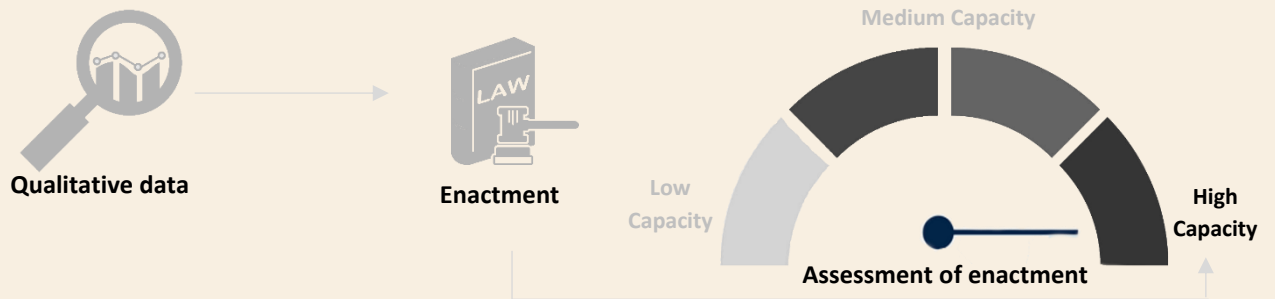


At the national level:

- Palau's Office of the Attorney General provides legal services to government bureaus and other agencies of government. In addition to prosecuting criminal cases, it drafts legislation and regulations.
 - Assistant Attorneys General are typically assigned to the different ministries to provide legal assistance, and typically draft secondary laws (such as regulations)
 - Legal counsel is also appointed to provide legal services to the legislature – the Olbiil Era Kelulau (Palau National Congress) – and to the President.
- The Office of the Senate Legal Counsel has been instrumental in providing public access to Palau's laws through the 'Palau Legal' website.
- A high capacity for legislative drafting is indicated by several laws enacted in recent years. These include:
 - Wastewater Treatment and Disposal Regulations 2019 made under National Code Title 24 Environmental Protection
 - The *Plastic Bag Use Reduction Act of 2017*, amending National Code Title 11 Business and Business Regulation
 - Acts amending National Code Title 24 Environmental Protection (Pristine Paradise Environmental Fee of 2017)
 - *Environmental Quality Protection Act (Amendment) and Tourism Reorganization Act (Amendment) of 2018*
 - *Responsible Tourism Education Act of 2018*
 - National Code Title 11 Business and Business Regulation (also amended by *Responsible Tourism Education Act of 2018*)
 - *Marine & Freshwater Quality Regulations (2020)* updated, approved, and adopted in May 2020.

Palau's Environmental Quality Protection Board (EQPB) is currently engaged in a review of regulations it has made under National Code Title 24 Environmental Protection, with expected completion in 2021. The EQPB is ably assisted in this task by an assigned Assistant Attorney General, and private attorneys with experience in environmental law are also available to assist as needed.

Enactment



Palau has long-standing laws governing waste under its environmental protection laws, including regulations on the management of solid waste and wastewater. It has also had laws for its beverage container deposit scheme for the purposes of recycling since 2006 and in more recent years it has passed laws to ban single-use plastic shopping bags and other laws aimed at reducing waste and its impact on the environment, particularly aimed at the tourism industry.



The Palau legal system is a mixed system of Anglo-American common and customary law.



Legislation is contained in the Palau National Code and consists of a combination of laws passed by the national parliamentary body, the Olbiil Era Kelulau, and any U.S. laws and Trust Territory laws that remain in force.



The Constitution of the Republic of Palau sets out fundamental rights, including the right to counsel where a person is charged with a criminal offense (Art. 4, s 7).

Under the Constitution, statutes and traditional law are equally authoritative (Art. 5, s 2).

Palau's national government has power to regulate waste under its broader constitutional responsibility to take positive action to conserve 'a beautiful, healthful and resourceful natural environment' (Art. VI).



Function of traditional leaders is maintained through the Council of Chiefs, a body composed of a traditional chief from each of the states



National government has shared responsibility for the governance of waste issues with the 16 states, particularly Koror State, which has entered into arrangements with the national government in respect of recycling, and in connection with the national landfill which remains in Koror State until the new landfill opens in Aimileek State, expected in 2020.



Advise President on matters concerning traditional laws and customs (Art. VII, s 6).

Koror has passed a law that authorises its Governor 'to promulgate rules and regulations for implementation and coordination of State and national recycling efforts, and for related purposes' (Koror State Public Law K8-204-2008).



Under Palau's Constitution, the national parliamentary body, the Olbiil Era Kelulau (Palau National Congress) has the power 'to enact any laws which shall be necessary and proper for exercising the foregoing powers and all other inherent powers vested by this Constitution in the government of Palau' (Art. IX, s 5(21)).



The Olbiil Era Kelulau comprises the House of Delegates and the Senate.

- A bill presented to the Olbiil Era Kelulau must be read three times in each house.
- Once a bill is adopted, it must be presented to the President for signing, after which it becomes law.

Secondary laws, such as regulations, must go through the process for 'rule-making' set out in National Code Title 6 Administrative Law, Chapter 1 Administrative Procedure Act.



Under that process, regulations are:

- posted for public comment,
- the government accounts for any comments received,
- a public hearing is held if requested,
- the regulations are adopted and sent to the President, the President can approve, reject, or do nothing (if the President does not approve or reject the regulations, they are deemed to be approved).

Palau has a National Code that is arranged by Title. Three Titles of the Palau National Code have relevance to waste management:

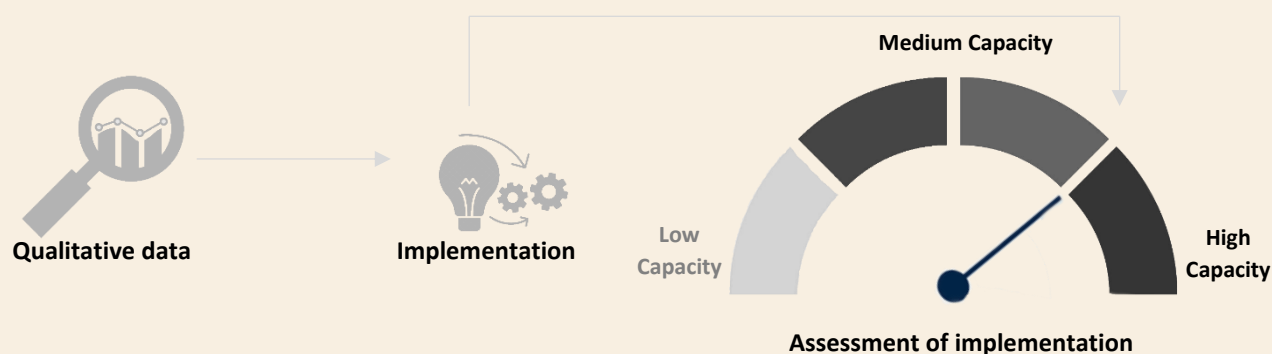
- Title 24 Environmental Protection
- Title 11 Business and Business Regulation
- Title 34 Public Health, Safety and Welfare

Statutes (called 'Acts') are enacted by the Olbiil Era Kelulau in the form of Republic of Palau Public Laws (RPPLs). The RPPLs are incorporated in, and can amend, the Palau National Code.

The Code was last consolidated in 2014 so it must be read in conjunction with the RPPLs enacted after January 2014. Several RPPLs are listed in **Table 1**.

In addition, the EQPB has passed regulations relevant to waste management, including the Solid Waste Management Regulations and the Wastewater Treatment and Disposal Regulations.

Implementation



With the construction of the new national landfill nearing completion, Palau has a well-developed waste management infrastructure to support the implementation of its legislation, although constraints on financial resources and personnel numbers pose continuing challenges.

Several ministries, bureaus and other government-related bodies are responsible for administering Palau's network of national laws related to waste. National ministerial portfolios that deal with waste management include those respectively responsible for environment, public infrastructure, and health. The Ministry of Natural Resources, Environment and Tourism is responsible for the administration of environmental protection laws, aided by the Environmental Quality Protection Board (EQPB), a semi-autonomous public agency responsible for environmental protection, including the regulation of waste management.

Operational responsibilities for waste management rest with the Solid Waste Management Division of the Bureau of Public Works within the Ministry of Public Infrastructure, Industries and Commerce. The Bureau of Public Health under the Ministry of Health, which has carriage of sanitation under Title 34. The Bureau of Revenue and Taxation under the Ministry of Finance administers waste-related fees in accordance with Title 40, and the Ministry of Justice has responsibilities under Title 17, in respect of littering offences.

Koror State government has also had a significant role in waste management. An example of cooperation as between national and state government is evident from the signing of the Memorandum of Understanding between the Ministry of Public Infrastructure, Industries and Commerce, Ministry of Finance and Koror State Government (Initial Redemption Center) 2011.

The recognition of customary law is relevant to the implementation of waste management laws in Palau. Respect for traditional knowledge is evident in, for example, the requirement on national and state governments to 'utilize a systematic, interdisciplinary approach which will ensure the integrated use of natural and social sciences, traditional wisdom, and the environmental design arts in planning and in decision making which may have an impact on the environment' (Palau National Code, Title 24, s142).

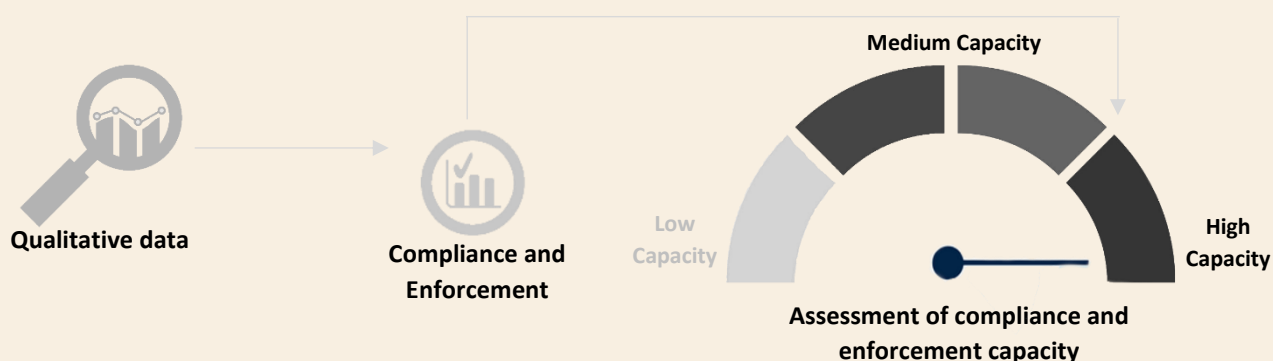
Under Title 24 of the Palau National Code, the EQPB must establish a permit system for the discharge of pollutants in the air, land, or water (s 129). The Solid Waste Management Regulations made by EQPB require a permit for a person to establish, modify or operate any solid waste disposal facility (SWMR 2401-31-23). Houses and other buildings must be certified as having appropriate sanitation facilities under the Wastewater Treatment and Disposal Regulations.

The availability of revenue to pay for the infrastructure and management of waste is aided, to a degree, by the Recycling Fund set up to receive payments from the beverage container deposit system under Palau National Code Title 11, Chapter 16 Recycling Program.

After payments made for the administration of the recycling program, and 50% refunds on the container deposit fee, the Recycling Fund can be used to:

- fund administrative, audit, and compliance activities associated with collection and payment of the deposits and handling fees of the deposit beverage container fee and deposit program
- conduct recycling education and demonstration projects
- promote recyclable market development activities

Compliance and enforcement capacity



Limited personnel for enforcement, including in areas beyond Koror State and other more populated areas, would compromise compliance and enforcement.

Palau appears to have the necessary institutional infrastructure in place to facilitate compliance with, and enforcement, of its laws related to waste. It is, however, not clear that this infrastructure is in all cases driven by legislative requirements.

Monitoring and reporting can contribute to compliance. Under Title 24 Chapter 1, the EQPB is required to transmit an annual environmental quality report to the President and the Olbiil Era Kelulau.

Pursuant to section 128, is expected to address:

- The status and condition of the major natural, man-made, or altered environmental classes of the Republic, including, but not limited to, the air; the waters, including marine, estuarine, and fresh water; and the terrestrial environment, including, but not limited to, the forest, mangrove area, beaches, reefs, dryland, wetland, urban and rural environment;
- Current and foreseeable trends in the quality, management and utilization of such environments and the effects of those trends on the social, economic, and other requirements of the Republic;
- The adequacy of available natural resources for fulfilling human and economic requirements of the Republic considering expected population pressures;
- A review of the programs and activities (including regulatory activities) of the national government, state governments, and nongovernmental entities or individuals, with reference to their effect on the environment, the conservation, development and utilization of natural resources and the social and economic requirements of the Republic; and
- A program for remedying the deficiencies of existing programs and activities, together with recommendations for legislation.

An annual report of the scope contemplated in s 129 provides a significant assessment of compliance with environmental laws in general and could include a specific assessment of waste management. Under the Solid Waste Management Regulations, monitoring and reporting requirements for solid waste disposal facilities is discretionary (Reg 2401-31-16). Each state of Palau is required to submit a 'Solid Waste Management Plan' for review and approval by the EQPB (Reg 2401-31-34). Public information and awareness are also a significant for compliance with waste laws in Palau. The EQPB has a modest website, within a larger website dedicated to government matters (see <https://www.palau.gov.pw/eqpb>).

It contains links to forms and regulations relevant to environmental protection. It is noted that EQPB is engaging IT personnel/company to create its own separate website so that all updated EQPB regulations/statute, implementation guidance manuals and other relevant documents can and will be uploaded to, for public access. EQPB aims to have its separate website up and running by the end of 2021.

It does not highlight issues relevant to waste management or contain any reports such as annual reports of EQPB or on the environment that might provide information and data relevant to the implementation of waste management laws. This same national government website provides contact details for the Bureau of Public Works, but no details related to waste management are available there. The Koror State website contains information about recycling programmes (see <http://kororstategov.com/swmo/index.html>). Education programmes required by law to raise awareness about waste management are an important aspect to implementation of Palau's waste management laws.

Public access to laws is fundamental to effective compliance and enforcement. In Palau, public access to laws is, as a practical matter, generally very good but there are multiple websites, and it is not clear if they are all comprehensive and up to date.

The main national government website makes laws available (see <https://www.palau.gov.pw/documents/>) but it is not clear if the site is comprehensive and it is difficult to navigate. The EQPB webpage on the government website contains regulations but it does not list any standards that might be relevant to waste management. A different website managed by Office of the Senate Legal Counsel (called 'Palau Legal'), provides what appears to be a comprehensive and up-to-date collection of laws, including the Palau National Code, but it does not contain secondary legal instruments such as regulations. The EQPB regulations on this website are in some cases out of date. The Palau National Code has since 2002 been consolidated and published by the Publication and Law Access Unit, known as PALAU (Executive Order No. 209).

Permit systems under Palau National Code Title 24 Chapter 1 (for discharge of pollutants), and under the Solid Waste Management Regulations, are in operation. For water quality or wastewater-related issues, samples are taken and analysed by EQPB's laboratory staff. EQPB also conduct inspections if it receives information or complaints from the public.

Offences and penalties are supported by mechanisms aimed at facilitating enforcement, including a process for notices of a breach and an opportunity to address non-compliance before a penalty is imposed. Caps on penalties under Palau waste-related laws appear to be appropriate:

- Under Palau National Code, Title 24, Chapter 1, 'Any person who violates any provision of this chapter, or of any permit, regulation, standard or order issued or promulgated hereunder, shall be subject to a civil penalty not to exceed \$10,000.00 per day of violation' (s 171).
- Under the Solid Waste Management Regulations, made under Palau National Code, Title 24, the '[p]lanning, design, construction, operation and maintenance of any solid waste disposal facility requiring a permit under the Solid Waste Management Regulations shall be in accordance with the rules and regulations of the Board and the terms and conditions of any permit issued' (reg 2401-31-14). Under Title 24, the EQPB 'can issue a cease-and-desist order, as well as impose a civil penalty of up to \$10,000 for each day of violation, or commencement of civil action to enjoin such violation' (Title 24, s 162). Important for compliance, enforcement officers have a power to enter properties to, for example, inspect and take samples (s 161).
- Under the Wastewater Treatment and Disposal Regulations, made under Palau National Code, Title 24, it is 'unlawful to dispose of un-treated, semi-treated, or treated sewage, or wastewater, into any river, stream, pond, well, reservoir, waters of the Republic of Palau, or into/onto the ground unless prior written approval is given by the Board or its authorized representative'. A person violating the regulation is subject to a civil penalty not to exceed \$10,000 per day (reg 2401-13-35).
- Criminal littering is addressed in Palau National Code Title 17. It provides that '[a] person commits the offense of criminal littering if that person knowingly places, throws, or drops litter on any public or private property or in any public or private waters, except' in a place designated for disposal (s 2510). A person who has been convicted of an offence may be sentenced to pay a fine of up to \$500 (s 651(a)(5)).
- Under the Recycling program, contained in PNC Title 11, civil and criminal penalties apply. The civil penalty is 5% of the unpaid fees due per month or portion thereof that such fees remain unpaid (s 1616). The criminal penalties apply in addition to the civil penalties, to 'persons who knowingly, wilfully and unlawfully violates or refuses to comply with any provisions of the Chapter, or with any regulation' may be imprisoned for up to 90 days and or fined up to \$500 (s 1617).

- The ban on single-use plastic shopping bags (retail use and import), contained in Palau National Code, Title 11, an individual or business violating the prohibition on the distribution of plastic bags is liable to a fine of \$1,000 for each day of violation (s 2105). A fine of \$1000 for each shipment applies to anyone found to have violated the import ban (s 2105).

Palau's waste management laws are covered by the broad powers of the EQPB to provide dischargers of waste and opportunity to correct their actions.

- Where the EQPB finds a person to be discharging waste in violation of Title 24, Chapter 1 (which includes violations of regulations), or 'that the waste collection, treatment, or disposal facilities of a discharger are approaching capacity', it may require the discharger to submit 'a schedule of specific actions to correct the situation or prevent a violation of the requirements' (s 162(b)).
- Subchapter IV of PNC Title 24, Chapter 1, contains provisions on enforcement and prosecution. Cease and desist orders can be made, and clean-up can be ordered (s 162). The UoM team understands that EQPB regularly issues cease and desist orders and orders to take remedial or corrective actions in respect of around 35-40 formal violations per year. In addition to those formal violations, there are often minor violations where warnings are given, and the person is given an opportunity to correct the violation.

The process for action under PNC Title 24 is initiated by the issuance of a Notice of Violation (NOV) notifying the alleged offender or 'Respondent' that there has been a violation of Title 24 or the regulations made by EQPB under Title 24. The EQPB then reviews the NOV and decides what actions need to be taken (e.g., cease and desist, remedial action, preventative action) and whether to issue a Civil Penalty.

The EQPB's decision is then stated in an EQPB Order containing the facts underlying the decision and application of those facts to applicable laws. The Respondent has an opportunity to request a public hearing to challenge any findings or penalties. After the public hearing, the EQPB issues a Final Order which can only be challenged in court.

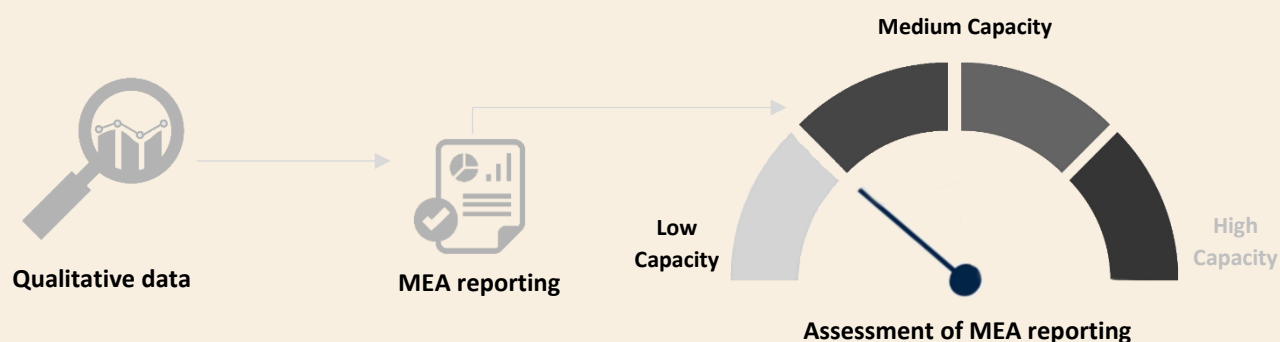
Prosecutions can be taken in the Trial Division of the Supreme Court, handled by the Assistant Attorney General assigned to the EQPB. The prosecutor must make a 'prima facie showing that the conduct of the defendant has polluted, impaired, or destroyed the air, water or other natural resources or the public trust therein, or that such conduct is likely to do so' before the defendant is given the opportunity to dispute the case, with a submission of evidence to the contrary (s 166).

Palau National Code Title 24 provides that: '[t]he Minister of Justice or his designated representative, upon request of the Board, shall petition the Trial Division of the Supreme Court for a judgment assessing damages. In determining such damages, 'the court shall consider all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the nature and persistence of the violation, the length of time over which the violation occurs and the corrective action, if any, taken by the discharger' (s 171). In a review of case law data across the PaCLii database, no recorded cases relating to waste issues were identified for Palau (see Annex 1). In the past five years, two Final Orders have proceeded to court. Records of action taken by EQPB are maintained at EQPB electronically and in hard copy. Pursuant to The Open Government Act passed in 2014 (RPPL No. 9-32), anyone can make a written request for copies of Notices of Violation, EQPB Orders and Final Orders, and meeting minutes from public hearings.

Other Palau National Code Titles have enforcement provisions too. For example, under the ban on single-use plastic shopping bags, the Bureau of Customs and Taxation has powers of inspection, seizure, and enforcement (s 2103). Criminal and civil attorneys at the Office of the Attorney General handle prosecutions under Titles 11 and 17 of the Palau National Code.

If a person is not satisfied that a government bureau or agency is fulfilling its commitments under waste-management laws, the person may seek administrative review of the action or inaction. Processes for administrative review are contained in Chapter 1 of Palau National Code, Title 6 Administrative Law.

MEA reporting



Although it is one of the few Pacific Island parties to the Minamata Mercury Convention and submitted a National Implementation Plan (NIP) under the Stockholm Convention in 2013 (with an updated NIP produced under a GEF funded project presently being finalised), Palau has submitted no reports under the three relevant MEAs to which it is party. Based on the evidence available, Palau's capacity to report under relevant MEAs to which it is party is assessed as medium.

Palau's environmental protection legislation, administered by the EQPB, does not make specific reference to the country's obligations under relevant MEAs.

In the case of the Stockholm Convention, the Pesticides Regulations under the Environmental Quality Protection legislation provide a framework for regulating imports of pesticides that are listed persistent organic pollutants (POPs) under the treaty. The Regulations include requirements for record-keeping by commercial users and dealers that could provide a basis for reporting of this information under the Convention.

This framework is supplemented by the Customs Regulations that provide controls on imports and exports of items that are banned under other legislation. However, there appear to be no legislative controls on imports/exports of other types of POPs listed under the Stockholm Convention, such as poly-chlorinated biphenyls (PCBs) used as coolants and lubricants in a range of electrical equipment.

Palau's capacity to implement the notification and information sharing requirements of the Stockholm Convention is also hampered by the lack of a designated Convention focal point. The role of the Stockholm focal point in a country is to facilitate information exchange relevant to POPs and their alternatives.

One of the specified powers of the EQPB under its establishing legislation is to promulgate and enforce regulations for hazardous wastes. Relevant regulations promulgated under the *Environmental Quality Protection Act* include those for solid waste management, which cover hazardous wastes as discussed in the legislative assessment for Palau, but do not extend to controls on their export and import as is required under the Basel Convention. Mercury compounds and mercury wastes, regulated under the Minamata Convention, are not specifically mentioned in Palau's legislation, although it should be noted that the country only became party to the treaty in June 2017.

It is likely that Palau's present lack of reporting under the Basel, Stockholm and Minamata Conventions is linked to a lack of personnel and technical and other capacity to support this activity. Palau's participation in a three-year project with the UNEP Chemicals and Waste Management Project offers the opportunity to strengthen the country's institutional capacity to implement sound chemicals and waste management in accordance with the Basel, Stockholm, and Minamata Conventions. The UNEP project includes efforts to develop a centralised database for chemicals and waste that will encompass data from chemical inventories, waste recycling, disposal, and export activities. It is expected that this will greatly improve Palau's capacity to meet its reporting obligations under the three conventions.

Table 7: Compliance with MEA reporting requirements

Relevant MEAs party to	Comments
<i>Basel</i>	Competent authority and focal point designated. No reports submitted since becoming party in 2011.
<i>Stockholm</i>	No focal point designated (treaty in effect for Palau since 2011). National Implementation Plan developed in 2007 following signature in 2002; finalised in 2013 and submitted in 2014. Palau is finalising an updated NIP for transmission to the Stockholm Convention Secretariat (GEF funded project). No reports submitted in third and fourth reporting cycles after became party.
<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 reports due 31 Dec 2019, not submitted.

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 Palau 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 Palau for waste governance was assessed as performing at a high level. The capacity of Palau with respect to the administration of its waste legislative framework was assessed as 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

There are two areas in which Palau is currently contemplating reform that present opportunities for further regulation of priority waste streams

1. Expansion of the existing container deposit scheme

Palau is considering expanding this scheme to cover larger containers or bottles. This would require an amendment to the 'Recycling Program' in Chapter 16 of Palau National Code Title 11 Business and Business Regulation which currently covers containers up to 32 fluid ounces (approximately 1 litre).

While considering this policy option, Palau could consider expanding the container deposit scheme to cover a wider range of products that generate problematic waste. They might, for example, consider extending it to cover products that produce e-waste or bulky waste, as a way of promoting producer responsibility for the problems of waste caused by products. The economic implications for tourism of increasing the departure tax on tourists caused Palau to delay the introduction of the 'Pristine Paradise Environmental Fee'. If Palau were to broaden the scope of products covered by the deposit scheme, consideration would need to be given to the economic impact on Palauan nationals seeking to buy imported produce.

2. Review of the Solid Waste Management Regulations

Palau is in the process of reviewing the regulations made by the EQPB under Chapter 1 of Palau National Code Title 24 Environmental Protection. This includes a review of the Solid Waste Management Regulations which is expected to conclude in 2021.

Overall, despite being first made in 1996, the Solid Waste Management Regulations appear very relevant for contemporary waste management and provide a good sense of expectation in terms of the regulatory requirements to protect the environment and human health. The review might focus on those areas where there are new technologies or practices available in Palau that were not available when they were first prepared. Some matters that might be considered include:

- *Whether the distinction between solid waste and wastewater continues to be a useful distinction:*

It is often appropriate to make the distinction between solid and wastewater management, where they have a different set of technical, operational and management requirements. If solid waste and wastewater were being disposed of in the same manner, or in the same place, the distinction might be less helpful and lead to gaps.

Any change to the definition of 'solid waste' would need to be adapted to the operational functions of that facility. If now or in the future wastewater were being managed as a resource, e.g., recycling for use in irrigation (see Wastewater Treatment and Disposal Regulations r2401-13-27), as opposed to being managed as a waste, new standards and regulations would be appropriate.

The definition of 'wastewater' and related terms under Palau's Wastewater Treatment and Disposal Regulations 2019 could be instructive for other jurisdictions, where appropriate to the specific circumstances in those countries.

- *Changes adapted to the new national landfill:*

If not already in place, or not adapted to the new national landfill site, Palau could consider introducing new controls such as:

- transport permits and tracking requirements to manage any increase in illegal dumping due to new collection, transport, and disposal arrangements (noting distinctions between commercial, institutional, and residential solid waste in the definitions of waste and what might be a longer distance to the new landfill from sites of waste generation)
 - monitoring requirements for all waste facilities as a 'must' (Reg 2401-31-16 says 'may')
 - any changes to the standards to ensure appropriate design, operation and in-service and post-closure management are best practice for Palau (e.g., is it still appropriate to allow coral to be used for landfill cover per 2401-31-17, and should there be new requirements for medical waste or wastewater sludge under 2401-31-17)
 - requirements for more information about waste management to be made publicly available (e.g., waste management plans). Any reform to the regulations would need to represent best practices for Palau rather than adopting practices from other jurisdictions, or international standards, that do not necessarily work in the context of Palau's waste management system.
- *Facilitating enforcement of waste-related laws:*

It might be appropriate to review any issues in enforcement and consider whether any changes need to be made to support prosecutions while reviewing, for example, regulations relevant to waste management made by the EQPB.

Recommendations to address legislative capacity needs

Palau's culture and laws on transparency of government decision-making might, in some respects, represent best practice that could be instructive for other nations in the Pacific region.

Key capacity needs arising for Palau relating to legislative drafting, enactment of laws, implementation, compliance, and enforcement activities to enhance its management of waste and related environmental protection include the following:

- **Governance**
 - Support of coordination between national and state authorities on waste management and recycling initiatives.
- **Additional resource, training, and support needs**
 - Resources and personnel, for example, within EQPB to support implementation and enforcement of waste-related laws.
 - Assistance with the pending review of regulations on solid waste management (to be completed in 2021), with attention to changes made in 2019 to regulations on wastewater treatment and disposal.
 - Assistance necessary to support the implementation of the recycling/container deposit scheme, with a view to: (i) reviewing the Beverage Container Recycling Regulations to ensure they are appropriate for the ongoing implementation of the container deposit scheme; and (ii) planning for any future expansion of the scheme to cover a broader range of products.
 - Assistance with the implementation of the responsible tourism measures under the *Responsible Tourism Education Act*, giving consideration as to whether the range of measures in the legislation might also be appropriate for any of the other PacWastePlus participating countries with significant tourism industries.
 - Support for training on waste management laws and related technical issues for EQPB and government staff, including where necessary to government lawyers (e.g., in the Office of Attorney-General), responsible for enforcing laws at national and state levels.

- Development of a legislative drafting manual if not already in place, based on models from other Pacific jurisdictions such as Tonga’s Legislative Drafting Manual of 2019, as appropriate, with particular attention to expectations of consultants engaged to draft laws. Despite both a strong culture and laws, such as The *Open Government Act*, improvements could still be made in publicly available information about the responsibilities and processes for making laws in Palau. This could aid coherence of laws on waste management across different sectors and under different government ministries and boards.
- **Transparency**
 - Inclusion of data on monitoring and enforcement of waste-related laws in the regular reporting on the state of the environment. Such enhanced data collection and public availability might also support the fulfilment of reporting requirements under the Basel, Stockholm, and Minamata Conventions.
 - Some limitations to accessing laws suggest that more resources to give effect to the strong culture and laws in Palau that promote public information and transparency of laws are needed, particularly at the state level. As a practical matter, improved public access to laws and other information relevant to waste management on the EQPB website or through links to the government legislation website), including key laws in and arrangements with states, could facilitate knowledge of legal requirements and compliance.
- **Enforcement**
 - Information on enforcement actions and prosecutions under environmental laws, including waste-related laws, that is available to anyone upon a written request under The *Open Government Act* could be considered for inclusion in a publicly accessible database.

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., Environment Management Act, Chapter 47.02, 2016 Revised Edition. The Act as made was the Environment Management Act, Act 27 of 2010. '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.

Term	Definition
<i>Legislation</i>	The collective term for both principal (Acts) and subordinate laws (usually regulations).
<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 <i>Environment Protection Act</i> .
<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 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) Acts (principal legislation) expressly authorise the making of subordinate legislation. Example: Section 121 of the Marshall Islands National Environmental Protection Act 1984 authorises the Environment Protection Authority to make regulations regarding pollutants and discharge or hazardous waste. 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. Example: regulations made under Section 121 of the Marshall Islands <i>National Environmental Protection Act 1984</i> 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> .

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 Palauan legislation related to waste management is provided in

Table 11.

Table 11: National Legislation impacting waste governance in Palau

Legislation	Regulations	Description
<u><i>Constitution of the Republic of Palau (as consolidated 2008)</i></u>	<u>'Zero Disposable Plastic' Policy, Executive Order No. 417 (8 August 2018)</u>	Several ministries, bureaus and other government-related bodies are responsible for administering Palau's network of national laws related to waste. National ministerial portfolios that deal with waste management include those respectively responsible for environment, public infrastructure, and health. Although there are several instances of joint implementation of laws, there is typically a clear delineation of functions described in the legislation assigning different roles to the different organs of national government.
<u><i>National Code Title 24: Environmental Protection (as at 2014)</i></u> <u><i>Chapter 1 Environmental Quality Protection Act (incorporates Act of 1981, creating EQPB)</i></u> <u><i>Amended by: Environmental Quality Protection Act (Amendment) and Tourism Reorganization Act (Amendment), RPPL No. 10-20 2018</i></u>	<u><i>Air Pollution Control Regulations (2013)</i></u> <u><i>Earthmoving (2015)</i></u> <u><i>Environmental Impact Statements (2013)</i></u> <u><i>Marine & Freshwater Quality Regulations (2020)</i></u> <u><i>Ozone Layer Protection Regulations (2016)</i></u> <u><i>Pesticides Regulations (2013)</i></u> <u><i>Public Water Supply Systems (2013)</i></u> <u><i>Solid Waste Management Regulations 1996 (as at 2013)</i></u>	<p>The Ministry of Natural Resources, Environment and Tourism is the responsible ministry under Palau National Code Title 24 (incorporating the <i>Environmental Quality Protection Act 1981</i>). The policy underlying the legislation includes a recognition of 'the continuing responsibility of the national government ... to improve and coordinate governmental plans, functions, programs, and resources to', for example, 'assure for all Palauan's safe, healthful, productive, and aesthetically and culturally pleasing surroundings' and 'attain the widest range of beneficial uses of the environment without degradation, risk of health or safety, or other undesirable and unintended consequences' (s 102).</p> <p>The Environmental Quality and Protection Board (EQPB) is a semi-autonomous public agency responsible for environmental protection, including the regulation of waste management. It was established by Chapter 1 of Palau National Code Title 24, to regulate such things as air, land, and water, including hazardous wastes (s 129). The EQPB has regulatory functions, including such things as making regulations, administering permits for waste management or the siting of the new landfill.</p> <p>Chapter 1 of Palau National Code Title 24 Environmental Protection, incorporating the <i>Environmental Quality Protection Act</i>, gives the semi-autonomous EQPB the power to 'promulgate and enforce regulations for the purposes of this chapter, including monitoring, inspection and record-keeping procedures that comply with regulations established by the Administrator [of the U.S. EPA] pursuant to the Federal Acts' of the United States regarding safe drinking water, pesticide control and water pollution (s 129(e)). It also has specific powers to enact hazardous waste regulations and to 'publish technical manuals establishing procedures and criteria for the administration and enforcement of the Board's regulations, which shall have the force and effect of law' (s 129(f)).</p>

Legislation	Regulations	Description
<p><i>Other Chapters amended by:</i></p> <p><i><u>Pristine Paradise Environmental Fee, RPPL No. 10-02 2017 (amends Ch 34 re 'Green Fee')</u></i></p> <p><i><u>Responsible Tourism Education Act of 2018 RPPL No. 10-30 (amends Ch 12, re reef toxic sunscreen)</u></i></p>	<p><u>Wastewater Treatment and Disposal Regulations 2019 (replacing Toilet Facilities and Wastewater Disposal Regulations 1996 formerly made under Title 34)</u></p>	
<p><i>National Code <u>Title 11: Business and Business Regulation (as at 2014)</u></i></p> <p><i>Chapter 16: <u>Recycling Program (incorporates RPPL No. 7-24, Act of 2005 establishing Beverage Container Deposit Fee and Recycling Fund etc, effective 2006)</u></i></p> <p><i>Amended by:</i></p> <p><i><u>Responsible Tourism Education Act of 2018 RPPL No. 10-30 (amends Ch 16 re</u></i></p>	<p><u>Beverage Container Recycling Regulations (adopted 2009)</u></p>	<p>The Bureau of Public Works sits within the Ministry of Public Infrastructure, Industries and Commerce and has operational responsibilities for waste management, including collection and recycling under Title 11. It has a division dedicated to Solid Waste Management.</p> <p>The Bureau of Public Works oversees waste collection and management of the landfill at an operational level, as well as administering the recycling program. The Bureau of Public Works enters contracts with private contractors and operators undertaking waste management.</p> <p>Under the Beverage Container Recycling Regulations, two Ministries are responsible for the national beverage container recycling program: The Ministry of Public Infrastructure, Industries and Commerce and the Ministry of Finance.</p> <p>For the ban on single-use plastic shopping bags, the Bureau of Customs and Taxation has powers of inspection, seizure, and enforcement.</p> <p>The Ministry of Public Infrastructure, Industries and Commerce in cooperation with the Ministry of Natural Resources, Environment and Tourism is required to undertake a public education campaign, discussed further below.</p> <p>A range of ministries have responsibilities under Palau National Code Title 11 in connection with the beverage container deposit scheme and the ban on single-use plastic shopping bags. Under Title 11, Chapter 16, the Minister of Public Infrastructure, Industries and Commerce has the power to promulgate, amend and enforce appropriate rules and regulations to carry out the duties and powers set forth in the Chapter (s 1609). However, the Minister of Finance makes and enforces rules and regulations regarding the collection of the deposit fee and the establishment and operation of the Recycling Fund</p>

Legislation	Regulations	Description
<p><u>reusable water and meal containers</u></p> <p>Chapter 21 Created by: <u>Plastic Bag Use Reduction Act, RPPL No. 10–14 2017</u></p>		(s 1609). In respect of the ban on single-use plastic shopping bags, the Bureau of Customs and Taxation has powers of inspection, seizure, and enforcement (s 2103).
<p>National Code <u>Title 34: Public Health, Safety and Welfare</u> (as at 2014)</p> <p>Amended by: <u>Biosecurity Act 2014 (RPPL No. 9-58) (in effect 2016) (repeals part of Title 34)</u></p>	<p><u>Environmental Health Regulations 2004</u> (contains 'excerpts' from <u>EQPB Title 24 regulations; liquid waste regulations</u> since replaced by <u>Wastewater Treatment and Disposal Regulations 2019</u>)</p>	The Bureau of Public Health under the Ministry of Health, which has carriage of sanitation under Title 34.
<p>National Code <u>Title 40: Revenue and Taxation, Division 2: Unified Tax Act</u></p> <p>Chapter 27 Created by: <u>Pristine Paradise Environmental Fee, RPPL No. 10-02 2017</u></p>	<u>Customs Regulations 2015</u>	The Bureau of Revenue and Taxation under the Ministry of Finance administers waste-related fees in accordance with Title 40.
<p>National Code <u>Title 17: Crimes</u> (as at 2014)</p> <p>Chapter 25 Criminal Littering</p>	None identified.	the Ministry of Justice has responsibilities under Title 17, in respect of littering offences.

Table 12: State Legislation impacting waste governance Palau

Legislation	Regulations	Description
<i>Koror</i>	None identified.	Waste collection and recycling e.g. Koror State Public Law <u>K8-204-2008</u> : ‘An Act to authorize the Governor to promulgate rules and regulations for implementation and coordination of State and national recycling efforts, and for related purposes.’ MOU between Ministry of Public Infrastructure, Industries and Commerce, Ministry of Finance and Koror State Government (Initial Redemption Center) 2011
<i>States of Babeldaob Island (10 states)</i>	None identified.	Waste collection Aimeliik State: site of new landfill

Annex 5: MEA Reporting

Reporting requirements under relevant MEAs

The relevant MEAs for the PacWastePlus project are:

- Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal (Basel Convention);
- Stockholm Convention on Persistent Organic Pollutants (Stockholm 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).

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 13** 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 13: 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>

MEA	OBJECTIVE	NOTIFICATION REQUIREMENTS	INFORMATION SHARING	REPORTING
Rotterdam Convention	<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 severally 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>
Minamata Convention	<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>

MEA	OBJECTIVE	NOTIFICATION REQUIREMENTS	INFORMATION SHARING	REPORTING
Waigani Convention	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>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>Deadline for 1st biennial short report 31 Dec 2019, 1st long report 31 Dec 2021.</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>

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 contrasts with a linear economy – take, make and dispose – approach. In waste management, this means placing a value on re-use and recycling, with the 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 these functions may involve the community in different ways, such as providing information to the community and involving the community in enforcement activities.

Table 14 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 15 describes how the existing and pipeline waste management legislation of participating countries maps against these general models.

Table 14: 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"> • <i>Waste Management Acts</i> 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"> • <i>Solid Waste Management Regulations</i> in Yap State (the FSM), Palau and the RMI • Environment Management (Waste Disposal and Recycling) Regulations in Fiji • Proposed <i>Waste Management Bill 2016</i> 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"> Licensing/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 15: 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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This initiative is supported by **PacWastePlus**-a 64-month project funded by the European Union (EU) and implemented by the Secretariat of the Pacific Regional Environment Programme (SPREP) to **sustainably and cost effectively improve regional management of waste and pollution.**

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